

# Planning Applications Committee

## Agenda

Thursday 3 April 2014

7.00 pm

Small Hall - Hammersmith Town Hall

### MEMBERSHIP

Administration:	Opposition
Councillor Matt Thorley (Chairman) Councillor Andrew Brown (Vice-Chairman) Councillor Alex Chalk Councillor Oliver Craig Councillor Rachel Ford Councillor Steve Hamilton Councillor Alex Karmel	Councillor Colin Aherne Councillor Michael Cartwright Councillor Wesley Harcourt

**CONTACT OFFICER:** Katia Richardson  
Committee Co-ordinator  
Governance and Scrutiny  
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Reports on the open agenda are available on the [Council's website](http://www.lbhf.gov.uk/Directory/Council_and_Democracy):  
[http://www.lbhf.gov.uk/Directory/Council\\_and\\_Democracy](http://www.lbhf.gov.uk/Directory/Council_and_Democracy)

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

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

Date Issued: 26 March 2014

# Planning Applications Committee Agenda

3 April 2014

<u>Item</u>	<u>Pages</u>
<b>1. MINUTES</b> To approve as an accurate record, and the Chairman to sign, the minutes of the meeting of the Committee held on 12 March 2014.	1 - 3
<b>2. APOLOGIES FOR ABSENCE</b>	
<b>3. DECLARATION OF INTERESTS</b> <p>If a Councillor has a disclosable pecuniary interest in a particular item, whether or not it is entered in the Authority's register of interests, or any other significant interest which they consider should be declared in the public interest, they should declare the existence and, unless it is a sensitive interest as defined in the Member Code of Conduct, the nature of the interest at the commencement of the consideration of that item or as soon as it becomes apparent.</p> <p>At meetings where members of the public are not allowed to speak, then the Councillor with a disclosable pecuniary interest should withdraw from the meeting whilst the matter is under consideration. Councillors who have declared other significant interests should also withdraw from the meeting if they consider their continued participation in the matter would not be reasonable in the circumstances and may give rise to a perception of a conflict of interest.</p> <p>Councillors are not obliged to withdraw from the meeting where a dispensation to that effect has been obtained from the Audit, Pensions and Standards Committee.</p>	
<b>4. PLANNING APPLICATIONS</b>	4 - 450



London Borough of Hammersmith & Fulham

## Planning Applications Committee Minutes

Wednesday 12 March 2014

### **PRESENT**

**Committee members:** Councillors Matt Thorley (Chairman), Andrew Brown (Vice-Chairman), Colin Aherne, Rachel Ford, Steve Hamilton, Wesley Harcourt and Alex Karmel

### **48. MINUTES**

#### **RESOLVED THAT:**

The minutes of the meeting of the Planning Applications Committee held on 11 February 2014 be confirmed and signed as an accurate record of the proceedings.

*(Councillor Rachel Ford was not present for the above item)*

### **49. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Michael Cartwright, Councillor Oliver Craig and Councillor Alex Chalk. Apologies for lateness were received from Councillor Rachel Ford.

*(Councillor Rachel Ford was not present for the above item)*

### **50. DECLARATION OF INTERESTS**

In respect of the Hammersmith Park, South Africa Road, W12 (Shepherds Bush Green 2013/04980/FUL) application, Councillor Wesley Harcourt declared a significant interest as he was a governor at Phoenix High School, which had submitted a letter in respect of the application. He considered that this did not give rise to a perception of a conflict of interests and, in the circumstances it would be reasonable to participate in the discussion and vote thereon.

*(Councillor Rachel Ford was not present for the above item)*

## **51. PLANNING APPLICATIONS**

### **51.1 Hammersmith Park, South Africa Road, W12, Shepherd's Bush Green 2013/04980/FUL**

Councillor Wesley Harcourt declared a significant interest as he was a governor at Phoenix High School, which had submitted a letter in respect of the application. He considered that this did not give rise to a perception of a conflict of interests and, in the circumstances it would be reasonable to participate in the discussion and vote thereon.

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

Councillor Harcourt expressed concern that the application was before the Committee again, after he had previously moved a motion to defer the application at the meeting held on 15 January in order to give Sports England adequate time to respond to the application. This motion had been declared lost and Councillor Harcourt noted that if the application had been deferred the Committee would not have spent further time discussing the application.

The Committee voted on planning application 2013/04980/FUL and the results were as follows:

For: 5 (Councillors Thorley, A Brown, Ford, Hamilton and Karmel)  
Against: 2 (Councillors Aherne and Harcourt)  
Not Voting: 0

(It was requested that names be recorded against the vote).

#### **RESOLVED THAT:**

The Executive Director of Transport and Technical Services be authorised to determine application 2013/04980/FUL and grant permission up on the completion of a satisfactory legal agreement and subject to the conditions set out in the report and Addendum.

Meeting started: 7.00 pm  
Meeting ended: 7.17 pm

Chairman .....

Contact officer: Laura Campbell  
Committee Co-ordinator  
Governance and Scrutiny  
( : 020 8753 2062  
E-mail: laura.campbell@lbhf.gov.uk

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**PLANNING APPLICATIONS COMMITTEE**

**Addendum 12.03.2014**

<b>Reg ref:</b>	<b>Address</b>	<b>Ward</b>	<b>Page</b>
<b>2013/04980/FUL</b>	<b>Hammersmith Park, South Africa Road, W12</b>	<b>Shepherd's Bush Green</b>	<b>9</b>
<b>Page 19</b>	Late letter received from the Chair - White City Residents' Association/Chair - White City Neighbourhood Forum. No new planning issues are raised.		
<b>Page 23</b>	Para 2.1, item i: Delete 'Longford' and replace with 'Linford'		
<b>Page 27</b>	Insert new para 6.2 as follows: 'Officers have paid special regard to the desirability of preserving the setting of the nearby listed buildings and have paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area; and have concluded that the proposal would preserve and enhance all relevant heritage assets'		
<b>Page 27</b>	Re-number para 6.2 to para 6.3.		

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# Agenda Item 4

## London Borough Of Hammersmith & Fulham

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### Planning Applications Committee

#### Agenda for 3rd April 2014

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

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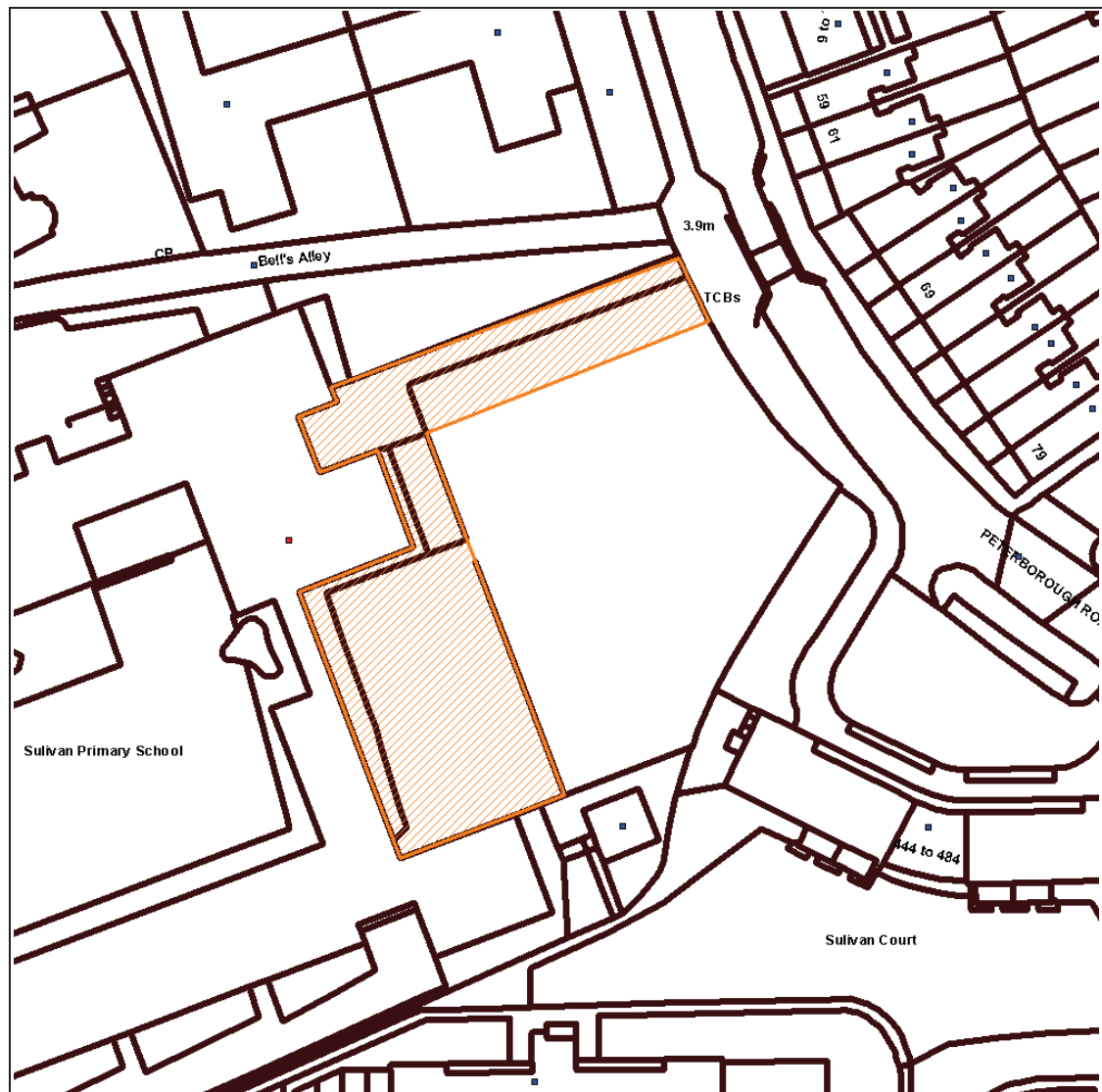
<b>WARD: REG NO:</b>	<b>SITE ADDRESS:</b>	<b>PAGE:</b>
Sands End 2014/00779/FR3	Sullivan Primary School 42 Peterborough Road London SW6 3BN	<b>5</b>
Palace Riverside 2013/04660/FUL	Sunberry Day Centre 147 Stevenage Road London SW6 6PB	<b>24</b>
Askew 2013/03692/FUL	67 - 69 Jeddo Road London W12 9ED	<b>54</b>
Avonmore And Brook Green 2013/05156/FUL	14 Gorleston Street London W14 8XS	<b>88</b>
North End 2013/05200/RES	Earls Court 2 Exhibition Centre, Lillie Bridge Rail Depot, West Kensington And Gibbs Green Housing Estates And Adjoining Land	<b>114</b>
North End 2013/05175/FUL	Empress State Building Empress Approach London SW6 1TR	<b>205</b>
Shepherd's Bush Green 2013/05493/RES	Shepherd's Bush Market, Peabody And Broadway Centre, Nos.1 - 14 Market Lane, Former Laundry Site Rear Of Nos.9 - 61 Pennard Road, Land Adjoining Former Shepherd's Bush Library And Nos.30 - 52 Goldhawk Road W12	<b>277</b>
Shepherd's Bush Green 2013/05115/OUT	Land North Of Westfield Shopping Centre Ariel Way London	<b>309</b>

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**Ward:** Sands End

**Site Address:**

Sullivan Primary School 42 Peterborough Road London SW6 3BN



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

**Reg. No:**

2014/00779/FR3

**Case Officer:**

Sian Brown

**Date Valid:**

21.02.2014

**Conservation Area:**

**Committee Date:**

03.04.2014

**Applicant:**

Mr Alan Wharton  
Town Hall King Street London W6 9JU

**Description:**

Erection of 2 storey temporary building accommodation within school playground in front of Peterborough Road elevation to provide 8no. additional classrooms, toilets + storage.

Drg Nos: (Sullivan School Construction phase H & S incl access Plan rev.A. Created by PGD, received 03/03/2014; 2013/14 School travel and accreditation plan for New Kings Primary School (Bronze Level) received 11/03/2014; Wardale Cycle Shelter specification; Transport Statement, received 03/03/2014, and Addendum Note received 05/03/2014, produced by Kronen Limited; PL03; PL04; L140069-111A; L140069-112A; L140069-311A; PL07; Findings of Arboricultural Assessment ref: EDP2262\_02a, by The Environmental Dimension Partnership (EPD), received 05/03/2014; Plan EPD 3: Tree Protection Plan, revised 20/03/2014; Flood Risk Assessment (FRA) prepared by jnpgroup, received 21/03/2014; Sullivan New Kings School, London SW6, Phase 1 Geoenvironmental Desk Study, Prepared for 3BM Ref: 29014. rev A (including Appendix C)

**Application Type:**

Full Regulation 3 - LBHF is Developer

**Officer Recommendation:**

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

- 1) The building hereby approved is permitted for a limited period only, until 31st August 2015, on or before which date both the use for classrooms shall cease and the temporary building shall be removed from the site.

The Council is not prepared to approve this type of structure other than for a limited period, in view of its nature, design and appearance. The permanent retention of the building would be unacceptable, and contrary to Policy BE1 of the Core Strategy 2011 and Policies DM E1, DM E2, DM G1 and DM G7 of the Development Management Local Plan 2013.

- 2) The development shall be carried out and completed only in accordance with the approved drawings: PL03; PL04; L140069-111A; L140069-112A; L140069-311A; and PL07.

To ensure a satisfactory external appearance and to prevent harm to visual amenity, the character of the existing open space and play space, and the character and appearance of the conservation areas, in accordance with Policy BE1 of the Core Strategy 2011 and Policies DM E1, DM E2, DM G1 and DM G7 of the Development Management Local Plan 2013.

- 3) The classrooms hereby approved shall be finished externally with grey powder coated steel cladding panels, including white upvc windows, and grey steel doors to match the exterior cladding.



To ensure a satisfactory external appearance, in accordance with Policies DM G1 and G7 of the Development Management Local Plan 2013, and Policy BE1 of the Core Strategy 2011.

- 4) Unless the Council agree in writing, the construction works should be undertaken in line with the approved Construction Logistics Plan and appendices A-K ref: 'Sullivan School Construction phase H & S incl access Plan rev.A. Created by PGD, received 03/03/2014' including the route for all vehicles travelling to the site, program and delivery time restrictions as noted.

To ensure that construction works do not adversely impact on the operation of the public highway, and that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site, in accordance with Policies DM J1, J6, H5, H8, H9, H10 and H11 of the Development Management Local Plan 2013 and London Plan 2011 Policy 6.3.

- 5) The approved Travel Plan document ref: '2013/14 School travel and accreditation plan for New Kings Primary School (Bronze Level), received 11/03/2014' shall be implemented on occupation of the combined school and monitored/reviewed in line with LBHF's School Travel Planning Officer and TFL School travel planning guidance.

To ensure that the development does not generate an excessive number of car trips which would be contrary to the Council's policies of car restraint set down in Policy DM J2 of the Development Management Local Plan, 2013 and Policy T1 of the Core Strategy, 2011.

- 6) No part of the development hereby approved shall be occupied prior to the provision of the Wardale cycle/scooter storage for the development, as indicated on the approved drawing PL03, and such storage facilities shall be permanently retained for the temporary period hereby approved.

In order to promote alternative, sustainable forms of transport, in accordance with Policy DM J5 of the Development Management Local Plan 2013 and Policy 6.9 and Table 6.3 of the London Plan 2011.

- 7) The development hereby approved shall be implemented only in accordance with the Tree Protection Plan hereby approved in document ref: 'Findings of Arboricultural Assessment ref: EDP2262\_02a, by The Environmental Dimension Partnership (EPD), received 05/03/2014'; and 'Plan EPD 3: Tree Protection Plan, revised 20/03/2014.'

To ensure that trees on site are retained and to prevent harm during the course of the construction, siting and removal of the classrooms, in accordance with Policy BE1 of the Core Strategy 2011 and Policies DM E4 and DM G7 of the Development Management Local Plan 2013.

- 8) Any trees severely damaged or removed during the delivery or removal of the classrooms hereby approved shall be replaced with a tree of similar size and species within the next planting season.

To ensure that trees on site are retained and to prevent harm during the course of the construction, siting and removal of the classrooms, in accordance with Policy BE1 of the Core Strategy 2011 and Policies DM E4 and DM G7 of the Development Management Local Plan 2013.

- 9) The works to the Crack Willow Tree shall be carried out only in accordance with British Standard BS3998:2010 - Recommendations for Tree Work.

To ensure that the Council is able to properly assess the impact of the development on the tree and to prevent its unnecessary loss, in accordance with Policy DM E4 and DM G7 of the Development Management Local Plan, 2013.

- 10) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, following a site investigation undertaken in compliance with the approved site investigation scheme, a quantitative risk assessment report is submitted to and approved in writing by the Council. 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. The 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 Borough Wide Strategic Policy CC4 of the Core Strategy 2011 and Policies DM H7 and H11 of the Development Management Local Plan 2013.

- 11) Unless the Council 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 Council. 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. The 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 Borough Wide Strategic Policy CC4 of the Core Strategy 2011 and Policies DM H7 and H11 of the Development Management Local Plan 2013.

- 12) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until the approved remediation 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 Council. 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 Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. Any required remediation 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. The 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 Borough Wide Strategic Policy CC4 of the Core Strategy 2011 and Policies DM H7 and H11 of the Development Management Local Plan 2013.

- 13) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until an onward long-term monitoring methodology report is submitted to and approved in writing by the Council 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 Council 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. The 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 Borough Wide Strategic Policy CC4 of the Core Strategy 2011 and Policies DM H7 and H11 of the Development Management Local Plan 2013.

- 14) The development shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by jnpgroup, received 21/03/2014.

To reduce the impact of flooding to the proposed development and future occupants, in accordance with and National Planning Policy Framework (2012) and the Technical Guidance to the National Planning Policy Framework (2012),

Policies 5.11, 5.12, 5.13, 5.14 and 5.15 of the London Plan (2011), Policy CC2 of the Core Strategy (2011), Policy H3 of the Development Management Local Plan (2013).

- 15) The development hereby permitted shall not be occupied prior to the submission and approval in writing by the Council details of a flood evacuation plan. The approved plan shall be implemented in accordance with the approved details for the duration of the development.

To reduce the impact of flooding to the proposed development and future occupants, in accordance with and National Planning Policy Framework (2012) and the Technical Guidance to the National Planning Policy Framework (2012), Policies 5.11, 5.12, 5.13, 5.14 and 5.15 of the London Plan (2011), Policy CC2 of the Core Strategy (2011), Policy H3 of the Development Management Local Plan (2013).

- 16) The development hereby permitted shall be implemented in accordance with the Sustainable Urban Drainage Scheme outlined in the approved Flood Risk Assessment (FRA) prepared by jnpgroup, received 21/03/2014. In addition water efficient appliances shall also be installed to help minimise water use in the new building. The development shall be carried out in accordance with the approved details and shall thereafter be permanently retained.

To ensure that surface water run-off is managed in a sustainable manner, in accordance with Policy 5.13 of The London Plan 2011, Policy CC2 of the Core Strategy 2011, Policy DM H3 of the Development Management Local Plan 2013, Policy 5.13 of The London Plan 2011 and the Technical Guidance to the NPPF.

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

- 1) 1. Land Use: The proposal would result in the improvement of educational facilities, without resulting in a harmful or permanent loss of open space or play space, in line with the NPPF (2012), London Plan (2011) Policy 3.18, Core Strategy (2011) Policy CF1 and Development Management Local Plan (2013) Policy DM D1, DM E1 and DM E2.
2. Design and Conservation: The proposal represents an appropriate response to a set of design criteria on a tightly constrained site. It is not considered the proposal would harm the character and appearance of the adjacent conservation area. Trees in and around the site would be retained and where they are not a condition will ensure replacements are planted. A condition will restrict planning permission for a temporary period, following which the building shall be removed. The proposal is therefore considered to be in accordance with the NPPF (2012), London Plan (2011) Policy 7.1, 7.4, 7.6 and 7.21, Core Strategy (2011) Policy BE1, Development Management Local Plan (2013) Policy DM G1, DM G7 and DM E4 and Planning Guidance (2013) SPD Sustainability Policy 22 and SPD Design Policy 49.
3. Accessibility: The development would be accessible to all users in accordance with London Plan (2011) Policy 7.2, Development Management Local Plan (2013) Policy DM G1 and Planning Guidance (2013) SPD Design Policies 1, 2 and 3.

4. Residential Amenity: The scale, design and location of the development is not considered to have an unacceptable impact on the amenity of the residents in the local area, in terms of environmental nuisance and loss of outlook and privacy. In this regard, the development would respect the principles of good neighbourliness, and thereby satisfies the requirements of Core Strategy (2011) Policy CC4, Development Management Local Plan (2013) Policies DM G1, DM H9 and DM H11 and Planning Guidance (2013) SPD Housing Policy 8 and SPD Amenity Policy 25.

5. Highways: There would be no adverse impact on traffic generation subject to measures to limit car trips to school being implemented in accordance with the approved School Travel Plan. Satisfactory provision would be made for cycle parking. Adequate provision for servicing and the storage and collection of refuse and recyclables would be provided. A construction Logistics Plan (CLP) has been submitted with the application demonstrating that the school has thought carefully about the impacts of the construction on the public highway and surrounding residential properties. These matters would be secured by a condition. The proposal is thereby in accordance with the NPPF (2012), London Plan (2011) Policy 6.1, 6.3, 6.9, 6.10, 6.11 and 6.13, Core Strategy (2011) Policy T1, Development Management Local Plan (2013) Policy DM J1, DM J2, DM J5, DM J6, DM H8, DM H9, DM H10 and DM H11 and Planning Guidance (2013) SPD Transport Policy 2, 12 and 28 and SPD Amenity Policy 19 and 26.

6. Flood Risk: A Flood Risk Assessment (FRA) has been submitted and has considered risks of flooding to the site and adequate preventative measures have been identified, together with SUDS measures. These measures will be secured by conditions. In this respect the proposal is therefore in accordance with the NPPF (2012), London Plan (2011) Policy 5.11, 5.12, 5.13, 5.14 and 5.15, Core Strategy (2011) Policy CC2, the Development Management Local Plan (2013) Policy DM H3 and Planning Guidance (2013) SPD Sustainability Policy 1.

7. Land Contamination: The applicant has submitted a preliminary risk assessment and site investigation scheme which identifies and targets the risks of contamination. Conditions will be attached covering the assessment and if necessary remediation of contaminated land, in accordance with London Plan (2011), Policy 5.21, Core Strategy (2011) Policy CC4 and Development Management Local Plan (2013) Policy DM H7 and DM H11.

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

### **All Background Papers held by Andrew Marshall (Ext: 3340):**

Application form received: 21st February 2014  
Drawing Nos: see above

**Policy documents:** National Planning Policy Framework 2012  
The London Plan 2011 and Revised Early Minor Alterations to The London Plan, 2013  
Core Strategy 2011



### **Consultation Comments:**

#### **Comments from:**

Environment Agency - Planning Liaison  
Thames Water - Development Control

#### **Dated:**

24.02.14  
27.02.14

### **Neighbour Comments:**

#### **Letters from:**

286 Sullivan court London Sw6 3 DW	20.03.14
286 Sullivan court London Sw6 3 DW	20.03.14
75 Peterborough Road Fulham London SW6 3BT	07.03.14
75 Peterborough Road Fulham London SW6 3BT	07.03.14
75 Peterborough Road Fulham London SW6 3BT	07.03.14
75 Peterborough Road Fulham London SW6 3BT	11.03.14
75 Peterborough Road Fulham London SW6 3BT	07.03.14
Maple Cottage Hurlingham Park, Ranelagh Gardens SW6 3PR	18.03.14
73 Peterborough Road London SW6 3BT	20.03.14
Hurlingham pet shop 66 new kings road Fulham London sw6 4lt	20.03.14
97 SULLIVAN COURT PETERBOROUGH ROAD SW6 3DB	20.03.14
378 Sullivan Court Broomhouse Fulham London Sw63dl	21.03.14
21 Albion mews Hammersmith W60jq	20.03.14
21 Albion mews Hammersmith W60jq	20.03.14
School House Sullivan Primary School 42 Peterborough Road	21.03.14
99 Peterborough Road London SW6 3BU	04.03.14
25 Broomhouse Road London SW6 3QU	21.03.14
2 Hurlingham Road London SW6 3QY	11.03.14
Flat 1,shell house Gurney road, Fulham London Sw6 2ur	20.03.14
Broom Villa 27 Broomhouse Road London SW6 3QU	20.03.14
77 Peterborough Road London SW6 3BT	18.03.14
1Shell House Gurney Rd Fulham Sw6 2ur	22.03.14
464 Sullivan Court Peterborough Road Fulham, SW6 3BX	10.03.14
59 Clancarty Road Fulham London SW6 3AH	21.03.14
464 Sullivan Court Peterborough Road Fulham, SW6 3BX	10.03.14
44 linver road london sw63rb	20.03.14
97 sullivan court Peterborough road Fulham sw6 3BY	20.03.14
8 Kent house lane beckenham br3 1lf	20.03.14
26 Barclay Road Fulham London SW6 1EH	17.03.14
6 Linver Road SW6 3RB	21.03.14

## **1.0 SITE DESCRIPTION AND RELEVANT HISTORY**

1.1 Sullivan Primary School (224 pupils and 50 staff) occupies a plot of land between Broomhouse Lane and Peterborough Road, and is bound to the north by Broomhouse Road and Bell's Alley and to the south by the Sullivan Court residential development. The site is outside but adjacent to the Hurlingham and the Studdridge Street conservation areas.

1.2 The school itself consists of a 1950's u-shaped building, ranging between one and two stories, enclosing a large playground fronting Broomhouse Lane. A smaller secondary playground sits to the east, between the Peterborough Road elevation and a dense group of trees. The main school entrance is off Peterborough Road via a secure pedestrian access gate. Additional pedestrian access is provided from Broomhouse Lane. Vehicular access from Broomhouse Road leads onto a private car park to the north.

1.3 There is no relevant planning history.

1.4 The application involves the erection of a two storey temporary building within the eastern school playground in front of the Peterborough Road elevation to provide 8 no. additional classrooms, toilets and storage. The building is required to accommodate 240 children and 30 staff from the nearby New Kings Primary School whilst their existing facilities are refurbished and extended to 2 forms of entry. There is an existing nursery at the New Kings School site which will be absorbed into the Sullivan School. A total of 20 classrooms would be required to accommodate the additional children, at Sullivan Primary School which currently has only 12 classrooms within the existing school buildings. The proposed building would alleviate this shortfall. The proposed classrooms would be occupied for 12 months, from September 2014 to August 2015.

## 2.0 CONSULTATION RESPONSES (INTERNAL AND EXTERNAL)

2.1 The application was advertised by site and press notices and letters of notification were sent to the occupiers of 229 neighbouring properties.

2.2 24 representations were received at the time of writing this report, including from the Chair of Governors of Sullivan Primary School, the Hammersmith and Fulham Liberal Democrats, Hurlingham District Residents Association (HDRA), and the Peterborough Road and Area Residents Association (PRARA) from raising objection on the following summarised grounds:

Principal of moving school sites, and future proposals for the site

Impact to the adjacent conservation areas

Design and appearance

Loss of open/green space/playground

Loss of view

Impact to trees

Traffic impact and environment nuisance from construction vehicles and cumulative impact on the highway from other large developments nearby including the Thames Tunnel

Impact to highway amenity and safety from increased traffic movements; increased parking stress levels; and increased pedestrian movements

Pedestrian entrance and egress from Peterborough Road

Cumulative impact of the expansion of other nearby schools

Increased noise

Environmental impacts

The use of temporary classrooms for children particularly in winter months

2.3 The Environment Agency and Thames Water have confirmed they have no objection to the proposed development subject to informatives.

### 3.0 PLANNING CONSIDERATIONS

3.1 The main planning considerations to be considered in light of the London Plan (2011), and the Council's adopted Core Strategy (2011), Development Management Local Plan (DMLP) (2013) and Planning Guidance Supplementary Planning Document (SPD) (2013) include; the acceptability in land use terms; the protection of open space and play space; visual amenity and impact on the adjacent conservations areas; impact on the amenities of neighbouring residents including any environmental nuisance; highways matters; and other material considerations, including flood risk and contaminated land.

#### LAND USE

Availability of land for education purposes:

3.2 In terms of land use the main issue is the suitability of the erection of 8 additional classrooms on open space within the school grounds.

3.3 NPPF paragraph 72 states that weight should be given to the need to create, expand or alter schools. This is supported by London Plan Policy 3.18 'Education facilities' which states that development proposals which enhance education and skills provision will be supported, including new build, expansion of existing facilities or change of use to educational purposes.

3.4 Core Strategy Policy CF1, 'Supporting Community Facilities and Services' supports the improvement and/or expansion of primary and secondary schools subject to site specific considerations. This is supported by DMLP Policy DM D1 'Enhancement of Community Services'.

3.5 Under the terms of these policies the provision of the new temporary structure within the site of Sullivan Primary School to allow for the refurbishment of New Kings Primary School would be encouraged by the Council.

Loss of open space and play space:

3.6 Under the terms of DMLP Policy DM E1 'Access to Parks and Open Space' the loss of public or private open space will not be permitted where such land either individually or cumulatively has local importance for its open character or as a sport, leisure or recreational facility or for its contribution to local biodiversity or visual amenity, unless it realises a qualitative gain for the local community and provides for the relocation of the open space. DMLP Policy DM E2 'Play space for Children and Young People' resists proposals which result in the loss of existing children and young people's play space or result in an increased deficiency in the availability of such play space.

3.7 The existing open space to be covered by the development is currently used as a smaller secondary playground by the school. The applicant states that possible options for the location of the temporary accommodation were considered across the existing school site, and that the proposed location was deemed the most suitable in terms of maintaining the maximum amount of external play space and in terms of preserving visual amenity. In terms of the loss of the existing playground, this would be temporary. Notwithstanding this the school would maintain the use of the primary playground (1300sqm) which is considered sufficient to meet the needs of the extended school. In



addition officers do not consider the secondary playground has a meaningful importance in terms of local biodiversity. It is intended that the existing trees within the site will be retained. Where they are not a condition will ensure replacements will be planted (condition 8). In view of the above the proposed development is judged to accord with the abovementioned policies.

## DESIGN AND EXTERNAL APPEARANCE

3.8 The site is outside but adjacent to the Hurlingham and the Studdridge Street conservation areas.

3.9 In respect of design, among the core planning principles of the NPPF are that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Furthermore 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. London Plan Policy 7.1 'Building London's Neighbourhoods and Communities' requires that all new development is of high quality that responds to the surrounding context and improves access to social and community infrastructure, contributes to the provision of high quality living environments and enhances the character, legibility, permeability and accessibility of the surrounding neighbourhood. London Plan Policy 7.4 'Local Character' requires development to 'have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings.' London Plan Policy 7.6 'Architecture' relates to architecture and the design of developments. The policy says that 'development should be of a high quality of design, of a scale that is appropriate to its setting, and built using high quality materials. It should complement the surrounding built form and should not cause unacceptable harm to the amenity of surrounding buildings'.

3.10 Core Strategy Policy BE1 'Built Environment' requires all development within the borough, including in the regeneration areas 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. DMLP Policy DM G1 'Design of New Build' builds on the abovementioned policies and other design and conservation policies, seeking new build development to be of a high standard of design and compatible with the scale and character of existing development and its setting. DMLP Policy DM G7 'Heritage and Conservation' seeks to protect, restore or enhance the quality, character, appearance and setting of the borough's conservation areas. Planning Guidance SPD Design Policy 49 states 'new development should not adversely affect key views within, into or out of Conservation Areas.'

3.11 The temporary building would take the form of a two storey rectangular structure, measuring 26 metres long by 15 metres wide and 6.4 metres high, and would house eight classrooms equally distributed in each floor. The building would be constructed of a light steel frame, supporting timber frame insulated walls, finished externally with grey powder coated steel cladding panels. Fenestration would consist of generally square white upvc windows, and the doors would be grey steel to match the exterior cladding. Access to the building would be provided by a mix of integrated stairs and ramps at ground floor level in the principle elevation facing Peterborough Road. An internal staircase would lead to the first floor. An additional escape ramp from the ground floor

and a staircase from the first floor would both be located in the shorter south elevation. The position of the proposed building would also require a small extension to the existing footpath where it connects to the play area. The temporary footpath extension would be formed with paving flagstones. In addition a small compound area would be located to the north of the proposal site for contractor use and would be used for welfare and material storage during the installation and fitting of the classrooms. All site deliveries and contractor vehicles will access the site via the existing vehicle entrance off Broomhouse Lane.

3.12 The siting of the proposed building has been developed with the objective of minimising the visual impact upon the neighbouring built environment and adjacent conservation areas and to minimise the loss of open space and play space. The proposed temporary building would be positioned parallel to the Peterborough Road elevation, on the smaller secondary playground to the east between the two main halls. From Peterborough Road and Bell's Alley the existing buildings and dense group of trees would help to screen the building. From Broomhouse Lane, where the building would be most visible, above the existing single storey link between the two main halls, it would not exceed the height of the existing two storey northern wing of the building. Together with its temporary nature and distance from Broomhouse Lane (approximately 70 metres) officers do not consider the proposed building would be unduly harmful to the streetscene.

3.13 In summary the location affords a discreet and unobtrusive position utilising a mix of natural screening provided by the trees in and round the site, and the existing buildings, whilst also maintaining a sufficient amount of playground to meet the needs of the extended school. In this respect is also not considered the proposal would significantly harm the character and appearance of the adjacent conservation areas. The proposal therefore complies with the abovementioned policies.

Trees and green space:

3.14 London Plan Policy 7.21 'Trees and Woodland' is concerned with protecting trees, and requires that if a tree is to be removed, it should be replaced following the principle of 'right tree, right place'.

3.15 The DMLP Policy DM E4 'Greening the Borough' seeks to protect existing trees and maximise planting; and SPD Sustainability Policy 22 encourages the planting of additional trees.

3.16 The site does not fall within a conservation area and none of the trees are protected by a TPO. As such the School has a right to fell any trees without consent from the council. However the applicant has thought carefully about the impacts of the construction and siting of the building on the trees in and around the site to ensure their protection.

3.17 In this case the building would be transported to site from Broomhouse Lane and then assembled on the existing school playground via the use of a mobile crane. The application is supported by an Arboricultural Report which undertakes a survey of the trees in relation to the proposed building (28 individual trees, 5 groups of trees and 5 hedgerows). The report confirms that the abovementioned means of construction, and the siting of the building would ensure trees would not be lost or damaged. The siting of the building on the playground would also ensure the meadow area to the east is also

protected. The report recommends that facilitation pruning works are undertaken to a Crack Willow Tree, adjacent to the location of the proposed building to minimise the potential for branch damage to occur. In addition a tree protection plan has been produced which confirms that where necessary trees would be protected in accordance with the provisions of BS5837:2012 - Recommendations for Tree Work. (conditions 7 and 9). The small compound area to the north of the proposal site would not break ground and as such would not impact upon the Root Protection Area (RPA).

3.18 In view above officers are satisfied that the trees in and around the site would be retained and protected during the works and their long term health should not be compromised by the proposed development, in accordance with the above policies. However in the event that trees are damaged or removed a condition will ensure replacements will be planted (condition 8).

Access:

3.19 London Plan Policy 7.2 'An Inclusive Environment', DMLP Policy DM G1 'Design of New Build' and SPD Design Policies 1, 2 and 3 all relate to access to buildings, requiring that buildings should be accessible and inclusive both internally and externally

3.20 As mentioned earlier the new building would be installed with integrated stairs and ramps, allowing inclusive access to the ground floor level from the surrounding site level. These will be located in the principal entrance facing Peterborough Road. An additional escape ramp from the ground floor and a staircase from the first floor would be located in the south elevation.

3.21 Within the building access is arranged to all areas from a linear circulation corridor which would be wide enough to accommodate wheelchair users. The building would provide a buffer zone, minimum 2 metres wide, between the sides and rear elevations and the existing school building to allow natural light into the existing corridor spaces and to enable a safe means of escape via the existing steps and ramps to be retained.

3.22 Officers are satisfied that the access arrangements of the proposal are in accordance with the relevant aims and requirements of the above policies.

## IMPACT ON RESIDENTIAL AMENITY

3.23 DMLP Policy DM G1 'Design of New Build' require all proposals to be formulated to respect the principles of good neighbourliness. SPD Housing Policy 8 seeks to protect the existing amenities of neighbouring residential properties in terms of outlook, light, and privacy.

3.24 Due to the location of the proposed temporary building between the two main halls and the distance (27 metres) from the nearest residential properties of Sullivan Court it is not considered the proposed building would impact adversely upon the amenities of those properties in terms of loss of daylight/sunlight, overlooking/loss of privacy, increased sense of enclosure and loss of outlook, in accordance with the above policies.

3.25 Core Strategy Policy CC4 'Protecting and Enhancing Environmental Quality' and DMLP Policies DM H9 'Noise' and H11 'Control of Potentially Polluting Uses' relate to environmental nuisance and require all development to ensure that there is no undue

detriment to the general amenities enjoyed by existing surrounding occupiers, particularly those of residential properties. SPD Amenity Policy 25 states that outdoor uses will need to be assessed in regard to the frequency and times of use, and the noise level likely to be emitted from activities.

3.26 It is acknowledged that there would be increased activity on the site as a result of the increase in numbers of pupils. However the proposal represents an extension to the existing school which has operated from the site for a considerable period. The proposed building would remain in educational use for children and would be used during school hours (07:00 hours to 18:00 hours Monday to Saturday). In this respect it is not considered the proposal would be harmful to the residential amenity of neighbouring properties in terms of additional noise and disturbance, in accordance with the above policies.

3.27 The applicant has confirmed that there would be no external plant associated with the temporary building. The building is to be naturally ventilated via openable windows. No mechanical ventilation will be required with the exception of localised toilet extract vents (Vent axia type units). The building would be heated by electric panel type heaters, and no boiler system would be required. In this respect it is not considered the proposed development would result in undue environmental nuisance to neighbouring properties.

## TRAFFIC AND HIGHWAYS

3.28 The NPPF requires developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised, and development should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people.

3.29 Policies 6.1, 6.3, 6.9, 6.10, 6.11 and 6.13 of The London Plan 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 and cycle standards.

3.30 Core Strategy Policy T1 'Transport' supports The London Plan and seeks to improve transportation within the borough, by working with strategic partners and relating the size of development proposals to public transport accessibility and highway capacity. DMLP Policy DM J1 'Transport Assessment and Travel Plans' and SPD Transport Policy 2 states that all development proposals will be assessed for their contribution to traffic generation, and DMLP Policy DM J2 of the Development Management Local Plan set out vehicle parking standards, which brings them in line with London Plan standards and circumstances when they need not be met. DMLP Policy DM J5 'Increasing the Opportunities for Cycling and Walking' and Table 5 and SPD Transport Policy 12 seek to ensure that satisfactory cycle space is provided for all developments.

## Transport Statement and Travel Plan

3.31 A Transport Statement and Addendum has been submitted to assess the highways impact and a travel plan for both schools 'combined travel plan' has also been submitted.

3.32 The Transport Statement and Addendum provide the following assessment:

### Trip Generation- vehicular impact

3.33 The New Kings School currently has 224 pupils and 30 staff. A hands up survey, undertaken in February 2014, identified that of these 20% of pupils are driven, 2% car share and 5% park and stride which means there is 27% vehicular use from pupils which is 48 trips. Only 1 staff member currently drives. Therefore the main impact would be the vehicular intensification of vehicles travelling to the Sullivan School site to drop off and pick up children who currently attend New Kings School.

3.34 On street parking surveys have been undertaken on Hurlingham Road, Peterborough Road, Broomhouse Lane, Broomhouse Road, Linver Road and Studdridge Street at the Am peak and Pm peak periods for the existing Sullivan school.

3.35 The tables below show the Am and Pm peak school period on street parking stress.

Table 4.2 Morning Parking Stress at 9am

Street	Parking Restriction Permit Holder or Pay at Machine			
	Kerb Length (in m)	Number of 'Spaces'	Parked Cars	Parking Stress
Hurlingham Road	495.0	99	57	58%
Linver Road	300.0	60	45	75%
Broomhouse Road	290.0	58	36	62%
Broomhouse Lane	70.0	14	4	29%
Peterborough Road	260.0	52	36	69%
Studdridge Street	190.0	38	28	74%
Total	1605.0	321	206	64%

Source: Kronen Limited Surveys

Table 4.3 Afternoon Parking Stress at 3.30pm

Street	Parking Restriction Permit Holder or Pay at Machine			
	Kerb Length (in m)	Number of 'Spaces'	Parked Cars	Parking Stress
Hurlingham Road	495.0	99	44	44%
Linver Road	300.0	60	50	83%
Broomhouse Road	290.0	58	43	74%
Broomhouse Lane	70.0	14	6	43%
Peterborough Road	260.0	52	40	77%
Studdridge Street	190.0	38	30	79%
Total	1605.0	321	213	66%

Source: Kronen Limited Surveys

3.36 It was therefore noted in the Transport Statement that there would be sufficient provision for 48 extra vehicles to travel to/from the Sullivan School to pick up and drop off children. However, this is not the full story and provides an extremely robust worse



case scenario. Information was also submitted in terms of the breakfast club, afterschool club and wrap around childcare that the combined New Kings School on the Sullivan School site would offer, which identified a staggered arrival and departure profile for vehicles.

3.37 In more detail the Addendum clarifies that currently the New Kings School has a breakfast club that operates from 8am-8.55am which has 3 staff and 20 students, an afterschool club which operates from 3.15pm-4/15pm and has 6 staff and 60 students and there is also wrap around childcare from 3.15pm-6pm which has 2 staff and 15 students.

3.38 Therefore the addendum assesses that at the current New Kings School site the breakfast club at 8am currently leads to 4 vehicle trips, the afterschool club finishing at 4.15pm and the wrap around child care finishing at 6pm leads to 12 vehicle trips. Therefore at the 8.55 am and 3.15 pm peak periods for the school would lead to approximately 32 additional vehicles not the 48 as noted in the Transport Statement if the staggered nature of the morning and afterschool clubs is considered.

3.39 Ultimately it needs to be remembered that all the vehicle trips from New Kings School and Sullivan School are already on the network. It is merely the diversion of these trips from the New Kings School site to the Sullivan School site that needs to be considered. This is the same for servicing and delivery trips as well. The two schools are merely 0.3 miles away from each other.

3.40 In summary, based on the parking surveys the additional 48 trips could be accommodated for brief drop off and pick up periods but in reality these vehicles would be staggered due to the different times of the clubs. The head teacher of New Kings School will become the head teacher of the combined schools on the Sullivan School site and has stated that this provision for breakfast, afterschool and wrap around child care will be operated for the combined school and attendance at all 3 will essentially double. Therefore this would offer additional benefits to stagger vehicles from the existing Sullivan School who attend the wrap around child care which Sullivan School currently do not offer.

3.41 Sullivan School has 270 pupils and 50 staff and 16% pupil car use but 43% staff car use from the hands up survey conducted in February 2014. The school currently operates from 9.05am till 3.30pm but the school times will be the same as that for the New Kings School on the combined school site. There is currently a breakfast club at 8am and afterschool club until 4.30pm.

#### Cycle Parking

3.42 There are currently only 10 cycle parking spaces on the Sullivan School site. However with the temporary expansion of pupils there will be an additional 26 cycle and scooter spaces provided on site which is acceptable and in line with standards. The provision of the storage will be secured by a condition (condition 6).

#### Travel Plan

3.43 Although the children from both schools will only be combined on the Sullivan School site for 12 months the combined school has been working with the Councils

School Travel Planning Officer to create a combined travel plan. The travel plan has been approved and accredited to a Bronze Level standard.

3.44 The travel plan encourages the use of sustainable travel in terms of walking, cycling and using scooters and public transport. There are also additional elements added to mitigate the impact of the temporary relocation to the Sullivan School site of both schools. This includes staff marshalling vehicles on street to ensure dangerous and haphazard parking is reduced, and regular reminders in the newsletter from the head teacher for parents to park considerately.

#### Staff

3.45 Staff will also only be provided with parking at the Sullivan School depending on their distance to travel to work- disabled staff members will automatically be provided with spaces on site. There are currently informally 20 parking spaces on site and the Sullivan School has very high car use for staff. Therefore the travel plan will work mainly with the staff from Sullivan School to encourage them to travel sustainably. There is only 1 staff member currently from New Kings School that drives.

#### Nursery

3.46 There is an existing nursery at the New Kings School site which will be absorbed into the Sullivan School and share existing nursery space. Timings for parents bringing children to the nursery are staggered with sessions and therefore the impact at peak times would not be significant from the nursery.

#### Coach

3.47 There will be coaches travelling to the site to transport pupils to swimming lessons once a week. This has been noted and officers are satisfied that coaches would not be travelling at peak times on the highway network. There is currently 1 coach that transports Sullivan School pupils anyway and therefore this will increase by an additional coach. Pick up and drop off will be from Broomhouse Lane.

#### Servicing and Delivery

3.48 Refuse collections and site servicing trips take place from the kerbside of Hurlingham Road next to the vehicle access. The kerbside has Double Yellow Line restrictions, there are no loading blips on the kerb to suggest that this servicing activity contravenes any traffic regulation / management orders. Servicing activities do not obstruct / stop the flow of traffic from Broomhouse Road to Hurlingham Road. There are 3 refuse trips per week but it is clear servicing and delivery activity would not pose any significant issues to the highway network.

#### Impact of building works.

3.49 A construction Logistics Plan (CLP) has been submitted with the application demonstrating that the school has thought carefully about the impacts of the construction on the public highway and surrounding residential properties. The CLP is 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.

3.50 In summary a temporary dropped kerb will need to be created from Broomhouse Lane for the crane to access the site and also for the classrooms. The classrooms are to be brought to site in July which will ensure there is no conflict with the MINT polo in the park event that takes place in June. There is a pedestrian refuge island that needs to be temporarily removed to ensure vehicles can make the turn on Broomhouse Lane along the route. Parking suspensions will also be required. Vehicles are restricted to travel between certain hours as noted in the CLP and all the impacts will be on Broomhouse Lane.

3.51 The route has been agreed with vehicles travelling from the north on Broomhouse Lane. It is noted however that if vehicles are travelling from the south there are a number of existing construction sites that would need to be informed. The CLP and routing will be secured by a condition and any changes will require prior approval from the Council (condition 4). In this respect the proposal is judged to comply with DMLP Policies DM J1, J6, H5, H8, H9, H10 and H11, SPD Amenity Policy 19 and 26, SPD Transport Policy 28, and London Plan Policy 6.3.

## OTHER MATERIAL CONSIDERATIONS

### Flood Risk:

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

3.53 London Plan Policy 5.11, 5.12, 5.13, 5.14 and 5.15 requires 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.

3.54 Borough Wide Strategic Policy CC2 'Water and Flooding' and DMLP Policy DM H3 'Reducing Water and the Risk of Flooding' requires development proposals to reduce the use of water and minimise existing and future flood risk. These policies are supported by SPD Sustainability Policy 1, which requires the submission of information relating to flood risk.

3.55 The site is in the Environment Agency's Flood Zone 3. Land in this zone has a 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year. This indicates a high risk of flooding from the Thames, although this designation does not take into account the high level of flood protection provided by the Thames Barrier and local river wall defences which defend the site so that the annual probability of flooding from the Thames is 0.1% or less. If the flood defences failed or were breached, the site is outside the area at risk from rapid inundation by flood waters, although neighbouring roads could be affected. The site is in an area considered to be potentially more susceptible to surface water flooding during an intense storm event.

3.56 As required, a Flood Risk Assessment (FRA) has been submitted with the application. This recommends that flood resilience measures are implemented to protect the new classrooms from flooding should the site ever be affected, including sitting the classrooms off the ground level by approximately 325mm to ensure that



fixtures are located at higher levels. The implementation of these measures will be secured by a condition (condition 14).

3.57 The school will be required to sign up to the Environment Agency's free Flood Warning Service and have a flood evacuation plan in place. This will be secured by a condition (condition 15)

3.58 Core Strategy Policy CC2, DMLP Policy DM H3 'Reducing Water and the Risk of Flooding' and SPD Sustainability Policy 2 requires developments to reduce the use of water and minimise current and future flood risk and the adverse effects of flooding on people by implementing a range of measures such as Sustainable Drainage Systems (SUDS) (where feasible) and also the use of water efficient appliances.

3.59 The integration of SUDS is considered as limited due to likely unsuitable ground conditions for infiltration of surface water. However other options have been considered to help reduce the amount of surface water being directed into the combined sewer system, including the provision of two water butts so that water could be collected for reuse for outdoor irrigation. A condition will also ensure water efficient fittings and appliances are installed when the new building is fitted out to help minimise water use (condition 16).

#### Contamination

3.60 Policy 5.21 of the London Plan, Core Strategy Policy CC4 'Protecting and Enhancing Environmental Quality' and DMLP Policies DM H7 'Contaminated Land' and H11 'Control of Potentially Polluting Uses' states that the Council will support the remediation of contaminated land and that it will take measures to minimise the potential harm of contaminated sites and ensure that mitigation measures are put in place.

3.61 The applicant has submitted a preliminary risk assessment, which comprises a desktop study that identifies that potentially contaminative land uses, past or present, are understood to occur at, or near to, this site. In consultation with the Councils Environmental Quality Officer a site investigation scheme has also been produced based upon, and which targets, the risks identified in the approved preliminary risk assessment. In order to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works conditions will be attached covering the assessment and if necessary remediation of contaminated land. (conditions 10 to 14).

#### PLANNING OBLIGATIONS

3.62 Mayoral CIL (Community Infrastructure Levy).

Mayoral CIL came into effect in April 2012 and is a material consideration to which regard must be had when determining this planning application. The proposal, by reason of its temporary nature and educational use is exempt from the Mayoral CIL.

#### 4.0 RECOMMENDATION

4.1 Grant planning permission.

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**Ward:** Palace Riverside

**Site Address:**

Sunberry Day Centre 147 Stevenage Road London SW6 6PB



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

**Reg. No:**  
2013/04660/FUL

**Case Officer:**  
Aisling Carley

**Date Valid:**  
05.11.2013

**Conservation Area:**  
Fulham Reach Conservation Area - Number 39

**Committee Date:**  
03.04.2014

**Applicant:**

Stevenage Road Developments LTD  
C/O Agent

**Description:**

Demolition of existing day care centre and construction of 9 x four storey townhouses including basement levels to units 1 - 9, the formation of roof terraces at first floor level to units 1- 9, third floor level to units 1 - 8, fourth floor level to units 8 - 9, provision of refuse storage, cycle parking (excluding on-site parking) and associated landscaping. (Revised drawings)

Drg Nos: 4292\_D\_179 Rev R; 4292\_D\_180 Rev R; 4292\_D\_181 Rev R; 4292\_D\_182 Rev R; 4292\_D\_183 Rev R; 4292\_D\_184 Rev R; 4292\_D\_185 Rev R; 4292\_D\_186 Rev R; 4292\_D\_187 Rev R; 4292\_D\_188 Rev R; 4292\_D\_189 Rev R;

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

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

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

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

- 2) The development shall not be erected otherwise than in accordance with the following approved drawings: 4292\_D\_179 Rev R; 4292\_D\_180 Rev R; 4292\_D\_181 Rev R; 4292\_D\_182 Rev R; 4292\_D\_183 Rev R; 4292\_D\_184 Rev R; 4292\_D\_185 Rev R; 4292\_D\_186 Rev R; 4292\_D\_187 Rev R; 4292\_D\_188 Rev R; 4292\_D\_189 Rev R.

In order to ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policy BE1 of the Core Strategy 2011 and Policy DM G1 and G7 of the Development Management Local Plan 2013.

- 3) The demolition hereby permitted shall not be undertaken before:
  - a building contract for the redevelopment of the site in accordance with planning permission reference 2013/04660/FUL has been entered into and
  - notice of demolition in writing and a copy of the building contract has been submitted to the Council

To ensure that the demolition does not take place prematurely and to safeguard the character and appearance of the conservation area, in accordance with Policy

BE1 of the Core Strategy 2011 and Policy DM G1 and DM G7 of the Development Management Local Plan 2013.

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

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site, in accordance with Policies DM H9, H10 and H11 of the Development Management Local Plan.

- 5) Other than any demolition works, ground and subterranean works (including construction of basement), site preparation or remediation, the development hereby permitted shall not commence prior to the submission and approval in writing by the Council of details and samples of all materials to be used on the external faces of the new building and all surface treatments, including boundary walls, railings, gates and fences 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 streetscene, in accordance with Policy BE1 of the Core Strategy 2011 and Policy DM G1 and G7 of the Development Management Local Plan 2013.

- 6) Other than any demolition works, ground and subterranean works (including construction of basement), site preparation or remediation, The development hereby permitted shall not commence prior to the submission and approval in writing by the Council of details in plan, section and elevation (at a scale of not less than 1:20) of the following matters, and no part of the development shall be used or occupied prior to the completion of that part of the development in accordance with the approved details.

- a) Typical bay window;
- b) front forecourt to the townhouses.

To ensure a satisfactory external appearance and to prevent harm to the streetscene, in accordance with Policy BE1 of the Core Strategy 2011 and Policy DM G1 and G7 of the Development Management Local Plan 2013.

- 7) No plumbing, extract flues or pipes other than rainwater pipes shall be fixed on the front elevations of the building(s) hereby approved.

To ensure a satisfactory external appearance and to prevent harm to the streetscene, in accordance with Policy BE1 of the Core Strategy 2011 and Policy DM G1 and DM G7 of the Development Management Local Plan 2013.

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

To ensure a satisfactory external appearance and so that the use of the buildings does not harm the amenities of the existing neighbouring residential properties and future residential occupiers of the development as a result of overlooking, loss of privacy and noise and disturbance, in accordance with Policy DM H9, DM A9 and DM G1 of the Development Management Local Plan 2013, and SPD Housing Policy 8 of the Planning Guidance Supplementary Planning Document 2013.

- 9) No part of the development shall be occupied prior to the submission and approval in writing by the Council of details of the privacy screens used in connection with the terraces at first floor level as indicated on drawing 4292 D 181 Rev R, hereby approved. The privacy screens shall be installed in accordance with the agreed details and thereafter be retained in accordance with the approved details.

In order to ensure there is no loss of privacy or overlooking to the occupiers of neighbouring residential occupiers, in compliance with Policy DM A9 and DM G1 of the Development Management Local Plan 2013 and SPD Housing Policy 8 of the Planning Guidance Supplementary Planning Document 2013.

- 10) Other than any demolition works, ground and subterranean works (including construction of basement), site preparation or remediation, the development shall not commence prior to the submission and approval in writing by the Council of full details of the proposed landscaping of the site, including planting schedules and details of the species, height and maturity of existing and new trees and shrubs. The approved scheme shall be implemented in the next winter planting season following completion of the building works, or before the occupation and use of any part of the building, whichever is the earlier.

To ensure a satisfactory external appearance and to prevent harm to the streetscene, in accordance with Policy BE1 of the Core Strategy 2011 and Policies DM G1, DM G7 and DM E4 of the Development Management Local Plan 2013.

- 11) Any tree or shrub planted pursuant to condition 10 being removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of similar size and species to that originally required to be planted.

To ensure a satisfactory external appearance and to prevent harm to the streetscene, in accordance with Policy BE1 of the Core Strategy 2011 and Policies DM G1, DM G7 and DM E4 of the Development Management Local Plan 2013.

- 12) No part of the development hereby approved shall be occupied prior to the provision of the refuse storage enclosures, as indicated on the approved drawing 4292 D 180 Rev R.

To ensure that the use does not give rise to smell nuisance and to prevent harm to the street scene arising from the appearance of accumulated rubbish, in accordance with Policy CC3 of the Core Strategy 2011 and Policy DM H5 of the Development Management Local Plan 2013.

- 13) A minimum of 10% of all dwellings hereby approved shall be capable of meeting the needs of wheelchair users and shall be designed and capable of adaptation, in accordance with the Council's Supplementary Planning Guidance (Access for All).

To ensure a satisfactory provision for dwellings, meeting the needs of people with disabilities, in accordance with the Policy 3.8 and 4.5 of the London Plan 2011, Policy H4 of the Core Strategy 2011 and Policy DM G1 and A4 of the Development Management Local Plan 2013.

- 14) Prior to first use of the development hereby approved, details and drawings at a scale of 1:100 showing the location of 1.0m wide by 1.5m long rectangular "soft spots" in the first floor slab of one dwelling shall be submitted to and approved in writing by the Council. The development shall be carried out in accordance with such details as approved and permanently retained thereafter.

To ensure that future occupiers of those the flats are able to insert a trapdoor or "through-the-floor" lift between the ground and first floors in accordance with 'Lifetime Homes' standards, and Policy H4 of the Core Strategy 2011, Policy 3.8 of The London Plan (2011) and Policy DM A4 of the Development Management Local Plan 2013.

- 15) The residential units hereby approved shall be constructed to Lifetime Homes standards.

To ensure a satisfactory provision of dwellings, meeting the needs of people with disabilities in accordance with Policy 3.8 of the London Plan 2011, Policy H4 of the Core Strategy 2011 and Policy DM A4 of the Development Management Local Plan 2013.

- 16) No part of the development hereby approved shall be occupied prior to the provision of the cycle storage for the residential development hereby approved, as indicated on the approved drawing 4292 D 180 Rev R and such storage facilities shall be permanently retained thereafter in accordance with the approved details.

In order to promote alternative, sustainable forms of transport, in accordance with Policy DM J5 of the Development Management Local Plan 2013 and Policy 6.9 and Table 6.3 of the London Plan 2011.

- 17) The development shall be implemented in accordance with the recommended flood mitigation measures as proposed in the submitted Flood Risk Assessment otherwise agreed in writing by the local planning authority. In line with advice from Thames Water, a non-return valve or other suitable device shall be installed to avoid the risk of the sewerage network surcharging wastewater to



basement/ground level during storm conditions. The recommended mitigation measures shall be permanently retained thereafter.

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 2011, Policy CC1 and CC2 of the Core Strategy 2011, National Planning Policy Framework (2012) and the Technical Guidance to the National Planning Policy Framework (2012) and Policy DM H3 of the Development Management Local Plan 2013.

- 18) The development hereby permitted shall not commence until a surface water drainage scheme, based on sustainable drainage principles, and a maintenance programme for the sustainable urban drainage measures, have been submitted to and approved in writing by the council. The scheme shall be implemented in accordance with the approved details prior to first occupation of the development hereby permitted, and thereafter permanently maintained in accordance with the agreed details.

To prevent any increased risk of flooding and to ensure the satisfactory storage of/disposal of surface water from the site in accordance with Policy CC2 of the Core Strategy 2011 and Policy 5.13 of The London Plan 2011, PPS25 and Policy DM H3 of the Development Management Local Plan 2013.

- 19) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, following a site investigation undertaken in compliance with the approved site investigation scheme, a quantitative risk assessment report is submitted to and approved in writing by the Council. 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. The 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 Borough Wide Strategic Policy CC4 of the Core Strategy 2011, Policies DM H7 and H11 of the Development Management Local Plan 2013 and Policy 5.21 of the London Plan 2011.

- 20) Unless the Council 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 Council. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the quantitative risk assessment, including a discovery strategy to be implemented in the event of

encountering previously unidentified contamination and a post remediation monitoring scheme, if applicable. 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. The 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 Borough Wide Strategic Policy CC4 of the Core Strategy 2011, Policies DM H7 and H11 of the Development Management Local Plan 2013 and Policy 5.21 of the London Plan 2011.

- 21) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until the approved remediation 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 Council. 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 Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. Any required remediation 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. The 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 Borough Wide Strategic Policy CC4 of the Core Strategy 2011, Policies DM H7 and H11 of the Development Management Local Plan 2013 and Policy 5.21 of the London Plan 2011.

- 22) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until an onward long-term monitoring methodology report is submitted to and approved in writing by the Council 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 Council 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. The 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 Borough Wide Strategic Policy CC4 of the Core Strategy 2011, Policies DM H7 and H11 of the Development Management Local Plan 2013 and Policy 5.21 of the London Plan 2011.

- 23) No plant, water tanks, water tank enclosures or other structures, that are not shown on the approved plans, shall be erected upon the roofs of the building(s) hereby permitted.

To ensure a satisfactory external appearance, in accordance Policy BE1 of the Core Strategy 2011 and Policy DM G1 and DM G7 of the Development Management Local Plan 2013.

- 24) Prior to the first use of the development, details shall be submitted to and approved in writing by the Council, of the external noise level emitted from plant/ machinery/equipment and mitigation measures as appropriate. The measures shall ensure that the external noise level emitted from plant, machinery/equipment will be lower than the lowest existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:1997 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 noise criteria and additional steps to mitigate noise shall be taken, as necessary. 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/ surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment, in accordance with Policies DM H9 and H11 of the Development Management Local Plan 2013.

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

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policy BE1 of the Core Strategy 2011 and Policies DM G1 and G7 of the Development Management Local Plan 2013.

- 26) Prior to the first use of the development, details of anti-vibration measures shall be submitted to and approved in writing by the Council. The measures shall ensure that plant/equipment/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/ surrounding premises is not adversely affected by vibration, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

- 27) Prior to the first occupation of the development hereby approved, details of external artificial lighting shall be submitted to and approved in writing by the Council. Details shall demonstrate that vertical illumination of neighbouring premises is a maximum of 10lux at ground floor and 5lux at first and higher floor levels. The recommendations of the Institution of Lighting Professionals in the 'Guidance Notes For The Reduction Of Light Pollution 2005' shall also be met with regard to glare and sky glow. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure a satisfactory external appearance and to prevent harm to the occupiers of neighbouring properties, in accordance with Policy BE1 of the Core Strategy 2011 and Policies DM G1, G7, H10 and DM H11 of the Development Management Local Plan 2013.

- 28) Pursuant to Article 3(1) and the provisions of Article 3(2) of the Town and Country Planning (General Permitted Development) Order 1995 Part 1 and Part 2 of Schedule 2 of the said Order (being development within the curtilage of the dwelling house) shall not apply to the dwelling houses to which this planning permission relates, and no such development within the curtilage of the dwelling houses shall take place without planning permission first being obtained.

Due to the limited size of the site and the proximity to neighbouring residential properties the Council wish to exercise future control over development which may affect residential amenity or the visual amenity, in accordance with Policy BE1 of the Core Strategy 2011 and Policy DM G1 and DM G7 of the Development Management Local Plan 2013.

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

To ensure that that the visual impact of telecommunication equipment can be considered in accordance with Policy BE1 of the Core Strategy 2011 and Policies DM G1 and DM G7 of the Development Management Local Plan 2013.

- 30) The development shall not be occupied until details of a Servicing Management Plan has been submitted and approved in writing by the Council, and the servicing of the development shall be carried out in accordance with the approved details.

To ensure satisfactory servicing arrangements and to minimise the risk of harm to the existing amenities of the occupiers of neighbouring properties, in accordance with Policy T1 of the Core Strategy 2011, and Policies DM J1, J6, H9 and H11 of the Development Management Local Plan 2013.

- 31) Prior to the commencement of the development, excluding any demolition works, ground and subterranean works (including construction of basement), site preparation or remediation, details of the proposed measures to ensure that the development achieves "secured by design" status shall be submitted to and approved in writing by the Council. No part of the development thereby effected shall be used or occupied prior to the implementation of the approved details.

To ensure that the development incorporates suitable design measures to minimise opportunities for, and the perception of, crime, in accordance with Policies 7.3 and 7.13 of the London Plan 2011 and Policy DM G1 of the Development Management Local Plan 2013.

- 32) The basement floorspace hereby approved shall not be converted to use as a separate dwelling or for sleeping accommodation, and shall only be used in connection with, and ancillary to, the use of the remainder of the properties as a single family dwellings.

The use of the basement accommodations as self-contained flats, separate from the use of the remainder of the application properties as single dwelling houses, would raise materially different planning considerations that the council would wish to consider at that time, in accordance with Policies DM A1, J2 and H11 of the Development Management Local Plan 2013, Policy CC2 of the Core Strategy 2011, and SPD Policy 9 of the Planning Guidance Supplementary Planning Document 2013.

- 33) The basement floorspace under the rear gardens of units 1-9 hereby approved shall be used as ancillary plant rooms to the main dwellings as indicated on drawing 4292\_D 179 Rev R and at no time shall be used as habitable rooms.

The use of the basement accommodation as a habitable rooms would raise materially different planning considerations that the council would wish to consider at that time, in accordance with Policies DM A1, J2 and H11 of the Development Management Local Plan 2013, Policy CC2 of the Core Strategy 2011, and SPD Policy 9 of the Planning Guidance Supplementary Planning Document 2013.

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

- 1) 1. The development of the site for residential is considered acceptable, in accordance with the NPPF (2012), London Plan (2011) Policy 3.3, Core Strategy (2011) H1 and H4, Policy DM A1 and DM A3 of the Development Management Local Plan (2013). The density, housing mix, internal design and layout of the new residential units are considered satisfactory having regard to London Plan Policies 3.4, 3.5 and 3.8, Core Strategy Policies H2, H3 and H4, Policy DM A2, DM A3 and DM A9 of the Development Management Local Plan (2013), and the amenity provision is considered satisfactory, having regard to the physical constraints of the site, judged against Policy DM A2 of the Development Management Local Plan (2013) and SPD Housing Policy 1 and 3 of the Planning Guidance SPD (2013).
2. Design: The proposed development would be a high quality development which would make a positive contribution to the urban environment in this part of the Borough. The development would therefore be acceptable in accordance with the NPPF (2012), London Plan Policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6 and 7.8 , Core

Strategy Policy BE1 and Policy DM G1 and DM G7 of the Development Management Local Plan (2013) and SPD Design Policies 44 and 48 of the Planning Guidance SPD (2013), which seek a high quality in design and architecture, requiring new developments to have regard to the pattern and grain of existing development.

3. Residential Amenity and Impact on Neighbouring Properties: The impact of the proposed development upon adjoining occupiers is considered acceptable with no significant worsening of noise, overlooking, 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 development would therefore be acceptable in accordance with Policies DM G1, H9, H11 and A9 of the Development Management Local Plan (2013) and SPD Housing Policy 8 of the Planning Guidance SPD (2013).

4. Safety and Access: The development would provide a safe and secure environment for all users in accordance with London Plan (2011) Policy 7.3 and Policy DM G1 of the Development Management Local Plan 2013 (2013). The proposal would provide ease of access for all people, including disabled people, in accordance with London Plan (2011) Policy 3.8, Core Strategy (2011) Policy H4, Policy DM A4, DM A9, DM G1 of the Development Management Local Plan (2013) and SPD Design Policies 1 and 11 of the Planning Guidance SPD (2013).

5. Transport: Subject to a satisfactory legal agreement there would be no adverse impact on traffic generation and the scheme would not result in congestion of the road network. Conditions will secure satisfactory provision cycle and refuse storage. The development would therefore be acceptable in accordance with the NPPF (2012), London Plan (2011) Policies 6.1, 6.3, 6.9, 6.10, 6.11, 6.13, Core Strategy Policies T1 and CC3 (2011), Policies DM J1, DM J2, DM J3, DM J5, DM A9 and DM H5 of the Development Management Local Plan (2013), and SPD Transport Policies 3, 5 and 12 and SPD Sustainability Policies 3, 4 and 7 of the Planning Guidance SPD (2013).

6. Flood Risk: A Flood Risk Assessment (FRA) has been submitted and has considered risks of flooding to the site and adequate preventative measures have been identified. Details of SUDS will be secured by a condition. In this respect the proposal is therefore in accordance with the NPPF (2012), London Plan (2011) Policies 5.11, 5.12, 5.13, 5.14 and 5.15, Core Strategy Policies CC1 and CC2 (2011), Policy DM H3 of the DM LP (2013) and SPD Sustainability Policies 1 and 2 of the Planning Guidance SPD (2013).

7. 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 (2011), Policy CC4 of the Core Strategy (2011), Policies DM H7 and H11 of the Development Management Local Plan (2013), and SPD Amenity Policies 2, 3, 4, 5, 7, 8, 12, 13, 14, 15, 16 and 17 of the Planning Guidance SPD (2013).

8. Planning Obligations: The application proposes that its impacts are mitigated by way of financial contributions to fund improvements, that are necessary as a consequence of the development. The proposed development would therefore mitigate external impacts and would accord with London Plan (2011) Policy 8.2.

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

**All Background Papers held by Andrew Marshall (Ext: 3340):**

Application form received: 1st November 2013

Drawing Nos: see above

**Policy documents:** National Planning Policy Framework 2012  
The London Plan 2011 and Revised Early Minor Alterations to The London Plan, 2013  
Core Strategy 2011  
The Development Management Local Plan 2013  
Planning Guidance Supplementary Planning Document July 2013

**Consultation Comments:**

**Comments from:**

Environment Agency - Planning Liaison  
English Heritage London Region  
Thames Water - Development Control  
London Fire And Emergency Planning Authority

**Dated:**

28.11.13  
14.11.13  
12.11.13  
15.01.14

**Neighbour Comments:**

**Letters from:**

23 Meadowbank Close Fulham SW6 6PE  
99 Queensmill Road Fulham SW6 6JR  
101 Queensmill Road Fulham London SW6 6JR  
56 Langthorne St London SW6 6JY  
9 Queensmill Road 1st floor flat London SW6 6JP  
70 Queensmill Road LONDON SW6 6JS  
The Fulham Society 1 Rosaville Road London SW6 7BN  
11 Millshott Close London SW6 6PG  
60 Queensmill Road London SW6 6JS  
95 Queensmill Road London SW6 6JR  
95 Queensmill Road London SW6 6JR  
103 Queensmill road Fulham SW66JR  
48 Langthorne Street London SW66JY  
6 Rowberry Close SW6  
4 Inglethorpe Street SW6  
52 langthorne street london sw6 6jy  
Maple Lodge STW Denham Way Rickmansworth WD3 9SQ  
101 Queensmill Road London SW6 6JR  
9 Queensmill Road London SW6 6JP  
14 Rowberry Close London SW6 6PQ  
87 Langthorne Street London SW6 6JU  
85 Langthorne Street London SW6 6JU  
6 Rowberry Close London SW6 6PQ  
5 Rowberry Close London SW6 6PQ

**Dated:**

24.03.14  
21.03.14  
20.03.14  
19.03.14  
21.03.14  
17.03.14  
16.02.14  
18.03.14  
20.03.14  
20.03.14  
25.11.13  
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01.12.13  
27.11.13  
26.11.13  
27.11.13



4 Rowberry Close London SW6 6PQ	26.11.13
29 Rowberry Close London SW6 6PQ	27.11.13
28 Rowberry Close London SW6 6PQ	26.11.13
12 Millshott Close Fulham London sw6 6pg	16.11.13
13 Rowberry Close London SW6 6PQ	28.11.13
12 Rowberry Close London SW6 6PQ	27.11.13
7 Meadowbank Close London SW6 6PE	28.11.13
98 Langthorne Street London SW6 6JX	01.12.13
106 Langthorne Street London SW6 6JX	29.11.13
9 Rowberry Close London SW6 6PQ	26.11.13
27 Rowberry Close London SW6 6PQ	26.11.13
24 Rowberry Close London SW6 6PQ	03.12.13
22 Rowberry Close London SW6 6PQ	27.11.13
21 Rowberry Close London SW6 6PQ	26.11.13
20 Rowberry Close London SW6 6PQ	27.11.13
17 Rowberry Close London SW6 6PQ	28.11.13
Flat A First Floor 67 Queensmill Road London SW6 6JR	29.11.13
19 Meadowbank Close London SW6 6PE	29.11.13
11 Meadowbank Close London SW6 6PE	03.12.13
76 Langthorne Street London SW6 6JX	21.11.13
100 Kenyon Street Fulham SW6 6LB	19.11.13
135 Stevenage Road London SW6 6PB	02.12.13
71 Queensmill Road London SW6 6JR	01.12.13
69 Queensmill Road London SW6 6JR	21.03.14
69 Queensmill Road London SW6 6JR	29.11.13
64 Lysia Street London SW6 6NG	20.11.13
99 Queensmill Road London SW6 6JR	27.11.13
95 Queensmill Road London SW6 6JR	25.11.13
93 Queensmill Road London SW6 6JR	30.11.13
32 millshott close london sw6 6pg	25.11.13
NAG	24.11.13
71 Queensmill Road London SW6 6JR	01.12.13
31 Langthorne Street London SW6 6JT	24.11.13
33 Queensmill Road London SW6 6JP	24.11.13
50 Petley Road London W6 9ST	29.11.13
25 Lysia St London SW6 6NF	25.11.13
7 Langthorne Street London SW6 6JT	03.12.13
94, Kenyon Street Fulham London SW6 6LB	25.11.13
ash lodge london sw66nn	01.12.13
95 Queensmill Road London SW6 6JR	27.11.13
1 Roseberry Close London SW6 6PQ	27.11.13
111 Harbord Street London SW6 6PN	25.11.13
85 Queensmill Road London SW6 6JR	25.11.13
Ground Floor Flat 44 Queensmill Road London SW6 6JS	26.11.13
21 Kenyon Street London SW6 6JZ	26.11.13
97 Queensmill Road London SW6 6JR	26.11.13
NAG	26.11.13
45 Millshott close London SW6 6PG	01.12.13
Adam Walk london sw66le	01.12.13
107 Stevenage Road Fulham London SW66PA	01.12.13
50 Rose Bank	12.12.13
25 Queensmill Road London SW6 6JP	28.11.13

58 Queensmill road London SW6 6JS	29.11.13
106 Langthorne Street London SW6 6JX	27.11.13
90 Kenyon Street London SW6 6LB	27.11.13
89 Harbord Street London SW6 6PL	27.11.13
106 Langthorne Street London SW6 6JX	27.11.13
50 Petley Road London W6 9ST	28.11.13
66 Queensmill Road London SW6 6JS	28.11.13
103 Langthorne Street London SW6 6JU	29.11.13
Various	28.11.13
70 Queensmill Road London SW6 6JS	29.11.13
14 Meadowbank Close London SW6 6PD	28.11.13
40 Meadowbank Close London SW6 6PD	28.11.13
23 Meadowbank Close SW6 6PE Fulham SW6 6PE	27.11.13
29 Meadowbank Close Fulham London SW6 6PE	01.12.13
18 Meadowbank Close London SW6 6PD	01.12.13
145 Stevenage Road Fulham London SW6 6PB	28.11.13
58 Alder loge Stevenage road LONDON SW66NR	27.11.13
50 Meadowbank Close London SW6 6PD	03.12.13
NAG Langthorne Street	29.11.13
42 Meadow Bank SW6	03.12.13

## OFFICER'S REPORT:

### 1.0 BACKGROUND

1.1 The application relates to a part one, part two storey Sunberry Day Care Centre for the elderly and disabled. The site is bound to the east by Stevenage Road, to the south and west by Rowberry Close and to the north by Rowberry Mead Park. The site is located within the Fulham Reach Conservation Area, adjacent to the Crabtree Conservation Area and is in a Thames Policy Area. The site is located within Flood Zone 2 and 3.

1.2 Vehicular access to the site is currently off Rowberry Close. A drop off point is also evident off Stevenage Road servicing the front entrance of the Day Care Centre. The site has an acceptable accessibility to public transport, with an accessibility level of PTAL 2.

1.3 2013/01693/FUL: Demolition of day care centre and construction of a residential development of 36 homes (including affordable housing) comprised of 5 four storey townhouses with gardens and roof terraces, 31 apartments in an attached four and five storey building together with associated access, landscaping, basement level car and cycle parking. (Refused).

1.4 2013/01694/CAC: Demolition of existing day care centre at 147 Stevenage Road. (Refused).

1.5 The current application is for the demolition of existing day care centre and construction of 9 x four storey townhouses including basement levels to units 1 - 9, the formation of roof terraces at first floor level to units 1 - 9, third floor level to units 1 - 8, fourth floor level to units 8 - 9, provision of refuse storage, cycle parking and associated landscaping.

## 2.0 PUBLICITY AND CONSULTATION

2.1 The application has been publicised by means of statutory site and press notices. Individual notification letters (436 letters) were also sent to occupiers adjoining the site at Stevenage Road, Rowberry Close, Langthorne Street, Queensmill Road, Millshott Close, Inglethorpe Street, Lysia Street, Harbord Street, Rosaville Road, Crabtree Lane, Greswell Street, Kenyon Street, Meadowbank Close, Finlay Street and Holyport Road.

2.2 4 letters of support and 80 objections were received. Reasons for objection are summarised below:

### Context, Height and Scale:

- overly dominant;
- too tall compared to the two storey properties;
- height difference will cause over - shadowing, loss of light, outlook, privacy and create a sense of enclosure;
- height is being kept to up the value of the properties.

### Balconies and terraces:

- balcony and terraces bigger than rule of thumb used by Council;
- noise.

### Building Design:

- harm the areas the special character of the area.
- Council are inconsistent when allowing terraces.

### Density and Effect on Existing Community:

- exceeds Council's current policy on density.

### Trees:

- Trees have been dismissed as immature and of no significant value. Not the case.

### Birds:

- Only open area to the Wetland Centre across the river, disrupt flight path of birds.

### Rowberry Mead Play Area:

- No offer to contribute financially to the park like originally planned.

### Restrictive covenants:

- Cause annoyance to the neighbouring properties especially those in the social housing scheme.

### Consultation Period:

- Too short for such a large development.

### Building Period:

- Will likely be 18 - 24 months and will cause chaos.

### Transport:

- Insufficient parking;
- Inconsistencies with the travel plan.



## Social Housing

- Land should be sold for social housing.

2.3 Following amendments to the scheme, a second consultation period was issued where the application has been publicised by means of statutory site. Following this consultation 10 objections were received. New issues raised include:

Reasons for the objections of the amended scheme are outlined below:

### Highways:

- Object to removal of off street parking provision;
- Allocation of on street parking will cause parking stress;
- Impact on existing bus route;
- Issues of safety.

2.4 English Heritage raise no objections.

2.5 Environment Agency raise no objections subject to conditions.

2.6 London Fire and Emergency Planning Authority raise no objections.

## 3.0 PLANNING CONSIDERATIONS

3.1 The main planning considerations in light of the London Plan and the Council's adopted Core Strategy, Development Management Local Plan 2013 (hereafter referred to as DM LP) and the Planning Guidance Supplementary Planning Document 2013 (hereafter referred to as Planning Guidance SPD), include the principle of the residential use in land use terms; quantum and intensity of development in terms of the height, scale and massing; impact on surrounding uses particularly on the existing amenities of occupiers of neighbouring residential properties in terms of noise, outlook, light and privacy and potential for traffic generation, and the impact on the highway network.

### Residential Development:

3.2 The NPPF seeks to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Policy 3.3 (Increasing London's Supply of Housing) of the London Plan and Core Strategy Policy H1 (Housing Supply) sets minimum borough targets for housing provision up to 2021. The policies specifies a 10 year minimum target for LBHF of 6,150 dwellings, and an annual monitoring target of 615 dwellings.

3.3 Policy DM A1 of the DM LP states the council will seek to exceed the London Plan housing target by seeking housing on both identified and windfall sites and as a result of change of use. The provision of 9 houses would contribute towards these targets.

3.4 Core Strategy Policy H4, Policy DM A3 of the DM LP requires a choice of high quality residential accommodation that meets the local residents needs and aspirations and market demand. In particular there should be a mix of housing types and sizes in development schemes, especially increasing the proportion of family accommodation.

The justification to Policy DM A3 of the DM LP states 'there is a particular need in this borough for more family sized housing (3 or more bedrooms)'.

3.5 The proposal provides for larger family units with 9 x five/six bed houses. The dwelling mix is considered to meet the policy requirement for the provision of a range of unit sizes within new development in accordance with Core Strategy Policy H4 and Policy DM A3.

3.6 In land use policy terms, Officers consider that a residential scheme on this site secures the redevelopment of a vacant site and is acceptable in principle.

Residential Density:

3.7 Core Strategy Policy H2 (Affordability), H3 (Housing Quality and Density) and Policy DM A2 of the DM LP seeks to optimise the potential of sites. Policy H3 states that acceptable housing density will be dependent primarily on an assessment of these factors, taking account of London Plan policies and subject to public transport and highway impact and capacity.

3.8 London Plan Policy 3.4 (Optimising Housing Potential) seeks to ensure that development optimises housing output for different types of location within the relevant density range shown in Table 3.2 (Sustainable residential quality and residential density matrix) which takes into account local context and character, design principles and public transport capacity. Development proposals which compromise this policy will normally be resisted.

3.9 The site is located in PTAL 2 using Transport for London's methodology, indicating that it has an acceptable level of accessibility by public transport. According to the London Plan density matrix, the site falls within an 'urban area' with 'predominately dense development such as, for example terrace houses, mansion blocks, a mix of different uses, medium building footprints and typically buildings of two to four storeys, located within 800m walking distance of a District centre or along main arterial routes.'

3.10 The proposed residential development site comprises 0.16 hectares and would have a total of 91 habitable rooms (including bedrooms, living rooms, dining rooms and large kitchens). This would result in a residential density of 568 hr/ha. This site is located within PTAL 2 where the spectrum for a urban site is 200 - 450 habitable rooms.

3.11 However, Paragraph 3.28 of The London Plan states that 'it is not appropriate to apply Table 3.2 mechanistically'. Its density ranges for particular types of location are broad, enabling account to be taken of other factors relevant to optimising potential - local context, design and transport capacity are particularly important, as well as social infrastructure (Policy 3.16)'. Furthermore Paragraph 3.29 of The London Plan further states that higher density provision for smaller households should be focused on areas with good public transport accessibility (measured by Public Transport Accessibility Levels (PTALs)).

3.12 In this case, the proposed development would not result in an excessive built environment on site, and layout and provides a satisfactory quality of residential environment and an acceptable level of accommodation for future occupiers of the development, complying with The London Plan 3.4, Policy H3 of the Core Strategy 2011 and Policy DM A2 of the DM LP.

## Site Constraints and Affordable Housing:

3.13 The number of residential units proposed is below the threshold of 10 for which affordable housing is required under The London Plan Policy 3.13 and Core Strategy Policy H2. Paragraph 3.28 of The London Plan states that 'it is not appropriate to apply Table 3.2 mechanistically. Its density ranges for particular types of location are broad, enabling account to be taken of other factors relevant to optimising potential - local context, design and transport capacity are particularly important, as well as social infrastructure (Policy 3.16)', Furthermore, Paragraph 3.29 of the London Plan states that higher density provision for smaller households should be focused on areas with good public transport accessibility (measured by Public Transport Accessibility Levels (PTALS)).

3.14 Paragraph 4.12 of the DM LP states there is a particular need in this borough for more family sized housing (3 or more bedrooms), particularly affordable housing. However, some sites may be more appropriate for families with children, particularly sites with safe access to amenity and play space, than other sites that are in town centres where access may be more difficult.

3.15 There is a requirement to consider whether there is any capacity for 10 or more units, applying the density guidance set out in Policy 3.4 maximising the potential of sites) and table 3A.2. Officers have considered an additional 5 habitable rooms or the equivalent of 1 x 2 bedroom house (with provision for 3 bedrooms) on site which would bring the number of units to 10 for which affordable housing would be applicable. This would result in a density of 600hr/ha. However, due to site constraints, providing an additional property would have implications on visual and residential amenity, specifically sunlight and daylight issues and issues of outlook. Indeed, the use of site for both houses and flats has been examined under application 2013/01693/FUL which was subsequently refused on the basis of overdevelopment of the site as a result of a larger/higher development and where additional units could not be provided within the envelope of the building proposed without jeopardising the quality of the living environment.

3.16 In this respect, given the sites constraints set out above and the nature of the family housing accords with demand in the Borough, it is considered not appropriate to require the provision of affordable housing in this case. The application is therefore compliant with the London Plan.

## DESIGN AND APPEARANCE:

3.17 In respect of design, among the core planning principles of the NPPF are that development always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 58 of the NPPF requires planning decisions to ensure that development will function well and add to the overall quality of the area, to respond to local character and history and reflect the identity of local surroundings and materials while not preventing or discouraging appropriate innovation, and that developments are visually attractive as a result of good architecture and appropriate landscaping. With regard to the historic environment, the NPPF promotes the conservation of heritage assets and requires local authorities in determining applications to take into account the desirability of new development making a positive contribution to local character and distinctiveness.

3.18 Section 72 of the Planning [Listed Buildings and Conservation Areas] Act 1990 requires that special attention should be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. The current building on the site contributes little in architectural terms to the conservation area. The policies outlined above suggest an appropriate approach for new designs in conservation areas. It is clear the site should be seen as an opportunity to enhance the conservation area, through high quality design which respects the local context.

3.19 Furthermore 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. London Plan Policy 7.1, 7.2, 7.4, 7.5 and 7.6 requires all new development to be of high quality that responds to the surrounding context and improves access to social and community infrastructure contributes to the provision of high quality living environments and enhances the character, legibility, permeability and accessibility of the surrounding neighbourhood. Policy 7.8 D states that development affecting heritage assets and their settings should conserve their significance by being sympathetic to their form, scale, materials and architectural detail.

3.20 Core Strategy Policy BE1 (Built Environment) states 'that all development within the borough, including in the regeneration areas 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 DM G1 of the DM LP states 'that new build development will be permitted if it is of a high standard of design and compatible with the scale and character of existing development and its setting.

3.21 Policy DM G7 of the DM LP states 'the Council will aim to protect, restore or enhance the quality, character, appearance and setting of the borough's conservation areas. The justification continues that 'new development should have a good relationship with the character of the surrounding historic environment.' This is supported by SPD Design Policy 44 where new buildings must be carefully conceived to achieve harmonious relationship with their neighbours. New buildings should contribute to the visual quality of the area, and preserve or enhance the character and appearance of the area. The scale, proportion, massing, height, alignment and use of materials must be carefully conceived along with the finer grain detailing to achieve a harmonious relationship with neighbouring buildings.

3.22 In order satisfy the policy context and integrate the scheme into its surroundings, it is necessary for the proposal to take account of the character of the existing area and draw inspiration from it: to be part of it rather than distinct from it.

The site and surrounding townscape context:

3.23 The site lies towards the northern end of Stevenage Road adjacent to Rowberry Mead open space and one building block back from the riverside. Currently the site contains a part 1; part 2 storey building that was used as an adult day care centre for the elderly and disabled. The building holds little architectural value or interest and is not statutory or locally listed but is located within the Fulham Reach Conservation Area and is adjacent to the Crabtree Conservation Area.

3.24 A path runs along the site's northern boundary connecting Stevenage Road to the Thames Path riverside walk. Beyond the path is Rowberry Mead a small landscaped park offering playground and ball court facilities, while to the park's east is the Queen's Manor Primary School playground, a Grade II Listed Building. Further north lies a development of part 2, part 3 storey terrace houses and flats, while the 5 storey Lysia Court and the 13 storey Rosebank flat building act as visual markers for the termination of Stevenage Road. To the west and south between the site and the Thames is 2 storey terrace housing. To the east of the site on the opposite side of Stevenage Road are the flank walls and rear gardens of the 2 storey end of terrace dwellings on Queensmill Road and Langthorne Street. Similarly 2 storey Victorian terraces characterise the Crabtree conservation area and urban hinterland spreading eastwards.

#### Demolition:

3.25 National guidance on the historic environment in the National Planning Policy Framework encourages the conservation of heritage assets in a manner appropriate to their significance. It is acknowledged that there will be parts of the heritage asset which do not make a positive contribution and that the relative significance and contribution to significance of heritage assets should be considered where their loss or alteration is being proposed. In this instance, the existing development on site is not particularly characteristic of, nor does it make a positive contribution to, the conservation area. Therefore, there is an opportunity to enhance the conservation area with a design appropriate to its context, and of a quality commensurate with its status as a conservation area. There would be no objection from a design point of view to its demolition subject to a satisfactory replacement being agreed. The site is important, in that it borders a park and new development upon it will be readily visible from the Thames. Any proposals to redevelop the site should be designed and arranged such that it forms an appropriate response to this context. The development should provide a strong active frontage to Stevenage Road and Rowberry Close and should respect and enhance the path along the northern boundary which provides an important connection from the residential neighbourhood to the riverside.

#### Proposal:

3.26 The proposal has been developed in negotiation with officers to achieve these aims. The proposal comprises a terrace of 9 x four storey townhouses stretching along Stevenage Road from the southern site boundary adjacent to Rowberry Close, towards the northern site boundary next to Rowberry Mead.

3.27 The massing, form and design of any new development should provide good definition to the street edge and boundary to the open space. In doing so, it should respect the residential scale of the surrounding buildings. However, there is the potential to increase height at the northern end of the site where it addresses the Rowberry mead open space and where it terminates the longer views along Queensmill Road.

3.28 The townhouses are set back from Stevenage Road frontage to respect the general building line along this side of Stevenage Road. The front boundary treatment will consist of brick walls and railings, consistent with similar front boundaries evident throughout the Crabtree Conservation Area. The plot widths of the proposed



townhouses would give a rhythm and scale to the street edge. The townhouses would have private rear gardens and supplementary amenity space on terraces.

3.29 The footpaths along the edges of the site to south, west and north would be maintained, thereby maintaining connections to the riverside walk from Stevenage Road.

3.30 The main terrace would be three storeys with a set back mansard and dormer windows behind a shallow parapet. The terrace would be of a traditional townhouse character, composed of paired houses with a double-height splayed bay and stone portico to the entrances. The townhouses would have a rusticated stucco base and London stock brick above. The proposed sash windows at the upper levels would have stone surrounds. At the rear, the houses would have a simpler more modern appearance with larger glazed openings.

3.31 At the northern end of the terrace, the opportunity to increase the scale adjacent to the open space would be adopted. Here, the building would rise sheer to four floors and be capped by a stone cornice and parapet.

3.32 Lightwells servicing the basements of the 9 properties are proposed to the front elevation mirroring the design of the front bay windows at ground floor level. The proposed lightwells would be reflective of those with the Crabtree Conservation Area and would follow the guidance set out in the Council's SPD on lightwells.

Design Review Panel:

3.33 An earlier iteration of the proposed scheme was presented to the council's Design Review Panel in January 2013. The panel felt that the proposal should adopt a more consistent and coherent approach and that the architectural language across the scheme should be simpler.

3.34 The applicants have addressed the issues raised by the panel in the development of the design since January, and this is reflected in the current proposals.

3.35 In summary, the design of the proposal has been developed from negotiations over the past year. The current scheme has addressed the earlier critiques of the proposal. Officers conclude that the proposed height massing and design has an appropriate relationship to the contextual setting as shaped by the heritage assets. The proposed scheme would contribute to the street scene and open space setting with a well-considered form and design which would add to the quality of the local townscape. The proposed form and height is considered to be appropriate to the conservation area context along this part of the riverside, and would respect its townscape setting generally.

3.36 To this end, it is considered that the proposal development would be a high quality development which would make a positive contribution to the urban environment in this part of the Borough. The development would therefore be acceptable in accordance with the NPPF (2012), London Plan Policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6 and 7.8, Core Strategy Policy BE1 and Policy DM G1 and DM G7 of the DMLP and SPD Design Policies 44 and 48 of the Planning Guidance SPD (2013), which seek a high quality in design and architecture, requiring new developments to have regard to the pattern and grain of existing development.



## RESIDENTIAL AMENITY:

3.37 Policy DM G1 of the DM LP states all proposals must be formulated to respect the principles of good neighbourliness. SPD Housing Policies 7 and 8 seek to protect the existing amenities of neighbouring residential properties in terms of outlook, light, privacy and noise and disturbance.

### Sunlight/Daylight:

3.38 The proposed development could potentially impact residential properties, notably, Rowberry Close residents, 107 Queensmill Road, 139-145 Stevenage Road and 40 - 45 Milshott Close.

3.39 In considering this, the Council has regard to the guidance set out in Building Research Establishments' (BRE) Report 2011 "Site Layout Planning for Daylight and Sunlight - A guide to good practice". This guidance sets out advice on site layout planning to achieve good sunlighting and daylighting within buildings and in the open spaces between them. Although it provides numerical guidelines, these should be interpreted flexibly because natural lighting is only one of many factors in site layout design. If any or part of a new building in a vertical section breaches an angle of more than 25 degrees to the horizontal, then the daylight and sunlight to an existing building may be adversely affected.

3.40 The applicants have assessed the impact by means of a report using the Building Research Establishments (BRE) guidelines for Sunlight and Daylight. Officer's have studied this report and consider that the results are robust. The results with the four main sites are discussed below:

The Rowberry Close Care Home: The proposed development does not subtend more than 25 degrees from the centre of the lowest windows in Rowberry Close and the diffuse daylighting is unlikely to be significantly affected and need not be tested further.

107 Queensmill Road: With regards to 12 windows at ground and first floor level, 9 would satisfy the BRE Guide by achieving at least 27% VSC (vertical sky component). Of the three remaining windows, two are single facets in bays (one at ground and one at first floor level) made up of two other windows which would comfortably satisfy the guide, whilst the third is a high level window above a door serving a large open plan kitchen/dining room with main windows serving this room all located on the southern elevation, all of which would satisfy the BRE Guide.

139-145 Stevenage Road: These properties lie immediately to the south of the application site. Of 13 windows at ground and first floor level, 12 would satisfy the BRE Guide whilst the ground floor window to 145 Stevenage Road would retain 0.65 of its existing VSC value. However, this is a secondary window serving a kitchen also served by a large main window on the front elevation of the building, which would comfortably satisfy the guide. All rooms could expect no change to their existing day-lit areas.

40-45 Millshott Close: All twelve windows at ground and first floor level comply with the BRE Guide in respect of daylighting. The properties have not been assessed for sunlight as there are no windows facing the application site orientated within 90 degrees of due south.

3.41 Officers have considered the daylight and sunlight analysis submitted by the applicant and are satisfied that the development would have no significant adverse impact on the surrounding residents as the proposed envelope achieves potential massing that can be placed on site, without adversely impacting on neighbouring residential properties in Rowberry Close, Queensmill Road, Stevenage Road and Milshott Close. Officers consider that the habitable rooms and windows in these adjoining properties would have sufficient access to daylight and sunlight after the proposed residential development has been constructed.

#### Amenity of Neighbouring Properties: Outlook, Privacy and Noise and Disturbance

3.42 Policy DM A9 of the DM LP states that to achieve a high standard of design the protection of existing residential amenities will be taken into account especially in densely built areas. SPD Housing Policy 8 respectively require that there is no significant loss of outlook and privacy to existing residential amenities.

3.43 The proposed siting and mass of the building would not breach a line at an angle of 45 degrees from a point of ground level and therefore complies with SPD Housing Policy 8 (i).

3.44 SPD Housing Policy 8 (ii) states that 'new windows should normally be positioned so that the distance to any residential window is not less than 18metres as measured by an arc of 60 degrees taken from the centre of the proposed new window.' if this standard cannot be met then windows should be designed to ensure that no loss of privacy will occur. The windows to the rear elevation at ground floor level of the 9 houses would be within 18m from existing habitable rooms failing to comply with SPD Housing Policy 8 (ii). However, a 2m boundary wall will be constructed which will negate any potential harm between the properties. The nine houses at first, second and third floor level would comply with the aforementioned Policy.

3.45 Policy DM H9 of the DM LP considers noise levels both inside the dwelling and in external amenity spaces. Policy DM H11 of the DM LP deals with environmental nuisance and states requires all developments to ensure that there is no undue detriment to the general amenities at present enjoyed by existing surrounding occupiers of their properties

3.46 SPD Housing Policy 3 states 'where balconies and/or terraces are provided they must be designed to respect the amenity of neighbours. SPD Housing Policy 8 (ii) continues 'a roof terrace/balcony is unacceptable if it would result in an additional opportunity for overlooking or result in a significantly greater degree of overlooking and consequent loss of privacy than from the access point onto the proposed terrace/balcony.' Whilst SPD Housing Policy 8 (iii) states 'planning permission will not be granted for roof terraces or balconies if the use of the terraces or balconies is likely to cause harm to the existing amenities of neighbouring properties by reason of noise and disturbance.

3.47 Each house would have a terrace at first and third floor level whilst dwellings 8 and 9 would also have terraces at roof level. The terraces at first floor level would have 1.7m obscured glazed screening to the sides and rear. The proposed screening is considered adequate and will protect the adjoining properties in terms of overlooking and privacy. The proposed terraces at third floor level are set behind a parapet line whilst the terraces at roof level at dwellings 8 and 9 would have extensive landscaping

to buffer the terraces from the side elevations of the roof top. Due to the location at high level and the relationship with adjoining properties, it is not considered that the use of the terraces would harm the existing amenities of adjoining occupiers as a result of overlooking or loss of privacy.

3.48 Further, it is difficult to predict with any accuracy the likely level of noise/disturbance that would be generated by the use of the proposed balcony/terrace areas, however, on balance, having regard to the size of the proposed areas, together with the location and the relationship with adjoining properties, it is not considered that the terraces would be likely to harm the existing amenities of adjoining occupiers as a result of additional noise and disturbance.

3.49 As such, Officer's consider that the proposed development would have no significant adverse impact on residential amenity in accordance with Policy DM A9, H9 and H11 of the DM LP and SPD Housing Policy 3 and 8.

Quality of the proposed residential environment:

3.50 Policy 3.5 and Table 3.3 of the London Plan, Core Strategy Policy H3 and Policy DM A2 of the DM LP expect all housing development to be of a high quality design and be designed to have adequate internal space. Policy DM A9 of the DM LP states 'the Council will ensure that the design and quality of all new housing including new build, conversions and change of use, is of a high standard and that developments provide housing that will meet the needs of future occupants and respect the principles of good neighbourliness'. SPD Housing Policy 8 (iv) states that 'north facing (i.e. where the orientation is less than 50 degrees either side of north should be avoided wherever possible.'

3.51 All the proposed units would exceed the minimum dwelling size requirements of the London Plan ranging in size from 351sqm - 456sqm and would have dual aspect. A larger/higher development and associated additional units could not be provided within the envelope of the building proposed without jeopardising the quality of the living environment and impacting the residential amenities of the adjoining properties.

3.52 SPD Housing Policy 1 requires all new dwellings should have access to an area of amenity space, appropriate to the type of housing being provided. The policy continues to state that all new family dwellings should have access to amenity or garden space of not less than 36sqm. SPD Housing Policy 3 ensures that where balconies and/or terraces are provided to meet amenity space requirements they should have a minimum depth and width of 1500mm.

3.53 All 9 proposed houses would be provided with outdoor amenity space meeting the criteria set out in SPD Housing Policy 1 through the provision of rear amenity space at ground floor level and terrace at upper levels.

3.54 In this case, the amenity space provided is considered to be an acceptable arrangement, and would not justify a refusal of planning permission. In view of the above the proposed residential units would be of adequate size and layout to provide an acceptable outlook and sunlight and daylight levels, and external space to occupiers of the houses.

3.55 London Plan Policy 3.8, Core Strategy Policy H4, Policy DM A4 of the DM LP, SPD Design Policy 1 (Inclusive design), SPD Design Policy 2 (Access to facilities inside a building) requires new residential development to be built to lifetime homes standards, with ten percent of units designed to be wheelchair accessible or easily adaptable to this standard. All 9 dwellings would have accessibly sized main bathrooms, bedrooms and kitchen areas that meet Lifetime Homes standards.

3.56 All of the houses are arranged in compliance with the spatial requirements and minimum room circulation space sizes of the London Plan Housing SPG, London Housing Design Guide SPG, London Housing Design Guide and with most of the Lifetime Home Standards.

3.57 Details of the location of 'soft spots' at first floor level of one house will be secured by condition to enable a future occupier to be able to insert a trapdoor or 'through-the-floor' lift between the ground and first floors, if wished.

#### TRAFFIC GENERATION, CAR PARKING, CYCLE PARKING AND ACCESS:

3.58 The NPPF requires developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised; and development should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people.

3.59 Policy 6.1, 6.3, 6.10, 6.11 and 6.13 of the London Plan sets out the intention to encourage consideration of transport implications as a fundamental element of sustainable transport, supporting development patterns that reduce the need to travel or that locate development with high trip generation in proximity of public transport services. The policies also provide guidance for the establishment of maximum car parking standards.

3.60 Core Strategy Policy T1 supports the London Plan. Policy DM J4 of the DM LP requires new development to incorporate ease of access by disabled people and people with mobility impairment. Policy J1 states that all development proposals will be assessed for their contribution to traffic generation and their impact on congestion. Policy DM J2 of the DM LP requires new development to accord with the car parking standards set out in the London Plan. SPD Transport Policy 3 requires compliance with the Council's car parking standard except in exceptional circumstances. SPD Transport Policy 6 provides detailed guidance on expectations for the overall layout of a car parking area and the dimensions of each space.

#### Car Parking:

3.61 The site has a PTAL 2 and therefore policy DM J2 states that 4+ dwellings should have 1.5-2 parking spaces per dwelling.

3.62 10 on- street parking bays with dimensions 2x5metres each are proposed as part of this scheme. 8 car parking bays will be located along the northern kerb line fronting the development and 2no.bays on the southern kerb line of Stevenage Road.

3.63 In order to assess the requirement for additional spaces along Stevenage Road, a 'Parking Stress Survey' was undertaken between the hours

of 02:00 and 04:00 for a period of two days. The parking stress surveys were undertaken on Wednesday 12th and Thursday 13th February 2014, using an agreed parking stress methodology. The survey was undertaken over the entire parking permit zone (Zone 'X') and split down into street/roads in order to provide a clear indication of 'stress' throughout the zone.

3.64 In summary, the surveys indicate an overall existing parking stress in Zone X of 81% on Wednesday 12th/Thursday 13th and 80% on Thursday 13th / Friday 14th. Permit Parking along Stevenage Road was recorded at 42% and 46% respectively, with existing permit parking instead focused on streets with direct frontages in nearby streets.

3.65 The development proposals provide an additional 40m parking (8 spaces) on Stevenage Road, situated directly in front of the development, and 10m of parking (2 spaces) on the opposite side of Stevenage Road. The additional proposed parking spaces along Stevenage Road provide adequate mitigation against the impact of any additional on-street parking resulting from the proposed development, whilst also taking into consideration the existing availability of spaces along Stevenage Road. Residents of the development will therefore be required to obtain and display a parking permit from LBHF in order to park in the Controlled Parking Zone 'X'.

3.66 A swept path analysis has also been provided demonstrating that the proposed parking will not have any effect on the movement of large rigid vehicles, such as refuse vehicles.

3.67 As such, the creation of 10 parking bays is considered acceptable and will be secured through a Section 106 agreement.

#### Cycle Parking:

3.68 Cycle parking should be provided in line with London Plan 2011 Policy 6.9 and Table 6.3. Policy DM J5 of the DM LP encourages increased cycle use by seeking the provision of convenient and safe cycle parking facilities. This is supported by SPD Transport Policy 12.

3.69 Each of the dwellings will be provided with 2 cycle spaces in line with DMLP Policy J5 which are located in the rear of the gardens and accessed via the rear alleyway. Cycle storage should ideally be located at the front of the properties for ease and although technically only 2 spaces are being provided for each dwelling this should be increased given the number of bedrooms for each property, however, the policy requirements are being met. It is noted on the plans additional cycle spaces can be provided within the stores for each dwelling which is satisfactory.

3.70 The Council are currently seeking to extend the London Cycle Hire Scheme within the Borough. The proposed development is located in close proximity to two potential docking stations. In accordance with the SPD Transport Policy 14, Council will be seeking a financial contribution towards the cost of implementation of the cycle hire scheme to be secured through a Section 106 agreement. A contribution of a sum of £50,000 has been recommended, however, this is to be negotiated with the applicant.



## REFUSE STORAGE:

3.71 London Plan Policy 5.16 outlines the Mayors approach to waste management. Core Strategy Policy CC3, Policy DM H5 of the DM LP and SPD Sustainability Policies 3 (Residential Waste Storage) and 6 (External storage), sets out the Councils Waste Management guidance, requiring development to incorporate suitable facilities for the storage and collection of segregated waste.

3.72 Individual refuse storage areas are located within the front garden areas of the 9 properties. Officers are satisfied that there is sufficient space within the designated area for the satisfactory storage of refuse, although a condition is proposed to ensure the refuse storage is implemented before the use is occupied and is maintained for the life of the development.

3.73 Deliveries will occur from Stevenage Road within the restrictions fronting the site which will be amended following the reinstatement of the footway. This is as per the existing situation for dwellings in the vicinity; the set down time for deliveries to individual dwellings is not considered significant to warrant any issues on Stevenage Road.

3.74 A construction logistics framework has been submitted which highlights that the welfare facilities will have to be located outside of the site's footprint while the basement is being constructed over the footway on Stevenage Road. This does raise serious concerns and it is suggested that the applicants assess the use of Rowberry Close so that the public highway is not affected. Demolition and Construction Management Plan (CMP) and Construction Logistics Plan (CLP) would be required to ensure that there is no harmful impact on neighbours and on the local highways network. The Demolition and CMP shall include demolition details, contractors' construction method statements, waste classification and disposal procedures and locations, dust and noise monitoring and control, provisions within the site to ensure that all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. The CLP shall 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.

3.75 No length of time for the obstruction of the Stevenage Road footway is noted or details on how the applicant's envisage pedestrian safety not being compromised- especially on Match Days when this road is extremely busy, These details would be required. These would be secured by condition in accordance with London Plan Policy 6.3, Policy DM H5, DM H9 and DM H11 of the DM LP if permission were to be granted..

## CRIME PREVENTION

3.76 The submission does not contain any specific details regarding measures to achieve secured by design standards for the scheme. However, officers consider that this is not a reason to refuse consent and that satisfactory information could be submitted to comply with a condition, if all other matters were considered to be acceptable.



## ENVIRONMENTAL QUALITY:

### Flood Risk and Sustainable Urban Drainage Systems (SUDs):

3.77 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. London Plan Policy 5.11, 5.12, 5.13, 5.14 and 5.15 requires 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 CC1 requires that new development is designed to take account of increasing risks of flooding. Policy CC2 states that new development will be expected to minimise current and future flood risk and that sustainable urban drainage will be expected to be incorporated into new development to reduce the risk of flooding from surface water and foul water. This is supported by Policy DM H3 of the DM LP.

3.78 The site is in the Environment Agency's Flood Zone 3. As required, a Flood Risk Assessment (FRA) has been submitted with the application.

3.79 A Flood Zone 3 rating indicates a high risk of flooding from the Thames. However, this does not take account of the high level of flood protection provided by the Thames Barrier and the local river wall defences. These defend the site to a standard in excess of the 1 in 1000 year flood event (annual probability of flooding is therefore 0.1%). However, if the flood defences failed then there is a risk that the site could be affected by flood waters, due to its close proximity to the river (less than 50m).

3.80 The current use of the site is a day centre, which is classified as a 'more vulnerable' use in terms of flood risk. The proposed conversion of the site to residential use is categorised as the same risk rating. No self-contained basement accommodation is proposed, which prevents a 'highly vulnerable' classification, although all of the proposed dwellings will have basement sections. These basements will not be used as habitable rooms and a condition will be attached to ensure this is the case. External access to the basement and light-wells will be protected from any flooding that may occur as a result of sewer surcharge, overland flood flow or breach of the defences through raised entrance thresholds. Low walls will be constructed around any vulnerable light wells. Finished floor levels for ground floor units are set at 5.15m AOD which is above modelled flood water levels for the site. All basements have internal access to higher floors should there ever be a need to move to higher ground.

3.81 The focus of mitigation measures is to prevent flood water ingress into properties. Consideration should also be given to providing internal flood proofing measures as well, particularly in the basements. Non-return valves should also be fitted to protect against sewer surcharge flooding.

3.82 In terms of surface water drainage on the site, all run-off is directed into the combined sewer system as the site is 100% impermeable. The FRA proposes to attenuate surface water runoff by installing attenuation tanks and flow control mechanisms which will provide a better than 50% improvement in run-off. The proposed garden areas will also help reduce surface water runoff rates.

3.83 This approach is acceptable subject to further details being provided for approval, such as location and specification of the attenuation tanks, the drainage connections and the flow control mechanism to be installed, these will be secured by condition. The proposals are acceptable in terms of complying with London Plan policy 5.3 and Core Strategy policy CC2 and DM Local Plan policy DM H3, which cover sustainable drainage issues.

#### Energy/Co2 Reduction:

3.84 An Energy Statement has been submitted with the application, as required with major sites. This outlines the energy efficiency and low/zero carbon measures to be implemented in the scheme.

3.85 The baseline energy use of the development, if designed only to meet the minimum requirements of the Building Regulations, is calculated to produce just over 86 tonnes of CO2 a year. Passive design and energy efficiency measures such as use of improved insulation, better airtightness, low energy lighting and use of Air Source Heat Pumps are calculated to reduce energy use sufficiently to cut CO2 emissions by 21% to 68 tonnes a year.

3.86 As the development is not classified as a major site, this level of performance is adequate and in line with The London Plan policy 5.2, Policy CC1 of the Core Strategy 2011, Policy DM H1 of the DM LP.

#### Sustainable Design & Construction:

3.87 The Energy Statement also includes information on wider sustainable design and construction issues. The assessment shows that the current expected design would meet level 3 of the Code for Sustainable Homes by implementing measures such as water efficient fittings and appliances, use of environmentally friendly materials, promotion of sustainable waste behaviour and recycling, reducing pollution impacts etc.

3.88 As the development is not classified as a major site, this level of performance is adequate.

#### Contamination:

3.89 London Plan Policy 5.21, Core Strategy Policy CC4 and Policy DM H7 of DM LP states that the Council will support the remediation of contaminated land and that it will take measures to minimise the potential harm of contaminated sites and ensure that mitigation measures are put in place.

3.90 The Council's Environmental Quality Team has advised that potentially contaminative land uses, past or present, are understood to occur at, or near to, this site. In order to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works conditions would be attached to any permission requiring the further investigation, assessment and remediation of contaminated land to be carried out.

## MAYORAL CIL:

3.91 This development will be subject to a London-wide community infrastructure levy, charged at a rate of £50 per square metre for additional floorspace in Hammersmith & Fulham. An estimate of £66,238.90 has been calculated for the additional floorspace. this will contribute towards the funding of Crossrail, and further details are available via the GLA website [www.london.gov.uk](http://www.london.gov.uk). The GLA expect the Council, as the Collecting Authority to secure the levy in accordance with the London Plan Policy. In dealing with planning applications, local planning authorities consider each on its merits and reach a decision based on whether the application accords with the relevant development plan, unless material considerations indicate otherwise. Where applications do not meet these requirements, they may be refused. However, in some instances, it may be possible to make acceptable development proposals which might otherwise be unacceptable, through the use of planning conditions or, where this is not possible, through planning obligations.

## PLANNING OBLIGATIONS:

3.92 London Plan Policy 8.2 recognises the role of planning obligations in mitigating the effects of development and provides guidance of the priorities for obligations in the context of overall scheme viability. Core Strategy policy CF1 requires that new development makes contributions towards or provides for the resulting increased demand for community facilities.

3.93 In the event that planning permission were to be acceptable, in accordance with Section 106 of the Town and Country Planning Act 1990 (As Amended) the applicant would be required to enter into a legal agreement. The Legal Agreement will include the following Clauses:

(1) Developer to pay for Highway Works comprising of the following:

- (i) removal of existing in and out access fronting the site;
- (ii) reinstatement of footway fronting the site on Stevenage Road and Rowberry Close public highway section.
- (iii) creation of ten parking bays on Stevenage Road;
- (iv) TRO Amendment to restrictions along the site frontage

(2) Developer to pay a £50,000 contribution towards the provision of London Cycle Hire Scheme in order to support sustainable transport routes to and from the site.

3.94 However, these figures would require negotiations with the applicant.

## 4.0 RECOMMENDATION

4.1 Grant planning permission subject condition and Section 106 Agreement.

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**Ward:** Askew

**Site Address:**

67 - 69 Jeddo Road London W12 9ED



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

**Reg. No:**  
2013/03692/FUL

**Case Officer:**  
Denuka Gunaratne

**Date Valid:**  
26.09.2013

**Conservation Area:**

**Committee Date:**  
03.04.2014

**Applicant:**

Lamprey Estates Limited  
c/o Rolfe Judd Planning Old Church Court Claylands Road London  
SW8 1NZ

**Description:**

Provision of 9 residential units and 211sq.m of B1a office floorspace by (i) erection of a part 4 and part 5 storey building following the demolition of 67 Jeddo Road (with the exception of the ground floor façade) (ii) retention and conversion of 69 Jeddo Road with external alterations including the replacement of all existing windows with new timber sash windows, and a new timber door to front elevation and timber gates to the existing archway entrance; provision of metal railings at the back of pavement and the erection of a full width mansard roof extension with two dormers to rear elevation (iii) erection of two, 3-bedroom semi-detached mews houses, following demolition of a single storey outbuilding to the rear

Drg Nos: 782 P08C, 782 P09E, 783 P10C, 782 P11D, 782 P12D, 782 P13D, 782 P14D, 782 P15D, 782 P16B, 782/P17, carbonplan Sustainability Statement dated September 2013.

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

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

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

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

- 2) The development shall be carried out and completed in accordance with the following approved drawings:

782 P08C, 782 P09E, 783 P10C, 782 P11D, 782 P12D, 782 P13D, 782 P14D, 782 P15D, 782/P17, carbonplan Sustainability Statement dated September 2013.

In order to ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with policy DM G1 and DM G3 of the Development Management Local Plan (2013) and policy BE1 of the Core Strategy (2011).

- 3) The development hereby permitted shall not commence until particulars and samples of materials to be used in all external faces of the buildings, and all surface treatments, have been submitted to and approved in writing by the Council. The development shall be carried out in accordance with such details as have been approved, and thereafter permanently retained in this form.

To ensure a satisfactory external appearance, in accordance with Policies DM G1 and DM G3 of the Development Management Local Plan 2013 and Policy BE1 of the Core Strategy 2011.

- 4) The development shall not commence until detailed drawings of typical bays of the development at a scale no less than 1:20 in plan section and elevation have been submitted to and approved in writing by the Council. The development shall be implemented in accordance with the approved details, and thereafter permanently retained in this form.

To ensure a satisfactory external appearance in accordance with Policies DM G1 and DM G3 of the Development Management Local Plan 2013 and Policy BE1 of the Core Strategy 2011.

- 5) Prior to the occupation of any of the proposed dwellings, details of the 1.7 metre high screens to the proposed roof terraces as indicated on approved drawings shall be submitted to and approved in writing by the Council. The approved details shall be fully installed prior to the occupation of the units and shall be permanently retained thereafter.

To prevent loss of privacy to neighbouring properties, in accordance with Policies DM A9, DMG1 and DMG3 of the Development Management Local Plan 2013 and Housing Policy 8 of the Planning Guidance SPD 2013.

- 6) The development hereby permitted shall not be occupied before details of the landscaping of all areas external to the buildings, including planting, paving, boundary walls, fences, gates and other means of enclosure, have been submitted to and approved in writing by the Council. The hard landscaping shall be carried out in accordance with the approved details, before the occupation or use of any part of the development hereby permitted.

To ensure a satisfactory external relationship with its surroundings in accordance with Policies DM G1 and DM G3 of the Development Management Local Plan 2013 and Policy BE1 of the Core Strategy 2011.

- 7) All planting, seeding and turfing approved as part of the agreed soft landscaping scheme shall be carried out in the first planting or seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or shrubs which die, are removed or become seriously damaged or diseased within 5 years of the date of the initial planting shall be replaced in the next planting season with others of similar size and species.

To ensure a satisfactory provision for planting, in accordance with Policy DM E4 of the Development Management Local Plan 2013.

- 8) The use of the commercial unit(s) hereby permitted by shall be restricted to Class B1 use only and for no other uses within the Town and Country Planning (Use Classes) Order 1987 (as amended).

In granting this permission, the Council has had regard to the special circumstances of the case. Certain other uses within the same use class would be unacceptable due to effect on residential amenity, traffic generation and noise and



disturbance, contrary to Policies DM G1, DM G3, DM A9, DM J6 and DM H9 of the Development Management Local Plan 2013.

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (Amendment) (No. 2) (England) Order 1995 (or any order amending, revoking and re-enacting that Order) no extensions or other form of enlargement to the residential development hereby permitted, nor erection of porches, outbuildings, hardstandings, storage tanks, gates, fences, walls or other means of enclosure, shall take place without the prior written permission of the Council.

Due to the limited size of the site, proximity to neighbouring properties and proposed design of the proposed single family dwelling on the site, the Council would wish to exercise future control over development which may affect residential amenity or the appearance of the area, in accordance with Policies DM A9 and DM G1 and DMG3 of the Development Management Plan 2013.

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

In order to ensure that the Council can fully consider the effect of telecommunications equipment upon the appearance of the building, in accordance with Policies DM G1 and DM G3 of the Development Management Local Plan 2013.

- 11) The commercial unit(s) shall not be occupied until full details of refuse and recycling storage, specific to the requirements of the proposed occupier, have been submitted to and approved in writing by the Council. The details shall demonstrate that the refuse stores will be fitted with self-closing doors, and that refuse will be stored in lidded containers. The details shall also include a management plan indicating where refuse will be placed on collection days and who will be responsible for removing and returning bins from the refuse stores to the collection points. Such details as approved shall be provided prior to occupation of the commercial unit(s) and thereafter be permanently retained.

To ensure the satisfactory provision of refuse storage and recycling and to prevent loss of amenity to neighbouring residents and obstruction of the highway, in accordance with Policies DM H11 and DM H5 of the Development Management Local Plan 2013.

- 12) The residential development hereby permitted shall not be occupied until full details of refuse storage, including provision for the storage of recyclable materials, have been submitted to and approved in writing by the Council. The details shall demonstrate that the refuse stores will be fitted with self-closing doors, and that refuse will be stored in lidded containers. The details shall also include a management plan indicating where refuse will be placed on collection days and who will be responsible for removing and returning bins from the refuse stores to the collection points. Such details as approved shall be implemented

prior to occupation of the residential development, and thereafter be permanently retained.

To ensure the satisfactory provision of refuse storage and recycling and to prevent loss of amenity to neighbouring residents and obstruction of the highway in accordance with Policies DM H11 and DM H5 of the Development Management Local Plan 2013.

- 13) No part of the office development hereby approved shall be occupied prior to the provision of the 4 cycle spaces for the development hereby approved, as indicated on the approved drawing 782 P09E and such storage facilities shall be permanently retained thereafter in accordance with the approved details.

In order to promote alternative, sustainable forms of transport, in accordance with Policy DM J5 of the Development Management Local Plan 2013 and Policy 6.9 and Table 6.3 of the London Plan 2011.

- 14) No part of the residential development hereby approved shall be occupied prior to the provision of the 12 cycle spaces for the development hereby approved, as indicated on the approved drawing 782 P09E and such storage facilities shall be permanently retained thereafter in accordance with the approved details.

In order to promote alternative, sustainable forms of transport, in accordance with Policy DM J5 of the Development Management Local Plan 2013 and Policy 6.9 and Table 6.3 of the London Plan 2011.

- 15) No development shall commence until a statement of how Secured by Design requirements are to be achieved has been submitted to and approved in writing by the council .The approved details shall be carried out before any use of that part of the development to which the approved details relate.

To ensure a safe and secure environment in accordance with Policy DM G1 of the Development Management Local Plan 2013.

- 16) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value  $D_{nT,w}$  and  $L'_{nT,w}$ , as appropriate, for the floor / ceiling / wall structures separating different types of rooms / uses in adjoining dwellings, namely:
- Between the proposed first and second floors where there is a bedroom for Flat 1 underneath the living room for Flat 2;
  - Between the proposed second and third floors where there are bedrooms for Flat 2 underneath the living room for Flat 3;
  - Between the proposed second and third floors where there is the living room for Flat 2 underneath the bedroom for Flat 3;
  - On the proposed third floor where the bedroom of Flat 3 is adjacent to the living room of Flat 6;
  - On the proposed third floor where the bedroom of Flat 6 is adjacent to the living room of Flat 5; and
  - Between the proposed third and fourth floors where there is the living room for Flat 6 underneath a bedroom for Flat 7.

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

To ensure that the amenity of occupiers of the development site is not adversely affected by noise, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

- 17) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor / ceiling / walls separating the commercial part(s) of the premises from dwellings. Details shall demonstrate that the sound insulation value  $D_{nT,w}$  and is sufficiently enhanced and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the 'Good' criteria of BS8233:1999 within the dwellings. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise, in accordance with Policies DM H9 and H11 of the Development Management Local Plan 2013

- 18) Prior to commencement of the development hereby approved, a Demolition Management and Logistics Plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800-1300hrs 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 also include the numbers, size and routes of demolition vehicles, provisions within the site to ensure that all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. Approved details shall be implemented throughout the project period.

To ensure that construction works do not adversely impact on the operation of the public highway, and that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site, in accordance with Policies DM J1, DM J6, DM H9, DM H11 of the Development Management Local Plan 2013.

- 19) Prior to commencement of the development hereby approved, a Construction Management and Logistics Plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800-1300hrs 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 also include the numbers, size and routes of construction vehicles, provisions within the site to ensure that all vehicles

associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. Approved details shall be implemented throughout the project period.

To ensure that construction works do not adversely impact on the operation of the public highway, and that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site, in accordance with Policies DM J1, DM J6, DM H9, DM H11 of the Development Management Local Plan 2013.

- 20) No deliveries or collections/loading or unloading for the commercial element of the development shall occur other than between the hours of 08:00 to 18:00 on Monday to Friday, 09:00 to 18:00 on Saturdays and at no time on Sundays and Public/Bank Holidays.

To ensure that the amenity of occupiers of the development site / surrounding premises is not adversely affected by noise in accordance with Policies DM H9 and H11 of the Development Management Local Plan 2011.

- 21) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value  $D_{nT,w}$  and  $L'_{nT,w}$ , as appropriate, for the floor / ceiling / wall structures separating different types of rooms / uses in adjoining dwellings, namely:
- Between the proposed first and second floors where there is a bedroom for Flat 1 underneath the living room for Flat 2;
  - Between the proposed second and third floors where there are bedrooms for Flat 2 underneath the living room for Flat 3;
  - Between the proposed second and third floors where there is the living room for Flat 2 underneath the bedroom for Flat 3;
  - On the proposed third floor where the bedroom of Flat 3 is adjacent to the living room of Flat 6;
  - On the proposed third floor where the bedroom of Flat 6 is adjacent to the living room of Flat 5; and
  - Between the proposed third and fourth floors where there is the living room for Flat 6 underneath a bedroom for Flat 7.
- Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site is not adversely affected by noise, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

- 22) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor / ceiling / walls separating the commercial part(s) of the premises from dwellings. Details shall demonstrate that the sound insulation value  $D_{nT,w}$  and is sufficiently enhanced and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the 'Good' criteria of BS8233:1999 within the dwellings. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site is not adversely affected by noise, in accordance with Policies DM H9 and H11 of the Development Management Local Plan 2013.

- 23) The development hereby approved shall be constructed in accordance with the measures outlined in the submitted Sustainability Statement (carbonplan Sustainability Statement dated September 2013) and shall be constructed to meet Code for Sustainable Homes Level 4.

To ensure the construction of a sustainable development, in accordance with Policy 5.3 of The London Plan 2011, Policy CC1 of the Core Strategy 2011 and Policy H2 of the Development Management Local Plan 2013.

- 24) The development hereby permitted shall not commence until a surface water drainage scheme, based on sustainable drainage principles, has been submitted to and approved in writing by the council. The scheme shall be implemented in accordance with the approved details prior to occupation/use of the development hereby permitted, and thereafter be permanently retained.

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 CC2 of the Core Strategy 2011, Policy 5.13 of The London Plan 2011 and Policy H3 of the Development Management Local Plan 2013.

- 25) Prior to the commencement of the development hereby permitted, a revised Energy Strategy shall be submitted to and approved in writing by the Council, which shall outline the measures to be implemented in meeting the 40% carbon reduction target set in London Plan policies 5.2 and 4.7, and the Council's policies CC1 of the Core Strategy 2011 and DM H1 of the Development Management Local Plan 2013. Such measures as are agreed shall be implemented prior to use/occupation and thereafter be permanently retained as such.

To ensure an energy efficient development that integrates on-site renewable energy generation to help reduce its carbon dioxide emissions, in accordance with Policies 5.2 and 5.7 of the London Plan 2011, Policy CC1 of the Core Strategy 2011 and Policy H1 of the Development Management Local Plan 2013.

- 26) With the exception of the balconies and terraces indicated on the approved drawings, no part of any other roof of the approved building shall be used as a terrace or other amenity space.

To safeguard the amenities of the occupiers of neighbouring properties, and to avoid overlooking and loss of privacy and the potential for additional noise and disturbance, in accordance with Policies DM H9 and DM A9 of the Development Management Local Plan 2013.

- 27) No plumbing, extract flues or pipes other than rainwater pipes shall be fixed on the Jeddo Road elevation of the development hereby approved.



To ensure a satisfactory external appearance and prevent harm to the street scene, in accordance with Policies DM G1 and G3 of the Development Management Local Plan 2013 and Policy BE1 of the Core Strategy 2011

- 28) No plant, water tanks, water tank enclosures or other structures, that are not shown on the approved plans, shall be erected upon the roofs of the development hereby permitted.

To ensure that that the visual impact of telecommunication equipment can be considered in accordance with Policies DM G1 of the Development Management Local Plan 2013, and Policy BE1 of the Core Strategy 2011.

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

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policies DM G1 and G3 of the Development Management Local Plan 2013, and Policy BE1 of the Core Strategy 2011.

- 30) No development shall commence until a preliminary risk assessment report is submitted to and approved in writing by the Council. 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. The 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 Borough Wide Strategic Policy CC4 of the Core Strategy 2011 and Policies DM H7 and H11 of the Development Management Local Plan 2013.

- 31) No development shall commence until a site investigation scheme is submitted to and approved in writing by the Council. 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. The 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 Borough Wide Strategic Policy CC4 of the Core Strategy 2011 and Policies DM H7 and H11 of the Development Management Local Plan 2013.

- 32) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, following a site investigation undertaken in compliance with the approved site investigation scheme, a quantitative risk assessment report is submitted to and approved in writing by the Council. 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. The 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 Borough Wide Strategic Policy CC4 of the Core Strategy 2011 and Policies DM H7 and H11 of the Development Management Local Plan 2013.

- 33) Unless the Council 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 Council. 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. The 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 Borough Wide Strategic Policy CC4 of the Core Strategy 2011 and Policies DM H7 and H11 of the Development Management Local Plan 2013.

- 34) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until the approved remediation 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 Council. 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 Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. Any required remediation 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. The 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 Borough Wide Strategic Policy CC4 of the Core Strategy 2011 and Policies DM H7 and H11 of the Development Management Local Plan 2013.

- 35) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until an onward long-term monitoring methodology report is submitted to and approved in writing by the Council 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 Council 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. The 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 Borough Wide Strategic Policy CC4 of the Core Strategy 2011 and Policies DM H7 and H11 of the Development Management Local Plan 2013.

- 36) The development shall not commence prior to the submission and approval in writing by the Council of details of any proposed external lighting, including security lights and lighting to the proposed winter gardens. 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' to ensure that the any lighting proposed does not harm the existing amenities of the occupiers of neighbouring properties. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure a satisfactory external appearance and to prevent harm to the occupiers of neighbouring properties, in accordance with Policy BE1 of the Core Strategy 2011 and Policies DM G1, H10 and DM H11 of the Development Management Local Plan 2013.

- 37) All flood prevention and mitigation measures should be installed as outlined in the Flood Risk Assessment, hereby approved.

To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site, and to reduce the impact of flooding to the proposed development and future occupants, in accordance with Policy CC1 and CC2 of the Core Strategy 2011.

- 38) Prior to commencement of the development hereby approved, details and drawings at a scale of 1:100 demonstrating the flats within the development's compliance with the Lifetimes Home standards shall be submitted to and approved in writing by the Council. The development shall be carried out in accordance with such details as approved and permanently retained thereafter.

To ensure that the new flats are built to 'Lifetime Homes' standards, in accordance with Policy H4 of the Core Strategy 2011, Policy 3.8 of The London Plan (2011) and Policy DM A4 of the Development Management Local Plan 2013.

- 39) A minimum of 10% of all dwellings hereby approved shall be capable of meeting the needs of wheelchair users and shall be designed and capable of adaptation, in accordance with the Council's Supplementary Planning Guidance (Access for All).

To ensure a satisfactory provision for dwellings, meeting the needs of people with disabilities, in accordance with the Policy 3.8 and 4.5 of The London Plan 2011, Policy H4 of the Core Strategy 2011 and Policy DM G1 and A4 of the Development Management Local Plan 2013.

- 40) No occupiers of units 2, 3, 4, 5, 6, 7 hereby permitted shall not be occupied until the Council has been notified in writing (and has acknowledged such notification) of the full postal address of the flats. Such notification shall be to the council's Head of Development Management and shall quote the planning application number specified in this decision letter.

In order that the Council can update its records to ensure that parking permits are not issued to the occupiers of these new flats hereby approved, and thus ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car parking stress in the area, in accordance with Policy T1 of the Core Strategy 2011, Policies DM J2 and J3 of the Development Management Local Plan 2013, and SPD Transport Policies of the Planning Guidance Supplementary Planning Document 2013.

- 41) No occupiers of the units 2, 3, 4, 5, 6, 7 hereby permitted, with the exception of disabled persons who are blue badge holders, shall apply to the Council for a parking permit or retain such a permit, and if such a permit is issued it shall be surrendered to the Council within seven days of written demand.

In order to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car parking stress in the area, in accordance with Policy T1 of the Core Strategy 2011, Policy DM J2 and J3 of the Development Management Local Plan 2013, and SPD Transport Policies of the Planning Guidance Supplementary Planning Document 2013.

- 42) Flats 2, 3, 4, 5, 6, 7 hereby permitted shall not be occupied until such time as a scheme has been submitted to and approved in writing by the local planning authority to ensure that all occupiers, other than those with disabilities who are blue badge holders, have no entitlement to parking permits from the council and to ensure that occupiers are informed, prior to occupation, of such restriction. Flats 2, 3, 4, 5, 6, 7 shall not be occupied otherwise than in accordance with the approved scheme unless prior written agreement is issued by the Council.

In order that the prospective occupiers of the residential units concerned are made aware of the fact that they will not be entitled to an on-street car parking permit, in the interests of the proper management of parking, and to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car parking stress in the area, in accordance with Policy T1 of the Core Strategy 2011, Policy DM J2 and J3 of the Development Management Local Plan 2013, and SPD Transport Policies of the Planning Guidance Supplementary Planning Document 2013.

- 43) The development hereby permitted shall not be occupied until works have been carried out to remove the existing dropped kerb outside No.67-69 Jeddo Road and reinstate the pavement, car parking.

In order to minimise on street parking in the vicinity of the application site and to ensure that the amenities of neighbouring residential occupiers are not unduly affected, in accordance with Policies DM J1, DM J6, DM H9, DM H11 of the Development Management Local Plan 2013.

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

- 1) 1. Land use: The loss of the laundry use is considered to be acceptable in that it has remained underused for sometime, and it not a viable location and there would be 211sq.m of replacement office space. The scheme would make effective use of previously developed land, and is considered to be acceptable on land use grounds. The development would be in accordance with the NPPF (2012), Policies 4.2 and 4.4 of The London Plan (2012), Policies B and LE1 of the Core Strategy (2011) and Policy DM B1 of the Development Management Local Plan (2013). The redevelopment of the site for residential is considered acceptable, in accordance with the NPPF (2012), London Plan Policy 3.3 (2011), Core Strategy Policies H1 and H4 (2011), and Policy DM A1 and DM A3 of the Development Management Local Plan (2013). The density, housing mix, internal design and layout of the new residential units are considered satisfactory having regard to London Plan Policies 3.4, 3.5 and 3.16 (2011), Core Strategy Policies H2 and H3 (2011), Policies DM A2, A3 and A9 of the Development Management Local Plan (2013), and SPD Housing 8 of the Planning Guidance SPD (2013); and the amenity space provision is also considered satisfactory, having regard to the physical constraints of the

site, judged against Policy DM A2 of the Development Management Local Plan (2013) and SPD Housing Policy 1 and 3 of the Planning Guidance SPD (2013).

2. Design: The proposed development would be a high quality development which would make a positive contribution to the urban environment in this part of the Borough. The development would therefore be acceptable in accordance with the NPPF (2012), London Plan Policies 7.1, 7.2, 7.4, 7.5 and 7.6 (2011), Core Strategy Policy BE1 (2011) and Policies DM G1 and DMG3 of the Development Management Local Plan (2013), which seek a high quality in design and architecture, requiring new developments to have regard to the pattern and grain of existing development.

3. Impact on Neighbouring Properties: The impact of the proposed development upon adjoining occupiers is considered acceptable with 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 development would therefore be acceptable in accordance with Policies DM G1, DM G3, H9, H11 and A9 of the Development Management Local Plan (2013) and SPD Housing Policy 8 of the Planning Guidance SPD (2013).

4. Safety and Access: A condition would ensure the development would provide a safe and secure environment for all users in accordance with London Plan Policy 7.3 (2011) and Policy DM G1 of the Development Management Local Plan (2013). Conditions would also ensure the proposal would provide ease of access for all people, including disabled people, in accordance with London Plan Policy 3.8 (2011), Core Strategy Policy H4 (2011), Policy DM G1 and A4 of the DM LP (2013) and SPD Design Policies 1, 2, 3 and 11 of the Planning Guidance SPD (2013).

5. Transport: There would be no adverse impact on traffic generation and the scheme would not result in congestion of the road network. Conditions would secure satisfactory provision cycle and refuse storage and implementation of a car permit free scheme. The development would therefore be acceptable in accordance with the NPPF (2012), London Plan Policies 6.1, 6.3, 6.9, 6.10, 6.11, 6.13, and 6.16 (2011), Core Strategy Policies T1 and CC3 (2011), Policies DM J1, J2, J3, J5, A9 and H5 of the Development Management Local Plan (2013), and SPD Transport Policies 3, 7 and 12 and SPD Sustainability Policies 3, 4, 7, 8, 9 and 10 of the Planning Guidance SPD (2013).

6. Flood Risk: A Flood Risk Assessment (FRA) has been submitted and has considered risks of flooding to the site and adequate preventative measures have been identified. Details of SUDS would be secured by a condition. In this respect the proposal is therefore in accordance with the NPPF (2012), London Plan Policies 5.11, 5.12, 5.13, 5.14 and 5.15 (2011), Core Strategy Policies CC1 and CC2 (2011), Policy DM H3 of the Development Management Local Plan (2013) and SPD Sustainability Policies 1 and 2 of the Planning Guidance SPD (2013).

7. Contamination: Conditions would ensure that the site would be remediated to an appropriate level for the residential and business uses. The proposed development therefore accords with Policy 5.21 of The London Plan (2011), Policy



CC4 of the Core Strategy (2011) and Policies DM H7 and H11 of the Development Management Local Plan (2013).

8 Sustainability: The application proposes a number of measures to reduce CO2 emissions from the baseline, including renewable energy measures. The proposal would seek to reduce pollution and waste and minimise its environmental impact. Policy CC1 of the Core Strategy 2011, Policies DM H1 and DM H2 of the Development Management Local Plan and Policies 5.2, 5.3 and 5.7 of The London Plan 2011 are thereby satisfied, subject to conditions.

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

### **All Background Papers held by Andrew Marshall (Ext: 3340):**

Application form received: 30th August 2013  
Drawing Nos: see above

**Policy documents:** National Planning Policy Framework 2012  
The London Plan 2011 and Revised Early Minor Alterations to The London Plan, 2013  
Core Strategy 2011  
The Development Management Local Plan 2013  
Planning Guidance Supplementary Planning Document July 2013

### **Consultation Comments:**

#### **Comments from:**

London Borough Of Ealing  
Environment Agency - Planning Liaison  
Thames Water - Development Control  
Transport For London - Land Use Planning Team

#### **Dated:**

10.10.13  
11.03.14  
01.10.13  
18.10.13

### **Neighbour Comments:**

#### **Letters from:**

1 Lefroy Road Shepherd's Bush W12 9LF  
114 Jeddo d London W129eg  
112 Jeddo Road London W12 9EG  
114 Jeddo Road London W12 9EG  
106 & 108 Jeddo Road London W12 9EG  
72 Valetta Road Acton London W3 7TW  
72 Valetta Road Acton London W3 7TW  
53 Jeddo Road London W12 9ED  
118 Jeddo Road London w12 9eg  
118 Jeddo Road London w12 9eg  
104 Jeddo Road London W129EG  
49 Jeddo Road Shepherds Bush LONDON W12 9ED  
92 Jeddo Road London W12 9EG  
NAG

#### **Dated:**

08.10.13  
13.10.13  
29.10.13  
07.10.13  
17.10.13  
07.10.13  
14.10.13  
20.10.13  
23.10.13  
23.10.13  
27.10.13  
12.11.13  
11.11.13  
21.10.13



## 1.0 BACKGROUND

1.1 The application site which is 0.05 hectares in size is located on the northern side of Jeddo Road, close to its junction with Lefroy Road. The London Borough of Ealing borough boundary runs along the site's northern boundary. The site currently accommodates two adjoining three-storey buildings fronting on to Jeddo Road, and a single storey warehouse to the rear.

1.2 The site is not located within a conservation area. The nearest conservation area boundary is with the Ravenscourt Court and Starch Green Conservation Area, which starts at Wendell Primary School (100 metres to the south). The building is situated in Environment Agency's Flood Risk Zone 3, and has a public transport accessibility level (PTAL) of 2.

1.3 Although constructed separately, the frontage buildings have been adapted over the years to house an industrial laundry use. The building at 67 comprises two thirds of the site's frontage on to Jeddo Road. It is three storeys in height and is of an industrial character. The adjoining 69 Jeddo Road dates from the late Victorian period, and is also three storeys in height although with a taller pitched roof design.

1.4 The surrounding area is characterised by large industrial buildings along the northern side of Jeddo Road. The eastern portion of the application site originally formed part of the Jeddo Works complex which includes a part 2 and part 4 storey building adjacent to the application site's eastern boundary. However, the southern side of the street is characterised by two storey Victorian housing. The rear northern boundary of the existing building at 67 Jeddo Road is directly adjacent to a commercial warehouse (also in use as part of the Laundry) with a pitched roof equivalent in height to a 2 to 3 storey residential building. The single storey warehouse structure on the application site to the rear of 69 Jeddo Road is bounded to the north by a narrow access laneway which connects to Holley Road to the west. Beyond this laneway further north are the rear gardens of a number of 2 to 3 storey residential properties on Valletta Road, situated within London Borough of Ealing.

1.5 The relevant planning history is as follows:-

- 1964/00293/HIST - The erection of a single-storey extension to the existing light industrial premises at no. 69 Jeddo Road - Permission Granted.
- 1970/00180/HIST - Erection at 67 Jeddo Road, W12 of additional storey to existing two storey industrial building - Permission Granted.
- 1970/00343/HIST - Erection at 69 Jeddo Road, W12 of extension at first floor level to provide additional dispatch accommodation - Permission Granted.
- 1994/01011/FUL - Continued use of the premises as a launderette and retention of bin store - Permission Granted.
- 1994/01012/FUL - Continued use of the premises as dry cleaner/laundrerers in connection with 67 Jeddo Road. W12 - Permission Granted.

1.6 The application seeks planning permission for the provision of 9 residential units and 211sq.m of B1a office floorspace by (i) erection of a part 4 and part 5 storey building following the demolition of 67 Jeddo Road (with the exception of the ground floor façade) (ii) retention and conversion of 69 Jeddo Road with external alterations including the replacement of all existing windows with new timber sash windows, and a new timber door to front elevation and timber gates to the existing archway entrance;

provision of metal railings at the back of pavement and the erection of a full width mansard roof extension with two dormers to rear elevation (iii) erection of two, 3-bedroom semi-detached mews houses, following demolition of a single storey outbuilding to the rear. The B1(a) office floor space would be at ground and first floor level of 67, with four residential units proposed on its upper floors. The retained and converted 69 would contain three residential units. Two, 3-bedroom semi-detached mews houses are proposed to the rear.

## 2.0 PUBLICITY AND CONSULTATION

2.1 The application has been advertised by way of site notice and individual notification letters sent to neighbouring properties.

2.2 10 representations have been received raising objections to the proposal; these include seven from Jeddo Road, two from Valetta Road and one from Lefroy Road. The grounds of objection can be summarised as follows:

- Loss of light to neighbours in south side of Jeddo Road.
- Increase parking demand in the area.
- Scheme approved in Jeddo Mews put in 15 off street parking spaces. If application approved can restrictions be attached to various units effectively making them no car units.
- Block light at the rear of property in Valetta Road situated to the rear of the application site.
- Loss of privacy and overlooking to gardens of properties in Valetta Road and potential for increased overlooking to opposite side of Jeddo Road.
- Increased noise and disturbance to the area.
- Impact on local services.
- Insufficient consultation time.
- Excessive high density.
- The scale of the development should be reduced significantly
- Construction works will cause disruption to residents.
- Insufficient refuse storage

2.3 Four representations have been received neither objecting nor supporting the planning application, however these comments also raised matters with regard to the development. These can be summarised as following:

- Residents are generally in support of a high spec development on this site however residents feel that the developers are exceeding the guidelines on density and parking.
- The size of many of the units are on the minimum threshold allowed.
- Insufficient refuse storage
- The Draft Construction Management Plan does not provide an estimation of the length of the construction works, length of time heavy duty construction vehicles will be attending the site and therefore causing disruption to residents on Jeddo Road.
- Lifetime Homes - there has been reference to Lifetime Homes criteria, and consideration within the designs but only 3 out of 13 units are wheelchair accessible to parts of each unit.
- Cycle spaces should be in accordance with guidelines.
- Proposed basement bedrooms in floodrisk zone.
- Lack of information about the proposed materials.
- The process of consultation and informing the local residents about this major development has been very poor.

Officers' response: - The development is for 9 residential units, and not for 13 units as stated above. The other planning issues raised are addressed below under section 3.1

2.3 The Environment Agency: - Has replied in writing raising no objections to the development.

2.4 Thames Water has responded. They raise no objections subject to all surface water to be disposed of on site using SUDS as per policy 5.13 of The London Plan.

2.5 Ealing Council: - Has written to acknowledge receipt of the council's consultation, but has not made any formal representations.

2.6 Transport for London: Has written in not objecting to the proposal.

2.7 Crime Prevention Design Advisor - No response received to date.

2.8 London Fire and Emergency Planning Authority: - No response received to date.

### 3.0 PLANNING CONSIDERATIONS

3.1 The main planning considerations have to be considered with regards to the NPPF, The London Plan and the Council's adopted Core Strategy, Development Management Local Plan, Planning Guidance Supplementary Planning Document policies and standards and include; the principle of the residential use in land use terms; quantum and intensity of development in terms of the height, scale and massing; impact on surrounding uses particularly on the existing amenities of occupiers of neighbouring residential properties in terms of noise, outlook, light and privacy; quality of living accommodation; and potential for traffic generation, and the impact on the highway network, and environmental matters including sustainability and energy issues, flood risk matters and contaminated land.

### LAND USE

3.2 The main policy issues relate to the loss of the industrial laundry and the acceptability of the replacement office use (B1) and residential use (C3).

3.3 The National Planning Policy Framework (NPPF) requires local authorities to promote more efficient use of land through higher density, mixed use development and the use of suitably located previously developed land and buildings. The London Plan also seeks to ensure that proposals achieve the optimum intensity of use that remains compatible with the local context and is well served by public transport.

### Mixed use as commercial/residential

3.4 The Council's Core Strategy gives protection to employment sites. Relevant policies include Strategic Policy B and Borough Wide Strategic Policy LE1. These require that accommodation is available for all sizes of business, including small and medium sized enterprises, by retaining premises capable of providing continued accommodation for local services or significant employment unless continued use would adversely impact on residential areas, an alternative use would give a demonstrably greater benefit that could not be provided on another site, or it can be satisfactorily demonstrated that the property is no longer required for employment purposes.

3.5 Development Management Local Plan policy DM B1 supports the retention and intensification of existing employment uses, but also considers the mixed use enhancement of employment sites acceptable where these are under-utilised, subject to the satisfactory retention or replacement of employment uses in appropriate locations.

3.6 In the planning statement provided by the applicant, it is stated that:

- The property employs 20 people; the proposal despite reducing the employment floorspace would provide similar levels of employment and existing employees would be relocated to their laundry in Acton
- The premises are proposed to be vacated by the laundry company due to a lack of space for the business;
- The poor layout and specifications require would a high investment to bring the property to modern standards and is unsuitable for commercial uses;
- The change in the use of the site from solely commercial use to commercial and residential use would not impact on any established clusters of employment use and would instead enable the site to relate more effectively to the character of the surrounding area which is predominantly residential in nature.

3.7 Officers consider that for above reasons the proposed change of use from solely commercial to commercial/residential is considered acceptable. It is considered that the proposal would maintain sufficient and enhanced employment floorspace within the site to ensure a sufficient stock of premises and sites to meet local need for a range of types of employment uses is maintained. The scale and nature of the commercial development is appropriate to the locality. A planning condition is to be added to ensure that the commercial element is to be used for Class B1 purposes only, to ensure that the use is compatible within this residential area. This would be an improvement on existing commercial use which is a use falling within Class B2 which are generally more disruptive in residential areas.

## Housing

3.8 The NPPF requires local authorities to promote more efficient use of land through higher density, mixed use development and the use of suitably located previously developed land and buildings. The London Plan also seeks to ensure that proposals achieve the optimum intensity of use that remains compatible with the local context and is well served by public transport.

3.9 Policy 3.3 (Increasing London's Supply of Housing) of The London Plan sets minimum borough targets for housing provision up to 2021. The policy specifies a 10 year minimum target for LBHF of 6,150 dwellings, and an annual monitoring target of 615 dwellings. London Plan policy 3.4 (Optimising Housing Potential) requires new development to optimise the intensity of use of sites, taking into account the local context and character, design principles and public transport accessibility, consistent with the development density guidance.

3.10 Core Strategy policy H1 (Housing Supply) reflects the guidance of The London Plan housing target and explains that one of the ways to address this is by way of the development of brownfield sites such as that proposed.

3.11 London Plan policy 3.4 (Optimising Housing Potential) requires new development to optimise the intensity of use of sites, taking into account the local context and character, design principles and public transport accessibility, consistent with the

development density guidance. The proposal involves the provision of nine dwellings on previously developed land in a predominantly residential area. Local shops and services together with public transport links are available on Askew Road. The construction of these homes would contribute towards achieving the Borough's housing targets. The proposed housing mix of 3 x 1 bed, 3 x 2 bed and 3 x 3 bed would meet the requirements of policy DM A3 of the Development Management Local Plan, and would contribute to an increase in family accommodation.

3.12 In addition to the compliance with Central Government guidance and the Core Strategy, the provision of housing on the site is considered, in principle, to be consistent with London Plan policy guidance.

3.13 The nine residential units proposed is below the threshold of ten, for which affordable housing is normally required to be provided under London Plan Policy 3.13. Although this site does not propose 10 or more units, there is a requirement to consider whether there is any capacity for 10 or more units, applying the density guidance set out in policy 3.4 (maximising the potential of sites) and table 3.2, of the London Plan 2011. This is discussed in the report below.

## DENSITY

3.14 Policy H3 (Housing Quality and Density) of the Core Strategy requires that all housing development to respect the local setting and context, provide a high quality residential environment, be well designed and energy efficient in line with the requirements of the Code for Sustainable Homes, meet satisfactory internal and external space standards, and (subject to the size of scheme) provide a good range of housing types and sizes. Acceptable housing density will be dependent primarily on an assessment of these factors, taking account of London Plan policies and subject to public transport and highway impact and capacity. This is supported by Policy DM A2 of the Development Management Local Plan, which requires new housing must be of high quality design and take account of the amenity of neighbours and must be designed to have adequate internal space in accordance with London Plan Policies. Ground level family housing should have access to private gardens/amenity space and family housing on upper floors should have access to a balcony and/or terrace, subject to acceptable amenity and design considerations, or to shared amenity space/ and to children's play space. In assessing the appropriate density of a housing or mixed use scheme that includes housing, the council will apply the Core Strategy and London Plan policies and guidance relating to residential density.

3.15 Policy 3.4 of The London Plan seeks to ensure that development optimises housing output for different types of location within the relevant density range shown in Table 3.2 (Sustainable residential quality and residential density matrix), which takes into account local context and character, design principles and public transport capacity.

3.16 The site is located in Public Transport Accessibility Level (PTAL) 2 using Transport for London's methodology, indicating that it has a moderate level of accessibility by public transport. This location would normally support a density of between 200 and 450 habitable rooms per hectare (Hrh).

3.17 It is claimed in the representation from some local residents that the site area was smaller than stated in the application (i.e. 505 sq. m) at approximately 445 sq. m and that there are up to 35 habitable rooms in the scheme on the basis that some of the



open plan kitchen/living/dining spaces were well over 20.5 sq. m and should therefore be classified as two habitable rooms.

3.18 Officers own calculations of the site area within the application red line boundary indicate that the 505 sq. m. figure is correct. On the second point, the applicant has revised the layout of the open plan kitchen/living/dining spaces. This in officer's view has no diluted the standard and layout of accommodation provided.

3.19 On the basis of above, there are a total of 27 habitable rooms within the development. With a site area of 505 sq. m this generates a residential density of 535 habitable rooms per hectare which is above the recommended density range in the London Plan for this type of location. In view of the proposed density, and due to site constraints, providing an additional 1 unit to meet the affordable housing threshold would have implications on visual and residential amenity, as a result of a larger/higher building. It is therefore considered that it would not be appropriate to include further units within the proposed development as this would further increase the density level for the site. On this basis it is considered that it would be unreasonable to require proposal to meet the affordable housing threshold.

3.20 At 535 hrh the proposed density is above the guideline in The London Plan. However, The London Plan says that where proposals are made for developments above the relevant density range they must be tested rigorously, balancing concerns for overall housing output against other policies which are relevant to higher density development. These include different aspects of 'liveability' related to proposed dwelling mix, design and quality, amenity provision and space, physical access to services, sustainable design and construction, car parking. In addition, the wider context of the proposal taking account of its contribution to local 'place shaping' is relevant. Assessed under these criteria, officers judge that the proposed density is acceptable.

3.21 Policy 3.4 of The London Plan recognises that the density ranges quoted are broad, enabling account to be taken of other factors relevant to optimising potential such as local context, design and transport capacity. In this context the higher density of the development is acceptable in that the development would be of high quality and optimise the development potential of the site, and retain an important element of employment uses within the site, whilst having full regard to the prevailing local built context. The proposal would provide a mix of units that meets The London Plan standards for unit size and amenity space. The development proposal would not result in any unacceptable impact upon adjoining residential neighbours or the local area. The development is not considered to put undue demand on local services, particularly given the fact that only three family units (3 bed) are proposed. In view of this the development is considered to be appropriate having regard to London Plan policies, Core Strategy Policy H3 Policy DM A2 of the Development Management Local Plan, particularly in terms of local context, design principles and residential amenity. Taking into account the site's position and the quality of the residential development proposed, it is considered that the development has optimised the housing capacity on this site and that the density is acceptable in this instance.

## DESIGN

3.22 Among the core planning principles of the NPPF are that development always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Furthermore 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. London Plan Policies 7.1, 7.2, 7.4, 7.5 and 7.6 require all new development to be of high quality that responds to the surrounding context and improves access to social and community infrastructure, contributes to the provision of high quality living environments and enhances the character, legibility, permeability and accessibility of the surrounding neighbourhood.

3.23 Core Strategy Policy BE1 'Built Environment' states that 'All development within the borough, including in the regeneration areas 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'.

3.24 Policy DM G1 (Design of New Build) of the Development Management Local Plan 2013, seeks to ensure that new build development to be of a high standard of design and compatible with the scale and character of existing development and its setting. Policy DM G3 of the Development Management Local Plan states 'the Council will require a high standard of design in all alterations and extension to existing buildings. These should be compatible with the scale and character of existing development, their neighbours and their setting. The policy further states that 'in most cases, these will be subservient to the original building' whilst the justification to the policy states that 'extensions should never dominate the parent building'. The justification to the policy further states that 'the Council recognises the changing needs but seeks to ensure that extensions and alterations do not affect the inherent qualities of existing properties.'

3.25 Policy A8 of the Development Management Local Plan outlines that new basement accommodation will be permitted where: it does not extend beyond the footprint of the dwelling and any approved extension (whether built or not); there is no adverse impact on the amenity of adjoining properties and on the character of the street scene; and it does not increase flood risk from any source. PG SPD Design Policies 12-19 relate to the design and location of lightwells.

## 67 Jeddo Road

3.26 The ground and first floor of the existing building at 67 Jeddo Road originally formed part of the adjoining Jeddo Works site to the east. This building is not considered to be of any significant architectural merit and the upper floors of this building were also heavily damaged by a fire in 2005 making them currently unusable. On this basis the existing building at 67 is not considered worthy of preservation, with the exception of the street façade at ground floor level.

3.27 The main street façade of the new building at 67 is proposed to extend up to four storeys in height to be in line with the parapet height of the Jeddo Works development to the east. This extended façade will be in brick with metal windows and railings to these windows. An additional floor is proposed (fifth storey) which would be set back from the front building line, and which would minimise its visibility along the streetscape. This fifth storey would be constructed of powder coated metal cladding panels. In addition to the retention of the ground and first floor façade, behind which would be the new B1(a) commercial floorspace, the proposed new building would relate well to the character of the adjoining Jeddo Works in terms of its scale, proportions in terms of

material treatment, and fenestration patterns. Four new metal planters with timber benches are proposed to be introduced in front of the office facade, as a landscaping feature and to prevent parking behind the pavement.

## 69 Jeddo Road

3.28 The conversion works to 69 Jeddo Road involves a 3-bedroom duplex unit over ground and first floor level, a 2 bedroom apartment at second floor and a 1 bedroom apartment at third level. No substantial external amendments are proposed on the southern facing street elevation to accommodate this, with the exception of the replacement of the existing windows with new timber sash windows, as well as a new timber door and timber gates to the existing archway entrance. The new timber door would give the 3-bedroom duplex unit over ground and first floor level its own-door access from the street. New metal railings are proposed at the back of pavement to create a front garden area for the duplex unit.

3.29 On the rear elevation of 69, in addition to the introduction of timber sash windows, a full width slate mansard roof extension with two separate dormers and brick party walls is proposed. This is considered acceptable as it would not alter the roof profile of the existing building when viewed from the street. There would also be a part replacement of a brick wall at ground and first floor level, following the demolition of an existing rear extension. The removing the existing extension would create extra space and a better relationship between the different elements of the scheme

3.30 The proposed extension and alterations of the existing building of 69 Jeddo Road is considered to be in accordance with Policy DM G3 of the of the Development Management Local Plan as it would not alter the scale or character of the existing building, and would introduce traditional design elements to the building, thereby improving the visual appearance of the property.

## Mews Houses to the Rear

3.31 The existing archway entrance to 69 Jeddo Road is to be utilized to access the entrance door to the residential apartments on the upper levels of the two street-facing buildings. This would also provide a link through to the rear of 69 where a new communal landscaped garden is proposed between the converted 69, and two new mews houses on the north western corner of the site. These semi-detached three bedroom houses would be similar in scale to the existing warehouse structure and surroundings including the large scale bulk of the existing Jeddo Works to the east and would be acceptable in design terms. These houses would not be visible from any main public vantage points in Jeddo Road or Jeddo Mews. There will be some views from the alleyway at the rear, but this is not considered to be a main public thoroughfare that is widely in use by large numbers of people. Officers consider that given its siting at the rear of the site, the proposal which is of contemporary design with the use of primarily timber cladding and powder coated metal cladding and metal framed windows is considered to be acceptable. Metal railings would be used for the first floor balconies and at ground floor level around the proposed basement terraces.

3.32 The proposed basement terrace/lightwell would extend beyond the buildings footprint. Policy DM A8 would normally require that basement development is limited to the footprint of the existing building. However, in this instance the proposal is for a new development and there is scope for interpretation of the policy. As the proposal is a new

build it is considered that the larger lightwells are acceptable particularly given the existing buildings almost 100% site coverage. The lightwells would be contained within the application site and would not be visible from the public domain. There would also be no adverse impact on the amenity of the adjoining properties. Furthermore, as outlined in the Flood Risk Assessment, the proposal would be designed to minimise the risk and impact from flooding from any source from the application property and surrounding properties. In this particular case the proposal is considered acceptable.

3.33 Overall, the proposed design, scale and massing of the new build elements and alterations within the development are considered to be appropriate to the surrounding context and the streetscene. In this respect the design complies with Policies DM G1 and DM G3 of the Development Management Local Plan in that it would be consistent with scale, mass and form of surrounding development, and would respect the prevailing rhythm and articulation of its surroundings. It is however recommended that final details of the materials to be used in the external appearance of the building and details of landscaping be conditioned for future approval (conditions 3, 4 and 6).

3.34 London Plan Policy 7.3 and Development Management Local Plan Policy G1 require new development to respect the principles of Secure by Design. Details of how the proposed development will incorporate crime prevention measures to provide a safe and secure environment would be secured by a condition (condition 15).

## QUALITY OF THE PROPOSED RESIDENTIAL ACCOMMODATION

3.35 The London Plan seeks to see a step change in both the quality and quantity of housing (Policy 3.5 and Table 3.3 of The London Plan). Core Strategy Policy H3 seeks to ensure that all housing development is provided to a satisfactory quality, has an appropriate mix of types and sizes (with a particular emphasis on family accommodation), and is well related to its surroundings (and neighbouring residential properties, in particular). This approach is reflected in Development Management Local Plan policies A2 and A9, and SPD Housing Policies 4 and 5, which set out internal room sizes and that new residential development (including conversions), should be of a high quality, provide adequate internal space to meet the needs of the occupants, incorporate refuse and recycling facilities and adequate parking. Where possible, development should provide family accommodation at ground floor level with direct access to a private garden or amenity space, SPD Housing Policy 2. SPD Housing Policy 8 (iv) states that north facing properties should be avoided where possible.

3.36 All of the proposed units both new and converted units would meet or exceed The London Plan's minimum unit size requirements. The converted units all meet the requirements of Planning Guidance SPD Housing Policy 5. The unit sizes are as follows:

- o Flat 1: 3 bed/6 person, 112m<sup>2</sup> (converted unit)
- o Flat 2: 2 bed/4person, 70m<sup>2</sup> (converted unit)
- o Flat 3: 1 bed/2 person, 50m<sup>2</sup> (converted unit)
- o Flat 4: 1 bed/2 person, 52m<sup>2</sup> (new built unit)
- o Flat 5: 2bed/4 person, 88m<sup>2</sup> (new built unit)
- o Flat 6: 1 bed/2 person, 57m<sup>2</sup> (new built unit)
- o Flat 7: 2 bed/4 person, 71m<sup>2</sup> (new built unit)
- o House 1: 3 bed/6 person, 126m<sup>2</sup> (mews house)
- o House 2: 3 bed/5 person, 108m<sup>2</sup> (mews house)

3.37 None of the proposed units will have completely north facing aspect. All four residential units in the upper levels of the new building would have large windows on a southerly aspect onto Jeddo Road creating good aspect and outlook. The three residential units within the converted 69 Jeddo Road and the two mews houses to the rear will have dual aspect to the south and north, and would include an outlook onto a landscaped garden.

3.38 The applicant's daylight and sunlight assessment demonstrates that all proposed residential units would receive acceptable levels of daylight and sunlight. The proposed units will be provided with a good level of amenity and open space provision.

3.39 Development Management Local Plan Policy DM A2 supports the requirement for amenity space and also requires family housing on upper floors to have access to a balcony and/or terrace, subject to acceptable amenity and design considerations. SPD Housing Policy 1 requires all new dwellings should have access to an area of amenity space, appropriate to the type of housing being provided. The policy continues to state that all new family dwellings should have access to amenity or garden space of not less than 36sqm. SPD Housing Policy 3 requires that where balconies and/or terraces are provided to meet amenity space requirements, that they should have a minimum depth and width of 1500mm. The London Plan's Housing SPG states that every dwelling should have amenity space of at least 5 sq.m. in size for 1-2 person units, and 1 sq.m. extra per additional person.

3.40 Amenity space for the development would be provided in the form of balconies, terraces, private and communal garden space. The provision is as follows:

67 Jeddo Road - New build:

Second floor 1 bed, 2 person unit (flat 4) - 6sq.m winter garden

Second and third floor 2 bed, 4 person duplex unit (flat 5) - 5.6sq.m winter garden

Third floor 1 bed, 2 person unit (flat 6) - 5.3sq.m winter garden

Fourth floor 2 bed, 4 person unit (flat 7) - 8.7sq.m roof terrace

69 Jeddo Road - Converted property:

Ground floor and First floor 3 bed, 6 person unit (flat 1) - 9.8sq.m front garden and an 11.8sq.m ground floor terrace to the rear

Second floor 2 bed, 4 person unit (flat 2) - No private amenity space provided

Third floor, 1 bed, 2 person unit (flat 3) - 3.7sq.m terrace provided to the rear

Proposed Mews Houses - New build:

These would be two 3-bedroom houses and each would be provided with a 14sq.m south facing terrace at lower ground floor level, a 5.1sqm south facing balcony at first floor level and a 24sq.m roof terrace at roof level at second floor.

There would also be a communal garden space of 97sq.m provided between the frontage building at 69 and the new mews houses to the rear

3.41 The applicant states that the proposed 'winter gardens' are designed to be semi-external spaces, with glass sliding doors enabling them to either form part of the internal residential unit or alternatively to act as an open balcony or terrace. These amenity spaces are not included in the calculation of unit sizes for the purposes of London Plan

compliance. The 'winter gardens' would be recessed within the flush street façade therefore they would appear as windows on the elevation.

3.42 Officers consider that the development would provide an acceptable level of amenity space for the proposed units. It is noted that flats 2, 3 and 5 would not meet the required London Plan amenity space standards. However any deficiency in private amenity space would be made up by the 97sq.m landscaped garden situated to the rear. A planning condition would require details of landscaping of all external areas to be submitted to the council for approval (condition 6).

3.43 In view of the above the proposed residential units would be of adequate size and layout to provide an acceptable outlook and sunlight and daylight levels, and external space to occupiers of the residential units.

## ACCESS

3.44 London Plan Policy 3.8, Core Strategy Policy H4, Development Management Local Plan Policies DM G1 and A4 and SPD Design Policies 1, 2, 3 and 11 relate to inclusive design and require new residential development to be built to lifetime homes standards, with ten percent of units designed to be wheelchair accessible or easily adaptable to this standard.

3.45 The applicants have confirmed that the new build residential units would meet Lifetime Homes Standards, whilst the converted units would meet Lifetime Homes Standards where possible. Specific details have been provided in relation to the communal door openings, doorways, corridor and staircase width with the staircases capable of accommodating the future installation of a stair lift, size and layout and design of new units. In each flat, there is space for turning a wheelchair in the dining area and living area and adequate circulation space for wheelchair users. Officers consider that the information submitted demonstrates that lifetime homes standards can be achieved. Full details of how the units would meet the lifetime homes standards would be secured by a condition (condition 38).

3.46 To accord with policy and 4.5 of The London Plan a condition will be attached requiring a minimum of 10% of all dwellings within the scheme to be wheelchair adaptable (condition 39). This equates to one unit within the development which officers consider can be provided within the site given the generous size and layout of the units.

## IMPACT ON RESIDENTIAL AMENITY

3.47 Policies DM G1, G3 and A9 of the Development Management Local Plan require all proposals to be formulated to respect the principles of good neighbourliness. SPD Housing Policy 8 seeks to protect the existing amenities of neighbouring residential properties in terms of outlook, light, and privacy. As such the scheme's impact on neighbours in respect of outlook, privacy as well as daylight and sunlight and shadowing have been assessed. Those residential properties in closest proximity to the application site are the houses opposite the site on Jeddo Road to the south, the properties within Jeddo Mews to the west and the properties on Valetta Road to the north.



## Outlook

3.48 SPD Housing Policy 8 (i) acknowledges that a building's proximity can have an overbearing and dominating effect detrimental to the enjoyment by adjoining residential occupiers of their properties. 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. However, on sites that adjoin residential properties that have rear gardens of less than 9 metres in length this line should be produced at 45 degrees from a point at ground level on the boundary of the site where it adjoins residential properties. If any part of the proposed building extends beyond these lines then on-site judgement will be a determining factor in assessing the effect which the extension will have on the existing amenities of neighbouring properties.

3.49 In the case of the properties opposite the site on the southern side of Jeddo Road, the scale of the new 67 Jeddo Road building at predominantly 4 storeys with a fifth storey set back is also not anticipated to result in any impact on outlook to these properties given the distance of 16 metres that would be achieved between new and existing housing.

3.50 In relation to the residential properties to the west the new building at 67 Jeddo Road and the roof extension within the converted 69 Jeddo Road are not expected to result in any undue loss of outlook to these properties due to the existence of the high boundary wall up to 7m high to the west with Jeddo Mews. The proposed 2 storey mews houses to the rear of the site would be set back and concealed from views to the west by the retention of the existing high boundary wall.

3.51 To the rear (north) there is a distance of about 17m between the proposed mews houses and the rear building line of nearest affected property in Valetta Road. The two new mews houses as originally proposed on the north western boundary of the site would have infringed marginally into the 2m, 45 degree standard set out in SPD Housing Policy 8 as they would relate to the residential properties at 70 and 72 Valetta Road to the north. For this reason, since submission, the applicant, at officers' request, has amended the design of the mews houses to introduce a recess to the rear façade that would now ensure that the main mews building would be very largely located outside the 2m, 45 degree angle. A small portion of the stair enclosure would slightly infringe into this angle. However, the massing of this stair enclosure has been substantially reduced by introducing an angle to its roof on the northern side. This will reduce any potential impact on outlook. Officers consider that this amendment and given the relatively long length of the gardens of these properties (11 to 12 metres length) and the fact that these gardens are orientated in a south west direction away from the proposed mews building to the south east, would reduce any sense of loss of outlook experienced by these properties.

## Daylight and Sunlight

3.52 The applicant has submitted a daylight and sunlight assessment, in line with the guidance provided in the Building Research Establishment (BRE) document entitled 'Site Layout Planning for Daylight and Sunlight' (2011). The report confirms, and officers concur, that there would be no adverse impact on the light receivable by its neighbouring properties.



3.53 The study has assessed the impact of the development on the light receivable by the neighbouring property windows at 68 to 76 Valetta Road and 2, 71 & 114 to 120 Jeddo Road. These properties are considered to be the ones most directly affected. The study is based on the tests laid down in the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: a guide to good practice'. In relation to the impact of the proposed mews development on gardens to the north in Valetta Road, officers do not consider that any undue overshadowing will occur to neighbouring gardens, given that the main building façade of the mews development would be about 1.2m higher than the height of the existing building parapet at the northern boundary.

#### Privacy

3.54 SPD Housing Policy 8 (ii) states that new windows should normally be positioned so that they are a minimum of 18 metres away from existing residential windows as measured by an arc of 60 degrees taken from the centre of the proposed window.

3.55 In the case of the properties opposite the site on Jeddo Road a separation distance of 16 metres would be achieved between new and existing housing, which is in line with the existing separation in the street. Although new windows at the front would be within 18m of existing habitable windows on the opposite side of the Road, given the prevailing pattern of the development on the street frontage officers do not raise any objection to this and this would not, in officers' view, result in unacceptable overlooking or loss of privacy. In relation to the residential properties to the west within Jeddo Mews and to the north on Valetta Road, there would be a substantial distance between the proposed development and existing adjoining properties. The new building at 67 Jeddo Road does not contain any habitable windows on its northern elevation. The existing high boundary wall to the west would also help to prevent any overlooking to properties in Jeddo Mews. The proposed roof terraces have been designed to restrict views to the west and north with the use of boundary planting and a 1.7m high obscure glazed screen around its perimeter.

3.56 Accordingly, officers consider that the proposed development would not result in demonstrable harm to the amenities of neighbouring occupiers as a result of overlooking or loss of privacy.

#### Noise and Disturbance

3.57 Development Management Local Plan Policies H9 and H11 relate to environmental nuisance and require all development to ensure that there is no undue detriment to the general amenities enjoyed by existing surrounding occupiers, particularly those of residential properties. SPD Housing Policy 8 (iii) adds that roof terraces or balconies likely to cause harm to the existing amenities of neighbouring properties by reason of noise and disturbance will not be supported.

3.58 A draft Construction Logistics Plan has been submitted with the planning application setting out a broad strategy to ensure that impacts during the demolition and construction process are managed and minimised. Conditions would be attached requiring further details in terms of both the demolition and construction works (conditions 18 and 19).

3.59 In relation to the proposed residential use officers do not consider that normal associated activity would necessarily result in material noise and general disturbance to residents living in the locality.

3.60 In terms of the external amenity areas proposed, there would be terraces and balconies to the proposed development, but most of these individual amenity areas are small. The larger 24sq.m terraces to the roofs of the mews houses would be at the rear of the site, and set well way from the nearest existing neighbouring residential building line in Valetta Road. The communal amenity area would be centred within the site, shielded from existing neighbouring residential developments. Given the site circumstances and the size and location of the amenity areas, it is expected that, with normal use, there would be no unacceptable noise or disturbance arising to existing residents. Officers have also considered the cumulative impact of the amenity areas; and again do not consider that with normal use existing residents would be adversely affected by unacceptable noise and disturbance.

3.61 Having regard to the above, the proposal is not considered to result in undue detriment to the amenities of surrounding properties, and is in accordance with Development Management Local Plan Policies DM A9, DM G1, DMG3, DM H9 and the Planning Guidance SPD.

## TRAFFIC GENERATION AND CAR PARKING

3.62 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.

3.63 Policies 6.1, 6.3, 6.10, 6.11 and 6.13 of The London Plan 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.

3.64 Core Strategy Policy T1 supports The London Plan. Policy J1 states that all development proposals will be assessed for their contribution to traffic generation and their impact on congestion. Policies DM J2 and DM J3 of the with Development Management Local Plan set out vehicle parking standards, which brings them in line with London Plan standards and circumstances when they need not be met. These are supported by SPD Transport Policies 3 and 7.

### Car Parking

3.65 The existing laundry currently provides off-street car parking at the frontage of the site. However, it is not intended that this would be provided as part of this application. The existing crossover is to be closed and the pavement reinstated. Metal planters and timber benches are to be provided on the site frontage. Any on-street parking is to be re-instated. The reinstatement of the pavement will be reserved by way of planning condition (condition 43).

3.66 The site is located in PTAL 2 location and as a result should adhere to Development Management Local Plan policy J2. However, in order to ensure that the development would not have an unacceptable impact on parking stress levels, a car parking permit free development would normally be enforced. This would restrict the occupiers of the residential units from being eligible to obtain residents parking permits to park on the highway within the controlled parking zone. Planning conditions would enforce this agreement (conditions 40, 41 and 42). This is considered to be an appropriate approach in this case, and, subject to such conditions, it is not considered that the proposed development would be likely to have an unacceptable impact on the existing amenities of local residents as a result of increased on-street car parking stress.

3.67 The applicant's have requested exemption from a car permit free agreement for part of the development and has produced a transport statement to demonstrate that there is sufficient on street parking available. Whilst officers have some concerns regarding parking stress particularly along Jeddo Road and Lefroy Road it is considered in this instance that it would be reasonable to allow the 3 family units to have parking permits as this would be in accordance with DMLP J2 and the SPD but to restrict the smaller units from having permits. The parking stress figures for Jeddo Road for the period from 2008 to 2011 the last available survey figures indicate that there is sufficient parking available for 3 new dwelling units in this street. The figures are as follows.

#### Parking Stress 2008

##### North side

Number of cars 14, Car capacity 23, Stress 60

##### South side

Number of cars 14, Car capacity 18, Stress 82

#### Parking Stress 2009

##### North side

Number of cars 13, Car capacity 23, Stress 57

##### South side

Number of cars 13, Car capacity 18, Stress 72

#### Parking Stress 2010

##### North side

Number of cars 5, Car capacity 23, Stress 22

##### South side

Number of cars 14, Car capacity 18, Stress 78

#### Parking Stress 2011

##### North side

Number of cars 12, Car capacity 24, Stress 48

##### South side

Number of cars 16, Car capacity 20, Stress 80

## Bicycle Parking

3.68 London Plan Policy 6.9 provides guidance for the establishment of cycle parking standards. Policies DM A9, DM J5 and Table 5 of the Development Management Local Plan 2013 seek to ensure that satisfactory cycle space is provided for all developments. This sets out the requirement of one space for 1 to 2 bed units; whilst 3 bed units should have 2 spaces per dwelling. Therefore, 12 spaces are required for the residential element. The Development Management Local Plan also states that B1 office use should provide a minimum of 1 space per 50sqm, so 4 spaces would be required.

3.69 The proposed development has been revised since the original submission so that 16 cycle parking spaces are provided (12 for the residential and 4 for the office element of the proposal). The four commercial spaces are within the building, and the residential spaces are provided within the communal parts of the site. The scheme complies with Policy DM J5 of the Development Management Local Plan.

## Refuse

3.70 London Plan Policy 5.16 outlines the Mayor of London's approach to waste management. Core Strategy Policy CC3, Development Management Local Plan Policy H5 and SPD Sustainability Policies 3, 4, 7, 8, 9 and 10 set out the Council's Waste Management guidance, requiring development to incorporate suitable facilities for the storage and collection of segregated waste. The proposals include the provision of refuse storage and recycling facilities, which would be located adjoining the ground floor main entrance. The location and operation of this would be conditioned so that it accords with 'The Storage of Refuse and Recyclables, Supplementary Planning Document' (condition 12).

## CONTAMINATED LAND

3.71 Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, six conditions are recommended to be attached requiring site investigations and remedial works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan (Conditions 30 to 35)

## ENERGY and SUSTAINABLE CONSTRUCTION

3.72 An Energy Strategy has been submitted with the application detailing the energy efficiency and low/zero carbon measures that would be implemented in the development. The proposals in these documents show how design measures would be integrated into the development to reduce its environmental impacts, including fitting of water efficiency devices and appliances, and using energy efficiency and low carbon measures.

3.73 The original submission detailed measures calculated to achieve a 25% improvement in CO2 emissions compared to the 2010 Building Regulation requirements. The London Plan target is now 40%.

3.74 Further supporting information has been submitted by that applicants which states that although the final detailed design specifications are still being drawn up, the applicants can confirm that at present the development is embracing the energy hierarchy and the residential element of the scheme has had the specifications optimised to aim to meet the 40% CO<sub>2</sub> target on-site. The applicants state that it is intended to achieve this by enhancing the building fabric specification far beyond building regulation standards, providing energy efficiently with heat recovery, heat pumps and 'being green' by utilising all of the appropriate available roof space for high efficiency solar photovoltaic panels for the shell and core units. As such the scheme has incorporated the GLA's draft guidance and is seeking to deliver the target as far as feasible on site. It is proposed to attach a condition requiring the final details of the sustainable energy and carbon reduction measures to be agreed with the Council. This would include a commitment by the applicants to entering a negotiation for any residual CO<sub>2</sub> that cannot be abated on-site to achieve the 40% target (if deemed necessary by the Council).

3.75 A condition is thereby recommended (condition 25) requiring the final details of the sustainable energy and carbon reduction measures to be agreed with the Council. In the event that the development cannot meet the full 40% renewables target on site, then the applicant would need to contribute financially (as allowed under London Plan) to compensate for any small residual CO<sub>2</sub> that cannot be abated on-site.

3.76 In terms of wider sustainable design and construction, the Sustainability Statement shows that sustainability measures would be integrated in line with the Code for Sustainable Homes assessment scheme. The applicant has stated that their design team will look to maximise Code for Sustainable Homes credits utilising the further CO<sub>2</sub> emissions that may be abated onsite and it is committed to constructing the residential element of the scheme to meet Code for Sustainable Homes Level 4 and achieving the necessary BREEAM rating for the office element. The applicant is willing to satisfy the Council on this matter through the discharge of relevant conditions. A condition will require the submission of a revised Sustainability Statement to provide details of the sustainable design and construction measures to be implemented on site in order to achieve Level 4 of the Code for Sustainable Homes and the BREEAM "Very Good " rating for the non-residential aspect of the development (condition 23).

## FLOOD RISK and SUDS

3.77 The site is in the Environment Agency's Flood Zone 3 indicating a medium to high risk of flooding, although this risk rating does not take account of the high level of flood protection provided by the Thames Barrier and local river wall defences. The site is not in an area at risk of rapid inundation by flood waters in the event of a breach of the flood defences, but it is in an area that could be affected by surface water flooding. The Environment Agency was consulted on the proposed development and did not raise any objections to the proposal.

3.78 The proposal is for a mixed use development. The commercial aspect is considered to be less vulnerable to flooding while the residential aspect, more vulnerable. A Flood Risk Assessment submitted by the applicant details the flood protection measures that would be included within the development including that all entry thresholds would be raised above 1 in 1000 year flood level; bringing down electrical services from ceilings (where appropriate); use of solid (i.e. concrete) floors



and provision of air brick protection. A condition would require the implementation of these measures (condition 37).

3.79 The applicants FRA, states that the developer has committed to limit surface water runoff from the site to the greenfield runoff rates. Almost 100m<sup>2</sup> of landscaped garden is to be integrated into the new development which would help reduce surface water runoff. Thames Water has requested that all surface water to be disposed of on site using Sustainable Drainage Systems (SUDS) as per policy 5.13 of The London Plan. Therefore a condition is to be attached requiring the submission of details of surface water management through the implementation of SUDS (condition 24).

## SERVICES and FACILITIES

3.80 Given the relatively small scale nature of the development with only nine units being proposed and only three family units, it is not considered that the development would put undue demand on local schools and medical services. In terms of shopping facilities, there is a range of commercial premises close to the site in Askew Road and nearby Uxbridge Road to meet everyday local needs.

## DEMOLITION and CONSTRUCTION PLANS

3.81 A Demolition Management and Logistics Plan and a Construction Management and Logistics Plan would be required to ensure that there is no harmful impact on neighbours and on the local highway networks during the development process. The plans shall include demolition details, contractors' construction method statements, waste classification and disposal procedures and locations, dust and noise monitoring and control, provisions within the site to ensure that all vehicles associated with the works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. The logistics plans shall be in accordance with Transport for London (TfL) requirements, which seek to minimise the impact of demolition/construction traffic on nearby roads and restrict construction trips to off peak hours only. These would be secured by condition in accordance with Development Management Local Plan Policies DM J1, J6, H5, H8, H9, H10 and H11, SPD Amenity Policy 19 and 26, and SPD Transport Policy 28, and London Plan Policy 6.3 (conditions 18 and 19).

## COMMUNITY INFRASTRUCTURE LEVY

3.82 Mayoral CIL (Community Infrastructure Levy) came into effect in April 2012 and is a material consideration to which regard must be had when determining this planning application. This development would be subject to a London wide community infrastructure levy. 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.

3.83 It is estimated that the proposed development would generate a CIL contribution of approximately £7550 subject to variation in inflation..

## 4.0 CONCLUSION and RECOMMENDATION

4.1 Officers consider that the proposed development would be appropriate in terms of land use, design and scale, and would not cause demonstrable harm to the amenities

of neighbouring residents. The proposal would enhance the existing appearance of the existing street scene. The development would not have a detrimental impact on the highway network and local parking conditions. Other matters including sustainability, flood risk and contaminated land matters are also considered to be acceptable.

4.2 It is recommended that planning permission be granted subject to conditions.

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**Ward:** Avonmore And Brook Green

**Site Address:**

14 Gorleston Street London W14 8XS



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

**Reg. No:**

2013/05156/FUL

**Case Officer:**

Neil Egerton

**Date Valid:**

09.12.2013

**Conservation Area:**

Olympia And Avonmore Conservation Area -  
Number 23

**Committee Date:**

03.04.2014

**Applicant:**

Mr William Wyatt  
St James School Earsby Street London London  
W14 8SH  
United Kingdom

**Description:**

Erection of a three-storey building over basement to provide a new school building, following demolition of the existing single storey building.

Drg Nos: 12001\_P\_00\_C645\_003/B,  
12001\_P\_00\_C645\_001/B, 12001\_P\_B1\_C645\_001/B,  
12001\_P\_01\_C645\_001/B, 12001\_P\_02\_C645\_001/B,  
12001\_P\_03\_C645\_001/B, 12001\_P\_RF\_C645\_001/B,  
12001\_E\_N\_C645\_001/B, 12001\_E\_S\_C645\_001/B,  
12001\_E\_E\_C645\_001/B, 12001\_E\_W\_C645\_001/B,  
12001\_S\_CC\_C645\_001/B, 12001\_S\_DD\_C645\_001/B,  
12001\_S\_EE\_C645\_001/B, 12001\_D\_02\_C645\_001/B.

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

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

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

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

- 2) The development shall be carried out and completed in accordance with the following approved drawings:

12001\_P\_00\_C645\_003/B, 12001\_P\_00\_C645\_001/B, 12001\_P\_B1\_C645\_001/B,  
12001\_P\_01\_C645\_001/B, 12001\_P\_02\_C645\_001/B, 12001\_P\_03\_C645\_001/B,  
12001\_P\_RF\_C645\_001/B, 12001\_E\_N\_C645\_001/B, 12001\_E\_S\_C645\_001/B,  
12001\_E\_E\_C645\_001/B, 12001\_E\_W\_C645\_001/B, 12001\_S\_CC\_C645\_001/B,  
12001\_S\_DD\_C645\_001/B, 12001\_S\_EE\_C645\_001/B,  
12001\_D\_02\_C645\_001/B.

In order to ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with policy DM G1 and DM G7 of the Development Management Local Plan (2013) and policy BE1 of the Core Strategy (2011).

- 3) Prior to commencement of the development hereby approved, a Demolition Management and Logistics Plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration,

lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800-1300hrs 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 also include the numbers, size and routes of demolition vehicles, provisions within the site to ensure that all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. Approved details shall be implemented throughout the project period.

To ensure that demolition works do not adversely impact on the operation of the public highway, and that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site, in accordance with Policies DM J1, DM J6, DM H9, DM H11 of the Development Management Local Plan 2013.

- 4) Prior to commencement of the development hereby approved, a Construction Management and Logistics Plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800-1300hrs 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 also include the numbers, size and routes of demolition and construction vehicles, provisions within the site to ensure that all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. Approved details shall be implemented throughout the project period.

To ensure that construction works do not adversely impact on the operation of the public highway, and that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site, in accordance with Policies DM J1, DM J6, DM H9, DM H11 of the Development Management Local Plan 2013.

- 5) No demolition or construction shall commence until a scheme for temporary fencing and/or enclosure of the site where necessary has been submitted to and approved in writing by the Council, and such enclosure has been erected in accordance with the approved details and retained for the duration of the building works. 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 of the site, in accordance with policy DM G1 and DM G7 of the Development Management Local Plan 2013 and Policy BE1 of the Core Strategy 2011.

- 6) No development shall take place until details of all materials (including samples where appropriate) to be used in the construction of the external surfaces of the development, have been submitted to and approved in writing by the Council. The



development shall be carried out in accordance with the approved details and thereafter retained as such.

In order that the Council may be satisfied as to the details of the development in the interests of visual amenity of the area in accordance with policy DM G1 and DM G7 of the Development Management Local Plan (2013) and policy BE1 of the Core Strategy (2011).

- 7) The development hereby permitted shall not commence until detailed drawings of a typical bay for each elevation of the new building at a scale of no less than 1:20 are submitted to and approved in writing by the council. The development shall be carried out in accordance with such details as have been approved and thereafter permanently retained in this form.

To ensure a satisfactory external appearance, in accordance with policy DM G1 and DM G7 of the Development Management Local Plan (2013) and policy BE1 of the Core Strategy 2011.

- 8) The development hereby permitted shall not commence until details of the hard and soft landscaping of all areas external to the building, including planting and paving, detailed drawings at a scale of not less than 1:20 of fences, gates and other means of enclosure have been submitted to and approved in writing by the Council, and the development shall not be occupied or used until such landscaping as is approved has been carried out. 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 satisfactory provision for permeable surfaces in accordance with policy DM G1 and DM G7 of the Development Management Local Plan (2013) and policy BE1 of the Core Strategy 2011.

- 9) The premises shall be used only for educational purposes, and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (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 special circumstances of the case. Certain other uses within the same use class may be unacceptable due to effect on residential amenity or traffic generation, in accordance with policies DM H11 and DM J2 of the Development Management Local Plan (2013).

- 10) Pursuant to Article 3(1) and the provision of Article 3(2) of the Town and Country Planning (General Permitted Development) Order 1995, Part 32 of Schedule 2 of the said Order (being development within the curtilage of Schools, Colleges, Universities and Hospitals) (or any Order revoking or re-enacting that Order with or without modification) shall not apply to the school site to which this planning permission relates, and no such development within the curtilage of the school shall take place without planning permission first being obtained.

To enable the Council to retain control over any future development in view of the overall design and integrated appearance of the scheme and the effect of any such development on the external recreational areas of the school and the amenities of the surrounding properties, in accordance with policy DM G1 of the Development Management Local Plan (2013).

- 11) Any material changes to the external appearance of the building hereby permitted, including the installation of air-handling units, ventilation fans or extraction equipment, must first be submitted and approved in writing by the Council prior to their installation. Any alterations shall be implemented in accordance with the details that are approved.

To ensure a satisfactory external appearance and prevent harm to the street scene, and to safeguard the amenities of neighbouring residential occupiers, in accordance with policies DM G1, DM G7, DM H9 and DM H11 of the Development Management Local Plan (2013).

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

To ensure a safe and secure environment for users of the development, in accordance with policy DM G1 of the Development Management Local Plan (2013).

- 13) The development hereby permitted shall not be occupied until the Sustainable Urban Drainage System (SUDS) detailed in the Surface Water Drainage Strategy (3227/001/R02) dated March 2013 has been implemented in accordance with the approved details, and thereafter permanently retained and maintained in line with the agreed plan.

To ensure that surface water run-off is managed in a sustainable manner, in accordance with policy 5.13 of The London Plan 2011, Policy CC2 of the Core Strategy 2011 and policy DM H3 of the Development Management Local Plan 2013.

- 14) Prior to the occupation of the development hereby approved, a Refuse and Servicing Management Plan shall be submitted to and approved in writing by the Council. Details shall include the weekly numbers and times of deliveries and collections, the size of vehicles to be used and details of off-loading locations and vehicle movements. The use shall thereafter be carried out in accordance with the agreed details.

To ensure that the refuse collection and servicing requirements of the school will not adversely impact on the operation of the public highway and to ensure that the amenity of occupiers of the surrounding premises are not adversely affected by noise, in accordance with policies DM J2, DM J6, DM H9 and DM H11 of the Development Management Local Plan (2013).

- 15) The development hereby permitted shall not be occupied prior to the full implementation of the accessibility details contained within Section 10 Access

Statement of the Design and Access Statement dated November 2013 and these measures shall be retained thereafter in this form.

To ensure that the proposal provides an inclusive and accessible environment in accordance with policy DM G1 of the Development Management Local Plan (2013) and The London Plan (2011) policy 7.2.

- 16) Prior to use of the building development hereby approved, details shall be submitted to and approved in writing by the Council, of the external noise level emitted from any plant / machinery / equipment and / or any extract / ventilation system and ducting and mitigation measures as appropriate. The measures shall ensure that the external noise level emitted from any such noise sources will be lower than the lowest existing background noise level by at least 10dBA, as assessed according to BS4142:1997 at the nearest and / or most affected noise sensitive premises, with all noise sources operating together at maximum capacity. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise from plant / mechanical installations / equipment, in accordance with policies DM H9 and DM H11 of the Development Management Local Plan (2013).

- 17) Prior to commencement of the development, details of any proposed external artificial lighting shall be submitted to and approved in writing by the Council. Lighting contours shall be submitted to demonstrate that vertical illumination of neighbouring premises is in accordance with the recommendations of the Institution of Lighting Professionals in the 'Guidance Notes For The Reduction Of Light Pollution 2011'. Details should also be submitted for approval of measures to minimise use of lighting and prevent glare and sky glow by correctly using, locating, aiming and shielding luminaires. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting, in accordance with policies DM H10 and DM H11 of the Development Management Local Plan (2013).

- 18) No tannoys or public address systems shall be used in relation to the development hereby permitted unless details have been submitted to and approved in writing by the Council. Approved details shall be implemented prior to use and thereafter be permanently retained.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, in accordance with policies policy DM H9 and DM H11 of the Development Management Local Plan (2013).

- 19) No development shall commence until a preliminary risk assessment report is submitted to and approved in writing by the Council. 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 Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

- 20) No development shall commence until a site investigation scheme is submitted to and approved in writing by the Council. 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 Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

- 21) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, following a site investigation undertaken in compliance with the approved site investigation scheme, a quantitative risk assessment report is submitted to and approved in writing by the Council. 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 Borough Wide Strategic Policy CC4 of

the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

- 22) Unless the Council 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 Council. 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 Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

- 23) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until the approved remediation 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 Council. 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 Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. Any required remediation 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 Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

- 24) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until an onward long-term monitoring methodology report is submitted to and approved in writing by the Council 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 Council 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 Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

- 25) No alterations shall be carried out to the flat roofs of the development hereby permitted to create a terrace or other amenity space. No railings or other means of enclosure shall be erected around the roofs and no alterations shall be made to form access onto the roofs.

The formation/use of a terrace would be harmful to the existing amenities of the occupiers of neighbouring residential properties as a result of overlooking and loss of privacy and the generation of noise and disturbance, contrary to policy DM H11 of the Development Management Local Plan (2013) and SPD Housing Policy 8 of the Planning Guidance Supplementary Planning Document (2013).

- 26) The building development hereby permitted shall not be occupied or used until the cycle parking provision shown on approved drawing 12001\_P\_00\_C645\_001/B has been provided and that the cycle provision is permanently retained thereafter.

To ensure the provision and permanent retention of the cycle parking spaces for parking purposes, in accordance with policy DM J5 of the Development Management Local Plan (2013).

- 27) Neither music nor amplified voices emitted from the building development hereby permitted shall be audible at any residential / noise sensitive premises.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, in accordance with policies DM H9 and DM H11 of the Development Management Local Plan (2013).

- 28) The windows at first floor level in the south east and south west elevations shall be designed and installed so as to be obscurely glazed and permanently fixed shut.

In order to ensure that the glazing would not result in overlooking and any subsequent loss of privacy, in accordance with policies DM A9 and G3 of the Development Management Local Plan (2013) and SPD Housing Policy 8 (criteria ii) of the Planning Guidance Supplementary Planning, (2013)

- 29) Prior to commencement of the development, details of anti-vibration measures shall be submitted to and approved in writing by the Council. The measures shall ensure that machinery, plant/ equipment 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 surrounding premises is not adversely affected by noise from plant / mechanical installations / equipment, in accordance with policies DM H9 and DM H11 of the Development Management Local Plan (2013).

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

To ensure that that the visual impact of telecommunication equipment can be considered in accordance with Policies DM G1 and DM G7 of the Development Management Local Plan 2013.

- 31) The development hereby permitted shall not be used for the display of advertisements, and no advertisements shall be installed on the building hereby permitted without the prior written approval of the Council.

To ensure a satisfactory external appearance and prevent harm to the street scene and the conservation area, in accordance with Policy BE1 of the Core Strategy 2011 and Policies DM G1 and DM G7 of the Development Management Local Plan 2013.

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

- 1) 1. Land Use: The proposal would result in the improvement of educational facilities for the school, in line with policies 3.1 and 3.18 of The London Plan (2011), Borough Wide Strategic Policy CF1 of the Core Strategy (2011) and Policy DM D1 of the Development Management Local Plan (2013). The proposal is also considered to be in accordance with NPPF paragraph 72, which supports the expansion and alteration of schools, to meet the needs of existing and new communities.
2. Design and Conservation: It is considered that the proposed replacement building would be appropriate in scale, height, mass, proposed materials and design. The building would be designed to meet educational needs, whilst also presenting a suitable response to the context of the surrounding street scenes. Policy DM G1 of the Development Management Local Plan (2013), policy BE1 of the Core Strategy (2011) and policies 7.4, 7.6 and 7.8 of The London Plan (2011) would therefore be satisfied.
3. Highways matters: There would be no adverse impact on traffic generation and the scheme would not result in congestion of the primary road network; subject to measures to limit car trips to school being secured and implemented within a School Travel Plan. Satisfactory provision would be made for cycle parking. Adequate provision for servicing and the storage and collection of refuse and recyclables would be provided. The proposal is thereby in accordance with policy T1 of the Core Strategy 2011, policies DM H5, DM J1, DM J2, DM J4, DM J5 and DM J6 of the of

the Development Management Local Plan (2013) and SPD Transport Policy 34 of the Planning Guidance Supplementary Planning Document (2013).

4. **Residential Amenity:** The impact of the proposed development upon neighbouring occupiers is considered acceptable. Due to the relationship of the proposed building to residential neighbours and its position, height and bulk, it is considered that the proposal would not materially affect the outlook from, and light to, neighbouring properties. Residents' privacy would not be affected to an unacceptable degree. Measures would also be secured by condition to minimise noise and disturbance to nearby occupiers from the operation of the proposed school. In this regard, the development would respect the principles of good neighbourliness, and thereby satisfy policies DM A9, DM G1 and DM H11 of the Development Management Local Plan (2013).
5. **Sustainability:** The proposal would seek to minimise its environmental impact, including measures that would conserve energy, materials and water, reduce air, noise and water pollution, and promote sustainable waste behaviour. It is considered that the development would not have an adverse impact on a watercourse, flood plain or flood defences, and the implementation of a sustainable urban drainage strategy would be required by condition to ensure there is no adverse impact on localised flooding. Policies DM H1, DM H2 and DM H3 of the Development Management Local Plan (2013), policies CC1, CC2, CC3, and CC4 of the Core Strategy (2011) and policies 5.7 and 5.13 of The London Plan (2011) are thereby satisfied.
6. **Access and Crime Prevention:** Subject to conditions the development would provide a safe and secure environment, and would be accessible to all users in accordance with policy DM G1 of the Development Management Local Plan (2013), policy TN1 of the Core Strategy (2011) and policies 7.2 and 7.3 of The London Plan (2011).

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

### **All Background Papers held by Andrew Marshall (Ext: 3340):**

Application form received: 2nd December 2013  
Drawing Nos: see above

**Policy documents:** National Planning Policy Framework 2012  
The London Plan 2011 and Revised Early Minor Alterations to The London Plan, 2013  
Core Strategy 2011  
The Development Management Local Plan 2013  
Planning Guidance Supplementary Planning Document July 2013

### **Consultation Comments:**

**Comments from:**  
Environment Agency - Planning Liaison  
English Heritage London Region

**Dated:**  
09.12.13  
23.12.13

**Neighbour Comments:**

**Letters from:**

**Dated:**

3 Cole Park Road Twickenham TW11HP	24.01.14
95 Madrid Road London SW13 9PQ	24.01.14
6 Cunnington Street London W4 5EW	01.02.14
21 Blandford road London W4 1dx	02.02.14
7 Sullivan Road LONDON sw6 3dt	25.01.14
Basement, 184 Holland Rd London W14 8AH	27.01.14
Flat 68, North End House Fitzjames Avenue London W14 0RX	12.02.14
Flat 3 20 Glazbury Road London W14 9AS	27.01.14
49 Chepstow Place London W2 4TS	29.01.14
49 Chepstow Place London W2 4TS	29.01.14
49 Chepstow Place London W2 4TS	29.01.14
2 Hamston House Kensington Court Place London W8 5BL	29.01.14
114 kings Hall Road Beckenham London BR3 1LN	24.01.14
2 Sheffield Terrace London W87NA	27.01.14
3 hebron road london w6 0pq	27.01.14
9 Clavering Avenue London SW13 8DX	27.01.14
43 Archway Street London SW13 0AS	30.01.14
24 Hetley Road London W12 8BB	03.02.14
3 Southacre Way Pinner HA5 3DE	29.01.14
10 Sinclair rd london w14 0nh	24.01.14
49 Molesey Close Hersham KT12 4PX	27.01.14
31 Dundonald Road London NW10 3HP	31.01.14
11 Bryanston Mews West London W1H 2BW	30.01.14
32 Arlington Road London W13 8PE	30.01.14
4 Kitson Road London SW13 9HJ	26.01.14
4 Addison Crescent London W14 8JP	27.01.14
33 Coningham road London W12 8BP	28.01.14
14 Beltran Road Fulham London SW63AJ	30.01.14
41 Charleville Mansions London W14	24.01.14
3 Cole Park Road London TW1 1HP	24.01.14
Lower Ground Flat 70 Elsham Road London W14 8HD	26.01.14
27 Flanders Road London W4 1NB	28.01.14
Flat 5 36 Longridge Road London SW5 9SJ	27.01.14
2 Sheffield Terrace London W8 7NA	27.01.14
30 Crediton Road London NW103DU	27.01.14
21 Stanley Road London SW14 7EB	27.01.14
31B Caithness Road London W14 0JA	24.01.14
55a Hartswood Road London W12 9NE	24.01.14
35 WESTMORELAND ROAD BARNES LONDON SW13 9RZ	24.01.14
11 Redlynch Ct 70 Addison Rd London W14 8JG	27.01.14
flat 3 89 Onslow Square London SW7 3LT	31.01.14
21 Blandford Road London w4 1dx	02.02.14
14 Laurel Road London SW13 0EE	27.01.14
86 Hazlebury Road London SW6 2NF	25.01.14
35 Westmoreland road Barnes London SW13 9RZ	25.01.14
70 Riverview gardens london sw13 8qz	28.01.14

5 St Annes Rd Barnes London SW13 9LH	25.01.14
69 Second Avenue Mortlake London SW14 8QF	25.01.14
10 Rylett Road London W12 9NL	25.01.14
6 Upper Addison Gardens London W14 8AL	30.01.14
70 Riverview gardens london sw13 8qz	25.01.14
47 Lebanon Park Twickenham TW1 3DH	25.01.14
Flat 3 16 Ladbroke Gardens London W11 2PT	24.01.14
32 Woodfield Ro LONDON W5 1SH	25.01.14
1 Wentworth Mansions Keats Grove London NW3 2RL	25.01.14
122 beclow road london w12 9hj	26.01.14
39 Elmwood Road London W4 3DY	25.01.14
70 Godolphin Rod London W12 8JW	27.01.14
17 Margravine Gardens London W6 8RL	28.01.14
40 Fitzjames Avenue London W14 0RR	28.01.14
15 Ilchester Place London W14 8AA	27.01.14
28 Ramillies Road London W4 1JN	26.01.14
88 burnejones house northend road london w14 8tb	27.01.14
19 kempe road london nw66sp	27.01.14
68 Chaucer Road London W3 6DP	27.01.14
4 Faroe RdI London W14 0ep	01.02.14
28 WINCHENDON ROAD LONDON SW6 5DR	31.01.14
28 WINCHENDON ROAD LONDON SW6 5DR	31.01.14
49 Molesey Close Hersham KT12 4PX	27.01.14
5 Laurel Road London SW13 0EE	27.01.14
5 Laurel Road London SW13 0EE	27.01.14
Flat 10 49 Drayton Gardens SW10 9RX SW10 9RX	27.01.14
18 Huntingdon Gardens Chiswick W4 3HX	24.01.14
42 gunterstone road London W14 9bu	24.01.14
16 Melrose Gardens London W6 7RW	24.01.14
Flat G 20 Queen's Gate Place London SW7 5NY	24.01.14
4 Addison Crescent London W14 8JP	27.01.14
58 Bennett House London SW1P	27.01.14
9 st leonard's terrace london sw34qb	26.01.14
1 Old Oak Road London W3 7HN	31.01.14
27 Flanders Road London W4 1NB	27.01.14
70 Godolphin Road london w12 8jw	27.01.14
1 Cleveland Square London W2 6DH	29.01.14
19 kempe road london nw6 6sp	28.01.14
8, Orford Gardens Strawberry Hill Twickenham TW1 4PL	24.01.14
14 Graham Road Chiswick London W4 5DR	24.01.14
110 Clarendon Road London W11 2HR	27.01.14
32 Twyford Avenue London W3 9QB	24.01.14
25 Queensdale Place London W11 4SQ	24.01.14
81a Elsham Road London W14 8HH	27.01.14
38 park view road Ealing W5 2JB	30.01.14
15 Grove Park Gardens London W4 3RY	30.01.14
10 Russell Gardens Mews London W14 8EU	30.01.14
10 Sinclair Road London W14 0NH	27.01.14
29 Dorville Crescent London w60hh	30.01.14
1 Venice Lodge 53 Maida Vale London W9 1SD	24.01.14
30 Crediton Road London NW10 3DU	25.01.14
6 Hale Gardens London W39SQ	28.01.14



9 St Leonards Terrace London SW3 4QB	30.01.14
28 WINCHENDON ROAD LONDON SW6 5DR	31.01.14
68 Westcroft Gardens Morden SM4 4DL	02.02.14
74 abdale rd london w12 7eu	27.01.14
Flat 62 London SW1P 4EF	30.01.14
64 Beaumont Road Chiswick London W4 5AP	26.01.14
55 Fitzgeorge Avenue London W14 0SZ	27.01.14
14 Russell Road London W14 8JA	27.01.14
64 Barkston Gardens London SW5 0EL	27.01.14
64 Barkston Gardens London SW5 0EL	27.01.14
32 Arlington rd Ealing London W13 8pe	30.01.14
1 Old Oak Road London W3 7HN	31.01.14
6 Earldom Road London SW15 1AF	27.01.14
219 Baker Street London NW1 6XE	27.01.14
219 Baker Street London NW1 6XE	27.01.14
132 North End House Fitzjames Avenue LONDON W14 0RZ	27.01.14
Second Floor Flat 35 Addison Gardens London W14 0DP	16.12.13
39 Pembroke Square London W8 6PE	25.01.14
78 Paxton Road London W4 2QX	31.12.13
41 Avonmore Road London W14 8RT	11.12.13

## 1.0 BACKGROUND

1.1 The site is located on the south side of Gorleston Street. The site comprises a 1980s single storey brick building with a corrugated iron roof which sits adjacent to a play area within the south eastern corner of Marcus Garvey Park. The site, and adjoining land, originally comprised a multi-storey car park on Gorleston Street which was demolished in order to lay out Marcus Garvey Park. Planning permission was granted for a youth centre on the site, (ref: 1987/00878/FUL). The building was last used as a youth centre, but became vacant in December 2010 and the activities and events which previously took place at the Youth Centre now take place from the Avonmore Primary School adjacent to the park.

1.2 The site is within the Olympia and Avonmore Conservation Area and is located immediately to the east of the former West London County Court which is a two-storey grade II listed building. The former court building has recently been converted to a mixed use development containing offices and residential units. This development contains habitable room windows at ground and first floor level facing towards the application site. The site is situated within Flood Risk Zone 1.

1.3 There are ten large residential blocks of flats to the southeast of the site which comprise Samuel Lewis Trust Dwellings. To the southwest is 6 to 12 Gorleston Street, a vacant two storey office building. In March 2012 Planning Applications Committee resolved to grant planning permission and conservation area consent for redevelopment there to provide a part 3, part 4 and part 5 storey building comprising 28 residential units. This development contains habitable room windows facing northeast towards the application site. This development is expected to commence shortly.

1.4 To the northeast of the application site (25m) is St James Independent Girls School (the applicants) which is identified on the council's Register of Buildings of Merit. The land to the front of the application building comprises a driveway which sweeps around providing access to the park. A fence separates the park from the vehicular access to the site. The vehicular access does not form part of the development site but there is a right

of way across this land to the building. The building is positioned 6 to 7m from the rear boundary to the southeast (which comprises a 3m high brick wall).

1.5 The local area exhibits a variety of architectural styles and scale of development including residential mansion blocks, a primary school and small commercial premises close by. The site has a public transport accessibility level (PTAL) of 6A. North End Road is located to the north of the site which is served by a number of bus routes.

1.6 The planning application seeks consent for the erection of a three- storey building over a basement level to provide a new educational building, which would used as a sixth form centre in connection with the nearby St James Independent Girls School, following demolition of the existing single storey building. This is a revised proposal, following submission of a similar scheme (ref: 2013/01308/FUL), which was withdrawn following officers' concerns regarding the overall height of the proposed development and its impact on neighbouring properties.

1.7 In support of their planning application, the applicants have stated that:

- the development would allow for the accommodation of the 6th form pupils (up to 100) from cramped accommodation in the existing school to a new dedicated 6th form centre
- a transport statement and travel plan would be agreed as part of S106 legal agreement
- the building has been designed to enhance the character and appearance of the area and the park
- the building has been designed to be compatible with neighbouring properties
- the proposal would allow 32 additional pupils to be added to the school roll

## 2.0 PUBLICITY AND CONSULTATIONS

2.1 The application has been advertised by way of site notices, a press advertisement and individual notification letters to 214 neighbouring properties. In addition, English Heritage, the Environment Agency, the London Fire and Emergency Planning Authority, and the Crime Prevention Design Officer have been consulted

2.2 One objection has been received on behalf of the occupiers of two flats (nos. 2 and 3) in the Old Courthouse building on North End Road. This objection objects to the development on the following grounds:

- scale, bulk and design of the proposed building is out of keeping with the character and appearance of the area, the park and adjacent listed buildings
- development would harm the amenities of neighbouring properties by reason of loss of daylight/light and its overbearing position
- no objection to an appropriately designed development on this site
- recognise the improvements made over the earlier scheme, however, these have not dealt with all of our concerns
- taken together with the approved development at 6-12 Gorleston Street, this would represent an overdevelopment of this small site
- development would not comply with the Council's established policies, and would be unneighbourly

2.3 117 responses were received in support of the proposed development. These responses are primarily from parents with children at St James School (around 40% of the responses are from residents living within the borough). They support the development on the following grounds:

- enhancement of school facilities
- redevelopment would enhance the park
- building would enhance the area
- school works with local community
- building has been designed to reduce its impact on neighbouring properties

2.4 English Heritage has responded to state that they do not wish to make comments in this instance, and that the development should be determined in line with national and local policy guidance.

2.5 The Environment Agency has responded to state that the site is in Flood Risk Zone 1 (the lowest risk), and that subject to methods to deal with surface water run off that they have no objection. (Officer Comment: Sustainable drainage matters will be covered in the main report).

2.6 The London Fire and Emergency Planning Authority has responded to state that they are satisfied with the proposals.

2.7 Thames Water has responded to state that they have no objection to the development subject to condition on SUDS and an informative.

2.8 The Crime Prevention Design Advisor has stated that he has no objection to the proposed development.

### 3.0 PLANNING CONSIDERATIONS

3.1 The main planning issues in this case are considered to be:

- i) The acceptability of the loss of the previous community use and the new use for a sixth form centre; including the demolition of this building within a conservation area;
- ii) The design and impact of the proposed new school building on the park, the immediate streetscene and on the amenities of neighbouring occupiers;
- iii) The impact of the proposed development on traffic generation and parking in the area;
- iv) Energy, crime prevention, access, contaminated land and flood risk issues.

### LAND USE, SCHOOL EXPANSION AND DEMOLITION

3.2 Paragraph 72 of the National Planning Policy Framework states that 'The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should 'give great weight to the need to create, expand or alter schools' and ..... 'work with schools promoters to identify and resolve key planning issues before applications are submitted'. The Government's Policy Statement 'Planning for Schools Development' (August 2011) also sets a presumption in favour of school development, stating that local authorities should make full use of their planning powers to support schools applications.

3.3 The Core Strategy's Borough Wide Strategic Policy CF1 states that 'The council will work with its strategic partners to provide borough wide high quality accessible and inclusive facilities and services for the community by - encouraging the co-location of community facilities and services where opportunities arise -seeking the improvement of

school provision, including improvement and/or expansion of primary schools through the primary school capital programme, protecting all existing community facilities and services throughout the borough where there is an identified need'.

3.4 Policy DM D1 of the Development Management Local Plan states that 'Proposals for new or expanded community uses should meet local need, be compatible with and minimise impact on the local environment and be accessible to all in the community they serve', and that 'In any development proposal, existing community uses should be retained or replaced, unless there is clear evidence that there is no longer an identified need for a particular facility'.

3.5 The proposal would allow the existing 6th form accommodation, which the school say is not sufficient for their needs, to be relocated from the existing school building to this dedicated centre. This would free up some of the existing school space and allow for an increase in the roll of 32 pupils. No additional teaching positions are judged to be necessary by the school.

3.6 As part of the development it is proposed to demolish the existing building within the site. This building (built in the 1980's) comprises a single storey brick and block building, with a corrugated metal roof. The building has been vacant for a number of years and was purchased by the applicants in 2011. The building is of little architectural merit or character and officers consider that the demolition of this building would be acceptable from a conservation perspective.

3.7 The proposed new building would impact on the open space within the site. The existing building has a footprint of some 200 sqm (GIA), whereas the replacement building will have a footprint of 274 sqm (GIA). It is considered on balance, however, that the loss of the open space on the site (part of former youth centre and not part of the public open space would be justifiable in view of the improved school facilities the development would result in.

3.8 In assessing the application, officers have discussed the opportunities for the school to make the facilities available to the wider community. The applicant has said that the school already has links with local primary schools, for example holding cookery classes within the existing school facilities. The school says that expanding their facilities would enable them to expand on community use that they currently offer, although at present the extent of this is unknown. This would be part of the planning obligations for the development (see 3.55).

3.9 Officers consider that the principle of providing expanded educational facilities at the school is in accordance with the aims of the NPPF, London Plan policies 3.1, 3.18 and 3.19, Core Strategy policy CF1 and DM LP policy DM D1. The use of facilities by the wider community would ensure further community benefit as a result of the development.

3.10 In accordance with the provisions of the Equality Act 2010, the Council is required to have due regard to its public sector equality duty. These matters have been considered, and officers' view is that the proposal would not affect individual users or groups of users of the school to an unreasonable or disproportionate degree. In the longer term the proposal would secure improved school facilities to the benefit of individual users and groups of users.

## DESIGN and CONSERVATION

3.11 Paragraph 58 of the NPPF states that planning decisions should aim to ensure that developments '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; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping'. Paragraph 60 states 'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness'.

3.12 London Plan policy 7.1 requires that all new development is of high quality that responds to the surrounding context and improves access to social and community infrastructure, contributes to the provision of high quality living environments and enhances the character, legibility, permeability and accessibility of the surrounding neighbourhood.

3.13 London Plan policy 7.4 states that 'Buildings, streets and open spaces should provide a high quality design response that: a) has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass, b) contributes to a positive relationship between the urban structure and natural landscape features, c) is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings, d) allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area, and e) is informed by the surrounding historic environment'. Policy 7.6 of the London Plan requires development to be of high architectural quality that is of a scale that is compatible with the surrounding area that makes a positive contribution to the immediate, local and wider area.

3.14 Relevant local policies concerning the design of the proposed development include DM G1 of the Development Management Local Plan and policy BE1 of the Core Strategy.

3.15 Policy BE1 of the Core Strategy 2011 states that 'Development should create a high quality urban environment that respects and enhances its townscape context and heritage assets. There should be an approach to accessible and inclusive urban design that considers how good design, quality public realm, landscaping and land use can be integrated to help regenerate places. In particular, development throughout the borough should be of the highest standard of design that respects local context and character and should protect and enhance the character, appearance and setting of the borough's conservation areas and its historic environment'.

3.16 Development Management Local Plan policy DM G1 states that 'development will be permitted if it is of a high standard of design and compatible with the scale and



character of existing development and its setting'. The use of innovative and contemporary materials will be welcomed, provided these enable the design to be sensitively integrated into the existing built form and landscape. All proposals must be formulated to respect:

- a) the historical context and townscape setting of the site, and its sense of place;
- b) the scale, mass, form and grain of surrounding development;
- c) the relationship of the proposed development to the existing townscape, including the local street pattern, local landmarks and the skyline;
- d) the local design context, including the prevailing rhythm and articulation of frontages, local building materials and colour, and locally distinctive architectural detailing, and thereby promote and reinforce local distinctiveness;
- e) the principles of good neighbourliness;
- f) the local landscape context and where appropriate should provide good landscaping and contribute to an improved public realm; and
- g) sustainability objectives; including adaptation to, and mitigation of, the effects of climate change;
- h) the principles of accessible and inclusive design; and
- i) the principles of Secured by Design.

3.17 The character of Marcus Garvey Park is that of a pocket park, stitched into the urban fabric after the clearance of a former multi storey garage and a road that previously occupied the site. It is not of a set piece landscaped parkland but somewhere that has emerged and grown amongst the jumble of local buildings and streets. It is surrounded by a variety of buildings from different periods which fall within the range of 1 to 5 storeys in height. The palette of materials in nearby buildings consists mainly of stock and red bricks, stucco and stone.

3.18 The most significant nearby building is the grade II listed, Former West London Courthouse and its special architectural interest lies principally in its fine, English Baroque, red brick and Portland stone frontage on to North End Road. The back of the building is surrounded by high walls of varying heights, deliberately designed to screen off the building and is not mentioned in the listing description. The north flank wall is partially screened by the pedimented side entrance and the south flank wall is an unembellished wall.

3.19 The existing one storey building, which is predominantly brick with a profiled metal roof is utilitarian in appearance and detracts from the appearance of the park.

3.20 The proposed replacement school building has been carefully designed to respect its proximity to the Former West London Courthouse and to provide an appropriately scaled edge to the park with a contextual palette of materials and detailing. At three storeys in height the building would fit in well with the surrounding buildings and the massing has been cleverly broken up so that the third storey would be contained within an attractive composition of mansard roofs with sky lights. The height is similar to the existing St.James Girls School (Building of Merit) which is mentioned in the Conservation Area Profile, because it provides a good backdrop to the park.

3.21 The mansards would help to make the roofline recessive and reduce the impact of its scale on the park. At the rear, which is visible from Gorleston Street, the building would carefully step down in height in proximity to the back of the courthouse, so as to reduce the impact on the amenity of residents.

3.22 The design of the building has been inspired by the nearby mansion block and building of merit, 37 to 59 Fitzjames Avenue, which has a very prominent roof with skylight. The materials proposed for the façades would reflect the palette of materials used locally. Red bricks for the façades, stone reveals, stone and stucco string courses and red roofing tiles. The arrangement of narrow vertical windows and horizontal stone bands would also reference the elevational details of 37 to 59 Fitzjames Avenue. A condition is recommended to reserve the details of materials for future approval (Condition 06).

3.23 When viewed from North End Road, directly opposite the former courthouse, the new building would not be visible behind it. Viewed from either side of the courthouse, between the Ebenezer Methodist Church (Building of Merit) on the north, and Burne Jones House on the south side, the roof of the building would be set well back and recessive in the distance; and it would not affect the setting of the listed building.

3.24 The proposal is considered to be consistent with Policy DM G1 as it would achieve a high standard of design which is responsive to the local context and the scale of existing development and its setting. Furthermore, the development is judged to be consistent with Policy DM G7 as it would preserve the setting of the listed Former West London Courthouse; and as it would make a positive contribution to the character of the Olympia and Avonmore Conservation Area.

## IMPACT ON NEIGHBOURS

3.25 The proposed new sixth form centre would consist of a detached, three storey plus basement building, with an oasthouse style roof profile. The building would provide changing rooms and plant accommodation at basement level, with staff/administration, common room and classroom space at ground floor level, classrooms and study/assembly rooms on the upper two floors.

3.26 The new building would be of a larger footprint and scale than the existing building. However, the scale of the replacement building would not be out of keeping with the scale of surrounding buildings in the area. The immediate surrounding buildings measure between 2 and 5 storeys, with 6 to 8 storey buildings a little further off. The main entrance to the sixth form centre would be from Gorleston Street.

### Daylight and Sunlight

3.27 The nearest residential properties to the proposed new building are within the Samuel Lewis Trust Estate (to the south and south east of the site), former Courthouse building (to the south west), and the approved (but not yet implemented) residential scheme at 6-12 Gorleston Street (to the south west).

3.28 The applicants have assessed the impact by means of a report using the Building Research Establishments (BRE) guidelines for Daylight and Sunlight. The applicants report considers that the development meets the guidelines and would not result in impacts such that would warrant withholding planning permission for this development. Officers have assessed this report and consider that the results are robust.

3.29 The developers have also assessed the proposal with regards to overshadowing for Marcus Garvey Park and the private amenity space to the rear of the former court building. The BRE guidelines recommend that to appear adequately sunlit throughout the year that at least half of a garden or amenity area should receive 2 hours of sunlight on 21st March. With regard to both Marcus Garvey Park and the amenity space to the rear of the former courthouse, whilst both would experience a reduction in area that would receive sunshine, in the case of Marcus Garvey Park this would be 0.96 of its formal value and with regards the Former Courthouse amenity space, this would be 0.89 of its former value. In both cases both are well within BRE guidelines, therefore there is no objection to the scheme with regard to sunlight matters.

3.30 Officers are of the opinion, looking at the BRE analysis and taking the site characteristics into account that the proposed development would not cause harm to daylight and sunlight levels that would warrant withholding planning permission in this instance.

## Outlook

3.31 The primary views of the proposed new school building from residential properties would be from the flats to the rear of the former courthouse building. Given that the existing building on site is single storey any redevelopment involving a taller structure would potentially have an impact on outlook. SPD Housing Policy 8 seeks to protect the outlook of residential properties by recognising that the proximity of a new building can have an overbearing or dominating impact. The standard refers to taking a line at 45 degrees from a point 2m on the boundary or at ground level where there is a rear garden of less than 9m. There is a minor breach of this standard, however, this is when taken from a point at ground floor level. There is an existing boundary wall (being retained) at 3.2m high, and officers consider using on-site judgement that this small discrepancy would not result in such an impact on outlook that would warrant withholding planning permission. Furthermore, the replacement building has been designed to minimise its impact on the neighbours outlook, as it has been designed to step up and away from the rear elevation of the former courthouse building and the upper parts of the building would offer a broken outline at the highest points. Officers consider that given the set back design and the broken outline of the proposed building, the development would still allow the existing occupiers acceptable outlook from their properties.

## Privacy

3.32 In terms of privacy, SPD Housing Policy 8 of the Planning Guidance Supplementary Planning Document states that new windows should normally be positioned so that the distance to any residential windows is not less than 18 metres as measured by an arc of 60 degrees taken from the centre of the proposed new window. The proposed windows in the elevation which would face the rear of the former courthouse building would be within 18m of the existing residential windows (10.2m away). The windows at ground floor levels would be screened by the existing 3m high boundary wall, at first floor level there would only be three windows and these would be on the lobby. Those windows would be obscurely glazed and fixed shut (see condition 29) and as such would not have any detrimental impact. As such officers consider that the proposed development complies with the Council's standards and does not result in loss of privacy.

3.33 With regard to the southern elevation, there are a number of windows facing the existing windows on the Samuel Lewis Estate. These windows (first and second floor

level) will be around 4m from the nearest residential windows. These windows will be obscurely glazed (condition 28), and in this instance do not form the only windows to these classrooms. There are a number of windows in the development overlooking the park, however, officers consider that this would increase the daytime surveillance over the park and would also provide good levels of outlook and sunlight to these classrooms. None of the proposed new windows would breach the standard with regard to the approved development at 6-12 Gorleston Street.

#### Noise/disturbance

3.34 In terms of the use of the building and its impact on residential properties it is acknowledged that there would be increased activity on the site as a result of the use of the site as a sixth form centre (the building was previously used as a youth centre, but not for a number of years). The site would operate as a sixth form centre for St James School with all planned student activities taking place internally. The classrooms have been located as far as is possible away from the residential properties, and conditions are proposed to control noise output by way of sound proofing and limits on noise levels from the internal activities/plant. Whilst it is accepted that the development would allow for a small increase in pupil numbers for the main school of 32, the sixth form centre would provide accommodation for up to 100 pupils, who are currently accommodated on the existing nearby school site.

3.35 In order to protect the existing residential amenities of surrounding occupants in respect of the potential noise and disturbance arising from within the building, conditions are proposed to control noise output from activities and plant/equipment as well as nuisance from kitchen odours and any external lighting. This would ensure that the proposal accords with Development Management Local Plan policies DM H9, DM H10 and DM H11 (conditions 16, 18, 27, 29).

#### HIGHWAYS and PARKING

3.36 The NPPF requires developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised, and development should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people.

3.37 Policies 6.1, 6.3, 6.10, 6.11 and 6.13 of The London Plan 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.

3.38 Core Strategy policy T1 supports The London Plan. Policy DM J2 of the Development Management Local Plan set out vehicle parking standards, which brings them in line with London Plan standards and circumstances when they need not be met. However, there are no specific parking requirements for schools and each application is assessed on its own merits.

3.39 The development would provide a dedicated sixth form centre for St James School, allowing the sixth form pupils to relocate from their existing unsatisfactory accommodation within the existing school. The applicants have advised that this would allow for a small increase of 32 pupils to the existing school roll, but that no additional

staffing posts would be required. The application site has excellent pedestrian access to public transport links, the surrounding residential area, and to the existing St James' Schools located opposite the proposed site on Gorleston Street. Pedestrian access to the new school building could be gained directly from Gorleston Street via North End Road, along with Earsby Street and Chamberlain Court via Marcus Garvey Park. The site has a PTAL of 6a indicating it has excellent public transport links. It is served by seven bus routes and is within walking distance to Kensington Olympia, West Kensington and Barons Court London Underground Stations. Overground rail services can also be accessed via Kensington (Olympia) Station.

3.40 The development would not have any car parking provision. The proposed development would incorporate Sheffield cycle stands with capacity to park sixteen bicycles. This would comply with both the Council's cycle standards as set out within the Development Management Local Plan, in providing bicycle parking for the additional pupils and the London Plan requirements. Existing bicycle parking at the main school building would also remain available for sixth form pupils to use. A condition is recommended to ensure the permanent provision of secure and safe cycle storage (condition 26).

3.41 The proposed facility would have no kitchen facilities and would only require supplies of stationery and removal of waste. Due to the minimal delivery and refuse requirements the applicants propose to keep all delivery and servicing as at the existing St James' Schools and to trolley items to the proposed facility. A maximum of one trolley movement per day is expected. Furthermore, it is anticipated that any delivery requirements, or refuse generated by the additional 32 pupils would be accommodated within existing delivery and refuse vehicle movements, and therefore there would be no additional vehicle movements associated with the servicing of the proposed development.

3.42 The existing, and forthcoming physical constraints of Gorleston Street have given rise to vehicular access to the site being available for emergency vehicles only. There are removable bollards at the end of Gorleston Street and an emergency vehicle gate on Earsby Street, adjacent to the school entrance, which provides access to the rear of the existing St James' Schools buildings and would provide access to the proposed site.

3.43 The applicants have provided a draft travel plan indicating robust measures to ensure the reduction of overall car movements for the school. These would include a no car contract for the 6th form centre (this is a contract between the school and the parents/students), cycle training, and an Oyster card scheme. The applicants have indicated their willingness to reduce car journeys and it is proposed that a Travel Plan, which would include an Action Plan and a "No Car" contract would form part of the S106 requirements for this development.

3.44 Given the site constraints a construction logistics and management plan and a demolition logistics and management plan would be required by condition in order to mitigate any detrimental impact (conditions 03 and 04). This would also require that no construction/demolition deliveries should occur during peak times or conflict with school peak times.

## SECURED BY DESIGN

3.45 London Plan policy 7.3 requires new development to incorporate crime prevention measures to provide a safe and secure environment. Policy DM G1 of the Development



Management Local Plan requires developments to incorporate the principles of Secured by Design. The applicants have entered into discussions with the Crime Prevention Design Officer and it was advised that the development should include items such as SBD approved doors, laminated windows and it was also advised that improved lighting to the park area and extension of the schools current CCTV coverage be included. This would improve safety for pupils attending the school and would also benefit the wider community making use of this park. Officers are satisfied that the development would achieve Secured By Design certification. A condition would be attached requiring submission of final details of the SBD measures to be incorporated (see condition 12).

## ACCESSIBILITY

3.46 London Plan policy 7.2 requires that new development to embrace the principles of accessible and inclusive design, and this is also a requirement of policy DM G1 of the Development Management Local Plan. In accordance with this policy position, careful consideration has been given to the accessibility of the new sixth form accommodation. The proposed development would have level access at ground floor level, with lift access to all floors, as well as level thresholds to all rooms. It is therefore considered that the proposed development would ensure ease of access for all users.

## ENVIRONMENTAL MATTERS

### Energy and Sustainability

3.47 Policies DM H1 and DM H2 of the Development Management Local Plan seek to promote development which incorporates measures to reduce carbon dioxide and utilises sustainable design and construction methods.

3.48 As the development is not classified as a major development, it would not need to comply with London Plan policy 5.2, relating to energy efficiency and low/zero carbon measures, reducing CO2 emissions by 40%.

3.49 Notwithstanding this, the school have stated that the development would utilise low energy building services solutions to keep energy use and carbon emissions to a minimum. They propose to insulate the building fabric, have enhanced air leakage standards, use energy efficient plant, low energy light fittings and enhanced controls and monitoring of energy use, use a small number of pv panels, use appropriately sized windows with deep reveals to limit solar gain, use natural ventilation to draw air through the building and reduce southern facing windows to lower solar gain.

3.50 Officers are satisfied that the development will comply with policies DM H1 and DM H2 and therefore raise no objection to the development on grounds of energy and sustainability.

### Flood Risk and Sustainable Urban Drainage Systems (SUDS)

3.51 Policy DM H3 of the Development Management Local Plan seeks to promote development which incorporates measures to reduce water use and the risk of flooding. The site is within the Environment Agency's Flood Zone 1 which indicates a low risk of tidal flooding; and small scale developments, such as this, do not need to provide a detailed Flood Risk Assessments. However, the site is considered to be more susceptible to surface water flooding, so this aspect of the site needs to be considered. To this end,

the applicants have submitted a Surface Water Strategy. This notes that the predicted level of surface water flooding on the site is between 30 and 50mm deep. Taking account of this in the development design, the finished floor levels would be set at approx. 100mm above the existing ground level. In addition, surface water runoff from the site would be managed using rainwater harvesting tanks, permeable paving and a flow control device sized to achieve a 50% reduction in the run-off rate when compared against the existing situation.

3.52 Whilst the proposed measures are considered to be acceptable, a condition (13) has been attached to ensure the implementation of the SUDS measures as outlined.

#### Contaminated land

3.53 Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. Conditions are recommended 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 Borough Wide Strategic Policy CC4 of the Core Strategy (2011) and policies DM H7 and DM H11 of the Development Management Local Plan (2013) (conditions 19-24).

#### PLANNING OBLIGATIONS

##### Community Infrastructure Levy (CIL)

3.54 Mayoral CIL came into effect in April 2012 and is a material consideration to which regard must be had when determining this planning application. In this case, the application proposes a building and extensions for educational use for which the CIL levy is set at £0 per square metre. So, the applicant is, in effect, exempt from paying CIL.

##### S106 Agreement

3.55 The applicants have agreed that the following matters will be covered by a legal agreement:

- Travel Plan, including Action Plan and No Car contract
- Contribution of £25K towards playground/facility improvements
- Provision of CCTV cameras (to be linked to councils system)
- Contribution of £20K towards improved lighting to park
- Submission of a 'community use plan' which would set out how community use could be facilitated where appropriate - say, through identifying the facilities/rooms which could potentially be made available and hours during which such use could occur

#### 4.0 CONCLUSION and RECOMMENDATION

4.1 Officers consider that the proposed land use is acceptable and that the development would provide a valuable community facility which would meet an identified educational need. The new building is considered to be of an acceptable design having regard to the needs of the building's users and the character and appearance of the area. It is also considered that the proposal would not result in harmful levels of traffic generation or impact on on-street parking, and would not have a demonstrably harmful impact on the amenities of surrounding residents. The proposal would deliver a secure,

environmentally sustainable and accessible development. Subject to conditions, the development would not have a further impact on flood risk, nor would it be at risk from contaminated land.

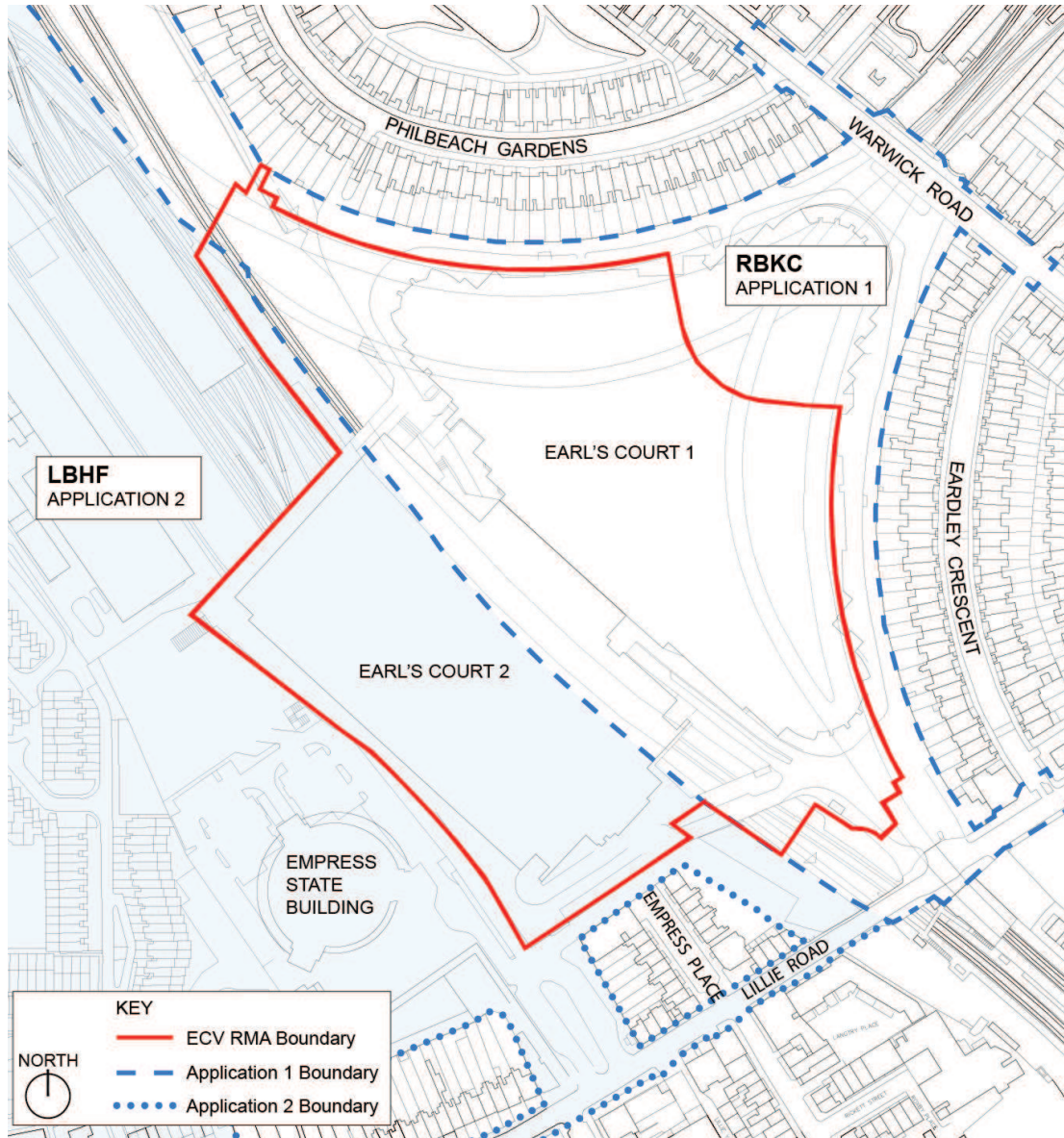
4.2 For these reasons it is recommended that planning permission is granted, subject to conditions legal agreement .

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**Ward:** North End

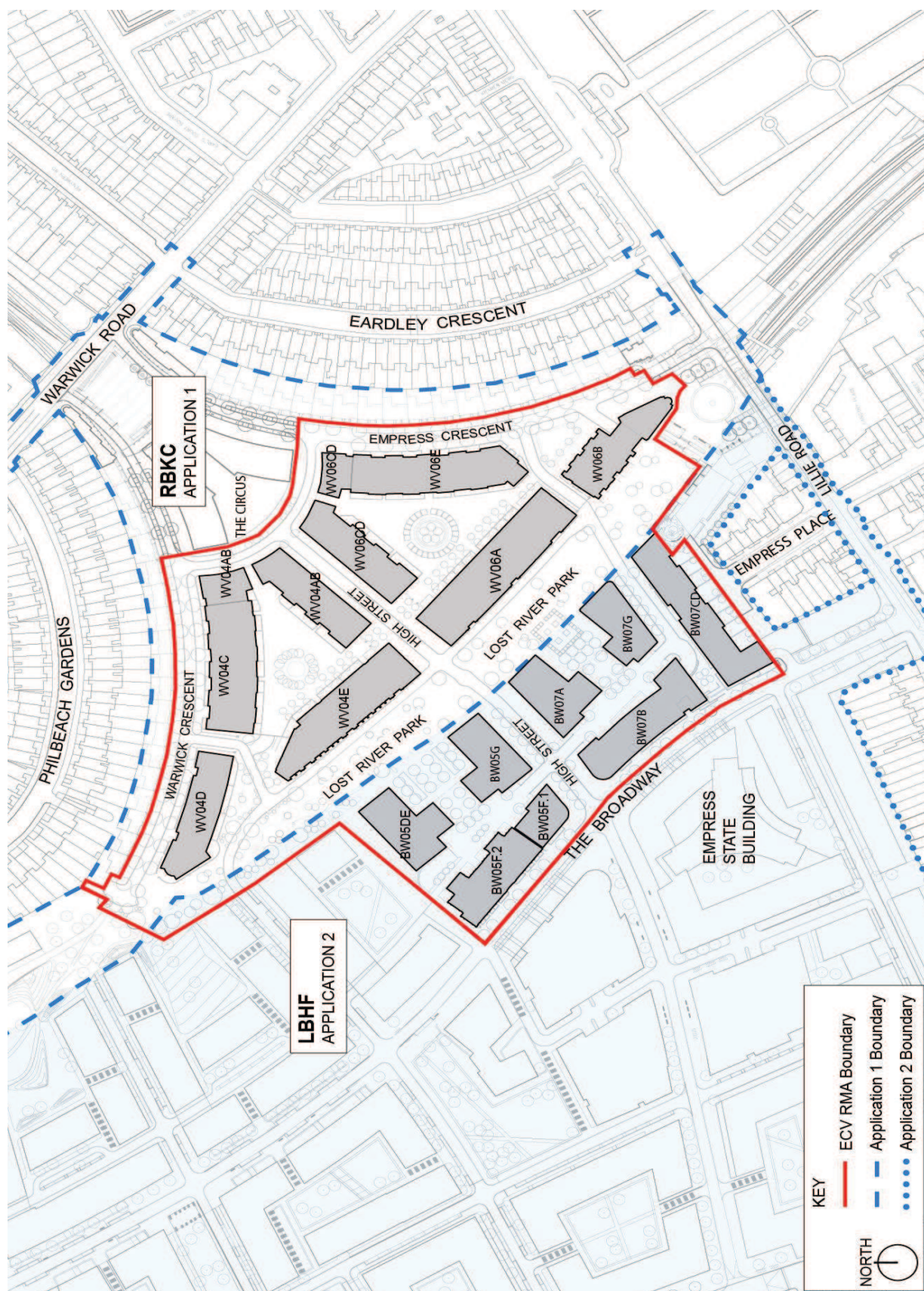
**Site Address:**

Earl's Court 2 Exhibition Centre, the Lillie Bridge Rail Depot, the West Kensington and Gibbs Green housing estates and adjoining land.



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







**Reg. No:**  
2013/05200/RES

**Case Officer:**  
John Sanchez

**Date Valid:**  
06.01.2014

**Conservation Area:**

**Committee Date:**  
03.04.2014

**Applicant:**  
EC Properties Limited  
C/o Agent

**Description:**  
Submission of reserved matters pursuant to outline planning permission dated 14th November 2013 (ref: 2011/02001/OUT); relating to layout; scale; appearance and landscaping; submitted for approval for the following Development Parcels in LBHF: BW05-1; BW05-2; BW07-2; BW07-3; LP-4 (part); LP-6 and LP-9 (part); comprising a mixed use development of 690 residential units and 4,895 sqm (GEA) of commercial floorspace (Use Class A1-A5), provision of landscaped public and private open space; and associated cycle and car parking spaces at basement and ground level.

**Drawing Numbers:**

**General**

ECV-TFP-XXXX-XX-AE-DSP-XXX-A011.P1; ECV-TFP-XXXX-XX-AE-DSP-XXX-A020.

**Basement**

ECV-KPF-XXXX-XX-AE-DGA-LB3-A097; ECV-KPF-XXXX-XX-AE-DGA-LB2-A098; ECV-KPF-XXXX-XX-AE-DGA-LB1-A099; ECV-KPF-XXXX-XX-AE-DSL-LB1-A220; ECV-KPF-XXXX-XX-AE-DSC-LB-A221.

**BW05DE (KPF)**

ECV-KPF-BW05-DX-AE-DFP-LB1-A099-P2; ECV-KPF-BW05-DX-AE-DFP-L01-A101-P2; ECV-KPF-BW05-DX-AE-DFP-L08-A108-P2; ECV-KPF-BW05-DX-AE-DFP-L10-A110-P2; ECV-KPF-BW05-DX-AE-DEL-XXX-A200-P2; ECV-KPF-BW05-DX-AE-DEL-XXX-A201-P2; ECV-KPF-BW05-DX-AE-DSC-XXX-A220-P2.

**BW05G (KPF)**

ECV-KPF-BW05-GX-AE-DFP-L00-A100-P2; ECV-KPF-BW05-GX-AE-DFP-L06-A106-P2; ECV-KPF-BW05-GX-AE-DFP-L09-A109-P2; ECV-KPF-BW05-GX-AE-DFP-LRF-A150-P2; ECV-KPF-BW05-GX-AE-DEL-XXX-A200-P2; ECV-KPF-BW05-GX-AE-DEL-XXX-A201-P2; ECV-KPF-BW05-GX-AE-DSC-XXX-A220-P2.

**BW05F1 (KPF) (Feature Building)**

ECV-KPF-BW05-FX-AE-DFP-L00-A100-P2; ECV-KPF-BW05-FX-AE-DFP-L00-A118-P2; ECV-KPF-BW05-FX-AE-DEL-XXX-A200-P2; ECV-KPF-BW05-FX-AE-DEL-XXX-A201-P2; ECV-KPF-BW05-FX-AE-DSC-XXX-A220-P1.

**BW05F2 (Fred Pilbrow)**

ECV-P&P-BW05-F2-AE-DFP-LB3-A097-P1; ECV-P&P-BW05-F2-AE-DFP-LB2-A098-P1; ECV-P&P-BW05-F2-AE-DFP-LB2-A099-P1; ECV-P&P-BW05-F2-AE-DFP-L00-A100-P1; ECV-P&P-BW05-F2-AE-DFP-L01-A101-P1; ECV-P&P-BW05-F2-AE-DFP-L02-A102-P1; ECV-P&P-BW05-F2-AE-DFP-L06-A106-P1; ECV-P&P-BW05-F2-AE-DFP-L09-A109-P1; ECV-P&P-BW05-F2-AE-DFP-L10-A110-P1; ECV-P&P-BW05-F2-AE-DFP-L11-A111-P1; ECV-P&P-BW05-F2-AE-DFP-LRF-A113-P2; ECV-P&P-BW05-F2-AE-DEL-XXX-A201-P2; ECV-P&P-BW05-F2-AE-DEL-XXX-A202-P2; ECV-P&P-BW05-F2-AE-DEL-XXX-A203-P2; ECV-P&P-BW05-F2-AE-DEL-XXX-A204-P2; ECV-P&P-BW05-F2-AE-DEL-XXX-A251-P2; ECV-P&P-BW05-F2-AE-DEL-XXX-A252-P2; ECV-P&P-BW05-F2-AE-DDT-XXX-A401; ECV-P&P-BW05-F2-AE-DDT-XXX-A402.

**BW07CD (KPF)**

ECV-KPF-BW07-CX-AE-DFP-L00-A098-P2; ECV-KPF-BW07-CX-AE-DFP-L00-A100-P2; ECV-KPF-BW07-CX-AE-DFP-L02-A102-P2; ECV-KPF-BW07-CX-AE-DFP-L03-A103-P2; ECV-KPF-BW07-CX-AE-DFP-L05-A105-P2; ECV-KPF-BW07-CX-AE-DFP-LRF-A150-P2; ECV-KPF-BW07-CX-AE-DEL-XXX-A200-P3; ECV-KPF-BW07-CX-AE-DEL-XXX-A201-P3; ECV-KPF-BW07-CX-AE-DSC-XXX-A220-P2.

**BW07A (KPF)**

ECV-KPF-BW07-AX-AE-DFP-L00-A100-P2; ECV-KPF-BW07-AX-AE-DFP-L06-A106-P1; ECV-KPF-BW07-AX-AE-DFP-L09-A109-P1; ECV-KPF-BW07-AX-AE-DEL-XXX-A200-P2; ECV-KPF-BW07-AX-AE-DEL-XXX-A201-P2; ECV-KPF-BW07-AX-AE-DSC-XXX-A220-P2.

**BW07B (KPF)**

ECV-KPF-BW07-BX-AE-DFP-L00-A100-P2; ECV-KPF-BW07-BX-AE-DFP-L02-A102-P2; ECV-KPF-BW07-BX-AE-DFP-L09-A109-P2; ECV-KPF-BW07-BX-AE-DFP-L11-A111-P2; ECV-KPF-BW07-BX-AE-DFP-L15-A115-P2; ECV-KPF-BW07-BX-AE-DEL-XXX-A200-P2; ECV-KPF-BW07-BX-AE-DEL-XXX-A201-P2; ECV-KPF-BW07-BX-AE-DSC-XXX-A220-P2.

**BW07G (KPF)**

ECV-KPF-BW07-GX-AE-DFP-L00-A100-P2; ECV-KPF-BW07-GX-AE-DFP-L06-A106-P2; ECV-KPF-BW07-GX-AE-DFP-L09-A109-P2; ECV-KPF-BW07-GX-AE-DEL-XXX-A200-P2; ECV-KPF-BW07-GX-AE-DEL-XXX-A201-P2; ECV-KPF-BW07-GX-AE-DSC-XXX-A220-P2.

**Detailed Section/Elevation drawings**

ECV-KPF-XXXX-XX-AE-DDT-XXX-A351; ECV-KPF-XXXX-XX-AE-DDT-XXX-A352; ECV-KPF-XXXX-XX-AE-DDT-XXX-A353; ECV-KPF-XXXX-XX-AE-DDT-XXX-A359; ECV-KPF-XXXX-XX-AE-DDT-XXX-A360; ECV-KPF-XXXX-XX-AE-DDT-XXX-A361.

**Landscaping (ARUP)**

ECV-ARP-XXXX-XX-LE-DSP-L00-L005/P03; ECV-ARP-XXXX-XX-LE-DSP-L00-L006/P03; ECV-ARP-XXXX-XX-LE-DSP-L00-L013/P03 ECV-ARP-XXXX-XX-LE-DSP-L00-L027/P03.

**GA Plans**

ECV-ARP-XXXX-XX-LE-DGA-L00-L100/P0; ECV-ARP-XXXX-XX-LE-DGA-L00-L101/P02; ECV-ARP-XXXX-XX-LE-DGA-L00-L105/P02; ECV-ARP-XXXX-XX-LE-DGA-L00-L106/P03; ECV-ARP-XXXX-XX-LE-DGA-L00-L107/P03; ECV-ARP-XXXX-XX-LE-

DGA-L00-L109/P03; ECV-ARP-XXXX-XX-LE-DGA-L00-L200/P02; ECV-ARP-XXXX-XX-LE-DGA-L00-L201/P02; ECV-ARP-XXXX-XX-LE-DGA-L00-L205/P02; ECV-ARP-XXXX-XX-LE-DGA-L00-L206/P03; ECV-ARP-XXXX-XX-LE-DGA-L00-L207/P03; ECV-ARP-XXXX-XX-LE-DGA-L00-L209/P03; ECV-ARP-XXXX-XX-LE-DGA-L00-L300/P02; ECV-ARP-XXXX-XX-LE-DGA-L00-L301/P02; ECV-ARP-XXXX-XX-LE-DGA-L00-L305/P02; ECV-ARP-XXXX-XX-LE-DGA-L00-L306/P03; ECV-ARP-XXXX-XX-LE-DGA-L00-L307/P03; ECV-ARP-XXXX-XX-LE-DGA-L00-L308/P02; ECV-ARP-XXXX-XX-LE-DGA-L00-L309/P03; ECV-ARP-XXXX-XX-LE-DGA-L00-L310 /P01 (planting schedule); ECV-ARP-XXXX-XX-LE-DGA-L00-L400/P02; ECV-ARP-XXXX-XX-LE-DGA-L00-L421/P01; ECV-ARP-XXXX-XX-LE-DGA-L00-L422/P01; ECV-ARP-XXXX-XX-LE-DGA-L00-L423/P01; ECV-ARP-XXXX-XX-LE-DGA-L00-L430/P02; ECV-ARP-XXXX-XX-LE-DGA-L00-L431/P01; ECV-ARP-XXXX-XX-LE-DGA-L00-L432/P01; ECV-ARP-XXXX-XX-LE-DGA-L00-L433/P02; ECV-ARP-XXXX-XX-LE-DGA-L00-L440/P01; ECV-ARP-XXXX-XX-LE-DGA-L00-L441/P01; ECV-ARP-XXXX-XX-LE-DGA-L00-L450/P01; ECV-ARP-XXXX-XX-LE-DGA-L00-L451/P01; ECV-ARP-XXXX-XX-LE-DGA-L00-L501/P01; ECV-ARP-XXXX-XX-LE-DGA-L00-L703/P01

### **Documents**

Development Specification (Revised March 2014 and letter dated 24 March 2014); Design and Access Statement; Internal Daylight, Sunlight and Overshadowing Report; Daylight and Sunlight Assessment (including Interim Effects on Estate Buildings); Statement of Community Involvement; Flood Management Plan and Noise Maps.

### **Application Type:**

Submission of Reserved Matters

### **Officer Recommendation:**

**That the reserved matters be approved subject to the condition(s) set out below:**

### **Definitions:**

**"Above Ground Works"** means any works to a proposed building within the development above the ground floor slab.

**"Advance Infrastructure and Enabling Works"** means infrastructure and enabling works required for the development as agreed with the Local Planning Authority pursuant to Condition 29 of the outline planning permission (2011/02001/OUT).

**"Development Plot"** means the development plot or plots labelled on parameter plan ref: ECM2-PA-03-106\_A, as approved on outline planning permission ref: 2011/02001/OUT and defined as BW05 and BW07.

**"Development Parcel" or "Parcel"** means the Parcel or Parcels within each Development Plot and identified on plan ref ECV-TFP-XXXX-XX-AE-DSP-XXX-A020 (the **"Development Parcel Plan"**) and which shall be treated as a phase for the purposes of the Community Infrastructure Levy Regulations 2010 (as amended) SAVE WHERE an application for Reserved Matters is for part only of a Development Parcel in which case the development within the application for Reserved Matters shall be treated as the phase for the purposes of the Community Infrastructure Levy Regulations 2010 (as amended).

**"Landscape Development Parcel"** means the development parcels as identified on plan ECV-TFP-XXXX-XX-AE-DSP-XXX-A020 with an LP prefix (e.g. LP2, LP3).

**“Buildings or Blocks”** means the buildings identified on plan ECV-ARP-XXXX-XX-LE-DGA-L00-L703/P01 within each Development Parcel and defined as BW05DE; BW05F1; BW05F2; BW05G; BW07A; BW07B; BW07CD; BW07G.

**“Temporary Works”** means works of a temporary nature, such as, temporary hard and/or soft landscaping or temporary vehicular routes.

**Conditions:**

- (1) The development shall be carried out and completed in accordance with the following approved drawings and documents:

**General**

ECV-TFP-XXXX-XX-AE-DSP-XXX-A011.P1; ECV-TFP-XXXX-XX-AE-DSP-XXX-A020.

**Basement**

ECV-KPF-XXXX-XX-AE-DGA-LB3-A097; ECV-KPF-XXXX-XX-AE-DGA-LB2-A098; ECV-KPF-XXXX-XX-AE-DGA-LB1-A099; ECV-KPF-XXXX-XX-AE-DSL-LB1-A220; ECV-KPF-XXXX-XX-AE-DSC-LB-A221.

**BW05DE (KPF)**

ECV-KPF-BW05-DX-AE-DFP-LB1-A099-P2; ECV-KPF-BW05-DX-AE-DFP-L01-A101-P2; ECV-KPF-BW05-DX-AE-DFP-L08-A108-P2; ECV-KPF-BW05-DX-AE-DFP-L10-A110-P2; ECV-KPF-BW05-DX-AE-DEL-XXX-A200-P2; ECV-KPF-BW05-DX-AE-DEL-XXX-A201-P2; ECV-KPF-BW05-DX-AE-DSC-XXX-A220-P2.

**BW05G (KPF)**

ECV-KPF-BW05-GX-AE-DFP-L00-A100-P2; ECV-KPF-BW05-GX-AE-DFP-L06-A106-P2; ECV-KPF-BW05-GX-AE-DFP-L09-A109-P2; ECV-KPF-BW05-GX-AE-DFP-LRF-A150-P2; ECV-KPF-BW05-GX-AE-DEL-XXX-A200-P2; ECV-KPF-BW05-GX-AE-DEL-XXX-A201-P2; ECV-KPF-BW05-GX-AE-DSC-XXX-A220-P2.

**BW05F1 (KPF) (Feature Building)**

ECV-KPF-BW05-FX-AE-DFP-L00-A100-P2; ECV-KPF-BW05-FX-AE-DFP-L00-A118-P2; ECV-KPF-BW05-FX-AE-DEL-XXX-A200-P2; ECV-KPF-BW05-FX-AE-DEL-XXX-A201-P2; ECV-KPF-BW05-FX-AE-DSC-XXX-A220-P1.

**BW05F2 (Fred Pilbrow)**

ECV-P&P-BW05-F2-AE-DFP-LB3-A097-P1; ECV-P&P-BW05-F2-AE-DFP-LB2-A098-P1; ECV-P&P-BW05-F2-AE-DFP-LB2-A099-P1; ECV-P&P-BW05-F2-AE-DFP-L00-A100-P1; ECV-P&P-BW05-F2-AE-DFP-L01-A101-P1; ECV-P&P-BW05-F2-AE-DFP-L02-A102-P1; ECV-P&P-BW05-F2-AE-DFP-L06-A106-P1; ECV-P&P-BW05-F2-AE-DFP-L09-A109-P1; ECV-P&P-BW05-F2-AE-DFP-L10-A110-P1; ECV-P&P-BW05-F2-AE-DFP-L11-A111-P1; ECV-P&P-BW05-F2-AE-DFP-LRF-A113-P2; ECV-P&P-BW05-F2-AE-DEL-XXX-A201-P2; ECV-P&P-BW05-F2-AE-DEL-XXX-A202-P2; ECV-P&P-BW05-F2-AE-DEL-XXX-A203-P2; ECV-P&P-BW05-F2-AE-DEL-XXX-A204-P2; ECV-P&P-BW05-F2-AE-DEL-XXX-A251-P2; ECV-P&P-BW05-F2-AE-DEL-XXX-A252-P2; ECV-P&P-BW05-F2-AE-DDT-XXX-A401; ECV-P&P-BW05-F2-AE-DDT-XXX-A402.

**BW07CD (KPF)**

ECV-KPF-BW07-CX-AE-DFP-L00-A098-P2; ECV-KPF-BW07-CX-AE-DFP-L00-A100-P2; ECV-KPF-BW07-CX-AE-DFP-L02-A102-P2; ECV-KPF-BW07-CX-AE-DFP-L03-A103-P2; ECV-KPF-BW07-CX-AE-DFP-L05-A105-P2; ECV-KPF-BW07-CX-AE-DFP-LRF-A150-P2; ECV-KPF-BW07-CX-AE-DEL-XXX-A200-P3; ECV-KPF-BW07-CX-AE-DEL-XXX-A201-P3; ECV-KPF-BW07-CX-AE-DSC-XXX-A220-P2.

**BW07A (KPF)**

ECV-KPF-BW07-AX-AE-DFP-L00-A100-P2; ECV-KPF-BW07-AX-AE-DFP-L06-A106-P1; ECV-KPF-BW07-AX-AE-DFP-L09-A109-P1; ECV-KPF-BW07-AX-AE-DEL-XXX-A200-P2; ECV-KPF-BW07-AX-AE-DEL-XXX-A201-P2; ECV-KPF-BW07-AX-AE-DSC-XXX-A220-P2.

**BW07B (KPF)**

ECV-KPF-BW07-BX-AE-DFP-L00-A100-P2; ECV-KPF-BW07-BX-AE-DFP-L02-A102-P2; ECV-KPF-BW07-BX-AE-DFP-L09-A109-P2; ECV-KPF-BW07-BX-AE-DFP-L11-A111-P2; ECV-KPF-BW07-BX-AE-DFP-L15-A115-P2; ECV-KPF-BW07-BX-AE-DEL-XXX-A200-P2; ECV-KPF-BW07-BX-AE-DEL-XXX-A201-P2; ECV-KPF-BW07-BX-AE-DSC-XXX-A220-P2.

**BW07G (KPF)**

ECV-KPF-BW07-GX-AE-DFP-L00-A100-P2; ECV-KPF-BW07-GX-AE-DFP-L06-A106-P2; ECV-KPF-BW07-GX-AE-DFP-L09-A109-P2; ECV-KPF-BW07-GX-AE-DEL-XXX-A200-P2; ECV-KPF-BW07-GX-AE-DEL-XXX-A201-P2; ECV-KPF-BW07-GX-AE-DSC-XXX-A220-P2.

**Detailed Section/Elevation drawings**

ECV-KPF-XXXX-XX-AE-DDT-XXX-A351; ECV-KPF-XXXX-XX-AE-DDT-XXX-A352; ECV-KPF-XXXX-XX-AE-DDT-XXX-A353; ECV-KPF-XXXX-XX-AE-DDT-XXX-A359; ECV-KPF-XXXX-XX-AE-DDT-XXX-A360; ECV-KPF-XXXX-XX-AE-DDT-XXX-A361.

**Landscaping (ARUP)**

ECV-ARP-XXXX-XX-LE-DSP-L00-L005/P03; ECV-ARP-XXXX-XX-LE-DSP-L00-L006/P03; ECV-ARP-XXXX-XX-LE-DSP-L00-L013/P03 ECV-ARP-XXXX-XX-LE-DSP-L00-L027/P03.

**GA Plans**

ECV-ARP-XXXX-XX-LE-DGA-L00-L100/P0; ECV-ARP-XXXX-XX-LE-DGA-L00-L101/P02; ECV-ARP-XXXX-XX-LE-DGA-L00-L105/P02; ECV-ARP-XXXX-XX-LE-DGA-L00-L106/P03; ECV-ARP-XXXX-XX-LE-DGA-L00-L107/P03; ECV-ARP-XXXX-XX-LE-DGA-L00-L109/P03; ECV-ARP-XXXX-XX-LE-DGA-L00-L200/P02; ECV-ARP-XXXX-XX-LE-DGA-L00-L201/P02; ECV-ARP-XXXX-XX-LE-DGA-L00-L205/P02; ECV-ARP-XXXX-XX-LE-DGA-L00-L206/P03; ECV-ARP-XXXX-XX-LE-DGA-L00-L207/P03; ECV-ARP-XXXX-XX-LE-DGA-L00-L209/P03; ECV-ARP-XXXX-XX-LE-DGA-L00-L300/P02; ECV-ARP-XXXX-XX-LE-DGA-L00-L301/P02; ECV-ARP-XXXX-XX-LE-DGA-L00-L305/P02; ECV-ARP-XXXX-XX-LE-DGA-L00-L306/P03; ECV-ARP-XXXX-XX-LE-DGA-L00-L307/P03; ECV-ARP-XXXX-XX-LE-DGA-L00-L308/P02; ECV-ARP-XXXX-XX-LE-DGA-L00-L309/P03; ECV-ARP-XXXX-XX-LE-DGA-L00-L310 /P01 (planting schedule); ECV-ARP-XXXX-XX-LE-DGA-L00-L400/P02; ECV-ARP-XXXX-XX-LE-DGA-L00-L421/P01; ECV-ARP-XXXX-XX-LE-DGA-L00-L422/P01; ECV-ARP-XXXX-XX-LE-DGA-L00-L423/P01; ECV-ARP-XXXX-XX-LE-DGA-L00-L430/P02; ECV-ARP-XXXX-XX-LE-DGA-L00-L431/P01; ECV-ARP-XXXX-XX-LE-DGA-L00-L432/P01; ECV-ARP-XXXX-XX-LE-DGA-L00-L433/P02; ECV-ARP-XXXX-XX-LE-DGA-L00-L440/P01; ECV-ARP-XXXX-XX-LE-DGA-L00-L441/P01; ECV-ARP-XXXX-XX-LE-DGA-L00-L450/P01; ECV-ARP-XXXX-XX-LE-DGA-L00-L451/P01; ECV-ARP-XXXX-XX-LE-DGA-L00-L501/P01; ECV-ARP-XXXX-XX-LE-DGA-L00-L703/P01.

Reason: In order to ensure full compliance with the application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policy BE1 of the London Borough of Hammersmith and Fulham Core Strategy (2011) and Policies DM E4, DM G1, DM G2, DM G4 and DM G7, of



the London Borough of Hammersmith and Fulham Development Management Local Plan (2013).

(2) Details to be submitted Buildings BW05DE and BW05G

Full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority before the development of Buildings BW05DE and BW05G and the associated landscape (as identified on drawing number ECV-ARP-XXXX-XX-LE-DGA-L00-L703/P01) hereby permitted commences (save for any advance infrastructure and enabling works, demolition, temporary works, below ground works) and the development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained:

- (a) samples of all the materials to be used on the external faces of the buildings, including balconies and terraces and the associated landscape, and a specification of the colour, tone and texture;
- (b) detailed drawings including sections of windows, doors, entrances, shop fronts, canopies and top storeys at scale 1:20;
- (c) detailed drawings of balconies and fixings (and details of glazing and screenings) at scale 1:20;
- (d) detailed drawings of any proposed walls, fences, railings or balustrades at scale 1:20.

Reason: In order to ensure a satisfactory appearance to the development and to prevent harm to the streetscene and public realm, in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2011), Policy BE1 of the London Borough of Hammersmith and Fulham Core Strategy (2011), Policies DM G1, DM G4 and DM G7, of the London Borough of Hammersmith and Fulham Development Management Local Plan (2013) and SPD Design policy 44 of the London Borough of Hammersmith and Fulham Planning Guidance Supplementary Planning Document (2013).

(3) On site sample panel Buildings BW05DE and BW05G

Sample panels of facing brickwork and stonework as approved in condition 2, showing the proposed colour, texture, facebond, and pointing to be used on the external faces of Buildings BW05DE and BW05G shall be provided on site and approved in writing by the Local Planning Authority prior to the construction of Buildings BW05DE and BW05G (save for any advance infrastructure and enabling works, demolition, temporary works, below ground works) and the sample panels shall be retained on site until the work is completed. The development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained.

Reason: In order to ensure a satisfactory appearance to the development and to prevent harm to the streetscene and public realm, in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2011), Policy BE1 of the London Borough of

Hammersmith and Fulham Core Strategy (2011), Policies DM G1 and DM G7, of the London Borough of Hammersmith and Fulham Development Management Local Plan (2013) and SPD Design policy 44 of the London Borough of Hammersmith and Fulham Planning Guidance Supplementary Planning Document (2013).

(4) Details to be submitted Buildings BW07A and BW07G

Full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority before the development of Buildings BW07A and BW07G and the associated landscape (as identified on drawing number ECV-ARP-XXXX-XX-LE-DGA-L00-L703/P01) hereby permitted commences (save for any advance infrastructure and enabling works, demolition, temporary works, below ground works) and the development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained:

- (a) samples of all the materials to be used on the external faces of the buildings, including balconies and terraces and the associated landscape, and a specification of the colour, tone and texture;
- (b) detailed drawings including sections of windows, doors, entrances, shop fronts, canopies and top storeys at scale 1:20;
- (c) detailed drawings of balconies and fixings (and details of glazing and screenings) at scale 1:20;
- (d) detailed drawings of any proposed walls, fences, railings or balustrades at scale 1:20.

Reason: In order to ensure a satisfactory appearance to the development and to prevent harm to the streetscene and public realm, in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2011), Policy BE1 of the London Borough of Hammersmith and Fulham Core Strategy (2011), Policies DM G1, DM G4 and DM G7, of the London Borough of Hammersmith and Fulham Development Management Local Plan (2013) and SPD Design policy 44 of the London Borough of Hammersmith and Fulham Planning Guidance Supplementary Planning Document (2013).

(5) On site sample panel Buildings BW07A and BW07G

Sample panels of facing brickwork and stonework as approved in condition 4, showing the proposed colour, texture, facebond, and pointing to be used on the external faces of Buildings BW07A and BW07G shall be provided on site and approved in writing by the Local Planning Authority prior to the construction of Buildings BW07A and BW07G (save for any advance infrastructure and enabling works, demolition, temporary works, below ground works) and the sample panels shall be retained on site until the work is completed. The development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained:

Reason: In order to ensure a satisfactory appearance to the development and to prevent harm to the streetscene and public realm, in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2011), Policy BE1 of the London Borough of Hammersmith and Fulham Core Strategy (2011), Policies DM G1 and DM G7, of the London Borough of Hammersmith and Fulham Development Management Local Plan (2013) and SPD Design policy 44 of the London Borough of Hammersmith and Fulham Planning Guidance Supplementary Planning Document (2013).

(6) Details to be submitted Building BW05F.1

Full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority before the development of Building BW05F.1 and the associated landscape (as identified on drawing number ECV-ARP-XXXX-XX-LE-DGA-L00-L703/P01) hereby permitted commences (save for any advance infrastructure and enabling works, demolition, temporary works, below ground works) and the development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained:

- (a) samples of all the materials to be used on the external faces of the buildings, including balconies and terraces and the associated landscape, and a specification of the colour, tone and texture;
- (b) detailed drawings including sections of windows (including surrounding cladding), doors, entrances, shop fronts, canopies and top storeys at scale 1:20;
- (c) detailed drawings of balconies and fixings (and details of glazing and screenings) at scale 1:20;
- (d) detailed drawings of any proposed walls, fences, railings or balustrades at scale 1:20.

Reason: In order to ensure a satisfactory appearance to the development and to prevent harm to the streetscene and public realm, in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2011), Policy BE1 of the London Borough of Hammersmith and Fulham Core Strategy (2011), Policies DM G1, DM G4 and DM G7, of the London Borough of Hammersmith and Fulham Development Management Local Plan (2013) and SPD Design policy 44 of the London Borough of Hammersmith and Fulham Planning Guidance Supplementary Planning Document (2013).

(7) On site sample panel Building BW05F.1

Sample panels of facing brickwork and stonework as approved in condition 6, showing the proposed colour, texture, facebond, and pointing to be used on the external faces of Building BW05F.1 shall be provided on site and approved in writing by the Local Planning Authority prior to the construction of Buildings BW05F.1 (save for any advance infrastructure and enabling works, demolition, temporary works, below ground works) and the sample panels shall be retained on site until the work is completed. The development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained.

Reason: In order to ensure a satisfactory appearance to the development and to prevent harm to the streetscene and public realm, in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2011), Policy BE1 of the London Borough of Hammersmith and Fulham Core Strategy (2011), Policies DM G1 and DM G7, of the London Borough of Hammersmith and Fulham Development Management Local Plan (2013) and SPD Design policy 44 of the London Borough of Hammersmith and Fulham Planning Guidance Supplementary Planning Document (2013).

(8) On site metal cladding sample panel Building BW05F.1

Sample panels of all metal cladding panels as approved in condition 6, showing the proposed colour, texture and fixing methods to be used on the external faces of Building BW05F.1 shall be provided on site and approved in writing by the Local Planning Authority prior to the construction of buildings BW05F.1 (save for any advance infrastructure and enabling works, demolition, temporary works, below ground works) and the sample panels shall be retained on site until the work is completed. The development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained.

Reason: In order to ensure a satisfactory appearance to the development and to prevent harm to the streetscene and public realm, in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2011), Policy BE1 of the London Borough of Hammersmith and Fulham Core Strategy (2011), Policies DMG1 and DM G7, of the London Borough of Hammersmith and Fulham Development Management Local Plan (2013) and SPD Design policy 44 of the London Borough of Hammersmith and Fulham Planning Guidance Supplementary Planning Document (2013).

(9) Details to be submitted Building BW05F.2

Full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority before the development of Building BW05F.2 and the immediate landscaping (as identified on drawing number ECV-ARP-XXXX-XX-LE-DGA-L00-L703/P01) hereby permitted commences (save for any advance infrastructure and enabling works, demolition, temporary works, below ground works) and the development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained:

- (a) samples of all the materials to be used on the external faces of the buildings, including balconies and terraces and the associated landscape, and a specification of the colour, tone and texture;
- (b) detailed drawings including sections of windows, doors, entrances, shop fronts, canopies and top storeys at scale 1:20;
- (c) detailed drawings of balconies and fixings (and details of glazing and screenings) at scale 1:20;
- (d) detailed drawings of any proposed walls, fences, railings or balustrades at scale 1:20.

Reason: In order to ensure a satisfactory appearance to the development and to prevent harm to the streetscene and public realm, in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2011), Policy BE1 of the London Borough of Hammersmith and Fulham Core Strategy (2011), Policies DM G1 and DM G7, of the London Borough of Hammersmith and Fulham Development Management Local Plan (2013) and SPD Design policy 44 of the London Borough of Hammersmith and Fulham Planning Guidance Supplementary Planning Document (2013).

(10) On site sample panel Building BW05F.2

Sample panels of terracotta and stonework as approved in condition 9, showing the proposed colour, texture, facebond, and pointing to be used on the external faces of Building BW05F.2 shall be provided on site and approved in writing by the Local Planning Authority prior to the construction of Building BW05F.2 (save for any advance infrastructure and enabling works, demolition, temporary works, below ground works) and the sample panels shall be retained on site until the work is completed. The development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained:

Reason: In order to ensure a satisfactory appearance to the development and to prevent harm to the streetscene and public realm, in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2011), Policy BE1 of the London Borough of Hammersmith and Fulham Core Strategy (2011), Policies DM G1 and DM G7, of the London Borough of Hammersmith and Fulham Development Management Local Plan (2013) and SPD Design policy 44 of the London Borough of Hammersmith and Fulham Planning Guidance Supplementary Planning Document (2013).

(11) Details to be submitted Building BW07B

Full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority before the development of Building BW07B and the associated landscape (as identified on drawing number ECV-ARP-XXXX-XX-LE-DGA-L00-L703/P01) hereby permitted commences (save for any advance infrastructure and enabling works, demolition, temporary works, below ground works) and the development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained:

- (a) samples of all the materials to be used on the external faces of the buildings, including balconies and terraces and the associated landscape, and a specification of the colour, tone and texture;
- (b) detailed drawings including sections of windows (including surrounding cladding), doors, entrances, shop fronts, canopies and top storeys at scale 1:20;
- (c) detailed drawings of balconies and fixings (and details of glazing and screenings) at scale 1:20;
- (d) detailed drawings of any proposed walls, fences, railings or balustrades at scale 1:20.



Reason: In order to ensure a satisfactory appearance to the development and to prevent harm to the streetscene and public realm, in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2011), Policy BE1 of the London Borough of Hammersmith and Fulham Core Strategy (2011), Policies DM G1, DM G4 and DM G7, of the London Borough of Hammersmith and Fulham Development Management Local Plan (2013) and SPD Design policy 44 of the London Borough of Hammersmith and Fulham Planning Guidance Supplementary Planning Document (2013).

(12) On site sample panel building BW07B

Sample panels of facing brickwork and stonework as approved in condition 10, showing the proposed colour, texture, facebond, and pointing to be used on the external faces of building BW07B shall be provided on site and approved in writing by the Local Planning Authority prior to the construction of buildings BW07B (save for any advance infrastructure and enabling works, demolition, temporary works, below ground works) and the sample panels shall be retained on site until the work is completed. The development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained.

Reason: In order to ensure a satisfactory appearance to the development and to prevent harm to the streetscene and public realm, in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2011), Policy BE1 of the London Borough of Hammersmith and Fulham Core Strategy (2011), Policies DM G1 and DM G7, of the London Borough of Hammersmith and Fulham Development Management Local Plan (2013) and SPD Design policy 44 of the London Borough of Hammersmith and Fulham Planning Guidance Supplementary Planning Document (2013).

(13) On site metal cladding sample panel Building BW07B

Sample panels of all metal cladding panels as approved in condition 11, showing the proposed colour, texture and fixing methods to be used on the external faces of Building BW07B shall be provided on site and approved in writing by the Local Planning Authority prior to the construction of buildings BW07B (save for any advance infrastructure and enabling works, demolition, temporary works, below ground works) and the sample panels shall be retained on site until the work is completed. The development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained.

Reason: In order to ensure a satisfactory appearance to the development and to prevent harm to the streetscene and public realm, in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2011), Policy BE1 of the London Borough of Hammersmith and Fulham Core Strategy (2011), Policies DM G1 and DM G7, of the London Borough of Hammersmith and Fulham Development Management Local Plan (2013) and SPD Design policy 44 of the London Borough of Hammersmith and Fulham Planning Guidance Supplementary Planning Document (2013).

(14) Details to be submitted Building BW07CD

Full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority before the development of Building BW07CD and the associated landscape (as identified on drawing number ECV-ARP-XXXX-XX-LE-

DGA-L00-L703/P01) hereby permitted commences (save for any advance infrastructure and enabling works, demolition, temporary works, below ground works) and the development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained.

- (a) samples of all the materials to be used on the external faces of the buildings, including balconies and terraces and the associated landscape, and a specification of the colour, tone and texture;
- (b) detailed drawings including sections of windows, doors, entrances, shop fronts, canopies and top storeys at scale 1:20;
- (c) detailed drawings of balconies and fixings (and details of glazing and screenings) at scale 1:20;
- (d) detailed drawings of any proposed walls, fences, railings or balustrades at scale 1:20, including but not limited to details of the boundary wall with the existing properties in Empress Place.

Reason: In order to ensure a satisfactory appearance to the development and to prevent harm to the streetscene and public realm, in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2011), Policy BE1 of the London Borough of Hammersmith and Fulham Core Strategy (2011), Policies DM G1, DM G4 and DM G7, of the London Borough of Hammersmith and Fulham Development Management Local Plan (2013) and SPD Design policy 44 of the London Borough of Hammersmith and Fulham Planning Guidance Supplementary Planning Document (2013).

(15) On site sample panel Building BW07CD

Sample panels of facing brickwork and stonework as approved in condition 14, showing the proposed colour, texture, facebond, and pointing to be used on the external faces of Building BW07CD shall be provided on site and approved in writing by the Local Planning Authority prior to the construction of Buildings BW07CD (save for any advance infrastructure and enabling works, demolition, temporary works, below ground works) and the sample panels shall be retained on site until the work is completed. The development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained.

Reason: In order to ensure a satisfactory appearance to the development and to prevent harm to the streetscene and public realm, in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2011), Policy BE1 of the London Borough of Hammersmith and Fulham Core Strategy (2011), Policies DM G1 and DM G7, of the London Borough of Hammersmith and Fulham Development Management Local Plan (2013) and SPD Design policy 44 of the London Borough of Hammersmith and Fulham Planning Guidance Supplementary Planning Document (2013).

(16) Landscaping details Development Parcel LP-4

Full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority before the development of Development Parcel LP-4 (as

identified on drawing number ECV-TFP-XXXX-XX-AE-DSP-XXX-A020) hereby permitted commences (save for any advance infrastructure and enabling works, demolition, temporary works, below ground works) and the development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained:

- (a) details and specification of all materials to be used on open land including hard and soft landscaping;
- (b) samples of all materials proposed for hard landscaping including bollards;
- (c) any proposed walls, fences, or railings;
- (d) detailed plan and sections drawings at scale 1:20 of all street furniture including cycle parking stands, bins, benches and signage;
- (e) detailed plans and sections of proposed tree pits or pots and specification of tree species;
- (f) details and location of all lighting.

Reason: In order to ensure a satisfactory appearance to the development and to prevent harm to the streetscene and public realm, in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2011), Policy BE1 of the London Borough of Hammersmith and Fulham Core Strategy (2011), Policies DM E4, DM G1 and DM G7, of the London Borough of Hammersmith and Fulham Development Management Local Plan (2013) and SPD Design policy 44 of the London Borough of Hammersmith and Fulham Planning Guidance Supplementary Planning Document (2013).

(17) Landscaping details Development Parcel LP-6

Full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority before the development of Development Parcel LP-6 (as identified on drawing number ECV-TFP-XXXX-XX-AE-DSP-XXX-A020) hereby permitted commences (save for any advance infrastructure and enabling works, demolition, temporary works, below ground works) and the development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained:

- (a) details and specification of all materials to be used on open land including hard and soft landscaping;
- (b) samples of all materials proposed for hard landscaping;
- (c) any proposed walls, fences, or railings;
- (d) detailed plan and sections drawings at scale 1:20 of all street furniture including cycle parking stands and bins;

- (e) detailed plans and sections of proposed tree pits and specification of tree species;
- (f) details and location of all lighting.

Reason: In order to ensure a satisfactory appearance to the development and to prevent harm to the streetscene and public realm, in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2011), Policy BE1 of the London Borough of Hammersmith and Fulham Core Strategy (2011), Policies DM E4, DM G1 and DM G7, of the London Borough of Hammersmith and Fulham Development Management Local Plan (2013) and SPD Design policy 44 of the London Borough of Hammersmith and Fulham Planning Guidance Supplementary Planning Document (2013).

(18) Landscaping details Development Parcel LP-9

Full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority before the development of Development Parcel LP-9 (part) (as identified on drawing number ECV-TFP-XXXX-XX-AE-DSP-XXX-A020) hereby permitted commences (save for any advance infrastructure and enabling works, demolition, temporary works, below ground works) and the development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained.

- (a) details and specification of all materials to be used on open land including hard and soft landscaping;
- (b) samples of all materials proposed for hard landscaping;
- (c) any proposed walls, fences, or railings;
- (d) detailed plan and sections drawings at scale 1:20 of all street furniture including cycle parking stands and bins;
- (e) detailed plans and sections of proposed tree pits and specification of tree species;
- (f) details and location of all lighting.

Reason: In order to ensure a satisfactory appearance to the development and to prevent harm to the streetscene and public realm, in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2011), Policy BE1 of the London Borough of Hammersmith and Fulham Core Strategy (2011), Policies DM E4, DM G1 and DM G7, of the London Borough of Hammersmith and Fulham Development Management Local Plan (2013) and SPD Design policy 44 of the London Borough of Hammersmith and Fulham Planning Guidance Supplementary Planning Document (2013).

(19) Landscaping details Development Parcels BW05-1 and BW05-2 (development plot BW05)

Full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority before the development of the central courtyard within

Development Parcels BW05-1 and BW05-2 (as identified on drawing number ECV-TFP-XXXX-XX-AE-DSP-XXX-A020) hereby permitted commences (save for any advance infrastructure and enabling works, demolition, temporary works, below ground works) and the development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained.

- (a) details and specification of all materials to be used on open land including hard and soft landscaping;
- (b) samples of all materials proposed for hard landscaping;
- (c) detailed plans and sections of proposed tree pits/planters and specification of tree species;
- (d) any proposed walls, fences, or railings;

Reason: In order to ensure a satisfactory appearance to the development and to prevent harm to the streetscene and public realm, in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2011), Policy BE1 of the London Borough of Hammersmith and Fulham Core Strategy (2011), Policies DM E4, DM G1 and DM G7, of the London Borough of Hammersmith and Fulham Development Management Local Plan (2013) and SPD Design policy 44 of the London Borough of Hammersmith and Fulham Planning Guidance Supplementary Planning Document (2013).

20) Landscaping details Development Parcel BW07-2 (Development Plot BW07)

Full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority before the development of the central courtyard within Development Parcel BW07-2 (as identified on drawing number ECV-TFP-XXXX-XX-AE-DSP-XXX-A020) hereby permitted commences (save for any advance infrastructure and enabling works, demolition, temporary works, below ground works) and the development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained:

- (a) details and specification of all materials to be used on open land including hard and soft landscaping;
- (b) samples of all materials proposed for hard landscaping;
- (c) detailed plans and sections of proposed tree pits/planters and specification of tree species;
- (d) any proposed walls, fences, or railings;

Reason: In order to ensure a satisfactory appearance to the development and to prevent harm to the streetscene and public realm, in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2011), Policy BE1 of the London Borough of Hammersmith and Fulham Core Strategy (2011), Policies DM E4, DM G1 and DM G7, of the London Borough of Hammersmith and Fulham Development Management Local Plan (2013) and SPD Design policy 44 of the London Borough of Hammersmith and Fulham Planning Guidance Supplementary Planning Document (2013).



(21) Landscaping details Development Parcel BW07-3 (Development Plot BW07)

Full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority before the development of the central courtyard within Development Parcel BW07-3 (as identified on drawing number ECV-TFP-XXXX-XX-AE-DSP-XXX-A020) hereby permitted commences (save for any advance infrastructure and enabling works, demolition, temporary works, below ground works) and the development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained:

- (a) details and specification of all materials to be used on open land including hard and soft landscaping;
- (b) samples of all materials proposed for hard landscaping;
- (c) detailed plans and sections of proposed tree pits/planters and specification of tree species;
- (d) any proposed walls, fences, or railings;

Reason: In order to ensure a satisfactory appearance to the development and to prevent harm to the streetscene and public realm, in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2011), Policy BE1 of the London Borough of Hammersmith and Fulham Core Strategy (2011), Policies DM E4, DM G1 and DM G7, of the London Borough of Hammersmith and Fulham Development Management Local Plan (2013) and SPD Design policy 44 of the London Borough of Hammersmith and Fulham Planning Guidance Supplementary Planning Document (2013).

(22) Car park entrance BW05-2

Full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority before the development of development parcel BW05-2 (as identified on drawing number ECV-TFP-XXXX-XX-AE-DSP-XXX-A020) hereby permitted commences (save for any advance infrastructure and enabling works, demolition, temporary works, below ground works) and the development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained:

- (a) detailed drawings and sections of the underground car park entrance at scale 1:20.
- (b) samples of all materials proposed.

Reason: In order to ensure a satisfactory appearance to the development and to prevent harm to the streetscene and public realm, in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2011), Policy BE1 of the London Borough of Hammersmith and Fulham Core Strategy (2011), Policies DM E4, DM G1 and DM G7, of the London Borough of Hammersmith and Fulham Development Management Local Plan (2013) and SPD Design policy 44 of the London Borough of Hammersmith and Fulham Planning Guidance Supplementary Planning Document (2013).

(23) Car park entrance BW07-2

Full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority before the development of development parcel BW07-2 (as identified on drawing number ECV-TFP-XXXX-XX-AE-DSP-XXX-A020) hereby permitted commences (save for any advance infrastructure and enabling works, demolition, temporary works, below ground works) and the development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained:

- (a) detailed drawings and sections of the underground car park entrance at scale 1:20.
- (b) samples of all materials proposed.

Reason: In order to ensure a satisfactory appearance to the development and to prevent harm to the streetscene and public realm, in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2011), Policy BE1 of the London Borough of Hammersmith and Fulham Core Strategy (2011), Policies DM E4, DM G1 and DM G7, of the London Borough of Hammersmith and Fulham Development Management Local Plan (2013) and SPD Design policy 44 of the London Borough of Hammersmith and Fulham Planning Guidance Supplementary Planning Document (2013).

(24) Amalgamation of A3-A5 uses

The commercial units hereby approved within A3-A5 Use Classes shall not at any time be used or occupied otherwise than as separate units and shall not be amalgamated to create larger units within the development hereby approved.

Reason: To safeguard the amenities of occupiers of neighbouring residential properties in terms of noise, disturbance, car parking and traffic from noise generating uses, in accordance with Policy CC4 of the London Borough of Hammersmith and Fulham Core Strategy (2011) and policies DM C6, DM H9, DM H11 and DM J2 of the Development Management Local Plan (2013).

(25) Use of Retail Unit located in BW07B

The retail unit approved within Building BW07B shall be used solely for the purposes of a shop (retail) use only, falling within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting that Order with or without modification). and for no other purpose.

Reason: The use of this commercial unit for any other purpose with Classes A2-A5 could raise materially different planning considerations in terms of transport and noise and disturbance matters and to ensure that appropriate provision of shop uses for the residential occupiers and visitors to the site, in accordance with Policy CC4 of the London Borough of Hammersmith and Fulham Core Strategy (2011) and Policies DM C6, DM J1, DM J2, DM H9 and DM H11 of the London Borough of Hammersmith and Fulham Development Management Local Plan (2013).

(26) Opening Hours

The use of the commercial units within A1-A5 use classes hereby permitted shall not be carried out between 23.00 hours and 07.00 hours the following day.

Reason: To safeguard the amenity of neighbouring residential properties by reason of noise and disturbance, in accordance with policy CC4 of the London Borough of Hammersmith and Fulham Core Strategy (2011) and policies DM H9 and DM H11 of the London Borough of Hammersmith and Fulham Development Management Local Plan (2013).

(27) Music/Amplified voices

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

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by noise, in accordance with policy CC4 of the London Borough of Hammersmith and Fulham Core Strategy (2011) and policies DM H9 and DM H11 of the London Borough of Hammersmith and Fulham Development Management Local Plan (2013).

(28) No roof structures

No water tanks, plant, lift motor rooms, air conditioning units, ventilation fans, extraction fans or other structures not shown on the approved drawings shall be erected upon the roof(s) or surface(s) of the approved Building(s), without the written approval of the Local Planning Authority.

Reason: In order to ensure a satisfactory appearance to the development and to prevent harm to the streetscene and public realm, in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2011), Policy BE1 of the London Borough of Hammersmith and Fulham Core Strategy (2011), Policies DM G1 and DM G7, of the London Borough of Hammersmith and Fulham Development Management Local Plan (2013) and SPD Design policy 44 of the London Borough of Hammersmith and Fulham Planning Guidance Supplementary Planning Document (2013).

(29) Photovoltaic Panels

Full details at a scale no less than 1:20 (in plan, section and elevation) of the proposed photovoltaic (PV's) system relative to the surface of the roof of the Building BW07CD shall be provided and approved in writing by the Local Planning Authority, prior to first occupation of any residential units in Building BW07CD. The PV's shall be carried out in accordance with the details as so approved and shall be so maintained.

Reason: In order to ensure a satisfactory appearance to the development and to prevent harm to the streetscene and public realm, in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2011), Policy BE1 of the London Borough of Hammersmith and Fulham Core Strategy (2011), Policies DM G1 and DM G7, of the London Borough of Hammersmith and Fulham Development Management Local Plan (2013) and SPD Design policy 44 of the London Borough of Hammersmith and Fulham Planning Guidance Supplementary Planning Document (2013).

(30) Green Roofs

Full details of the green roofs, including planting and maintenance schedules, and ecological enhancement measures shall be provided and approved in writing by the Local Planning Authority prior to the first occupation of any part of the

residential building containing a green roof. The green roofs shall be carried out and maintained in accordance with the details approved.

Reason: To ensure the provision of greening, in the interest of sustainable urban drainage, in accordance with Policy 5.13 of the London Plan (2011), Policies CC1 and CC2 of the London Borough of Hammersmith and Fulham Core Strategy (2011) and Policy DM H3 of the London Borough of Hammersmith and Fulham Development Management Local Plan (2013).

(31) Lifetime Homes Standards

All the residential units within the development hereby approved shall be constructed to comply with the Lifetime Homes Standards; and they shall be permanently retained in this form thereafter.

Reason: To ensure that the residential units are built to 'Lifetime Homes' standards, in accordance with Policy 3.8 of the London Plan (2011), Policy H4 of the London Borough of Hammersmith and Fulham Core Strategy (2011), Policy DM A4 of the London Borough of Hammersmith and Fulham Development Management Local Plan (2013).

(32) Stage 2 Safety Audit

A Stage 2 Safety Audit for a development parcel shall be provided and approved in writing by the Local Planning Authority for the internal road layout hereby permitted and any measures recommended in the audit that are required by the Local Planning Authority shall be carried out to the satisfaction of the Local Planning Authority before the development hereby permitted within that Development Parcel (as identified on drawing number ECV-TFP-XXXX-XX-AE-DSP-XXX-A020) commences (save for any advance infrastructure and enabling works, demolition, temporary works, below ground works) and the development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained.

Reason: To ensure that all access points provided within the site are safe for all site and highway users in accordance with Policies 6.3 and 6.10 of the London Plan (2011), Policy T1 of the London Borough of Hammersmith and Fulham Core Strategy and Policies DM A9, DM J2, DM J3, DM J4 and DM J5 of the Hammersmith and Fulham Development Local Plan (2013).

(33) Cycle Route Wayfinding

Full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any of the residential units and the development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained:

- (a) details of cycle route wayfinding across the site.

Reason: To ensure the suitable provision of cycling within the development to meet the needs of both future occupiers and users, in accordance with Policies 6.9 and 6.13 of the London Plan (2011) and Policy DM J5 of the London Borough of Hammersmith and Fulham Development Management Local Plan (2013).

- (34) Details of Suitable Boundary Treatment with adjacent Development Plots to BW05  
Full particulars of a suitable boundary treatment on the boundaries of the development plot BW05 shall be submitted to and approved in writing by the Local Planning Authority before the occupation of any of the residential units Buildings BW05DE; BW05F.1; BW05F.2; BW05G hereby permitted and the development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained.

Reason: In order to ensure satisfactory appearance to the development and to prevent harm to the streetscene and public realm and to protect the amenities of future residential occupiers from any adverse impact arising from adjoining Development Parcels awaiting development, in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2011), Policy BE1 and CC4 of the London Borough of Hammersmith and Fulham Core Strategy (2011) and Policies DM G1, DM G7, DM H9 and DM H11 of the London Borough of Hammersmith and Fulham Development Management Local Plan (2013).

- (35) Details of Suitable Boundary Treatment with adjacent Development Plots to BW07  
Full particulars of a suitable boundary treatment on the boundaries of the development plot BW07 shall be submitted to and approved in writing by the Local Planning Authority before the occupation of any of the residential units Buildings BW07A; BW07B; BW07CD; BW07G hereby permitted and the development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained.

Reason: In order to ensure satisfactory appearance to the development and to prevent harm to the streetscene and public realm and to protect the amenities of future residential occupiers from any adverse impact arising from adjoining Development Parcels awaiting development, in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2011), Policy BE1 and CC4 of the London Borough of Hammersmith and Fulham Core Strategy (2011) and Policies DM G1, DM G7, DM H9 and DM H11 of the London Borough of Hammersmith and Fulham Development Management Local Plan (2013).

### **Justification for Approving Reserved Matters:**

1. General: The principle of a residential led mix use development has previously been established by the outline planning permission granted 14<sup>th</sup> November 2014 (ref. 2011/02930/OUT). Within the context of the wider Earl's Court site, it is considered that the reserved matters would provide an appropriate quantum of development and land uses. The reserved matters application relate to the detailed layout, scale, appearance and landscaping. Overall the reserved matters accord with the approved Parameter Plans in terms of maximum height and maximum footprints within the development plots and are considered to generally follow the principles established within the Design Guidelines. The reserved matters are also in accordance with conditions 12, 13, 14, 15, 16, 17, 18, 21, 22 and 23 approved as part of the outline planning permission (2011/02001/OUT). The proposed development therefore accords with the London Plan Policies 3.5, 3.6, 3.7, 5.2, 5.3, 5.9, 5.10, 5.11, 5.12, 5.17, 6.9, 6.10, 7.1, 7.2, 7.3, 7.6 and 7.7 of the London Plan and the Mayor's Housing SPG, Hammersmith and Fulham Core Strategic Policies BE1, H3, H4, OS1 and T1.



2. Design: The reserved matters application would bring a high quality design to the Earl's Court and West Kensington Opportunity Area and would make a positive contribution to the urban environment in this part of the borough. The layout would provide an accessible and inclusive and good urban design, quality public realm and landscaping which would regenerate the site and surroundings with improved linkages and connectivity. The layout, scale and external appearance of the proposed buildings are considered to be of a satisfactory standard of design and architecture. The appearance and quality of the buildings set within the hard and soft landscaping are considered appropriate to their context. The landscaping proposes high quality public realm spaces including a major element of the new park in the Earl's Court Development (Lost River Park), new highways and shared spaces. In addition the private amenity spaces proposed are acceptable layout and would provide an acceptable level of amenity to the residents of the new development. The buildings do not have any impact on views from within the surrounding conservation areas and would not affect the setting of any neighbouring listed buildings. The development would therefore be acceptable in accordance with the NPPF (2012), London Plan Policies 7.1, 7.2, 7.4, 7.5 and 7.6 (2011), Policy BE1 of the Hammersmith and Fulham Core Strategy (2011) and Policy DM E1, DM E2, DM G1 and DM G7 of the Development Management Local Plan (2013).

3. Residential Amenity and Impact on Neighbouring Properties: The housing mix and internal design and quality of the residential accommodation provided is considered satisfactory and in accordance with the requirements in terms of layout and floor space, Lifetime Homes compliant and satisfactory internal daylighting. The development would therefore accord with London Plan Policies 3.4, 3.5 and 3.8 (2011), Hammersmith and Fulham Core Strategy Policies H2, H3 and H4 and Policy DM A9 of the Development Management Local Plan (2013). The amenity space provision is also considered satisfactory, judged against Core Strategy Policy OS1 and Policies DM E1 and DM E2 of the Development Management Local Plan (2013). The height, scale and siting of the proposed development is considered to avoid harm to the existing residential amenities in the area. In this regard, the development would respect the principles of good neighbourliness. The development would therefore be acceptable in accordance with Policies DM G1, DM H9, DM H10, DM H11 and DM A9 of the Development Management Local Plan (2013) and SPD Housing Policy 8 of the Planning Guidance SPD (2013).

4. Safety and Access: The development would provide a safe and secure environment for all users in accordance with London Plan Policy 7.3 (2011) and Policy DM G1 of the Hammersmith and Fulham Development Management Local Plan (2013). The proposal would provide ease of access for all people, including disabled people, in accordance with London Plan Policy 3.8, Core Strategy Policy H4, Policy DM A4 of the Hammersmith and Fulham Development Management Local Plan (2013) and SPD Design Policies 1, 2, 3 and 11 of the Planning Guidance SPD (2013).

5. Transport: The layout and design of the parking is acceptable. Parking standards for cars, cycles and the size, location of waste storage is also considered acceptable. The development would therefore be acceptable in accordance with the NPPF (2012), London Plan Policies 6.1, 6.3, 6.9, 6.10, 6.11, 6.13, and 6.16 (2011), Hammersmith and Fulham Core Strategy Policies T1 and

CC3 (2011), Policies DM J1, J2, J3, J5, A9 and H5 of the Development Management Local Plan (2013), and SPD Transport Policies 3, 7 and 12 and SPD Sustainability Policies 3, 4, 7, 8, 9 and 10 of the Planning Guidance SPD (2013).

6. Sustainability: Measures for an energy efficient development have been secured by conditions and the S106 pursuant to the outline permission 2011/02001/OUT. The Design and Access Statement refers to an intention of designing the development to meet level 4 of the Code for Sustainable Homes. The development would therefore be acceptable in accordance with London Plan Policy 5.3 (2011), Hammersmith and Fulham Core Strategy Policy CC1 (2011) and Policy DM H1 and G1 of the Development Management Local Plan (2013) on carbon reduction, and London Plan Policy 5.3 (2011), Core Strategy Policy H3 (2011), Policy DM H2 and G1 of the Development Management Local Plan (2013) and SPD Sustainability Policies 25 and 26 of the Planning Guidance SPD (2013) on sustainable design and construction.

7. Flood Risk: A Flood Risk Assessment (FRA) was submitted with the outline permission which considered risks of flooding to the site and adequate preventative measures were identified by conditions including the details of SUDS. In this respect the proposal is therefore in accordance with the NPPF (2012), London Plan Policies 5.11, 5.12, 5.13, 5.14 and 5.15 (2011), Hammersmith and Fulham Core Strategy Policies CC1 and CC2 (2011), Policy DM H3 of the Development Management Local Plan (2013) and SPD Sustainability Policies 1 and 2 of the Planning Guidance SPD (2013).

### **Informatives**

1. The applicant is reminded of the need to comply with all requirements in the S106 agreement and all the conditions of the outline planning permission dated 14<sup>th</sup> November 2013 (Ref: 2011/02001/OUT).

2. It is noted that the application includes the use of oak trees in the proposed development. You are advised that oak trees are not suitable in this area due to the fact that RBKC and LBHF are both within the west London Oak Processionary Moth (OPM) outbreak area.

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

#### **All Background Papers held by Andrew Marshall (Ext: 3340):**

Application form received: 18th December 2013  
Drawing Nos: see above

**Policy documents:** National Planning Policy Framework 2012  
The London Plan 2011 and Revised Early Minor Alterations to The London Plan, 2013  
Core Strategy 2011

The Development Management Local Plan 2013  
 Planning Guidance Supplementary Planning Document July 2013  
 Earl's Court and West Kensington Opportunity Area Supplementary  
 Planning Document March 2012.

**Consultation Comments:**

**Comments from:**

Transport For London  
 English Heritage London Region  
 English Heritage Archaeology  
 Environment Agency - Planning Liaison  
 Crossrail Limited  
 Sports England  
 Thames Water - Development Control  
 Network Rail  
 Sports England  
 Theatre Trust  
 Natural England  
 Crime Prevention Design Advisor  
 Lillie Road Residents' Association  
 (c/o 14 Lillie Road)  
 Fulham Society  
 Hammersmith and Fulham Historic Buildings Group  
 Eardley Crescent Residents Association  
 Earl's Court Society

**Dated:**

31.01.14  
 03.02.14  
 28.02.14  
 10.01.14  
 15.01.14  
 24.01.14  
 13.01.14  
 14.02.14  
 06.02.14  
 28.01.14  
 29.01.14  
 24.02.14  
 27.01.14 &  
 09.02.14  
 18.03.14  
 07.02.14  
 31.01.14  
 11.03.14

**Neighbour Comments:**

**Letters from:**

17 Upper Mall Hammersmith London W6 9TA  
 12b Empress Place, SW6 1TT  
 6 Gayford Road London W12 9BN  
 22 Gibbs Green London W14 9NB  
 Flat 7 Peabody Estate, Lillie Road SW6  
 205 North End Road 3rd Floor, London W14 9NP  
 35 Barkston Gardens, London SW5 0ER  
 30 Lillie Road, London SW6 1TN  
 48 Lillie Road, London SW6 1TN  
 Flat 7, J Block, Peabody Estate Lillie Road  
 London, SW6 1UU  
 209 Cheeseman's Terrace, Star Road, London W14 9XT  
 Flat 32 Charleville Mansions Charleville Road London W14 9JA  
 138 Dalrymple Close London N14 4LQ

**Dated:**

01.02.14  
 27.01.14  
 07.02.14  
 30.01.14  
 01.02.14  
 31.01.14  
 29.01.14  
 04.02.14  
 20.02.14  
 31.01.14  
 27.01.14  
 21.01.14  
 14.01.14

# OFFICERS REPORT

## 1.0 INTRODUCTION

1.1 On 14<sup>th</sup> November 2013, outline planning permission was granted by the London Borough of Hammersmith & Fulham (LBHF) and the Royal Borough of Kensington & Chelsea (RBKC), in relation to the phased redevelopment of the Earl's Court site.

1.2 Outline planning permission issued by RBKC (ref: PP/11/01937) is referred to herein as 'OPP1'. The outline consent granted by LBHF (ref: 2011/02001/OUT) is referred to 'OPP2'.

1.3 The description of development allowed in OPP2 is as follows:

*“Demolition and alteration of existing buildings and structures and the comprehensive redevelopment of the site including new open space, vehicular and pedestrian accesses and routes and a mixed use development comprising buildings to accommodate residential use (Class C3); office (Class B1); retail (Classes A1- 5); hotel and serviced apartments (Class C1); leisure (Class D2), private hospital (Class C2); Education/Health/Community/Culture (Class D1); below ground ancillary space (parking/plant/servicing etc). Replacement of the existing London Underground depot at Lillie Bridge with new depot, vehicle parking and associated highways alterations, structures for decking over existing rail lines and tunnels, waste and utilities, enabling works including related temporary works and structures and other works incidental to the development”.*

1.4 Access to the site was approved at the outline stage. Details relating to layout, scale, appearance and landscaping are to be considered on a phased basis, through Reserved Matters Applications (RMAs). The outline consents and the associated S106 agreement establish the development quantum permitted on the site along with controls on the various land uses, access points and levels. Approved documents include a set of tightly drawn parameter plans which control the location and fix the maximum and minimum extents of development permitted (above and below ground). This is arranged into a series of separate land parcels or 'development plots' within which buildings are permitted. The remainder of the site outside the development plots is structured to provide public realm and road networks. A comprehensive set of design guidelines also accompanies the parameter plans and provides both mandatory and non mandatory design rules to inform the preparation of any RMAs.

1.5 Due to the scale of the Earl's Court development, multiple RMAs of varying sizes are expected to be submitted at different stages over the duration of the development which would deal with all the matters not fully addressed within the outline permissions. The first reserved matters following OPP1 and OPP2 have been submitted to RBKC and LBHF for layout, scale, appearance and landscaping and focus on the south east part of the Earl's Court development. They relate to one of the four villages envisaged in the Earl's Court masterplan, known as “Earls Court Village” (ECV). ECV is centre around a new High Street running east to west and a new linear park, known as the “Lost River Park” from north to south. The RMAs measures approximately 6.5 hectares (16 acres) in area and the site is currently made up by the existing Earl's Court Exhibition Centre buildings (EC1 and EC2) as well as part of the West London line.

1.6 Concurrent with the RMAs, a number of the pre-commencement planning conditions attached to the outline consents require information to be submitted for each phase of the development. The main conditions considered in relation to this RMA and pursuant to OPP2 (outline planning permission ref: 2011/02001/OUT) are: condition 1 (submissions within 5 years time limit) and condition 41 (reserved matters requirements).

1.7 Condition 41 requires the submission of documents/information for approval of reserved matters details, for any development parcel(s), in relation to: the layout (including proposed buildings, roads, pedestrian and cycle routes and open space plus temporary layouts associated with boundary treatment; parking areas, servicing and plant areas and internal layout of buildings); the scale of the buildings and structures within that phase; the external appearance of those buildings and structures, including facing materials for proposed buildings and hard landscaping; and landscaping requirements of that phase, including tree planting details, street furniture and management and maintenance details.

1.8 Conditions 37, 38, 39 and 40 of OPP2 are also relevant and contain specific requirements relating to the approval of layout, scale, appearance and landscaping at the reserved matters stage within development parcel(s). In more detail these are: the layout of buildings above and below ground and associated roads, routes and open space (condition 37); the scale of the building (condition 38); the appearance of the building (condition 39) and landscaping (condition 40).

1.9 In addition details are included in this application in relation to a number of other conditions set out in OPP2, relating to: land uses not exceeding stated limits (condition 12); the distribution of land uses within each development plot (condition 13); maximum gross external floorspace that can be provided within each development plot (condition 14); total maximum number of residential units within OPP2 (condition 15); residential floorspace to be provided within a prescribed mix (condition 16); residential units to be built in accordance with minimum Greater London Authority (GLA) space standards (condition 17); cycle, motorcycle and car parking distribution (condition 18); restrictions on Class A floorspace including type of Class A1 use (condition 21); maximum size of any single Class A1 retail unit (condition 22); and flood risk assessment (condition 23).

1.10 The committee report refers to other applications submitted to both RBKC and LBHF. Some of these applications have recently been determined or at the time of writing this report are pending decisions. These are listed below:

(1) A separate reserved matters application to RBKC (ref: PP/13/07062) pursuant to OPP1 (ref: PP/11/01937). This RMA predominantly relates to the area of land occupied by the Earl's Court Exhibition Centre 1. At the time of writing this report, the RMA is due to be considered at RBKC 'Major Planning Development Committee' on 1 April 2014.

(2) A detailed planning application to RBKC, for an extension of the approved basement within OPP1 for development parcels WV04-1, WV04-2 and WV0403 (ref: PP/13/07063). The proposed basement extension is for approximately 3,360 sqm (GEA) floorspace. At the time of writing this report, the application is pending decision but due to be considered at RBKC 'Major Planning Development Committee' on 1 April 2014.

(3) Moving from the outline planning stage to the detailed design process for this RMA, amendments above and below ground level to the parameters plans allowed under OPP2 were submitted (under a Section 96A application). The changes to the parameter



plans were considered to be 'non material amendments' in the context of the wider Earl's Court development and were approved on 27th February 2014 (ref: 2014/00444/NMAT) . The amendments allowed under OPP2 are as follows:

- Shoulder height of building BW05-G raised to relate to the buildings on the opposite side of the Lost River Park. The shoulder height projects above the maximum parameter by 85 mm.
- Canopies over building entrances on building BW05-F2 project outside the maximum parameters by 3500mm.
- Balustrade projection 290 mm above the maximum parameter on building BW05-F2.
- Bay windows on building BW05-F2 project 10.2 m above and 1 m beyond the maximum parameter.
- Amendments to the minimum parameter height of development plot BW05 (From +71.5 and +68.0 to +43.5 AOD).
- Amendment to the horizontal maximum basement parameter in LBHF in order to include the full footprint of Empress State Building, taking into account planning application ref: 2013/05175/FUL currently under consideration and,
- An increase to the basement area under BW05 adjacent to the consent underground Stabling Box.
- An alteration to the wording of Condition 13 attached to OPP2 in respect to the land uses description associated with Development Plot BW07. The amendment included the removal of business B1 as a 'Principal Land Uses' and it's inclusion as 'Other Land uses'.

(4) A detailed planning application for the Empress State Building from Class B1 to Class C3 residential use, external alterations to the building and works of demolition to the base of the building (ref: 2013/05175/FUL). Empress State Building lies within development plot BW06. OPP2 did not propose a change of use or any other works in ESB (except for the demolition of the podium extension at ground floor level). This application is on this same committee agenda for determination.

1.11 The reserved matters and details submitted are explained in more detail in the following sections of the report.

## **2.0 BACKGROUND**

### **Overview of the Outline Planning Permissions**

2.1 The Earl's Court site covers an area that straddles both boroughs. The administrative boundary between the Royal Borough of Kensington & Chelsea (RBKC) and the London Borough of Hammersmith & Fulham (LBHF) runs in a north-south direction from West Cromwell Road to Lillie Road, approximately along the West London Line. OPP1 (RBKC) has a site area of 9.06 hectares. OPP2 (LBHF) is located within the North End ward and has a site area of 23.16 hectares.

2.2 The Earl's Court site contains the Earl's Court Exhibition Centre and immediate surrounding land (buildings, tarmac forecourts and car parks); the Empress State building (and car park); the Lillie Bridge rail depot; the West Kensington and Gibbs Green housing estates, and a number of smaller commercial buildings, including Ashfield House. The site is bounded by properties fronting Lillie Road and Empress Place to the south; North End Road to the west; the West Cromwell Road to the north; and the residential gardens of Philbeach Gardens and Warwick Road to the north east and Eardley Crescent to the

east. The site is bisected by the cuttings of the West London railway line and a series of below ground (District and Piccadilly) underground lines.

2.3 Existing site levels vary across the site. Above Ordnance Datum (AOD) levels range from +3m at the western end of the site up to +12m AOD, on the level deck supporting the Earl's Court Exhibition Centre buildings. The difference in levels is largely due to the existing underground and railway infrastructure criss-crossing the site. The highest levels are located under EC1 and EC2. Both buildings are constructed on a steel and concrete slab and on a series of concrete pillars over the network of rail and underground lines.

### **Planning History:**

2.4 The relevant planning history in relation to the RMA is largely documented in earlier committee reports in support of the outline planning application ref. 2011/02001/OUT.

2.5 In summary two separate outline planning applications (Planning Applications 1 and 2) were submitted in June 2011 for the redevelopment of the Earl's Court development site.

2.6 The proposals are based on the concept of a master plan prepared by Sir Terry Farrell. The master plan includes 4 villages:

- West Kensington Village at the north
- Earls Court Village to the east around Earls Court tube station
- North End Village to the west
- West Brompton Village at the south.

2.7 The proposals include an east-west connection provided by the High Street running east from Earl's Court station to North End Road and a north-south connection provided by the Broadway running south from West Cromwell Road down to Lillie Road. Between the Broadway and Earl's Court is a north south park, 'Lost River Park' from West Cromwell Road to Lillie Road/Old Brompton Road. At southern end of Lost River Park is West Brompton Square which straddles Lillie Road. Outside Earl's Court station a new public area 'Exhibition Square' is proposed with the Circus with two crescents 'Warwick Crescent and Empress Crescent' radiating from either side.

2.8 Planning Application 1 relates to land only within the Royal Borough of Kensington & Chelsea (RBKC). Planning Application 2 relates to land almost entirely within this borough, but also includes a small area of land (0.38 hectares) within RBKC.

2.9 The supporting information for the outline planning applications included a joint Environmental Statement (ES) which assessed all the environmental impacts of the development. Following the submission of further revisions and information on both applications, the ES was subsequently amended in the form of ES Addendums. It determined that the development would be appropriate in development terms of the environmental impacts that would rise, subject to a suitable range of mitigation measures secured by planning condition or planning obligations.

2.10 Planning Application 2 (for LBHF) was originally considered by committee on 12<sup>th</sup> September 2012 and updated again on 8<sup>th</sup> May and 11<sup>th</sup> September 2013. It was resolved to grant outline planning permission subject to a single S106 planning obligation (jointly with RBKC) and approval of the Greater London Authority (GLA) and Secretary of State. The Mayor of London approved the outline planning applications in July 2013 and

in September 2013 the Secretary of State made the decision not to call in the application. The S106 agreement covers both outline planning permissions and was signed on 14<sup>th</sup> November 2013.

2.11 The outline planning permissions arrange the overall permitted quantum of development on the Earl's Court site by floorspace and land uses, sub divided into sixteen development plots. The remainder of the site outside these development plots is structured to provide public realm and road networks. Planning Application 1 (submitted to RBKC), was in part a detailed full application in relation to development plots WV02 and WV05, but layout; scale; appearance; and landscaping were all reserved in relation to the rest of the site.

#### **Site Description: The "Earl's Court Village" site**

2.12 The first package of RMAs relates to the majority of the area known as "Earls Court Village" (ECV).

2.13 ECV is an irregular shape site and straddles both boroughs. The combined area in both boroughs covered by the RMA's is approximately 6.5 hectares (16 acres). Comprises land currently occupied by the footprint of the Earl's Court Exhibition Centre buildings (EC1 and EC2) to the north of Lillie Road and part of the West London line. EC2 is a large barrel-roofed hall located in LBHF and is linked with the main EC1 large scale building located in RBKC.

2.14 The ECV site is bounded by a mix of existing residential and commercial properties. Empress Place and Lillie Road to the south, the Empress State building and existing commercial and residential properties on the neighbouring housing estates to the west and north west, and the rear of residential properties fronting Philbeach Gardens to the north and Eardley Crescent to the east.

2.15 The ECV site is located within the Earl's Court and West Kensington Opportunity Area (ECWKOA), as designated by the London Plan (July 2011). It is identified as lying within the Fulham Regeneration Area, and within a Strategic Site (FRA1) as set out in the Core Strategy (October 2011). The ECWKOA SPD (March 2012) identifies the area as deficient in publicly accessible open space and requires the provision of a 2 ha local park, designed in accordance with the standards set out in the London Plan. The site lies within Flood Risk Zone 3 as identified by the Environment Agency, an area of high flood risk.

2.16 There are no conservation areas or listed buildings on the site. There are however a number of conservation areas in close proximity, both in RBKC and LBHF. Philbeach Conservation Area to the east and Brompton Cemetery to the south east while Sedlescombe conservation area to the south is the closest in LBHF. There are a number of listed buildings and structures in close proximity to the site. West Brompton Station (grade II building), Brompton Cemetery (a grade I registered landscape, Metropolitan Open Land, Site of Nature conservation Interest (SNCI), and also grade II and grade II\* buildings and structures) and 62 to 68 Lillie Road (grade II properties). The Lillie Langtry Public House (17 Lillie Road) is a locally listed building. The potential impacts on heritage assets were assessed before outline planning consent was granted and it was concluded that the settings of the adjacent listed buildings and conservation areas would not be harmed by the proposed massing established by the Parameter Plans.

2.17 The ECV site benefits from a range of public services and has a good public transport accessibility level (PTAL) level of 6. Earl's Court station is to the east and is served by the District and Piccadilly lines. West Brompton is to the south and is served by the Wimbledon branch of the District line and London Over ground network. There is also a wide variety of bus routes which can be assessed from the site.

### **Application Proposal**

2.18 The outline planning permission for Application 2 (referred to as OPP2) and the subsequent non-material amendment permission, set the approved parameters for the quantum and mix of uses, scale and height of buildings sought for the ECV site. This application seeks approval in accordance with Conditions 37, 38, 39, 40 and 41 of OPP2.

2.19 This application seeks approval of the following reserved matters;

- Layout;
- Scale;
- Appearance and;
- Landscaping.

2.20 A screening letter was submitted by the applicant dated 20th November 2013 (and appendices) and an additional clarification letter dated 3rd December 2013, for the reserved matters application and associated non material amendments (ref: 2013/05056/SCREIA). The Council carried out a screening opinion and it concluded on 17<sup>th</sup> December 2013 that the proposals do not alter the findings of the approved Environmental Statement submitted with outline planning permission 2011/02001/OUT. No additional assessment is therefore required to assess the impact of the reserved matters, in accordance with the Environmental Impact Assessment Regulations 2011 and Circular 02/99.

2.21 OPP2 has already established the principles of a mix of use with the principal land use being residential and a series of tightly drawn plot base parameters plans, including minimum and maximum length, width and heights of development plots. The potential impacts of a development of this scale were therefore assessed and considered acceptable at the outline stage and there is no reason to revisit these matters.

2.22 The RMAs propose a residential led mixed use development that follows the type and quantum approved at outline stage, with a mix of retail and residential uses at ground floor level and residential uses on all the upper floors. In total 1,276 homes would be provided in this phase, split into a series of the development parcels across the two boroughs (586 residential units in RBKC and 690 residential units in LBHF). In addition, a total of 4,895 sqm (GEA) retail and community uses is proposed in LBHF, as well as ancillary/basement space and landscaping. The original submission to LBHF proposed the erection of 694 residential units and 5,831 sqm (GEA) commercial floor space, but as the result of discussions with the applicant the numbers has been reduced to 690 residential units and 4,895 sqm (GEA) commercial floor space. The development would use consented accesses from Warwick Road, Old Brompton Road and Lillie Road.

2.23 The RMAs for the ECV site would comprise the following development plots:

- Development plots referred to as WV04 and WV06. Located within the boundary of RBKC and OPP1 and,
- Parts of two development plots referred to as BW05 and BW07. Located within LBHF and OPP2.

2.24 Plots WV04 and WV06 (in RBKC) were approved as building base parameters as a result of their proximity to existing neighbouring properties whereas plots BW05 and BW07 were approved as plot base parameters.

2.25 A description of each consented development plot is set out in Condition 13 of OPP2. The summary of the main considerations for development plot BW07 has subsequently been revised and approved by the Section 96A 'non material amendments' application. The updated description of the two development plots, BW05 and BW07 identifies the following considerations:

**BW05** *"Mixed Use development. The principal land use would be residential (C3) with retail use (A1, A2, A3, A4, A5) at ground level and/or commercial (B1) and D1 use at ground and upper levels. The maximum amount of floorspace proposed is 85,130 sqm. The range of building heights is between 40-80.75 m AOD. Indicative storey heights are between 8-21 storeys measured from street level".*

**BW07** *"Mixed Use development. The principal land uses would be residential use (C3) and retail use (A1, A2, A3, A4, A5) and other land uses - education/health/community/culture/leisure uses (D1/D2) and business (B1). The maximum amount of floorspace proposed is 59,894 sqm. The range of building heights is between 13.3-64.5 mm AOD. Indicative storey heights are between 2-16 storeys measured from street level".*

2.26 Within the red line boundary of the RMA submitted to LBHF, the proposed development is made up of a series of development parcels for development plots BW05 and BW07, separated by areas of landscaping/public and access/circulation routes. In total the area covered by the RMA is 2.17 hectares (5.3 acres). In more detail, the following four development parcels are proposed:

- BW05-1 and BW05-2 (all above and below ground); and
- BW07-2; and BW07-3 (all above and below ground);
- LP-4 (part); LP-06, LP-9 (part).

2.27 The RMA made to RBKC is for the following development parcels located to the eastern side of the ECV site: WV02 (part), WV04-1 (part), WV04-2 (part), WV04-3 (part), WV06-1, WV06-2, WV06-3, LP-1 (part), LP-2, LP-3 (part), LP-4 (part), LP-5, LP-7, LP-9 (part) and LP-10. "Exhibition Square" and development plot WV03 (opposite the Warwick Road entrance) immediately outside the existing Earl's Court station in RBKC are not included in the RMA to RBKC and are expected to be subject to a separate reserved matters application. The basement extension planning application beneath development plots WV04 and WV06 is also located in RBKC

2.28 In the remaining parts of development plots BW05 and BW07 within LBHF, development parcel BW05-3 would be subject to a separate reserved matters application at a later stage. BW07-1 is divided between RBKC and LBHF and would form part of a separate detailed application for "West Brompton Village". A detailed planning application for BW07-1 and development parcel WV05-A (in RBKC) had been submitted alongside the RMAs. The application to both boroughs was withdrawn by the applicant (RBKC: 6<sup>th</sup>



February 2014 and LBHF: 5th March 2014) and will be submitted for consideration in a revised form at a later stage.

2.29 The four development parcels subject of this RMA would essentially add up to a series of buildings rather than a single block. The proposed buildings vary in height from 6 storeys up to 21 storeys. All are set above a ground floor podium, separated by areas of public/private realm and road networks. Soft and hard landscaping are included in the 'Lost River Park' covering the West London Line and private courtyards and access and circulation routes link to the development plots in RBKC. Three levels of basement comprising car parking, servicing and plant would also be provided.

2.30 The eight proposed buildings are numbered as follows (see also Figure 1 for proposed layout):

- BW05DE** The first of four L Shaped 'Park Mansion' buildings, fronting the Lost River Park. Located on the northern boundary. Flanked by extension of Lost River Park - green public space and a private internal courtyard shared with BW05-G. This building would be up to 11 storeys (above street level) and up to 40 metres high. This building would provide 86 market residential units.
- BW05F1** A "Feature" building on the corner of the Broadway and High Street (north side) and located north east of the existing Empress State Building. This building would be up to 21 storeys (above street level) and up to 70 metres high. This building would provide 77 market residential units. Supported at ground floor level by one A Class uses fronting the Broadway and High Street (north side).
- BW05F2** Connected to BW05F1 and fronting the Broadway. This building would be up to 12 storeys (above street level) and up to 41.5 metres high. This building would provide 106 market residential units. This feature provides an entrance to the underground car park.
- BW05G** L Shaped 'Park Mansion' building paired with BW05-DE, fronting the Lost River Park and the High Street (north side). Flanked by extension of Lost River Park - green public space and a private internal courtyard with BW05DE. This building would be up to 11 storeys (above street level) and up to 40 metres high. This building would provide 71 market residential units. Supported at ground floor level by two A Class uses fronting the Lost River Park or High Street.
- BW07A** L Shaped 'Park Mansion' building looking fronting the Lost River Park and the High Street (south side). Flanked by extension of Lost River Park - green public space and a private internal courtyard. This building would be up to 10 storeys (above street level) and up to 36 metres high. This building would provide 69 market residential units. Supported at ground floor level by two A Class uses fronting the Lost River Park or High Street.
- BW07B** Includes a second smaller 'Feature' building on the corner of the Broadway and High Street, opposite the existing Empress State Building. The paired towers on the Broadway would form a gateway to the eastern part of the Earl's Court development.

Remainder of the building faces onto the Broadway, designed to consider the sloping ground plane. This building would be up to 16 storeys (above street level) and up to 58 metres high dropping down to 40 metres. This building would provide 142 market residential units and one large A Class use on the corner of the Broadway and Highway on three levels (ground plus two basement levels).

**BW07CD** Looking over Empress Place. This building would be up to 8 storeys (6 storeys above street level) and up to 28 metres high (22.4 metres at street level). This building would provide 77 residential units including duplex units with rear gardens at basement level. The residential service yard is accessed from the lowest ground level of the site, entering at basement level 2.

**BW07G** Fourth L Shaped 'Park Mansion' building paired with BW07A, fronting the Lost River Park and north of BW07CD. Flanked by extension of Lost River Park - green public space and a private internal courtyard. This building would be up to 10 storeys (above street level) and up to 36 metres high. This building would provide 62 residential market units. Supported at the ground floor level by one A Class use fronting the Lost River Park and internal courtyard.

2.31 In terms of topography, ground levels across the site would change significantly. This is most evident along "The Broadway". This north-south route slopes over 7 metres from the intersection of the Broadway/High Street down to the junction with Lillie Road and from the Broadway to the west and the Lost River Park to the east, due to the Lost River Park being above the West London Line.

2.32 The layout of the proposed basement area is restricted to some extent by the existing railway infrastructure. The Piccadilly and District London Underground lines and the West London Line criss-cross between both boroughs and the approved TfL London Underground stabling yard 'box' within LBHF. The basement areas would be split in two distinct areas; one located within RBKC (plots WV04 and WV06) and one within LBHF (plots BW05 and BW07) and separated by the existing West London Line running under the proposed Lost River Park. Each basement would have two dedicated entry/exit ramps. The car park access points for LBHF would be via building BW05-F2 or beneath building BW07-B. The proposed basement area within development plots BW05 and BW07 is a three level facility linked at basement level B3. The basement would house a variety of uses to support the proposed above ground buildings and associated public realm and private spaces. These would include secure parking for cars, motorcycles and bicycles, together with plant facilities, maintenance and waste handling areas, storage areas, servicing and loading bays. Additional retail floorspace and a resident's gymnasium would be located within development plot BW07 at basement level. The double height basement retail floor area would be provided on two levels of the basement in BW07-A. This space would be accessible and visible from the ground floor level entrance on the High Street. The basement area under plot BW07 would also contain lower ground residential accommodation located within building BW07-CD with access to individual south facing gardens. The first of the proposed energy centres in the Earl's Court development would be located in RBKC beneath plot WV04.

2.33 The majority of the car parking associated with the RMA would be located below street level. In total 732 car parking spaces are proposed in the basement levels (417 spaces in LBHF and 315 spaces in RBKC). Based on the maximum permitted ratio of 0.6 spaces per dwelling (pursuant to Condition 18 of OPP2), 404 residential spaces together with 13 commercial spaces would be provided in BW05 and BW07 (LBHF) with 81 active electric charging points in the basement. On street parking is also proposed across ECV with 17 pay and display visitor spaces (13 in RBKC and 4 in LBHF). A further 6 on street car club spaces would be provided, 3 in each borough together with on street delivery spaces. Allocated on street residential parking spaces have been designed for each of the consented town houses located in the Crescents in RBKC. In total 76 motorcycle spaces would be provided in this phase at basement levels in both boroughs (41 in LBHF), with a further 20 visitor spaces provided at street level, located in two dedicated location in RBKC and one in LBHF.

2.34 Both secure residential and commercial cycle parking spaces are proposed alongside visitor cycle stands and two Mayor of London cycle hire stations. In total 1986 cycle parking spaces would be provided (975 spaces in LBHF and 1011 spaces in RBKC). In summary 846 residential spaces and 17 commercial spaces would be provided in the basement in LBHF, in the form of secure storage rooms with a further 70 residential and 42 commercial visitor spaces provided in the form of cycle stands at street level.

### **Planning Conditions:**

2.35 The RMAs include details in relation to a number of planning conditions attached to the outline consents (OPP1 and OPP2). These conditions require information to be submitted for each RMA. Those conditions relevant to OPP2 (in LBHF) are:

- |                                     |   |
|-------------------------------------|---|
| <b>Condition 41</b>                 | Reserved Matters Details. Sets out the submission requirements for submission accompanying each reserved matter application in relation to matters of layout, scale, appearance, landscaping and materials. |
| <b>Conditions 37, 38, 39 and 40</b> | Reserved Matters – Layout; Scale; Appearance and Landscaping. Sets out the submission requirements for submission in relation to each matter, accompanying each reserved matter application.                |
| <b>Condition 12</b>                 | This requires the different land uses permitted for the development not to exceed the stated limits.  |
| <b>Condition 13</b>                 | This specifies the distribution of the permitted land uses within each development plot.  |
| <b>Condition 14</b>                 | This sets out the maximum gross external floorspace that can be provided within each development plot.  |
| <b>Condition 15</b>                 | This specifies that the total maximum number of residential units permitted within OPP2 is 5,845 units.   |
| <b>Condition 16</b>                 | This requires the mix of sizes of residential units to comply within a permitted set of ranges.   |
| <b>Condition 17</b>                 | This requires all the residential units to be built in accordance with the minimum Greater London Authority (GLA) space standards.  |
| <b>Condition 18</b>                 | This requires a maximum 288 motorcycle spaces for the development and for all cycle and car parking to be provided within specified standards.  |
| <b>Condition 21</b>                 | This sets out the restrictions placed on Class A floorspace   |

within the development, including the maximum floorspace permitted for convenience and comparison purposes and other type of Class A1 use and a maximum quota for A2-A5 uses.

**Condition 22** Limits the size of any single Class A1 retail unit to 3,000 sqm (GEA).

**Condition 23** This requires compliance with the approved Flood Risk Assessment including mitigation measures that sleeping accommodation can be set above 2.8 m AOD; no residential dwellings in the basement and submission of a Flood Management Plan.

2.36 The design and layout of the proposed reserved matters should be in accordance with the approved parameters. The design guidelines provide guidance over the future design of the individual plots as they are developed across the site. The guidelines provide the primary design information to inform the RMAs and contain both mandatory and non-mandatory instructions. The mandatory instructions represent fixed rules and instructions in accordance with Condition 42 of OPP2. The non mandatory guidelines should also be taken into account within the development proposals, but they are for guidance purposes only.

#### **Proposed quantum of development:**

2.37 The overall quantum of development proposed in both RMA's is set out in the first table below. A total of 278,113 sqm (GEA), floorspace is proposed across both RMA's, with 130,573 sqm (GEA) floorspace proposed in this borough. Condition 12 attached to OPP2 states that the floorspace shall not exceed the stated limits for each land use. Officers confirm the proposed floorspace and land uses under this RMA do not exceed the maximum floorspace limits set out in Condition 12 of OPP2:

<b>Land Use</b>	<b>Reserved Matters Application submitted to RBKC (GEA sqm)</b>	<b>Reserved Matters Application submitted to LBHF (GEA sqm)</b>	<b>Total Maximum floorspace for each land use (GEA sqm) for both RMAs</b>
Residential (C3)	119,001	93,083	212,084
Retail (A1-A5)	3,153	5,831	8,984
Education/Health/Community/Culture/Leisure (D1/D2)	324	0	324
<b>Sub total</b>	<b>122,478</b>	<b>98,914</b>	<b>221,392</b>
Plus Ancillary	25,062	31,659	56,721
<b>Total</b>	<b>147,540</b>	<b>130,573</b>	<b>278,113</b>

2.38 In accordance with requirements of Condition 13 and 14, the gross external floorspace proposed for each development plot in this RMA does not exceed the permitted maximum quantum of floorspace, as set out in the following table below.

<b>Development Plot</b>	<b>Limit (GEA)</b>	<b>Proposed (GEA)</b>	<b>Remaining (GEA)</b>
BW05	85,130	46,735	38,395
BW07	59,894	52,179	7,716
<b>Total</b>	<b>145,024</b>	<b>98,914</b>	<b>46,111</b>

2.39 A breakdown of the land uses mix proposed in each development plot is as follows.

<b>Development Plot in LBHF</b>	<b>Residential (C3) (GEA)</b>	<b>Retail (A1-A5) (GEA)</b>	<b>Community/Leisure (D1/D2) (GEA)</b>	<b>Total (GEA)</b>
BW05	45,522	1,213	0	46,735
BW07	47,561	4,618	0	52,179
<b>Total</b>	<b>93,083</b>	<b>5,831</b>	<b>0</b>	<b>98,914</b>

2.40 The number of residential units proposed in this phase does not exceed the total maximum cumulative figure of 5,845 residential units allowed within OPP2 and is therefore in accordance with the requirements of Condition 15. The proposed residential schedule for each development plot (in RBKC and LBHF) is outlined as follows:

<b>Residential Units</b>						
<b>Plot</b>	<b>Studio</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4+ bed</b>	<b>Total</b>
<b>RBKC</b>						
WV04	0	68	84	68	71	291
WV06	0	58	86	97	54	295
<b>Total</b>	<b>0</b>	<b>126</b>	<b>170</b>	<b>165</b>	<b>125</b>	<b>586</b>
<b>LBHF</b>						
BW05	15	143	104	67	11	340
BW07	7	138	105	90	10	350
<b>Total</b>	<b>22</b>	<b>281</b>	<b>209</b>	<b>157</b>	<b>21</b>	<b>690</b>

2.41 The RMA within LBHF provides 4,895 sqm (GEA) (or 4,646 sqm GIA) of commercial floorspace (within Class A1-A5), which consist of shops, restaurant or cafes. This space is split into a total of eight ground floor retail units, with each unit having an active frontage facing the Lost River Park and/or the High Street. The exact occupants of the retail and food and drink establishments have not yet been identified. A large single retail unit (divided on three levels) would accommodate 2,258 sqm (GEA) floorspace. This unit would have a ground level entrance in Building BW07-B, located on the corner of High Street (Southside) and The Broadway and would be linked to additional retail floorspace below ground level by escalators. The type of use proposed in this sizeable unit is still unclear at this stage but potentially could be a supermarket. The level of commercial floor space proposed within the RMA accords with Condition 21 of OPP2. The size of all the proposed commercial units also complies with the maximum restriction of 3,000 sqm allowed for any retail unit falling within Class A1, as set out in Condition 22



of OPP2. No B1 floorspace is proposed in this RMA. Condition 13 attached to OPP2 had required B1 floorspace be provided in plot BW07 but has been amended as part of the amendments allowed in the S96a application. B1 floorspace is now designated in later phases of the wider development. In RBKC, 2,791 sqm GEA retail floorspace is proposed, distributed in 14 smaller units, spread across most of the proposed buildings and include community/cultural space (Class D1/D2) located in Buildings WV04-AB and WV04D. A schedule of the number, size and location of the proposed commercial floorspace within LBHF is set out below:

<b>Building</b>	<b>Retail Use</b>	<b>No. of Units</b>	<b>Size GEA SQM</b>
BW07 CD	A3-A5	1	239
BW07 G	A3-A5	1	670
BW07 A	A1 Comparison	2	746
BW07 B Above Ground	A1 Comparison	1 (part of the below)	360
BW07 B Below Ground	A1 Comparison	1 (part of the above)	1,898
BW05 F	A1 Comparison	1	254
BW05 G	A1 Comparison	2	728
<b>Total</b>		<b>8</b>	<b>5,831</b>

### **3.0 PUBLICITY AND CONSULTATION**

3.1 A Statement of Community Involvement (SCI) was submitted in support of this RMA. It states that a series of briefing and consultations took place with key local groups and stakeholders.

3.2 A public exhibition took place on the 21<sup>st</sup> and 23<sup>rd</sup> November 2013 in the Earl's Court Project Space at the Earl's Court Exhibition Centre. The exhibition was advertised via the delivery of 21,000+ post cards and on the website [www.myearlscourt.com](http://www.myearlscourt.com). The exhibition included details for the development of West Brompton Village and proposed change the use of the Empress State Building. The SCI states that the exhibition was attended by 227 visitors mostly from both boroughs. Each visitor was asked a series of questions about four specific places within the ECV site (Lost River Park – South; Lost River Park – North; The Crescents; The High Street). The SCI advises that 96 response forms were received following the public exhibition. The SCI adds that the majority of these were in support of the proposals in principle and welcomed the improvement and regeneration of the area. However concerns were also expressed in relation to heights, architecture, and density, quantum of development and open space and impact on the local transport infrastructure. Questions were also asked about the range and mix of housing, why no affordable housing was provided in the particular phase of the masterplan and phasing and timing for the delivery of key aspects, particularly in relation to demolition and construction, and provision of the High Street and public open space.

#### **Planning Application Consultation:**

3.3 The proposed development has been the subject of a wide level of consultation. The application was publicised on 10<sup>th</sup> January 2014 by means of site notices, a press notice and a neighbour notification letters (together with a summary leaflet).

3.4 A total of 2,200 letters were distributed to nearby owners/occupiers in LBHF. This included local residents and business up to 100m away and consist of letters to all the occupiers on the West Kensington and Gibbs Green housing estates. A further 2,194 notification letters were sent out by RBKC to owners/occupiers in the royal borough. Each notification letter included a summary leaflet explaining the reserved matter proposals for both boroughs plus a summary of the detailed proposals for West Brompton Village (subsequently withdrawn) and detailed basement application within RBKC. Ward councillors in both North End and Fulham Broadway Wards and the MP for both Hammersmith and Chelsea and Fulham constituencies were also notified.

3.5 At the time of writing this report, 19 representations have been received in response to the RMA (1 in support and 18 objections), 13 from owners/occupiers and 6 from amenity/residents groups (the Lillie Road Residents Association; the Fulham Society; the Hammersmith and Fulham Historic Buildings Group; the Earl's Court Society and Eardley Crescent Residents Association).

3.6 In support, the comment received states that the area needs modernisation and additional key road to ease traffic congestion are required; urgent action is needed in North End Road; and provision of new quality housing.

3.7 The 18 objections received are summarised as follows and considered in Section 4 of the report:

- Question if the proposal would lead to the improvement of the surrounding area.
- Concerns over re-housing of existing estate residents.
- Loss of entertainment and commercial venue and associated impact on local businesses.
- Question robustness of consultation with stakeholders.
- Height, massing and design of the proposals are out of keeping with the surrounding built heritage. Not in keeping with surrounding properties. Would like to see buildings lowered in height.
- Loss of light and privacy.
- The proposals are too dense.
- Pollution during demolition and construction (including dust, air quality and noise and disturbance) on surrounding residents over a long construction period.
- Impact on road, rail and tube network, including station capacity, especially cumulatively with other developments in the area and whether the transport assessment is robust.
- Impact of demolition and construction on road network. Should be achieved using rail.
- Impact of development on the neighbouring street market.
- Public open space not suitable for different activities. Park should be provided before any work is started on the main site.
- Small proportion of affordable housing provided. The rest of the housing will be too expensive for most people, during a time of a housing crisis.
- Contributions towards health, community and educational facilities are inadequate. Request how community space will be incorporated into the strategy as a whole.
- Visual and lighting impacts on Philbeach Conservation Area and Eardley Crescent.
- Concerns that the project will not be finished expediently.

- The design of the buildings facing Warwick Road should be subject to design competition and need to fit in with the surroundings as well as reflecting the history of the present building. The proposed High Street should not become a through route, and any bus stand in Warwick Square should be screened from Eardley Crescent.
- The High Street is not acceptable due to traffic, pollution and residential amenity
- Japanese knotweed infestation must be addressed as part of the proposals.
- Request to English Heritage for action to be taken in regards to the listing of Lillie Bridge. Should be preserved whether listed or not. Not 'buried' in the development and that the area around the two bridges be kept as a green open space.
- Conflict of interest of Mayor of London as directing planning applications and TfL as landowner.
- Concern over potential for future Compulsory Purchase Orders.
- Concerns over change of use of Empress State Building in terms of loss of employment, use of electricity, noise, solar glare, management and viability.

3.6 In response it should be noted that comments received in relation to the principle of the redevelopment, density and land uses of the Earl's Court site, were all assessed and approved at the outline stage. In addition, the comments in relation to the height, scale and massing of the proposals, open space and impact on the amenities of neighbouring properties in terms of loss of daylight/sunlight were previously assessed on the basis of the maximum parameter plans which were approved as part of OPP2. The proposed buildings in this RMA are set within the approved parameters. Issues relating to greater impact on the surrounding roads and noise are controlled by conditions in OPP2 and the S106 agreement. Matters relating to Japanese Knotweed infestation and CPO practices are not considered in relation to this RMA. Other planning matters raised in the paragraphs above are addressed in the following section of this report.

### **External Consultations:**

3.7 The following were consulted: Transport for London (TfL); the Environment Agency (EA); Thames Water; English Heritage (EH); Natural England; Health and Safety Executive; Crossrail Ltd; Network Rail; London Underground Limited; London Fire and Emergency Planning; the MET police and crime prevention design officer; Sport England; Civil Aviation Authority; British Airports Authority; Crime Prevention Design Advisor; Hammersmith and Fulham Disability Forum Planning Group. At the outline stage the Greater London Authority (GLA) considered that the proposals were generally acceptable in strategic planning terms. The RMA does not need to be referred to the GLA, pursuant to the Town and Country Planning (Mayor of London) Order 2008.

### **3.8 English Heritage:**

English Heritage provided advice in respect to OPP2. Satisfied that the RMA complies with the parameters and aspirations of the masterplan, which were considered to be acceptable.

### **3.9 English Heritage Archaeology:**

Refer to the potential for archaeological remains on which the proposals will impact and further information is required from a field evaluation including geo-archaeological assessment carried out in accordance with an approved Written Scheme of Investigation (WSI) which will form a mitigation strategy. In addition, a programme of historic building recording should be undertaken prior to development works in accordance with the WSI. Conditions are recommended accordingly. The comments received from the Earl's Court Society with regard to the Lillie Bridge Road should be considered by the Borough

(Officer Comment: This is not a consideration of the RMA as archaeological works are covered by Condition 57 of OPP which requires a Written Scheme of Investigation for the relevant development parcels prior to commencement of the development).

#### 3.10 Natural England:

No specific comments. However recommend that each phase of development provide its complement of green infrastructure/open space provision as developed to ensure sustainability. In addition, the LPA should, when determining the application, consider the impacts of the proposal on protected species, local wildlife sites, biodiversity enhancement and landscape enhancements (Officer Comment: These matters are covered by conditions 46, 81 and 92-94 in OPP2).

#### 3.11 Network Rail:

Network Rail fully supports the application. An Asset Protection Agreement has been established to help co-ordinate the developer's emerging designs with Network Rail's requirements. The control document is the existing Approval in Principle (AiP) and subsequent design review process. Network Rail comments stated in the AiP form need to be addressed in the early stages of the detailed design process and relevant drawings amended accordingly.

#### 3.12 Environment Agency:

No objections. Suggest a number of conditions attached to the outline application regarding flooding, drainage, contamination and piling be addressed (Officer Comment: These matters are covered by conditions 23, 28, 50-56 and 75-81 in OPP2).

#### 3.13 Thames Water:

No comments to make on water or waste.

#### 3.14 Theatres Trust:

No comments.

#### 3.15 Crossrail Limited:

No comments.

#### 3.16 Transport for London:

As the red boundary line does not extend to any existing public highways TfL suggest that the council may wish to consider a Grampian condition restricting occupation of development plots prior to accesses being provided. TfL would also welcome further discussion on carriageway widths and traffic calming to address conflict between cyclist, cars and parked cars. Some of the proposed trees may need to be removed to allow for the proposed cycle hire docking station. (Officer Comment: These matters are covered by highway conditions in OPP2).

#### 3.17 Crime Prevention Design Advisor:

Main issue relates to demolished zones and that they do not compromise the security of the remaining residents and that new footpaths are well lit and have plenty of both natural and artificial surveillance.

#### 3.18 Hammersmith and Fulham Disability Forum Planning Group:

- A controlled crossing/wiring for a crossing at a later date should be installed across the high street to ensure safety at the central square. There should also be effective physical delineation for blind/visually impaired people.

- Recommend step-free access from homes to north and south garden squares and the park if possible. The gates need to be wide enough for wheelchairs, scooters and buggies.
- Pedestrian routes should be well lit and clearly defined and seating should be provided on them and in amenity spaces at height of 450-500mm with space alongside for wheelchairs and buggies. There should be clear wayfinding throughout site.
- Children's play space should be accessible and inclusive to all.
- All homes should comply with lifetime home standards and with wheelchair standards where relevant. Wheelchair accessible units to have appropriate bathroom layouts and transfer space.
- Wheelchair units should be marked on plan in perpetuity and marketed to wheelchair units for 6 months before being released on open market.
- Management plan should have enhanced 24/7 lift maintenance contract.
- Blue badge parking bays should comply with standards and should not be sold. They should be located near lift cores. The management plan should allocate bays to genuine blue badge holders for the lifetime of the development.
- Height of basement car park to be 2.6m at least.
- Refuse and recycling arrangements should be accessible and inclusive to all.

### 3.19 Design Review Panel:

The RMA was presented to the Design Review Panel (DRP) on 23 July 2013. The panel comments were as follows:

- Difficult for the panel to respond to the landscape and public realm proposals due to the narrative of the presentation describing a proposal which had been developed further than that shown on the presentation boards. However, it was agreed that the landscaping of the Lost River Park should evolve further into a grander gesture with some of the obtrusive geometry taken out to create greater continuity. The design development, edging towards a more naturally aspirated topology was encouraged.
- Despite not being part of Phase 1 RMA, the Panel felt that West Brompton Square was overly complex at the junction between the Lost River Park and the Crescent. Whilst the Panel respected the attempt to deal with changes of level, the geometries felt overtly complicated and confused in relation to the proposed context.
- It would be helpful to see some night time and winter time views to illustrate the lighting effect and planting changes through the landscape strategy for the Lost River Park.
- In relation to the buildings presented the Panel appreciated the separation of the main block form to create more legible floor plates. Whilst the design decision creates a number of advantages the Panel expressed concern regarding the distance between the resultant built form and potentially negative canyon effect.
- The lower buildings were well resolved, well articulated and represented a reasonable reference to a mansion block. The panel supported the use of gables to articulate the roofline despite them being non-compliant with the agreed design parameters.
- The "Feature" buildings' elevations were less resolved than the other buildings. In particular it was not apparent that the north elevation was available for review. The buildings followed the design parameters of the masterplan; however the presented designs did not appear as elegant solutions. Although taller than the



surrounding buildings the proposals lacked a vertical emphasis and were unresolved at termination.

- Concern was expressed regarding the articulation of the feature buildings' elevations and lack of response to orientation. The fenestration was inappropriate and did not suggest the buildings were for residential use. These elevations would require further developments.
- The buildings around West Brompton Square attracted a lot of interest and support. There appeared to be a much greater resolution, quality and character to these proposals than the other buildings put forward for consideration.

3.20 Officer Comments: West Brompton Village is outside the RMA and will be assessed separately at some future stage as part of a detailed planning application. Overall officers are comfortable that the evolution of the landscape design has responded to the DRP comments. Initially the Lost River Park was conceived of as a series of formal gardens or 'outdoor rooms'. This was revised and as submitted, the park has been treated more holistically and as a unified space. The obstructive geometry and sense of formality referred to have also, in large part been removed and are now only used to define particularly special locations such as the 'dining in the park' area. The impacts of the proximity between the buildings forms outlined in development plots BW05 and BW07 has subsequently been addressed through internal layouts, landscaping and the coherence between the relevant elevations. In terms of the 'Feature Buildings' officers are comfortable that the design of these buildings has evolved to a very significant degree since the DRP, and now provide two interrelated buildings which are well-articulated and with elegant elevations on all sides. The design also emphasises their verticality and introduces appropriately sculptural terminations at the tops. The use and expression of different materials has also been considered and developed carefully.

## **4.0 PLANNING CONSIDERATIONS**

### **Policy Context**

4.1 The planning policy context for this site is set out in the development plan which comprises the LBHF Core Strategy (2011), the LBHF Development Management Local Plan – DM LP (2013) and the London Plan (2011). The contents of the National Planning Policy Framework – NPPF (March 2012), the relevant policies of the London Plan Housing Supplementary Planning Guidance (November 2012), the council's Planning Guidance Supplementary Planning Document (SPD, 2013) and the Earl's Court and West Kensington Opportunity Area Supplementary Planning Document (ECWKOASPD) are all a material consideration and have been taken into account. The RMA proposal has therefore been assessed against all of the relevant national guidance and regional and local policies.

### **Equality Act 2010:**

4.2 In addition, the Public Sector Equality Duty (PSED) requires the Council to consider the equality impacts on all protected groups when exercising its function. Officers are not aware of any new matters which have arisen since the determination of OPP2 where equality issues were considered. The development would lead to a wide range of positive impacts varying from new housing and commercial floor space, employment opportunities during construction and on site and urban design. The development proposes that 100% of all the new dwellings are built to Lifetime Homes Standards and 10% are wheelchair accessible.

#### The National Planning Policy Framework (March 2012):

4.3 The NPPF came into effect on 27<sup>th</sup> March 2012 and is a material planning consideration. The most relevant sections are:-

- Achieving Sustainable Development; The presumption in favour of Sustainable development and Core planning principles
- Chapter 4: Promoting sustainable transport
- Chapter 6: Delivering a wide choice of high quality homes
- Chapter 7: Requiring good design
- Chapter 12: Conserving and Enhancing the Historic Environment

4.4 The NPPF identifies twelve “Core Planning Principles”. For design it includes requirements for local authorities to;

*“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”; and*

*“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”.*

4.5 In Chapter 7 entitled “Requiring Good Design” the NPPF establishes that good design is “a key aspect of sustainable development” that should “contribute positively to making places better for people.” Therefore, local authorities are required to ensure that all development functions well, adds to the “overall quality of the area”, establishes a “strong sense of place”, responds to local character and history and is “visually attractive as a result of good architecture and appropriate landscaping.”

4.6 With specific reference to the ECV RMA, officers consider the emphasis of the NPPF is on promoting and reinforcing local distinctiveness, integrating new development into the built and historic environment and improving the character and quality of the area and the way in which it functions to be particularly important.

4.7 Chapter 12 of the NPPF, under the heading “Conserving and Enhancing the Historic Environment”, establishes the need to “recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.” This requires local authorities to assess “the desirability of new development making a positive contribution to local character and distinctiveness” and cautions that the “significance” of a designated heritage asset (such as a conservation area) “can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.” Furthermore, it goes on to recommend that, when considering the impact of development on non-designated heritage assets (such as locally listed Buildings of Merit) “a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

#### The London Plan - July 2011 (with 2013 & 2014 Alterations):

4.8 The London Plan is the Mayor’s development strategy for Greater London and provides strategic planning guidance for development and use of land and buildings within the London region. The principles of the Earl’s Court development has been established within OPP2. The following policies are however considered to be of particular relevance to the assessment of this RMA: Policy 3.5 – *Quality and Design of Housing Developments*; Policy 3.6 – *Children’s and Young People’s Play and Informal Recreation Facilities*; Policy 3.7 – *Large Residential Developments*; Policy 3.8 – *Housing Choice*; Policy 3.9 – *Mixed and Balanced Communities*; Policy 5.1 *Climate change mitigation*; Policy 5.2 – *Minimising carbon dioxide emissions*; Policy 5.3 – *Sustainable Design and Construction*; Policy 5.5 – *Decentralised energy networks*; Policy 5.6 –

*Decentralised energy in development proposals; Policy 5.7 – Renewable Energy; Policy 5.8 – Innovative energy technology; Policy 5.9 – Overheating and cooling; Policy 5.10 – Urban greening; Policy 5.11 – Green Roofs and development site environments; Policy 5.16 – Waste self sufficiency; Policy 6.3 – Assessing Effects of Development on Transport Capacity; Policy 6.9 – Cycling; Policy 6.10 – Walking; Policy 6.13 – Parking; Policy 7.2 – Inclusive Environment; Policy 7.3 – Designing Out Crime; Policy 7.4 – Local Character; Policy 7.5 – Public Realm; Policy 7.6 – Architecture and Policy 7.7 – Location and design of tall and large buildings.*

The London Plan Housing Supplementary Planning Guidance (November 2012):

4.9 The London Plan Housing Supplementary Planning Guidance (SPG) (November 2012) sets out guidance to supplement the housing policies in the London Plan and contains standards that apply to new housing in London. Of particular relevance to the proposals are: *Baseline Standards* 1.1.1, 1.1.2 (*‘Defining Good Places’*), 1.2.1, 1.2.3 (*‘Outdoor Spaces Including Gardens’*), 1.2.2 (*‘Play Space’*), 3.1.1, 3.1.3, (*‘Entrance and Approach’*), 3.2.3, 3.2.4, 3.2.6, 3.2.7 (*‘Shared Circulation’*) 4.1.1, 4.1.2 (*‘Dwelling Space Standards’*), 4.2.1 (*‘Flexibility and Adaptability’*), 4.3.1, 4.3.2 (*‘Circulation in the Home’*), 4.4.4., 4.4.5, 4.4.6 (*‘Living Rooms, Dining Rooms, Kitchens’*), 4.5.3, 4.5.4 (*‘Bedrooms’*), 4.6.2, 4.6.3, 4.6.4 (*‘Bathrooms and WCs’*), 4.7.1 (*‘Storage and Utility Space’*), 4.8.1, 4.8.2 (*‘Study and Work’*), 4.10.1, 4.10.2, 4.10.3 (*‘Private Open Space’*), 5.1.1 (*‘Privacy’*) 5.2.1 (*‘Dual Aspect’*), 5.4.1 (*‘Floor to Ceiling Heights’*) and *Good Practice Standards* 3.2.1, 3.2.5 (*‘Shared Circulation’*), 4.4.1, 4.4.2, 4.4.3 (*‘Living Rooms, Dining Rooms, Kitchens’*), 4.5.1, 4.5.2 (*‘Bedrooms’*) and 4.6.1 (*‘Bathrooms and WCs’*). Where appropriate, these are discussed in further detail in this report.

Local Development Frameworks:

4.10 The LBHF Local Development Framework consists of the Core Strategy (October 2011), Development Management Local Plan (DMLP) (July 2013) and Planning Guidance Supplementary Planning Document (PGSPD) (July 2013).

4.11 LBHF Core Strategy policy FRA identifies and sets out broad development principles for the Fulham Regeneration Area. Within this is site specific “Strategic Site and Housing Estate Regeneration Area FRA 1” within which the application site can be found. There are also a number of design considerations under Borough Wide Strategic Policy BE1, including the requirement for all development to create high quality urban environments that respect and enhance their townscape context and heritage assets. Also of relevance are Borough Wide Strategic Policies H3 (Housing Quality and Density), H4 (Meeting Housing Needs) and OS1 (Improving and Protecting Parks and Open Spaces).

4.12 The LBHF DMLP sets out the development management policies to be used by the council in helping to determine individual planning applications. The specific DMLP policies of relevance to the RMA are: DM A2 (Housing Quality and Density), DM A3 (Housing Mix), DM A4 (Accessible Housing), DM A8 (Basement Accommodation and Light wells), DM A9 (Detailed Residential Standards), DM E1 (Access to Parks and Open Spaces), DM E2 (Play space for Children and Young People), DM E4 (Greening the Borough), DM G1 (Design of New Build), DM G2 (Tall Buildings), DM G4 (Shop fronts), DM G7 (Heritage and Conservation), DM H1 (Reducing carbon dioxide emissions), DM H2 (Promoting sustainable design and construction), DM H3 (Reducing water use and the risk of flooding), DM H5 (Sustainable waste management), DM H7 (Contaminated land), DM H8 (Air quality), DM H9 (Noise), DM H10 (Light pollution), DM J2 (Parking standards) and DM J5 (Cycling and walking).

4.13 The LBHF Planning Guidance SPD provides supplementary detail to policies concerned with a variety of topics within LBHF's Core Strategy and DMLP. Of specific importance to this RMA are SPD Housing Policies 1 (Amenity Space in New Dwellings), 3 (Amenity Space and Balconies), 8 (Protection of Amenities) and 9 (Basements); SPD Design Policies 1 (Inclusive Design), 2 (Entry Into a Building), 6 (Changes of Level in Public Spaces), 7 (Design of Ramps and Steps), 8 (Public and Open Spaces), 9 and 10 (Shared Space Plans), 22 (Shop Fronts in Context), 25 (Access), 28 (Roller Shutters) and 48 (Setting of the Conservation Area); SPD Amenity Policies 11 (Reserved Matters), 21 (Air Quality), 22 (Noise and Vibration), 23 (Sound Insulation), 26 (Construction and Demolition works); SPD Sustainability Policies 1 (Flood Risk Assessment), 2 (Sustainable Drainage Measures), 3 (Residential Waste Storage), 4 and 8 (Internal Storage), 7 (Residential Waste Collection), 21 (Landscaping and Planting), 22 (Trees), 23 (Sustainable Drainage Systems), 24 (Green and Brown Roofs); Transport Policies 1 (Transport Assessments), 3 (Vehicle parking standards), 5 (Car parking standards), 6 (Dimensions of Car parking), 8 (Car Clubs), 10 (Blue Badge Parking), 11 (Motorcycle parking), 12 (Cycling and Walking), 21 (Regeneration Areas), 22 (Access for All), 23 (Moving around a development) and 31 (Kerbs and Pedestrian Crossings).

Joint Earl's Court and West Kensington Opportunity Area (ECWKOA SPD) March 2012:

4.14 In March 2012 LBHF, RBKC and the GLA published a Joint Supplementary Planning Document for the Earl's Court and West Kensington Opportunity Area (ECWKOA SPD) in order to provide additional guidance beyond that in the policy documents described above. It is a material consideration for the determination of any planning application submitted for the Opportunity Area. This document sets out a vision for the site, including an aspiration for development to be *"of high quality throughout, adopting the best of typical West London character and complementing it with the best of contemporary design."* In relation to the design proposed for the ECV Reserved Matters Application, the following ECWKOA SPD Key Principles are considered relevant; UF3, UF7, UF10, UF11, UF12, UF13, UF16, UF19, UF20, UF21, UF23, UF25, UF27, UF28, UF29, UF31, UF34, UF35, UF36, UF38, UF39, HO16, HO17, RS6, CS4 and CS5.

**Conformity with OPP2**

4.15 The principle of the Earl's Court development has been established with the outline planning permission (OPP2) granted on 14 November 2013. This application relates solely to reserve matters for part of the Earl's Court development, for part of the area in LBHF known as Earl's Court Village.

4.16 The overall development is controlled by Conditions 12, 13, 14, 15, 16, 17 and 18 in OPP2. These conditions set the maximum floor space to be provided for each development plot by land uses and maximum approved quantum of floor space, the maximum number, mix and size of residential units and maximum parking ratios.

4.17 All the residential units proposed in this first RMA are open market residential units. The size of the development means that both the replacement affordable housing and additional affordable housing secured by the S106 agreement in OPP2 would be provided at a later stage, distributed over the rest of the development. Delivery of the affordable housing is secured in the form of a clause in the S106 agreement which permits the occupation of up to a maximum of 760 market units in this borough before the first delivery of affordable homes on the rest of OPP2. The S106 agreement requires the submission of a Housing Delivery Plan (HDP) with each RMA in order to monitor the provision of open market and affordable housing units in order to accord with the requirements.



## Residential Unit Mix

4.18 London Plan (2011) policy 3.4 seeks that development optimises housing output within the relevant density range while respecting local context and character and the Plan's design principles Policy 3.5 of the London Plan requires new residential development to provide a high quality of internal environment. Policy 3.8 identifies amongst other things that development should offer a range of housing choices in terms of sizes and types. Table 3.3 of this policy specifies unit sizes for new development. The London Plan Housing SPG (November 2012) provide further guidance on this policy.

4.19 In total, 690 residential units in various sizes are proposed in this phase. London Plan policy 3.8 and associated supplementary planning guidance promotes housing choice and seeks a balanced mix of unit types and sizes in new developments. Core Strategy policy H3 requires new residential development to provide a good range of housing types and sizes. Policy H4 places particular emphasis on the need for family units. Policy DM A3 and DM A9 of the DMLP also states all new market housing should provide a mix of unit sizes, including family housing and should achieve a high standard of design and quality.

4.20 The residential apartments in each building would range from studios, one, two, three, four (plus) bedroom flats and duplexes/penthouses. The unit mix proposed per building is set out in the table below:

<b>Buildings</b>	<b>Studio</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4+ bed</b>	<b>Total</b>
BW05-DE	0	39	23	19	5	86
BW05-F1	0	33	26	17	1	77
BW05-F2	8	50	31	16	1	106
BW05-G	7	21	24	15	4	71
BW07-A	0	28	21	20	0	69
BW07-B	0	60	49	27	6	142
BW07-CD	0	36	20	18	3	77
BW07-G	7	14	15	25	1	62
<b>TOTAL</b>	<b>22</b>	<b>281</b>	<b>209</b>	<b>157</b>	<b>21</b>	<b>690</b>

4.21 This first phase provides a residential unit mix with 22 studio (3%); 281 one bedroom units (41%); 209 two bedroom units (30%), 157 three bedroom units (23%) and 21 four plus units (3%), with more than half of the units proposed (2 bedrooms and above) capable of accommodating families. The mix of units for the residential accommodation is not strictly in accordance with the unit mix contained in Condition 16 of the OPP and as set out in the table below, in relation to the higher provision of one and lower provision of four + bed units. Although the proposed unit mix is not strictly in accordance with OPP2, it is considered acceptable to accommodate smaller units in this part of the phase, in order to expedite the development and provide more certainty and confidence for the remainder of the overall development. It should also be noted that the unit mix in Condition 16 applies to the overall development, and the overall unit mix could be balanced out further in later phases to ensure it is substantially in accordance with Condition 16 of OPP2. Furthermore, there is no obligation under OPP2 to comply with the requirements of Condition 16 for each RMA. The wider mix/balance for the remainder of the site will however be monitored carefully as later phases comes forward, as the required will be expected to be met over the course of time. To this end officers consider the proposed residential mix for this RMA satisfies the aspirations of relevant policies and Conditions 16 within OPP2.



Unit Type	Mix Required by Condition 16 (OPP2)	Proposed	Proportion
Studio	2-5%	22	3%
1 bed	29% - 35%	281	41%
2 bed	30% - 40%	209	30%
3 bed	20% - 25%	159	23%
4 bed +	5% - 10%	19	3%
<b>Total</b>	-	<b>690</b>	

4.22 In terms of the commercial uses, the layout and form of the A Class units is considered appropriate for this phase of the Earl's Court development. It is considered that the level of floorspace provided and number of separate units proposed are of a suitable size. The layout and position of the proposed commercial units would support the creation of active frontages and vibrant streets, with food and drink uses providing outdoor dining areas aimed to animate and provide visual interest to the public realm in parts of the Lost River Park. The design of these areas is considered appropriate subject to defining public and private areas and use of high quality materials discussed below.

### **Reserved Matters**

4.23 Condition 41 in OPP2 requires the submission of details based on the approved parameters, in relation to the design of the proposed buildings in terms of layout, scale and appearance of the proposed buildings, including facing materials, and the design of the proposed landscaping including the areas of private space and public realm. Conditions 37, 38, 39 and 40 set out the submission requirements in relation to each matter (Layout; Scale; Appearance and Landscaping), for each RMA.

### **Layout:**

4.24 'Layout' is defined for the purposes of assessing this RMA as the way in which the buildings, routes and open spaces within each of the development plots would be situated and orientated in relation to each other and in relation to buildings and spaces outside the plot.

4.25 Although the approved parameter plans broadly determine the layout of the Earl's Court development, they do not represent built form but rather act as 3-dimensional volumes within which development must be contained. It is not possible for a plot to be developed to fill the whole parameter envelope. Instead, there is a maximum permissible floorspace area approved for each plot in the approved Design Guidelines and Development Specification. A minimum percentage of open space must also be provided within the overall volume of each plot, thereby further limiting the final building volumes. The remaining area between the maximum approved quantum of floorspace and the maximum extent of the approved parameters is to be used as amenity space and routes through the plots, subdividing them into a number of different buildings. As 'Building

Based Parameters', the layout of development plots WV04 and WV06 in RBKC were largely determined at outline planning stage. However, as 'Plot Based Parameters', the layout of development plots BW05 and BW07 was left undetermined.

### **The Layout of the RMA – ECV Area**

4.26 The part of the approved master plan referred to as the Earl's Court Village contains the four development plots, set in a permeable network of streets and open spaces. ECV is designed to link in with the other future parcels of land all of which are accessed off new distributor roads. The main urban axes are the High Street, running east to west through the centre of the site and the Lost River Park running north to south. The RMA designs propose to celebrate the junction where these two elements meet with a new 'Central Square'. A new 'Dining in the Park' concept has also emerged for the stretch of Lost River Park to the south of the 'Central Square' in order to encourage the Earl's Court Village to become a destination, attract visitors and create a lively bustling atmosphere. As a result, the RMA designs propose retail, café and restaurant uses adjacent to the southern fringes of the Lost River Park. Officers welcome this mix of uses, as it would generate activity, draw visitors into the park from West Brompton Village and north towards the High Street and create more active and dynamic relationships between the park and the buildings that enclose it.

### **The Layout in RBKC**

4.27 The RMA submitted to RBKC is delineated by development plots WV04 and WV06 which are found towards the eastern boundaries of this site. Each is roughly triangular in shape, defined by buildings fronting the High Street, the new park (Lost River Park) and one of the Crescents (Empress and Warwick Crescent). They mirror each other on either side of the High Street with WV04 to the north and WV06 to the south. On the north-east boundary there is a curving street referred to as 'the Circus'. The two buildings at this node are laid out symmetrically on either side of the High Street and introduce a combination of retail and residential use at the base of each building with residential units on the upper floors. This is considered to be the primary gateway into ECV from the east, and as such it is worthy of special attention. It is however, worth noting that following subsequent phases of development, plot WV03 would be delivered between the Circus and Warwick Road. As a result, the role of this Circus would evolve to become part of an arrival sequence rather than the gateway itself.

4.28 The Circus leads into two curving Crescents (development parcels WV04C and WV06E) laid out symmetrically either side of the High Street blocks (development parcels WV04 A+B and WV06 C+D) and the Lost River Park (development parcels WV04E and WV06A), with large courtyard spaces at the centre of the perimeter blocks. The layout of the two adjacent Crescents buildings follow the alignment established by the existing curved façade of the Earl's Court Exhibition Centre and the rear boundaries of properties fronting Eardley Crescent and Philbeach Gardens. A terrace of new town houses set on the rear boundary with the two existing neighbouring crescents will form alongside the north and east boundaries of the ECV RMA, with new roads ('Warwick' and 'Empress' Crescents), formed inside and opposite each of the new Crescent buildings. Two stand alone 'pavilion' type buildings are also proposed at opposite ends. At the northern tip WV04D is proposed with elevations facing the Crescent and the Lost River Park. At the southern apex the second stand alone building (WV06B) is proposed with elevations also facing Empress Crescent and the Lost River Park. This prominent building is also identified as the 'Prow Building' and faces into 'West Brompton Square'.

### **The Layout of development plots BW05 and BW07**

4.29 In LBHF, the western boundary of the ECV site runs along the edge of what will eventually be the Broadway carriageway. The carriageway itself is not proposed in this RMA, only the footway and a 'median' zone for street trees, lighting columns, bins, and benches and eventually parking bays. The south eastern boundary of the site is defined by the boundary of the part of the wider site referred to as 'West Brompton Village', the design of which would be subject to a separate full planning application in due course. Adjacent to this, the southern boundary of the site runs along the existing edge of properties fronting Empress Place.

4.30 Development plots BW05 and BW07 were approved as 'Plot Based Parameters', so there are no approved building footprints within them.

4.31 The plots are found towards the western boundary of ECV. Each is fairly orthogonal in its geometry, defined to the west by the Broadway and to the east by the Lost River Park. In the approved parameter plans, BW05 is bordered by the High Street to the south and a secondary street to the north. However, the northern ECV RMA boundary bisects this development plot in response to the extent of the applicant's current ownership. The northern part of Plot BW05 would therefore not be delivered at this stage, but would be subject to another RMA in due course. Plot BW07 is defined to the north by the High Street and to the south by the existing property boundaries in Empress Place, around which it wraps. As a result of the sensitivities presented by these existing boundaries, BW07 is subject to some specific requirements in the approved design guidelines. Again, the ECV RMA boundary bisects this plot, resulting in the two strips that run south adjacent to the rear gardens in Empress Place falling outside the red line. They would be subject to future planning applications at a later date.

4.32 A subterranean London Underground Ltd (LUL) stabling enclosure is required in part of plot BW05. This presents significant constraints to the layout of BW05 above ground. In brief, any buildings proposed here have to be aligned with the structural grid of the stabling yard below and no lift cores are permitted to penetrate into it. In addition, the layout of BW05 needs to address the temporary boundary condition created as a result of the ECV RMA boundaries, both terminating the ECV phase of development appropriately but also allowing future integration into the wider plot. The other major constraint faced by both plots BW05 and BW07 is that the Broadway would not be delivered in full during this initial phase of development. Although the Broadway would eventually be the primary residential address of some of the buildings in these plots, alternative clear and legible entrances are required during the initial phases.

4.33 The detailed layout design proposed for these two plots has largely been conceived in response to the constraints outlined above and the opportunities presented by the specific master plan elements that they each address. To the east, overlooking the Lost River Park, four 'Park Mansions' buildings are proposed (two in each plot). These are referred to as (running north to south) BW05 D+E, BW05G, BW07A and BW07G. To the west, fronting onto the Broadway, two 'Broadway buildings' are proposed (one in each plot). These are referred to as BW05-F2 and BW07B. Marking the node where the Broadway intersects the High Street, and in accordance with the approved master plan, two 'Feature Buildings' are proposed (one in each plot). These are referred to as BW05 F.1 and BW07B. To the south of plot BW07, fronting onto Empress Place, a lower 6 storeys building is proposed. This is referred to as BW07 C+D. At the centre of each plot, between the Broadway Buildings and the Park Mansions, shared surface and 'Garden Court' spaces are proposed to allow access to the buildings and offer amenity space for

residents. These would lead directly into landscaped courtyards that would sit directly between the Park Mansions and the Lost River Park beyond.

#### **Layout of the Park Mansions - BW05 D+E, BW05 G, BW07A and BW07 G**

4.34 The four 'Park Mansions' would be laid out as two pairs of L-shaped buildings, arranged symmetrically on either side of the High Street. Within each pair, the L-shaped plan forms would be mirrored, creating a large rectangular open space and a smaller courtyard. It is proposed that the larger open spaces would be used as publicly accessible extensions of the Lost River Park, in line with the requirement of the approved Design Guidelines. The smaller courtyards would provide landscaped amenity for the surrounding residents, who would be able to access them directly from the Lost River Park or the 'Garden Courts'. Their boundary treatments would be visually permeable so as to allow for 'borrowed landscape' or 'shared greenery' between the courtyards and the park. The larger spaces would be used as publicly accessible extensions of the Lost River Park, in accordance with mandatory clause 3.3.22 of the approved Design Guidelines which states that the park "shall comprise of a collection of open spaces utilising the open space above the West London Line (outside development plots) and open space within development plots lining the west side of the West London Line." They would also contribute to the realisation of clause 3.3.9 in the approved Design Guidelines which requires the Lost River Park to provide no less than 2ha of publicly accessible open space, establish a series of landscape character areas which create attractions and destinations and to provide amenity for those residential quarters that will develop along its length.

4.35 The 'Park Mansions' would be read as four 'pavilions' when viewed obliquely along the length of the Lost River Park, thus contributing to the enclosure and articulation of the open space. Officers consider that the undulating profile of the 'Park Mansions' would provide a welcome contrast to the continuous eleven storey façades of WV04E and WV06A opposite, preventing the park from taking on canyon-like proportions and creating a series of identifiable open spaces. The pavilions would accord with Key Principle UF35 of the ECWKO Joint SPD which states that "building blocks that are both long and high are not appropriate. Bulk and scale should be broken down by the grid of streets and other articulation."

4.36 It is intended that the public open space proposed between BW07 A and BW07 G would contribute to the 'Dining in the Park' area, and as such it would be flanked by retail and other leisure uses at ground floor. The resulting space would be very public in nature, with a civic and vibrant character. In contrast, the public open space between BW05 D+E and BW05 G would respond well to the quieter, more residential character of the northern part of the Lost River Park as it would only be flanked on one side by retail use. The majority of this space would be overlooked by residential units. Both would comply with ECWKO SPD Key Principles UF38 and UF39 which require all streets and public open spaces to be addressed by the public fronts of buildings and overlooked by frequent windows and entrances.

4.37 The landscape proposals for both of these spaces would unite them with the rest of the Lost River Park, effectively spanning its entire width. As such, they would be enclosed by the 'Park Mansions' on one side and WV04E / WV06A on the other. They would be experienced as holistic 'events' within the master plan and would contribute to the overall coherence and structure, whilst ensuring that each individual building or pair of buildings has its own unique and identifiable sense of place.



4.38 The five retail units proposed to front onto the Lost River Park and the High Street would be large and likely to be filled by restaurants and cafes. The plans submitted however suggest a degree of flexibility, with the potential for at least some of the larger units to be subdivided at a later date if necessary. The retail units would all be one storey in height with residential uses proposed for the floors above them. Each would have at least one entrance onto the High Street or the Lost River Park, thus contributing to a vibrant and active public realm. On the upper floors, the L-shaped plan forms would maximise the number of apartments that would benefit from a view of the park and would allow for a large number of dual aspect and corner units. The basement levels below BW05 D+E, BW05 G would be given over to the LUL Stabling Box. In the basement levels below BW07A there would be a residents' gym and below BW07G there would be car parking and plant.

#### **The Broadway Buildings - BW05 F.2 and BW07B**

4.39 Two linear Broadway buildings would front onto and follow the alignment of the Broadway. They would have clearly defined public 'fronts' addressing the Broadway and more private 'backs' addressing the 'Garden Courts' to the rear. As the Broadway represents the key north-south axis through the approved master plan, it is a key principle of the approved master plan that the buildings fronting onto it should be grand, civic and urban in their character.

4.40 The detailed designs for the Broadway buildings have been developed by different architects. As a result, although they share similar proportions (as established by the approved parameter plans), each would be unique in its form. This would add visual interest to the Broadway and contribute to the creation of a series of identifiable places along its length. However, it is also clear from the submitted proposals that a conscious effort has been made to ensure a degree of consistency between them.

4.41 The parameters as originally approved for plot BW05 allow a continuous frontage along the Broadway. The RMA proposals as permitted by the S96a application allow for a break in order to introduce a new route through the plot, thus increasing the permeability between the Broadway and the Lost River Park. The new route would run along the northern boundary of the RMA, thereby providing a well-defined built edge to the first phase of development rather than leaving a blank and unsightly exposed party-wall awaiting the next phase of construction. The increased permeability would be in accordance with the requirements of the approved Design Guidelines Clause 2.2.6 of which states that "additional tertiary through plot routes will provide a finer network of connections, further increasing permeability within the site" and would also contribute to the creation of a finer urban grain that is more in-keeping with that of the existing context surrounding the site. Architecturally it would also create a Broadway building (BW05 F2) that would match the length of BW07 B, thus introducing a sense of balance to the Broadway on either side of the High Street. At the base of BW05F2, ground and first floor levels duplex townhouse are proposed, primarily focused on the Broadway elevation. Generous residential amenity space overlooking the 'Garden Court' is proposed to the rear of the building together with the vehicle ramp access serving the basement car park. On the floors above, a mix of one, two and three/four bed units is proposed.

4.42 BW07 B is divided into two parts; the Broadway Building and a Feature Building. The Feature Buildings will be considered below. The three basement levels would be occupied by a large double height retail space considered suitable for a supermarket or similar use, with a ground floor entrance off the High Street. On the ground floor there



would be a mix of one bed and studio apartments looking out over the Broadway. On the floors above this, a mix of one, two, three and four bed units is proposed.

### **The Feature Buildings - BW05 F.1 and BW07B**

4.43 The inclusion of 'Feature Buildings' in the layout of these plots is directly governed by the approved maximum and minimum parameter envelopes and the Design Guidelines. In the Design Guidelines, 'Feature Buildings' are defined as structures "of landmark architectural quality which sit[s] upon a low or mid-rise building". In practice, this means that they are taller than most of the other buildings in the approved master plan, with the exception of the two identified 'Tall Buildings' that would be subject to future RMA's. They are located at key points, particularly along the Broadway, and are intended to contribute to the overall architectural and urban design composition by marking significant nodes and creating a sequence of identifiable events. Those in plots BW05 and BW07 are composed as a pair to create a gateway straddling the High Street. As such, they are considered to define 'High Street Node 3', as identified in the approved Design Guidelines at the intersection of the High Street and the Broadway. A node is defined the approved Design Guidelines as a key junction or intersection that is worthy of special attention.

4.44 Although BW05 and BW07 were approved in the form of Plot Based Parameters, their orientation, massing and height is tightly controlled by the approved Design Guidelines. The Design Guidelines contain specific rules for the design of Feature Buildings, particularly in relation to materials, façade treatment, architectural composition and orientation. They also mandate that Feature Buildings should read as taller elements sitting on top of 'podium buildings' that integrate with the rest of the street. In accordance with this, the RMA designs propose that the lower eleven floors of the Feature Building in BW07 B and the lower twelve floors of BW05 F.1 would be articulated as podium buildings and the floors above this as the taller 'features'.

4.45 The forms established for the Feature Buildings by the approved parameter plans are defined by tightly curving facades that follow the alignment of the junction between the High Street and the Broadway. At ground floor the RMA proposals would deliver relatively large, double height retail units fronting onto both the High Street and the Broadway. Given the overall height of the buildings and the importance of this node, the scale of these units is considered appropriate. The Feature Buildings are also considered to comply with DMLP Policy DM G2, which requires proposals for tall buildings to demonstrate an appropriate design at the base that provides ground floor activity and interacts positively with the public realm. The remaining parts of the ground floor footprints would be given over to entrance lobbies, circulation cores and a small amount of residential amenity space.

### **Empress Place – BW07 C+D**

4.46 BW07 C+D are found at the southern edge of Plot BW07. It is directly adjacent to the existing cul-de-sac, Empress Place and would have frontages onto both the Lost River Park and the Broadway. It has a significant level change to absorb, from +5m AOD adjacent to Empress Place to +11.43 within the approved master plan. As such it has a number of different conditions to address and constraints to overcome without becoming disjointed.

4.47 In response to its proximity to Empress Place, and in line with the requirements of the approved Design Guidelines and Parameter Plans, the RMA proposals conceive of BW07 C+D has a transitional element, intended to physically and visually link the smaller

scaled buildings of the existing cul-de-sac with the larger scale mansion blocks and feature buildings proposed to the north.

4.48 Essentially, it would be laid out as a linear block running east to west. It would be predominantly residential, but there would be a relatively small retail unit on the north eastern end proposed to overlook the Lost Rover Park and mark the transition into the 'Dining in the Park' area. In order to overcome the level changes between the front and rear of this building, the two 'lower ground' levels that would contain a mix of single aspect (by necessity) two and three bed duplex units would not be visible from the frontage. Each of these duplex units would have private south facing rear gardens fronting Empress Place. The relatively generous private gardens would be bound by a high wall and with a hedge on top, and would not be accessible from Empress Place. Officers consider this would create an appropriately sensitive buffer between the existing and proposed and would comply with the 'no construction zone' established in the approved by clause 5.19.14 in the approved Design Guidelines. The 'front' of BW07 C+D would face onto a tertiary street to the north of the building. This would be designed with three communal residential entrances and lobbies, clearly identifying it as the main residential address of the building.

4.49 As approved in the parameter plans, there would be a break in the building mass from the third floor up in order to allow a view of sky when standing at street level in Empress Place. As a result of the two lower ground floors, this would equate to the third floor on the front and fifth floor on the Empress Place elevation. At this level, the gap between the two 'wings' of the building would provide a communal amenity space and align with the carriageway in Empress Place.

4.50 In its entirety, the layout and footprint of the complete set of buildings proposed work well to provide a strong unified edge fronting the Broadway and the High Street and with attractive gateways into the 'Lost River Park'. Overall officers consider the layout is very well thought out, with a series of coherent streets, public spaces and buildings providing a mix of dwelling types and designs. The layout provides routes within which the sense of place reinforces the character of the area and reinforces the amenity value of the proposed linear park which crosses the site between both boroughs, creating a green link through the middle while adding to its recreational value.

4.51 The layout of the proposed buildings in this RMA would be in accordance with the approved plot based parameters, the approved Design Guidelines and the general development principles set out in Core Strategy Policy BE1 - Built Environment, DMLP Policies DM G1 - Design of New Build and Policy DM G2 - Tall Buildings.

## **Scale**

4.52 'Scale' is defined for the purposes of assessing this RMA as the height and mass of each building proposed, the way in which this would be articulated and the impact it would have on its surroundings.

4.53 The broad approach to scale established in the approved parameter plans is for it remains low at the edges of the site closest to existing neighbouring properties and rise towards the existing 31 storey Empress State Building at the centre. The parameters allow for a 'cluster' of tall buildings around the Empress State Building and increased scale along the Broadway in order to reinforce its civic character and metropolitan significance. The approved parameters establish tightly drawn maximum and minimum extents for the height for each plot, including 'shoulder height' setbacks at the upper

storeys. In most cases there is very little deviation between the minimum and maximum approved height; usually just a couple of metres. However, as with matters pertaining to layout, it is not possible for a plot to be fully developed to fill its parameter envelope.

4.54 The approved Design Guidelines require all of the buildings in the wider master plan to adhere to a 'tripartite' articulation of scale. As such, the scale of each building is expected to be broken down into a 'base', 'middle' and 'top'. The base would typically be the lowest one or two floors, the middle would typically be from the top of the base to the 'shoulder height' and the top would be from the shoulder height to the roof of the building. Along primary routes like the High Street, the approved Design Guidelines require the expression of the base to be emphasised by the inclusion of a horizontal line between it and the middle of the building, referred to as the 'Character Datum Line'. The intention behind the required tripartite articulation is to ensure a sense of unity across all of the buildings, regardless of their appearance. It also sets up a clear contextual reference, as much of the traditional built fabric of London adheres to a similar order. As such, it is considered to comply with DMLP Policy DM G1, which requires all proposals to be designed to respect the local design context, including the prevailing rhythm and articulation of frontages, local building materials and colour, and locally distinctive architectural detailing, and thereby promote and reinforce local distinctiveness.

#### Townscape and Visual Impact Analysis:

4.55 The townscape and visual impact of the approved parameter envelopes was assessed at the outline stage. Officers concluded that that the impact would not be one of significant harm to the local skyline or heritage assets or skyline, but rather that the permeable, modulated skyline proposed would represent a distinct improvement on the single, bulky mass of the existing buildings. As the RMA designs would not exceed the approved scale and massing of the parameter plans, these conclusions remain valid and it is therefore not considered necessary to reassess townscape impact.

#### **Scale of the Park Mansions - BW05 D+E, BW05 G, BW07A and BW07 G**

4.56 Of the four proposed Park Mansions fronting onto the Lost River Park, BW05DE (the most northerly) would be eleven storeys in height (+50.15m AOD) and BW05G, BW07 A and BW07 G would each be ten storeys (+50.24m AOD, +46.57 AOD and +46.50 AOD). They would all be compliant with the approved maximum and minimum parameter envelopes.

4.57 As required by the approved parameter plans, each would have a consistent 'shoulder height' at the top of the seventh floor, above which the top two or three storeys would be set back from the building edge. All of the top storeys would be clad in the same grey metal. As a result, the main body of the buildings would appear to terminate consistently at the top of the seventh floor, with recessive top storeys above. Not only would this consistent 'shoulder height' ensure that all four 'Park Mansions' would read together as a unified, coherent composition, but it would visually link them with the buildings on the other side of the Lost River Park in plots WV04 and WV06, which have similar 'shoulder height' set backs at the tops of the eights and sixth floors. The tops of the buildings, as darker and visually recessive would read in much the same way as the traditional 'attic' storeys do in many of the existing mansion blocks and town houses surrounding the site. This perception would be enhanced by the proposal to vary the profiles of the top storeys with recessed and projecting elements that would create dynamic shadows and changes in tone.

4.58 The sense of unity between the 'Park Mansions' and the buildings across the park would also be enhanced by their clear tripartite expression, proposed in accordance with the requirements of mandatory clause 4.1.27 in the approved Design Guidelines. The bases would vary in height between one and two storeys. Generally, each 'Park Mansion' would have two storey bases on their primary frontages onto the Lost River Park and the High Street and one storey bases facing onto the more intimate 'Garden Courts' and landscaped courtyards. This is considered appropriate to reflect the differing characters of these spaces and to give them each an appropriate sense of enclosure. As described above, the tops of each 'Park Mansion' would be visually recessive, emphasising the 'middles' as the primary mass of the buildings. Officers therefore conclude that the approach to be appropriate to realise the vision of the approved masterplan

#### **The Broadway Buildings - BW05 F.2 and BW07 B**

4.59 In OPP2, the Broadway is identified as a suitable location for a greater and grander sense of scale than the rest of the master plan. As such, it also marks an important point of transition in the overall strategy for the scale of the development. Building BW05 F.2 would be twelve storeys in height (+51.65 AOD) and BW07 B would be eleven storeys (+46.3 AOD), plus a partial lower ground floor which would respond to the significant level change along the Broadway in this location. This is deemed to be an appropriate height to address the prominence of the Broadway frontage from Lillie Road and would comply with the approved maximum and minimum parameter envelopes.

4.60 In the approved parameters, the Broadway rises from +3.6m AOD to +9.0m AOD between Lillie Road and the High Street. The RMA proposals use the lower ground levels created by this slope to form a loading bay/service yard that is accessed via BW07 C+D to the south. As the loading bay would have clear height requirements for refuse collection, this together with the slope of the Broadway could result in relatively blank façade that might compromise the street level experience. The detailed design proposals however respond to this concern and mitigate potentially negative impacts by stepping the residential entrances to BW07 B, introducing layered landscaped terraces between the street and the building and placing additional flats at the lower level to animate the street frontage as much as possible.

4.61 Mandatory Clause 4.2.25 of the approved Design Guidelines requires buildings on sloping streets to step in height with the change in level. This was tested during the detailed design process for Building BW07B, but it was concluded a building of this grand scale, on such an important route, would require a strong and consistent roofline. This is especially important for BW07 B given the presence of the neighbouring 'Feature Building' that requires a strong streetscape setting. Therefore the design proposes an alternative approach in which the character datum line would also step in response to the changing level, but the 'shoulder height' and top storeys would remain consistent. As a result, the change in level would be acknowledged at street level and the base would not become too tall to relate to the human scale of passers-by, or too low to run continuously into the Feature Building, but the scale and mass of the building would also remain appropriate for the Broadway setting. This is also considered to accord with Key Principle UF34 of the ECWKOA SPD which states that "arbitrary variation in roofscapes should be avoided. Instead, roof lines should be strong and should demonstrate regular rhythms".

4.62 As with all of the other detailed designs proposed in the RMA, the tripartite order of both BW07 B and BW07 F.2 would be clearly expressed. This would contribute to the unity between both and the coherence of the Broadway. The bases of both buildings would be two storeys in height and marked by commercial uses, which is considered



appropriately generous to reflect the importance of the Broadway frontage. In BW05 F.2, the double height base would also express the duplex townhouse units proposed within at ground and first floors. The middles of both buildings would run from the tops of the bases to their 'shoulder heights' at the tops of the eighth floors. This consistent shoulder height across both buildings would contribute to the sense of unity between them and further integrate them into the design of the 'Feature Buildings'. The top of BW07 B would be set back above this shoulder height, expressed as a recessive horizontal band, clad in the same grey metal as that proposed for the 'Park Mansions'. In contrast, the relationship between the middle and the top BW07 F.2 would be more highly articulated. The top itself would be recessed behind the 'shoulder height' of the building, but rather than reading as a discreet horizontal element, it would be visually locked into the body of the building by the series of projecting gable features which would over sail the eighth floor and extend to the full height of the building. Not only would this ensure that the building is read as a coherent compositional whole, but it would also introduce visual interest and articulation to the skyline of the Broadway. It would also pick up on the vertical proportions of the immediately adjacent Feature Building. Both approaches are considered to echo examples of the articulation of attic storeys in the traditional mansion blocks of the surrounding built context.

4.63 Both Broadway buildings would also break their facades down into different vertical masses in order to present a residential scale of development reminiscent of a terrace of smaller buildings rather than single monolithic forms. In BW07 B this would be articulated by a series of recessed bays between different 'sub- blocks' and in BW05 F.2 it would be articulated by a series of projecting gable features and terracotta framed winter gardens that would extend up to the full height of the building, creating an attractive silhouette against the skyline. Both would offer vertical emphasis, a sense of unity along the length of the Broadway and strong visual links to the adjacent feature buildings.

### **The Feature Buildings - BW05 F.1 and BW07B**

4.64 In terms of the wider approved master plan, the two Feature Buildings are intended to provide a visual transition between the mid-scale of the majority of the buildings proposed and the cluster of tall buildings around the Empress State Building. They are also intended to act as points of reference to aid way finding and navigation and to mark the node identified at the junction between the High Street and the Broadway. As such, they should primarily be perceived as a unified gateway pair. However, the approved parameter plans also mandate some key differences between them in terms of scale, which in the RMA proposals have been realised as 22 storeys (+80.45 AOD) in BW05 F.1 and 17 storeys (+64.5 AOD) in BW07 B (both including a level of screened plant on the roof). This would be compliant with the approved maximum and minimum heights in the approved parameter envelopes.

4.65 Mandatory Clause 4.3.3 of the approved Design Guidelines defines 'Feature Buildings' as "a tall building element sitting on top of mid-rise buildings or podium". The RMA proposal is considered to be in compliance with this, whilst also giving the taller elements well resolved relationships with the ground, by weaving the materials proposed for them into the 'podiums' and vice versa. This will be discussed in further detail below under the heading 'Appearance'. This is considered to be in accordance with Key Principle UF23 of the ECWKO SPD as it would result in "well rooted" tall buildings and would enhance their apparent slenderness.

4.66 The distinction between the 'podium' and the taller, or 'feature', elements would establish a strong horizontal emphasis. The proposal seeks to balance this with equally



well resolved vertical articulation, in line with mandatory clause 4.1.46 of the approved Design Guidelines. Vertically, the massing would be perceived as two volumes. The 'front' volume would follow the tight curve of the junction between the Broadway and High Street with a dynamic and directional façade, whilst the 'rear' volume would take on a more static orthogonal form to anchor the building. The interplay between the two would ensure that the node at the junction between the High Street and the Broadway would be the clear focus of the Feature Buildings, but that they would also be read as three dimensional objects that respond well to their settings. As a result, Officers conclude that the RMA proposal would translate the scale and massing established in the approved parameter plans into convincingly well proportioned, well layered and generally well resolved buildings.

4.67 As with the other buildings in the RMA, the Feature Buildings would also express a tripartite order. The bases of both would be two storeys in height, which is deemed appropriate given the overall scale of the buildings and the civic importance of their Broadway setting. It would also physically integrate them with the frontages of the neighbouring Broadway Buildings, thus complying with the requirements of the approved Design Guidelines for Feature Buildings to read as integrated elements within the streetscape. The middle of BW05 F.1 would run from the second floor to the seventeenth floor and the middle of BW07 B would run from the second floor to the fourteenth floor. On both buildings, an additional horizontal datum line would be introduced at the eighth floor, corresponding directly with the shoulder height of the neighbouring Broadway Buildings and again ensuring that the feature buildings are experienced as an integral part of the streetscape. The reading of the 'podium' elements of both buildings would also be further strengthened by the proposed fenestration arrangements. In an order that is clearly inspired by traditional window hierarchies, the windows in the podiums of both feature buildings would be grouped vertically into pairs except at the eighth floor where they would be expressed as single storey openings. It is considered that this would reinforce the unity between the feature buildings and their integration into the wider streetscape.

4.68 The top of BW05 F.1, the taller of the two, would be four storeys in height and the top of BW07 B would be two storeys in height (both including screened plant). These differences in scale are considered appropriate given the differences in overall height between the two buildings. The RMA proposals would vertically group together all of the window openings in the upper storeys above the podiums, so that they would read as discreet sculptural elements. The resultant 'framed' appearance would be slender, light and vertically proportioned. As such, the proposals for both feature buildings are considered to meet the sky in a sufficiently well-articulated and sculptural manner to comply with Key Principle UF23 of the ECWKO SPD and DMLP Policy DM G2 which requires tall buildings to demonstrate the highest architectural quality with an appropriate scale, form and silhouette.

4.69 As well as reading as sculptural articulations, the tops of the feature buildings would also be physically part of the orthogonal 'rear' volumes. By revealing them at the top of the curving 'front' volumes, the two would be unified. In BW05 F.1, the slender and sculptural nature of the top would be drawn down into the main body of the building thanks to a proposal to group the windows of the upper three floors of the middle in a similar way to those in the top. However, this would not be repeated in the shorter BW07B because it does not have sufficient overall height to support such a gesture, and the top does not express the same vertical proportionality.

### **Empress Place – BW07 C+D**

4.70 As established by the approved parameter plans, BW07 C+D has to overcome significant level changes of almost 7m between Empress Place and the Lost River Park and tertiary street proposed to the north. Essentially, the RMA proposals for BW07 C+D would absorb this level change through the introduction of two lower level floors on the southern elevation fronting onto Empress Place. As a result, the building would be up to nine storeys tall on its southern façade (facing Empress Place) and up to seven storeys tall on its northern façade (facing into the master plan). This would be compliant with the approved maximum and minimum parameter envelopes. Although this is largely driven by the constraints of the site levels, it would also result in an appropriate transition from the low rise buildings found in the existing context to the taller buildings proposed deeper within the approved masterplan.

4.71 The approved parameter plans for this building also establish a gap at fourth floor level to allow a view of sky from the alignment of Empress Place. As the massing of BW07 C+D proposed in the RMA would comply with this, it would only reach its full height in the two masses either side of this gap and would frame the view of sky well. The tops of these taller elements would be articulated as light and recessive, expressed almost as a pair of colonnaded structures on top of the building rather than integral parts of the overall mass. This approach, along with the 'shoulder height' setbacks proposed at the second and fourth storeys would result in the building being perceived as significantly shorter than a count of its storeys would suggest.

4.72 The overall mass of BW07 C+D would be broken down into a series of projecting and recessed sub blocks, picking up on the language of the existing terraces in Empress Place and echoing the modular expression proposed for the Crescent and High Street buildings in plots WV06 and WV04. Each of the sub blocks would be further subdivided by a series of recessed repeated vertical bay modules, each two windows in width. The dimensions proposed for these bays would be based on the proportions of the existing terraced housing in Empress Place and would therefore visually weave BW07 C+D back into its existing context.

4.73 As with the other buildings proposed in the ECV RMA, the tripartite order of BW07 C+D would be expressed on its façade, but more subtly than in many of the other buildings. This is considered appropriate given the lower scale of the building and the sensitive existing setting in which it sits. A stone clad two storey base would express the duplex units proposed in the lower ground floor levels on the southern façade, but as a result of the level change, would not be visible on the northern façade. This would reduce the apparent scale of the building when viewed from Empress Place as it would focus attention on the lower levels. It would also contribute to the legibility of the building by expressing elements of the internal layout externally. In contrast, on the northern frontage a base would only be subtly suggested by the groupings of the windows and positions of balconies. However, this is considered appropriate, given the calmer, quieter nature of the tertiary street onto which it would front. There would also be two storey stone bases expressed on the return elevations fronting onto the Broadway and the Lost River Park, which would again be appropriate given the scale and public nature of these spaces.

4.74 In conclusion, the scale of the proposed buildings in this RMA would be in accordance with the approved parameter plans. The articulation of this scale, through architectural expression such as the tripartite elevational order, would be in accordance with the approved Design Guidelines and with the general development principles set out

in DMLP Policies DM G1 - Design of New Build, Policy DM G2 - Tall Buildings and DM G7 - Heritage and Conservation.

### **Appearance (including facing materials)**

4.75 For the purposes of assessing this RMA, 'Appearance' is defined as the visual impression that each building would make and the architectural elements that would contribute to this, including materiality, colour, tone and texture.

4.76 As part of the RMA, a material strategy is proposed for the ECV site (and for the rest of the approved master plan as it is delivered). Broadly, it is proposed that a lighter palette, drawn from the generally neutral tones of the surrounding built context, would be used around the site edges, transitioning to a more varied, deeper and bolder palette towards the centre of the site. It is proposed that this transition would be gradual in order to ensure complementary visual relationships between neighbouring buildings, and would allow some common aspects to be shared by all of the buildings, in order to create a familial character. This would contribute to the aspiration for the master plan to be the 'work of many hands' whilst ensuring that it would also remain a coherent whole and would add visual interest without creating disarray. It would also represent an appropriate response to the materiality and architectural expression of the local built context, in compliance with DMLP Policy DM G1, which requires the design of new buildings to be compatible with the character of its existing setting, including local building materials and colour.

4.77 It is also worth noting that on the whole, the RMA proposal displays a clearly limited elevational variety and adherence to rational window hierarchies. Again, this is welcomed as it would provide an overall sense of unity to the development and further avoid visual disarray. It would also make clear references to the strong, but restrained visual character of the existing built context surrounding the site, in line with Development Management Local Plan Policy DM G1.

### **The Design Guidelines**

4.78 Part 4a of the approved Design Guidelines; the 'Architecture Kit of Parts', seeks to govern the design of the buildings within each development plot in order to ensure that they fulfil their roles as envisaged in the master plan.

### **The Appearance of Park Mansions - BW05 D+E, BW05 G, BW07A and BW07 G**

4.79 Each of the four proposed 'Park Mansions' has been designed according to a clear hierarchy of facades in order to ensure that they respond appropriately to their differing master plan settings. As a result, their public 'fronts' facing onto the Lost River Park and High Street and their more private and secluded 'backs' addressing the shared 'Garden Courts' would be clearly distinguished. This is in line with Key Principle UF38 of the ECWKO SPD. However, all of the facades would also demonstrate a sufficient degree of commonality as they would each observe the same basic underlying design principles, including tripartite expression, regular façade grids, a standardized set of façade components (including windows, doors and window boxes) and a consistent character datum line. This would ensure that each building forms a coherent object and that they are all understood together as a unified cluster.

4.80 As described earlier, the 'Park Mansions' would be laid out as a row of 'pavilions' in the Lost River Park. The two proposed at the centre of the row, arranged symmetrically on either side of the High Street (BW07A and BW05G), would be given visual prominence in order to frame the new 'central square' that is proposed in this location.

This would be achieved by cladding them primarily in red coloured brick. In contrast, the Lost River Park fronting faces of the pavilions at either end of the row (BW07G and BW05 D+E) would be clad in a lighter buff coloured stone. This approach would respond well to the overall material strategy for the site, by introducing warmer bolder tones in the more central location whilst referencing the lighter more neutral tones of the surrounding built context towards the periphery. It would also echo the materiality proposed for WV04E and WV06A on the other side of the park, thus encouraging a sense of familial unity across the open space. The bases across all of the facades would be clad in a buff coloured stone. Where the stone base meets a stone middle on the outer facades, there would be very little visual contrast. As a result the overall composition would be quieter and calmer, signifying the transition away from the bustling High Street where the contrast between stone and red brick would be much greater. All of the rear elevations, fronting onto the Garden Courts, would be clad in a reddish colour brick in order to express their intimate, residential character.

4.81 On the front facades facing onto the High Street and the Lost River Park, the windows would generally be expressed as double height groupings. This would enhance the grand, public scale of these facades and give them a sense of verticality and elegance. This elegance would be further enhanced by a finer layer of articulation, introduced through details such as decorative metal balconies; shifting stone insert panels within the double height openings and a variety of recessed and projecting planes in the brickwork. In contrast, the windows on the more intimate, private rear elevations would be expressed as single storey openings, in keeping with the general approach to the facades which would be simpler and less decorative. The windows would be framed by protruding white stone surrounds that would reference the typically white framed openings of the town houses found in the historic built fabric surrounding the site. They would contrast strongly with the red brick cladding, thus emphasising the repetitive domestic order of the fenestration. The contrast between the front and rear elevations would be reminiscent of similar transitions observed in the existing context, where more formal stone or brick front facades give way to more informal and relaxed palettes behind. As such, the Park Mansions would accord well with DMLP Policy DM G1 and its requirements for the design of all new buildings to respect the historical context and townscape setting of the site, and its sense of place.

4.82 Grey metal window frames and spandrel panels are proposed for all of the Park Mansion elevations in order to match those in WV04 and WV06 on the other side of the Lost River Park. As with these facing buildings, the soft metal would create a delicately contrasting layer of articulation against the brick and would enhance the reading of all the park fronting buildings as a visually varied, but familial group. It is proposed that the tops of the park mansions, on each elevation would be clad in two different shades of grey metal, again to provide unity with the other buildings proposed in the RMA site and to reference the traditional 'attic' storeys found on mansion blocks in the existing surrounding context. The interplay between the different shades of grey would also create a subtly layered appearance and strengthen the suggestion that the buildings lighten towards the top.

4.83 The most southerly of the park mansions (BW07 G) would be distinguished by the inclusion of a 'turret' on its south east corner. As a compositional element, this would visually link it to the 'prow' building (WV06B) on the other side of the Lost River Park in order to contribute to the creation of a coherent entry sequence.



## **The Appearance of the Broadway Buildings - BW05 F.2 and BW07 B**

4.84 Whilst the appearance of BW07 B would share a number of common features with the other designs proposed in the RMA, it would also have its own unique identity created by the use of a more 'Art Deco' inspired architectural language. This would directly reference the design of the original Earl's Court Exhibition Centre, thus reflecting the "historical context" and "sense of place" referred to in DMLP Policy DM G1. BW07 B would also have a clearly expressed formal and public 'front' overlooking bustling Broadway, and a quieter, calmer rear elevation facing the more secluded 'Garden Court'. However, given the proposal to phase the delivery of the Broadway, the rear elevation would also be suitably well articulated to signify the entrances to the dual fronted lobbies described above during the earliest phases of development.

4.85 BW07 B's public, formal front elevation would primarily be clad in a buff coloured stone, complemented by a combination of dark and light buff brick details. The use of stone is considered appropriate given the metropolitan significance of the Broadway and the proposal to limit the palette to either dark or light tones would enhance civic character of the elevation. In general, the Broadway elevation would be fairly limited in its variety of expression in order to ensure that the adjacent feature buildings remain the visual focus. Furthermore, as described in more detail below, the stone would extend into the 'podiums' of the Feature Buildings, thus creating a sense of unity along the Broadway street frontage.

4.86 The bulk of BW07 B would be broken down vertically into three sub blocks, each three windows wide. These would be clearly defined and articulated by two inset bays proposed between them, each clad in dark buff brick. One of the inset bays would align with the main residential entrance at street level, thus enhancing its legibility particularly when viewed from a distance. As an overall composition the repeated bay expression would create a consistent rhythm along the Broadway frontage and would emphasise the verticality of the facades. It would also comply with the requirement of Key Principle UF35 in the ECWKO SPD which states that "bulk and scale should be broken down by the grid of streets and other articulation". The inset bays would also provide the opportunity for balconies that would give some secondary horizontal definition to the facade. The use of the dark buff brick would provide a clear counterpoint to the light stone and buff brick used on the rest of the façade and would unify the main body of the building with the grey zinc cladding proposed for the top, thus creating a uniform whole.

4.87 As with all of the other buildings proposed in the RMA, the fenestration in BW07 would be applied in a restrained manner that would adhere to a simple hierarchy. Each sub block would be structured by a combination of large scale double height openings flanked by smaller single height apertures. They would be expressed in a manner that would alternate between vertical and horizontal expression, thus further breaking the façade down into smaller proportions to reflect the residential use proposed. Grey metal window frames and black metal railings would be used to introduce another layer of subtly contrasting detail that would reinforce the unity between the Broadway and a number of the other buildings proposed in the RMA.

4.88 The appearance of the rear elevation would generally be very similar to that of the front, but the fenestration would be restricted to single storey square openings directly in response to those proposed for the rear of the 'Park Mansions' opposite. This shared architectural language would help to negotiate tight scale of the 'Garden Courts' and would reinforce the concept of a family of buildings creating a recognisable identity and sense of place. As with the park mansions, the tops of the Broadway Buildings would be



clad in two shades of grey zinc in order to create a subtly layered appearance with the effect of the buildings lightening towards the top.

4.89 The appearance of BW05 F.2 would not draw on the 'Art Deco' language of BW07 B, but would reference more closely the 19<sup>th</sup> Century London mansion block typology. This is considered to be an equally appropriate response to the metropolitan setting of the Broadway and the overarching 'work of many hands' concept. It is considered that the Broadway would be of sufficient scale to accommodate a variety of styles without succumbing to visual disarray. The result would be one of richness and vitality that would give the new development its own identity and hopefully inform the creation of a number of new places along the Broadway.

4.90 The public front of BW05 F.2 would address the prominence of the Broadway with appropriately grand architectural gestures, including the three projecting gable features that would extend beyond the main façade line of the building from the roof down to the top of the base. The window openings would be gathered around each of the gables, which would emphasise the overall structure of the elevation and contribute to the overall rhythm along the Broadway frontage. As with similar designs found in existing traditional mansion blocks such as the Albert Hall Mansions, the gables would imply a series of 'grand residences'. They would also enhance the silhouette created at the top of the building, visually linking it to the middle and therefore creating an overall sense of coherence. Further articulation would be added to the roofline by projecting and recessive dormer window features between the gables, aligned with the fenestration below.

4.91 As well as breaking up the façade as per the guidance in ECWKO A SPD Key Principle UF35 and providing a rich layer of visual interest, the gables would also express the building's internal planning, denoting the positions of the internal cores and the nature of the spaces within. At the top of the building for example, each of the gables would signify the internal location of a generous double height space that would form the centrepiece of the family sized apartments proposed at these levels. Below this, they would contain projecting winter gardens. They would therefore lend BW05 F.2 a distinctive residential character and sense of legibility.

4.92 Following the established London residential tradition discussed earlier, the rear elevation of BW05 F.2 would be more informal than the front. It would also be more richly modelled, as the gables on the rear would be drawn much further into the 'Garden Court' as a pair of projecting bays. Not only would this reinforce the distinction between front and back, it would also maintain an optimal floor plan depths for the residential units proposed next to the internal circulation cores. The main entrance from the 'Garden Court' would be set at the base of the bay facing the Lost River Park, thus giving it a prominent position that would assist wayfinding and legibility, particularly before the Broadway is delivered in full during later phases of development.

4.93 The primary facade material proposed for BW05 F.2 would be a warm pink or buff natural terracotta that would contrast well with the fine scale gun metal mullions and balustrades proposed. The two storey base of the building would be expressed in darker terracotta to create a visual plinth for the building, and would be given a sense of solidity through deeply inset widow reveals. Behind the terracotta gable features, the top would be clad in a grey 'standing seam' metal, the profile of which would contribute to the overall verticality of the building. Overall, the scale of the Broadway frontage would be carefully modulated through the grouping of windows into two storey openings. They

would adhere to the same general window hierarchy of the Feature Buildings, with double height window groupings from levels two to seven and single storey openings used to visually cap the middle of the building at level eight.

### **The Feature Buildings - BW05 F.1 and BW07B**

4.94 Despite the different heights of the two Feature Buildings (22 and 16 storeys), the RMA proposals clearly treat them as a cohesive pair in order to create an iconic gateway at the intersection of the Broadway and the High Street. This is considered to comply with the vision of the approved master plan.

4.95 As described above, the RMA proposals for the Feature Buildings conceive of each as two intersecting vertical volumes. The primary curved volumes would both have stone clad bases. Above this, the 'podium' elements (up to the eighth floor) would also be clad in stone, but would be articulated by repeated vertically expressed, angled stone fins punching in towards the recessed windows. The angled parts of the sculptural fins would be clad in silver/grey coloured metal panels. Each would be triangular in plan, angled to follow the curve of the building. They would introduce dynamic shadows and draw the eye around the curve of the building, thus marking the significance of the node between the High Street and the Broadway. Between the tops of the podiums and the tops of the primary curved volumes (at the 17th floor in BW05 F.1 and the 14<sup>th</sup> floor in BW07 B), the angled metal fins would continue, emphasising the very strong verticality of the buildings. However, the vertical stone cladding would be replaced with heavily profiled, metal panels following the column lines of the building and the horizontal stone cladding at the tops of the window reveals would be replaced with more silver/grey metal clad angled fins. It would appear that the stone is peeling away to reveal lighter, more reflective metal as the building gets taller. The use of stone on the podium elements would visually integrate the feature buildings with the neighbouring Broadway buildings. It would also express the civic character of the Broadway and continue the use of stone to express important points along the High Street. However, the angled metal fins within the stone would also bring the vertical language of the 'feature' element down towards the ground.

4.96 At the tops of the curving primary frontages, the orthogonal anchoring volumes would be revealed as the sculptural roof top elements. The rear volumes would be clad from the ground up in the same profiled metal panels that would be revealed above podium height in the curving volumes. By weaving together these different, but complementary materials, the Feature Buildings would express both the horizontal articulation between the podium and the feature, as required by the approved Design Guidelines but also the slender proportionality, layered facades, strong relationship with the ground and sculptural rooftop profile required for tall buildings by Key Principle UF23 of the ECWKO SPD.

4.97 The majority of the windows proposed in the feature buildings would be expressed as double height groupings. This would emphasise their verticality, contribute to their slender proportionality and subtly distinguish them from the neighbouring Broadway Buildings. As described under the heading 'Scale', in the taller of the two these groupings would increase to triple height towards the top. This would heighten the sense that the building lightens as it climbs higher. The detailed design of the windows would also highlight the residential nature of the building by emphasising elements such as the smaller mullions within the larger window frames in order to introduce a sense of human scale.

Inset bays, following the same rhythm as those proposed along the Broadway building in BW07 B are proposed between the Feature Buildings and the rest of the street frontage.

These would give the taller elements a sense of autonomy and distinction, whilst not compromising the general integration that would exist between them and the rest of the street facade. They would also provide the opportunity for recessed balconies to give a sense of horizontal definition to the elevations.

### **The Appearance of BW07 C+D - Empress Place**

4.98 The appearance of BW07 C+D is intended to respond to both the existing built context and to the more contemporary buildings proposed within the master plan to the north. As such, the primary cladding material would be a light coloured brick, echoing that found on the existing terraces of Empress Place. However, in reference to the other buildings proposed to the north, it would also feature a light coloured stone base and darker buff brick clad inset bays. The inset bays would define and articulate the sub blocks proposed to break up the linear massing of the building (as described under the heading 'Scale' above) and would reflect the language proposed for the larger BW07 B directly to the north.

4.99 Grey metal window frames and spandrel panels would be used to introduce a finer grain of articulation. These elements would offer a subtle horizontal reading whilst maintaining the vertical emphasis required by the approved Design Guidelines. They would also reflect similar details proposed for neighbouring buildings to the north. The top of the building would be clad in grey metal, which would repeat the treatment of the tops of the 'Park Mansions' to the north. As a result it would both suggest a traditional 'attic' at the top of the building and encourage the reading of BW07 C+D as in integral part of the row of pavilions running alongside the park.

4.100 In conclusion, the external appearance and materials of the proposed buildings in this RMA would be of high quality, in accordance with the approved Design Guidelines and the general development principles set out in DMLP Policies DM G1 - Design of New Build, DM G2 - Tall Buildings and DM G7 - Heritage and Conservation.

### **Landscaping:**

4.101 For the purposes of assessing this RMA, 'Landscaping' is defined as the treatment of private and public spaces to enhance or protect the site's amenity through hard and soft measures. It includes the planting of trees, hedges, shrubs or grass, screening by fences or walls, the formation of banks, terraces or other earthworks, the laying out or provision of gardens, courts or squares and the provision of other amenity features including play space, public art and street furniture.

4.102 The broad locations and dimensions of the public realm outside the development plots were approved in the parameter plans at outline stage. In addition to this, the mandatory guidelines are expected to deliver a quantum of open space within the plots themselves. This could take the form of public streets or squares, private gardens and / or communal amenity spaces. Plots WV06 and WV04 in RBKC had the broad locations and dimensions of open spaces within the plots approved at outline stage. The provision of open space within BW05 and BW07 remained completely undefined.

### **The Design Guidelines**

4.103 Part 4b of the approved Design Guidelines, the Landscape Kit of Parts, seeks to govern the way in which the public and private spaces within the scheme will come forward to fulfil their roles as envisaged in the masterplan.

## **The ECV RMA Proposals**

4.104 For the purposes of this design assessment, the detailed landscape proposals submitted for the ECV RMA have been divided into the following two categories:

- public realm outside the approved development plots; and
- open spaces within the approved development plots.

4.105 Those spaces that fall under the definition “public realm outside the approved development plots” are considered to include:

- The Lost River Park;
- The High Street;
- The Central Square;
- The Crescents;
- The Broadway; and
- The tertiary streets.

4.106 The spaces that fall under the definition “open spaces within the approved development plots” include the garden courts in plots BW05 and BW07.

## **Public Realm outside Development Plots**

4.107 The landscape designs have been developed collaboratively by a team of landscape architects and garden designers. Officers consider the result to be a diverse, high quality public realm that, whilst creating a number of different and identifiable places, would also be seamlessly networked together.

4.108 Considered as an overall composition, the proposed public realm would be punctuated by groups of trees that would structure views through the site and create a rich green setting for the adjacent buildings. The proposals would introduce over 200 new planting species across both boroughs, selected to create a variety of ecological habitats and to reflect seasonal changes, thus ensuring that there would be colour and visual interest all year round. As detailed under clause 4.16 of the approved Design Guidelines, the proposals would also introduce water in a variety of forms in order to add richness and diversity to the development, to ensure an ecologically functioning landscape and to make a clear reference to the Countess Creek that used to run through the roughly along the alignment of the Lost River Park.

4.109 The streets would create a unified network of routes that would share a carefully selected palette of cohesive materials, street furniture, lighting and planting. Although the details of specific materials and street furniture designs are to be considered at a later date, the RMA proposals do establish that they would be robust, fit for purpose and easy to maintain. It is also proposed that the street furniture would be designed to complement, but not copy, those objects already found in the surrounding area. If applied successfully, this should result in designs that recognisably belong to this part of West London, whilst also expressing a new and contemporary identity for the Earl’s Court development.

4.110 Considered together, the landscape proposals are considered to create new, high quality green areas which deliver amenity and biodiversity benefits and comply with Development Management Local Plan Policy DMG1 which requires new development to provide good landscaping and contribute to an improved public realm.

## **The Lost River Park**

4.111 As established in the approved master plan, the Lost River Park would provide a green 'spine' running north to south through the wider development on a structural deck to be constructed over the West London Line. It would create a significant area of new open space, as required by Key Principle UF12 of the ECWKO SPD. It is likely to become one of the most important unifying features in the development.

4.112 The portion of the Lost River Park proposed in the ECV RMA would deliver approximately 11,000 sqm of public open space, over half of the two hectares required in total. The RMA proposals conceive this part of the park as four interconnected spaces, referred to as (running from south to north):

- Lost River Park South;
- Southern Garden Square;
- Northern Garden Square; and
- Lost River Park North.

Although each of these spaces would have its own identity, they would all come together to create a coherent sequence of experiences, unified and linked by a consistent, high quality palette of materials and planting species. They would also be physically linked by a central, 3m wide footpath that would run the entire length of the park. A series of secondary paths would branch off to the sides. This would allow direct access to buildings and other spaces and encourage greater permeability across the master plan. A tertiary road, allowing vehicular connections from east to west is also proposed across the park, in accordance with the approved parameter plans. Throughout the length of the Lost River Park there would also be both informal and formal play spaces catering for children of all ages.

### **Lost River Park South (Within Parcel LP-2)**

4.113 This section of the park is located at the southern point set between the buildings in WV06 (RBKC) and BW07 (LBHF). This space is inside RBKC but does have a direct impact on the relationship of the public realm and proposed buildings in this borough. The southern entrance to the Lost River Park would be treated as a meandering open space made up of a series of lawns defined by low clipped hedges. The central footway would curve and weave through the space in an informal, relaxed manner. The lawns would be set against a backdrop of ornamental grasses and perennial plants, proposed to create colour and visual interest all year-round. They would also be punctuated by a variety of tree species arranged in naturally inspired groupings and a stream that would flow through the space, following the lines of trees, lawns and hedges. The stream would create a central focus and provide opportunities for informal play as well as referencing the historical presence of the Countess Creek. There would also be other opportunities for play in the Lost River Park South, including three informal play areas, sculptures and public art that would encourage children to explore the space and use it imaginatively. Officers conclude that the landscape proposals for the Lost River Park South would create a comfortable, informal space that could be used all year round for play and relaxation. It would also create an unforced and gradual transition of character from the potential formality of the entrance proposed to the Earl's Court site at West Brompton Village and to the structure and animation of the Southern Garden Square to the north.

### **Southern Garden Square (Within Parcels LP-2 and BW07-3)**

4.114 The Southern Garden Square would be created by expanding the width of the Lost River Park west into plot BW07, where it would be enclosed by the facing L-shaped Park Mansion buildings. It would form a well-defined garden square and would create the



main focus of the 'Dining in the Park' area. As such it would be fronted onto by cafes, restaurants and retail uses proposed in the ground floors of BW07A and BW07G and WV06B opposite.

4.115 Overall, the space would have similar dimensions and proportions to a traditional London Square and the landscaping proposed would provide a sense of enclosure and formality appropriate to this. A continuous row of ornamental pleached evergreen Oak trees would define a central hard landscaped square containing four raised pools. To one side of this would be a hard landscaped area for dining and to the other would be a formal, manicured lawn enclosed by raised planting beds. The formality of the space would also be signified by the straightening of the central path that meandered through the more informal Lost River Park South.

4.116 As a result of the structural constraints that occur under the Lost River Park in this location, the manicured lawn would be raised above the level of the hard landscaped square. This change in level would be absorbed by raised sculptural planting bays and traversed by a small central flight of steps and two wider sloping paths to either side. The proposals for this space are considered to express a sufficient degree of relaxed formality to signify the difference between the flow of the Lost River Park South and the structure of the 'Dining in the Park' area. As a result, an appropriate focus for the dining and retail uses would be created without diluting the primary role of the park as a place of recreation. The unity proposed in the architecture of the buildings on either side of the Southern Garden Square would also provide a good sense of enclosure and contribute to the reading of it as a coherent whole.

#### **Northern Garden Square (Within Parcels LP-4 and BW05-1)**

4.117 The Southern Garden Square is defined to the north by the High Street. Directly opposite, on the other side of the High Street, would be the Northern Garden Square. The Northern Garden Square would also be created by expanding the width of Lost River Park west, this time into approved plot BW05 as such; it too would have similar dimensions and proportions to those of traditional London Squares. It would also have a similar level change to overcome. However, in terms of its detailed landscape design it would be less formal in character, responding to the quieter nature of the predominantly residential uses that would front onto it. The upper level of the Northern Garden Square would feature a gently sloping lawn area shaded by a copse of trees. This would be linked by a small number of long steps, arranged in an amphitheatre style, to a lower grassed area neatly framed by two lines of trees. The raised lawn would also be served by gently sloping paths from the High Street, thus ensuring inclusive access. Running down either side of the lower grassed area would be a pair of raised linear pools surrounded by paved terraces. These, along with the trees planted adjacent to them, would provide physical definition between the public open space and the surrounding residential units at ground floor. Small defensible spaces directly outside the residential units would also be proposed. The raised pools would also provide a more formal counterpoint to the relaxed open lawn spaces, thus ensuring a degree of structure and identity, signifying the transition from the formality of the 'Dining in the Park' area and the bustling High Street into the quieter residential part of the master plan. The structure of the Northern Garden Square would also be enhanced by the alignment of the central footpath which would remain straight in this location.

### **Lost River Park North (Within Parcel LP-9)**

4.118 The design of the Lost River Park would continue to relax and become increasingly natural in character towards the northern edges of the ECV RMA site. As such, the detailed landscape design proposals for the Lost River Park North include denser tree canopies and species that are more natural in their structure and appearance. The transition from the Northern Garden Square into Lost River Park North would be marked by the central path narrowing and again adopting a more informal meandering route. The meandering stream from Lost River Park South would also be re-introduced. These elements, together with large expanses of informal lawn, would give Lost River Park North a character that would be more suggestive of a 'captured landscape'.

4.119 As a result of the structural deck proposed under the Lost River Park, the landscape architects have had to propose various measures in order to ensure sufficient planting depth is possible to achieve the desired mature landscape setting. To achieve this in the more formal areas to the south, raised beds and planters would be appropriate. However, they would not be appropriate in the 'captured landscape' of Lost River Park North, so an alternative solution based on natural looking earthwork mounds is proposed. The mounds would be designed to respond to the alignment of the central pathway and the groupings of trees. Not only would they enable mature plants of significant height to grow, but they would also create an additional layer of visual interest to the park, contributing to its natural character and appearance. They would also offer additional opportunities for informal and equipped play (the latter would require the integration of slides and tunnels into the mounds), seating and the creation of a variety of ecological habitats.

4.120 A smaller, enclosed pocket park is also proposed to the north of this area, to provide dedicated aged 5-11 play provision. This would be enclosed by shrub planting in order to ensure that is clearly differentiated from Lost River Park North, but continues the natural character proposed.

### **The High Street (Parcels LP-6)**

4.121 The general street structure proposed for the High Street would be composed of a central carriageway with linear parking bays to the south and a 'median strip' for street trees, lighting, seating and cycle stands to the north. Beyond this, there would be generous, unobstructed pavements on both sides of the street. The palette of materials proposed would be simple, robust and of a high quality. Grey granite paving would denote the pavements and grey granite setts would denote the carriageway and parking bays. Benches and lighting columns would occur at appropriate intervals to establish a positive structure and rhythm along the street. The result would be a clutter free, high quality streetscape that would provide a restrained setting for the more exuberant architecture of the shop fronts and other uses along its length.

4.122 A range of ground cover planting is also proposed in specific locations along the High Street where it would not obstruct pedestrian movement but would provide additional visual and seasonal interest. It is considered important that future phases of development continue both the hard landscape design and planting strategy proposed for this stretch of the High Street so that it reads as one single street and thereby unifies the entire scheme.

### **The Central Square (Parcel LP-4)**

4.123 The ECV RMA proposals include a new civic space at the intersection of the High Street and the Lost River Park. This is referred to as 'The Central Square' and is welcomed as a way of marking this key node between two of the main urban elements that structure the masterplan as a whole.

4.124 The character, form, proportions and scale of the Central Square would be strongly defined by its location and the buildings that surround it. It would be well activated by the retail uses proposed at ground floor level, and there would be the potential for these uses to 'spill out' into the periphery of the space. Although it would be primarily a part of the High Street, enabling east-west movement through the site, it would also have an open character that would continue the language of the Lost River Park and therefore encourage more relaxed informal uses as well.

4.125 The RMA proposals for the Central Square are clutter free. It would be paved in a similar palette of robust, high quality hard surface materials as that proposed for the rest of the High Street. However, on the Central Square they would be applied in a unique chequer board pattern. As a result, it would clearly stand out as a distinctive place with its own identity. The pattern would also signify that the square is a public open space rather than a carriageway and therefore discourage vehicles from passing through at fast speeds. Bollards and seating would also be included at strategic locations in order to ensure that motor vehicles would be restricted to the central route through the space only. The nature of the Central Square as a pedestrian priority area would also be emphasised by the inclusion of raised planters to allow four carefully located mature trees to frame and soften the space. This would weave the greenery of Lost River Park through the High Street in this highly visible location.

4.126 A sculptural monument (the detailed design of which is to be approved at a later date) is proposed for the centre of the square. As it would be visible from a significant number of the surrounding streets and open spaces, it would provide a focal point to draw users into the space and to encourage them to dwell in it once they have arrived.

### **The Broadway (Parcels BW05-2, BW05-1, LP-6, BW07-3 and BW07-2)**

4.127 The western boundary of the RMA site runs along the eastern edge of what will eventually be the Broadway carriageway. As a result, the RMA only proposes to deliver the Broadway's eastern footway and a 'median strip' for tree planting, parking bays (which will not be needed until the carriageway is delivered), cycle stands, bins, benches and lighting columns at this stage. The carriageway and the footway and 'median strip' on the other side of the street will be submitted for approval as part of subsequent RMAs in the future.

4.128 The materials proposed for the eastern footway and 'median strip' would be robust and easy to maintain and replace. They would also signify the metropolitan importance of the Broadway and contribute to its grand scale and civic character. The footway would be surfaced in large format Yorkstone paving slabs which would visually unite the Broadway with other residential streets proposed in the RMA and reflect the existing street network around the site, particularly in RBKC. They would also contrast with the granite paving slabs proposed for the footways along the High Street, thus signifying that the Broadway is of a different character. To pick up on both the High Street and the Crescents, thus creating a degree of continuity across the whole ECV, granite setts are proposed to denote the parking bays and the 'median strip'.

4.129 Hints of the eventual grand scale of the Broadway would also be created by a strongly defined avenue of London Plane trees. As this is the only location in the ECV RMA where London Planes are proposed, they would give the Broadway a unique character, signifying its importance on a city wide scale thanks to the strong historical association between this species and the streets of London. They would also provide appropriate structure to this wide thoroughfare and contribute to the enclosure of the street, giving it a sense of human scale that would be balanced against the height and mass of the surrounding buildings.

4.130 In the event of an interim phase of development in which the ECV RMA proposals have been delivered, but the rest of the Earl's Court site remains in its current condition, there would be a level change between the raised Broadway footway and the existing ground level of up to approximately 7 m. The detailed designs submitted would mitigate this condition by constructing a temporary wall at the edge of the footway and adding a balustrade on top of it. The detailed designs of this interim form will be submitted for approval by way of a condition.

### **The Tertiary Streets (between BW07B, BW07G and BW07 C+D)**

4.131 The locations and dimensions of the tertiary streets outside the development plots were established by the approved Parameter Plans. They are intended to provide access to and from the primary and secondary routes and to add a finer layer of urban grain to the development in order to reflect of the traditional street network of London, in line with ECWKO SPD Key Principle UF3.

4.132 In the RMA proposals, the tertiary streets would be treated as shared surface spaces, within which the carriageway would run flush with the adjoining pavements. This would encourage vehicles to adopt lower speeds and promote a sense of pedestrian priority. However, the materials proposed would signify a clear distinction between carriageway and footway, with Yorkstone paving proposed for the footways and granite setts for the carriageway, to match the parking bays and 'median strips'. As with the other streets in the ECV RMA, the material palette proposed would be high quality and durable.

4.133 Within the tertiary streets, the tree species proposed have been selected to specifically reflect the nature of these streets within the overall movement hierarchy. This would emphasise the minor role of the tertiary streets in the overall street hierarchy approved at outline stage which, in turn, would enhance the legibility of the development and the ease of navigation within it.

### **The 'Garden Courts' - BW05 and BW07**

4.134 The RMA designs propose external open spaces referred to as 'Garden Courts' at the centres of plots BW07 and BW05. They would not be traditional courtyard gardens like those proposed in plots WV06 and WV04, but would comprise two different types of space; shared surface 'Lower Courtyard' and access controlled 'Upper Courtyards'. The shared surface 'Lower Courtyards' would essentially be hard landscaped streets running from the High Street into each plot, along the rear elevation of the Broadway Buildings. The 'Upper Courtyards' would be communal garden spaces located between the closest facing facades of the 'Park Mansions'. The 'Upper Courtyards' would only be accessible to those residents who live in the adjacent buildings.

### **Garden Court North (Parcel BW05-1)**

4.135 The entire 'Garden Court' proposed within plot BW05 would provide approximately 1,700 sqm of external private amenity for the residents of the adjoining buildings.

4.136 Although the 'Lower Courtyard' would primarily be for access to the buildings, particularly during the initial phases of development before the Broadway is delivered in full, it would also provide physical and visual amenity through trees, shrubs, raised pools and opportunities for seating, relaxation and informal play. The 'Lower Courtyard' would be articulated in cobbled setts which would serve to clearly distinguish it from the High Street and give it a 'mews' character appropriate to its narrow dimensions. As the 'Lower Courtyard' would not be gated, it would rely on design cues such as a change of surface material and the proposed sculptural gateposts proposed at the entrance to the space to signify that it is primarily for the use of adjoining residents. These design cues would also discourage vehicular access, maintain pedestrian priority and contribute to the creation of a sense of place.

4.137 The 'Upper Courtyard' is intended to link the heart of plot BW05 with the Lost River Park. Although it would be visually permeable, physical access would be restricted to residents of the adjoining buildings only. It would also absorb the level change that would occur between the park and the 'Lower Courtyard'. It would be roughly square in plan, with a feature tree in each corner. This would give it a strong but simple structure as well as contributing to the privacy of the residential units that would front onto it. As the 'Upper Courtyard' is likely to be relatively shady, although there would be some flowering plants, the primary character of the space would be defined by contrasting leaf shapes, colours and textures. These would vary with the season, thus providing visual interest all year round. The planting would also be similar to that proposed in the adjacent Lost River Park in order to emphasise the visual connection between the two and enhance the suggestion that the park permeates into the development plot.

4.138 The 'Upper Courtyard' would be enclosed to the northeast and southwest by planting and wrought iron railings, which would contribute to the structure and formality of the space whilst allowing clear views through to the Lost River Park. In contrast with the cobbled setts proposed for the 'Lower Courtyard', the surface material would be bound gravel. This would emphasise the informal garden character of the space and differentiate it from the street character of the 'Lower Courtyard'. However, the planting and street furniture proposed across both 'Upper' and 'Lower' courtyards would be consistent in order to encourage a sense of coherence and unity between them.

### **Garden Court South (Parcel BW07-3)**

4.139 In general, this would be treated in much the same way as Garden Court North. However, it would provide slightly more external amenity space; approximately 1,500 sqm. The planting species proposed would also differ in order to provide the space with a distinct identity of its own. The focus here would be more on flowering plants and blossoms. The 'Upper Courtyard' would also feature sculptural seating, water features and ornamental rocks that are not proposed in Garden Court North. Opportunities such as these to introduce distinct characteristics to each of the Garden Court spaces are welcomed as they would contribute to the overall legibility of the masterplan and encourage residents to identify with and develop a sense of ownership for the spaces that they use.



## **Rooftop Amenity**

4.140 Across all of the buildings that make up the ECV RMA, two types of gardens at roof levels are proposed; living green/brown roofs that would provide vegetation and ecological value and private/shared roof terraces that would provide recreational opportunities.

4.141 In conclusion, the proposed landscaping details in the RMA would provide an imaginative, varied and high quality public and private realm that would be accessible to all in accordance with the approved Design Guidelines and with the general development principles set out in LBHF DMLP Policies DM E1 - Access to Parks and Open spaces, DM E2 - Play space for Children and Young People, DM E4 - Greening the Borough, SPD Design Policy 6 - Changes of Level in Public Spaces and SPD Design Policy 8 - Public and Open Spaces.

4.142 The RMA avoids buildings that are overly dominant or monotonous. They propose a collection of carefully modelled buildings with facades that are not sheer and blank but have projecting and receding elements. The buildings are clad in a rich palette of materials giving the facades variety and interest.

4.143 On the whole officers conclude that the proposals represent a well composed and thoughtful design. The proposal is therefore considered to comply with the relevant policies contained within the NPPF, London Plan and the LBHF Core Strategy, Development Management Local Plan and Planning Guidance SPD.

## **Standard and Quality of Residential Accommodation**

### Size of Residential Units:

4.144 Policy H3 of the Core Strategy requirements new residential development to provide high quality living conditions for future occupiers. Policy DM A2 sets out that all new housing must be of a high quality design and must be designed to have adequate internal space in accordance with London Plan policies. Overall, this is considered to be a successful residential layout, with a generous level of family sized accommodation in the form of flats, duplex apartments and penthouses. Officers consider that all the units have been well designed to make good use of the space, by having minimal circulation areas and combined living/dining areas with built in kitchen areas. Some residential units in Building BW05F2 may be unusually shaped due to the footprint of the proposed building and location of access cores but are designed to maximise aspect and light. All of the residential units proposed would meet or exceed the minimum internal space standards set out in Table 3.3 of the London Plan, under Policy 3.5. The size of residential units therefore satisfies the requirement of Condition 17 of OPP2. The new residential accommodation would also comply with all of the other internal layout requirements of the Mayor's Housing SPG, including the floor areas for living/kitchen/dining spaces set out in Good Practice Standard 4.4.1 and those established for bedrooms in Good Practice Standards 4.5.2 and 4.5.1. The only exception to this is Good Practice Standard 4.4.3, which requires all dwellings with three or more bedrooms to have two living spaces. This standard has been achieved wherever possible, but not in all of the larger units. In balance the proposed housing arrangement are considered acceptable in accordance with the relevant policies.

### Cores:

4.145 Each building provides secure controlled access directly from the street for the new residential occupiers. Entrances are legible and integrated into the ground floor

layout with shared communal lobby spaces. Each core is served by at two large lifts and stairs and is align with dedicated parking spaces in the basement levels.

4.146 Standard 3.2.1 of the Mayor's Housing SPG advises that in order to help foster a sense of community, the number of units served by a single core should not exceed eight per floor. Standard 3.2.3 recommends that all internal corridors receive natural light and adequate ventilation be provided where possible.

4.147 On average the proposed layout plans per floor show that the majority of the proposed buildings have between five and eight units per core. In some cases however this advice is exceeded. The four 'Park Mansion' would each be served by one vertical circulation core, located in the widest point of the building footprint. The cores in three of the buildings would serve between eight and nine units per floor. In the case of BW07 D+E, a maximum of 10 units would be served per floor. None of the internal corridors in the 'Park Mansions' would receive natural light but all would be adequately ventilated. The layout of the Park Mansion buildings is restricted as a result of specific underground constraints identified on the site, by way of the position of the underground stabling yard. Given this, officers consider that the configuration proposed represents an appropriate and efficient layout for these buildings that maximise views of the park and allow for a significant number of dual aspect and corner units.

4.148 The internal layout of BW05 F.2 would be structured around two vertical circulation cores sharing one central entrance lobby. The lobby would be dual fronted, accessed from both the Broadway and the rear 'Garden Court'. Although it is usually considered more legible to provide one entrance and lobby per core, given the relatively unique circumstances of this building, the approach proposed is considered appropriate. The Broadway would not be delivered in full until a later phase of development, so the rear entrance is likely to be the most commonly used during the initial phases and therefore needs to be easily identified. The dual fronted lobby would achieve this, whilst allowing for the primary address to change to the Broadway once it is delivered. The publicly visible positions of the entrances are considered to meet the requirements of the Mayor's Housing SPG.

4.149 The positions of the cores and the entrances would be highlighted by the profiled articulation of the elevations. On the front elevation, three slightly projecting bay features are proposed, each running up the height of the building and capped with an expressive gable feature at the roofline. The central bay would denote the position of the main residential entrance whilst the outer two would align with the internal circulation cores. On the rear elevation facing the park, two deeper protruding bays are proposed, each aligned with the positions of the vertical circulation cores. The most southerly of these bays would also align with the view between the 'Park Mansions' from the Lost River Park. It is also worth noting that the depth of the rear bays would also allow for optimised floor plan arrangements around the circulation cores by providing extra corner living spaces so that fewer units have to be single aspect. Each core would serve a maximum of eight units per floor in accordance with Mayor's Housing SPG.

4.150 In the case of the 'Feature Buildings' a single core in BW05 F.1 would serve a maximum of five units per floor and in BW07 B two cores would serve a maximum of eight units per floor. BW07 C+D is designed with three communal residential entrances and lobbies, facing a tertiary street to the north of the building. Each entrance would connect via a lobby to one of three vertical circulation cores. Each core would serve a

maximum of five units per floor. None of the internal corridors in either Feature Building or BW07 C+D would receive natural light, but all would be adequately ventilated.

4.151 On balance it is considered that overall the number of cores within each of the buildings is considered acceptable respective to the number of residential units proposed and the areas of non compliance identified are not considered sufficient justification for the refusal of the RMA in this instance. Similarly not all the internal corridors receive natural light. All the corridors would however be adequately ventilated and because in general corridor lengths are short, this layout is considered acceptable.

#### Single Aspect Units:

4.152 Single aspect units are generally discouraged by both local policy and the London Plan. Standard 5.2.1 of the Mayor's Housing SPG recommends that "Developments should avoid single aspect dwellings that are north facing, exposed to noise levels above which significant adverse effects on health and quality of life occur, or contain three or more bedrooms". Planning Guidance SPD Housing Policy 8 states that "North facing (i.e. where the orientation is less than 50 degrees either side of north) should be avoided wherever possible".

4.153 Overall the proposed layout would offer good levels of amenity to future occupants. The development allows for 403 (58.5%) of the residential units to be at least dual aspect, while 287 (41.5%) would be single aspect, with 103 (15%) of these units being north facing single aspect units. The majority of the single aspect residential units are orientated south, east or west and are not considered to breach the policy requirements. North facing single aspect residential units has been avoided where possible and none of these proposed are directly north facing. Approximately 60% of the north facing single aspect residential units which have been identified are located in two of the Park Mansion buildings, BW05DE and BW07A. In these cases, almost all of these units which infringe the council's standard would have their orientation set just within "50 degrees of north" and therefore, by a few degrees would not comply with the council's Planning Guidance SPD Housing Policy 8 definition of north facing. Where it has not been possible to avoid single aspect north facing residential units, most contain no more than one bedroom and all would benefit from generously proportioned window openings with a pleasant outlook in this phase. The vast majority of the larger family sized residential units would be dual aspect and would be located where possible to benefit from views of the park or courtyard gardens. Set within the approved parameters, the underground constraints identified and layout of the buildings designed to maximise the provision of public open space, officers are satisfied that the impact of single aspect units in this development has been minimised or sufficiently mitigated. The north facing single aspect units only represents only a small proportion of the total residential units when looked at in the context of the RMA and is not therefore considered a reason to withhold approving the RMA. Despite some material impacts, the residential apartments are in the main generous in size and have been designed to maximise views, light and usability for example, with the use of full height glazing in some instances. It is therefore considered that the proposed single aspect and north facing single aspect units provide an acceptable standard of amenity for future occupiers, in accordance with the relevant provisions of the development plan.

#### Overlooking and Loss of Privacy:

4.154 Privacy levels between the proposed development and surrounding development are considered satisfactory given the distance of at least 18m being achieved between windows in new and existing buildings.

4.155 In terms of any overlooking and loss of privacy between the proposed buildings, there are a small number of locations within the development where the distances between habitable rooms fall below the 18m required in SPD Housing Policy 8. In the case of the space comprising the 'Garden Courts' between the 'Park Mansions' and the Broadway buildings, the gaps between the buildings would narrow at the entrances to these spaces and widen towards their centres. In the tightest locations, the separation distance between habitable room windows would be 11-12m apart but would soon open to gaps between 17-24m. This infringement of the standard is a direct result of the design objective to create more dynamic and engaging spaces within the Garden Courts. Officers conclude that any negative impacts are far outweighed by the wider benefits and should not be a reason to refuse The RMA. The narrow entrances to the 'Garden Courts' would strengthen the impression that they are semi private spaces. The dynamic form of the spaces would also contribute to the creation of a unique identity or sense of place at the centre of each of the plots. Finally the narrower grain would introduce an extra layer of spatial experience into the wider master plan. It would also reflect the character of the existing urban grain, which becomes very narrow in certain locations. Examples of similar distances between existing mansion buildings exist elsewhere in the borough for example the distance between the existing mansion block on Beaumont Crescent, off North End Road is between 14 and 15m. The proposals seek to mitigate the negative effects that could result from overlooking of this nature, through the strategic placement of the circulation cores on the closest facing facades, the careful layout of apartments to ensure that all effected living areas have an alternative secondary view out and the use of narrow 'slit' windows in the tightest locations. Officers consider the mitigation measures proposed to be sufficient to avoid the need for alternative 'bolt on' architectural devices such as obscure glazing, screens or oriel windows that would compromise the restrained and elegant façade designs proposed. Having considered both the design benefits and the mitigation measures proposed, officers conclude that this breach of the standard does not constitute a reason to refuse the RMA. This conclusion is reinforced by advice from the Mayor's Housing SPG which states:

*"In the past, planning guidance for privacy has been concerned with achieving visual separation between dwellings by setting a minimum distance of 18 – 21m between facing homes (between habitable room and habitable room as opposed to between balconies or terraces or between habitable rooms and balconies/terraces). These can still be useful yardsticks for visual privacy, but adhering rigidly to these measures can limit the variety of urban spaces and housing types in the city, and can sometimes unnecessarily restrict density"*

4.156 Overall a high level of compliance has been achieved and a number of design characteristics have been incorporated to minimise overlooking or loss of privacy between proposed flats in accordance with DMLP Policy DM A2.

#### Amenity Space:

4.157 Guidance on the appropriate level and quality of amenity space in relation to new residential development is contained within policies BE1 and H3 of the Core Strategy, Policies DM A2 and DM E2 of the Development Management Local Plan (2013) and Planning Guidance SPD Housing policies 1 and 3.

4.158 SPD Housing policy 1 advises that every new family dwelling should have access to amenity or garden space of not less than 36 square metres. Dwellings with accommodation at ground floor level should have at least one area of private open space



with direct access to it from the dwelling. For family dwellings on upper floors this space may be provided either as a balcony or terrace and/or communally within the building's curtilage. The Mayor's Housing SPG sets out a requirement for a minimum of 5 sqm of private outdoor space that should be provided for 1-2 person dwellings and an additional 1 sqm for each additional occupant.

4.159 Central to the interconnection and relationship between spaces in ECV is the creation of a 2 hectare park established at the outline stage, providing amenity needs for residents, workers and visitors of the Earl's Court development. In addition to the 'Lost River Park' proposed at the heart of the development, landscaping will be provided for the general amenity of residents. The majority of residential units proposed would also have access to external private or communal residential amenity space. This amenity space would be provided in the form of individual private gardens (Building BW07CD); and communal courtyards at ground level or roof top gardens, plus balconies or terraces providing private amenity space for individual flats. In addition defensible space outside the ground level residential units (Buildings BW05DE, BW07B and BW07C) would also be provided. The landscaping proposed for the communal courtyards is considered to be of a good standard which will complement the design of the buildings. Parts of these spaces are not accessible to the public. In new build development of this scale and size, the amenity space standards based on the Mayor's Housing SPG, are unlikely to be met as is the case in this proposal. Further amenity space is however provided in the residential lounges of each individual building proposed and generous sized internal floorspace is provided for the units. The proposal would however secure the southern part of the park in this first phase with a total of 1.1 hectares of open green space in the form of Lost River Park. Overall it is considered that there is generous shared amenity spaces at ground and roof level to many of the blocks, and the Lost River Park is in close proximity to all of the development brought forward in this application. This mitigates the impact of this shortfall to the standards set out above.

#### Play Space:

4.160 Policy 3.6 of the London Plan and the Mayor's 'Shaping Neighbourhoods: Play and Informal Recreation Supplementary Planning Guidance (SPG) (2012) sets out that 'development proposals that include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs. Core Strategy Policy OS1 seeks children's play provision in new developments. Policy DM E2 of the Development Management Local Plan requires on-site provision of an off-site contribution where it cannot be provided.

4.161 There are a number of play spaces proposed as part of the development which vary between private, communal and public areas. Play space provision would be provided within development plot BW05 and BW07. The proposed communal and green spaces in each of the two garden courts would serve as private gardens for the adjacent properties but would also cater for play elements for children in the 0-4 year age range. Additional play space facilities would be provided within close proximity in the ECV site, with play space provided in the Lost River Park or adjacent to buildings in development plots in RBKC. On the north eastern side of building WV06B, an enclosed formal play space area is proposed for the 5-11 year olds bracket. Another pocket park is also proposed to the north of the Lost River Park adjacent to building WV04D to provide formal play provision for 0-4 year olds. Further play space areas are proposed for the 5-11 year olds bracket to the southern end of the Lost River Park (adjacent to Building BW07CD) which would be provided within the West Brompton delivery phase or at the northern end of the Lost River Park. An informal play space for the 12-16 year old



bracket is also proposed at the very northern end of the Earl's Court Village Boundary in the Lost River Park. Officers also have had regard to the provision of the play space provision in the ECV site and consider the provision is in accordance with the design guidelines and Policy 3.6 of the London Plan.

Accessibility and Inclusivity:

4.162 In accordance with the requirements of the S106 agreement of OPP2, an evolving Inclusive Access Strategy has been submitted within the Design and Access Statement. The strategy sets out the broad principles of site wide inclusive design and provides details of compliance with Lifetime Homes and the Wheelchair Housing Design Guide.

4.163 Policy 7.2 of the London Plan requires all new development to achieve the highest standards of accessible and inclusive design, whilst policy 3.8 requires housing be built to meet the 'Lifetime Homes' standards, with 10% of units designed to be wheelchair accessible or easily adaptable to this standard. Policy H4 of the Core Strategy and Key Principles HO18 and HO19 of the ECWKO SPD require all new dwellings be built to 'Lifetime Homes' standards with 10% to be wheelchair accessible or easily adaptable for residents that are wheelchair users. This is supported by Policy DM A4 of the Development Management Local Plan. Policy DM A4 also states that car parking spaces should be provided on site to meet the needs of blue badge holders. Policy DM A9 seeks to ensure that all new housing is of a high standard that meets the future needs of future occupants and respects the principles of good neighbourliness. Policy DM G1 and SPD Design Policies 1 and 8 require new development to be designed to be accessible and inclusive to all who may use or visit the buildings.

4.164 All the residential units comply with the 'Lifetime Homes Standards'. In addition a total of 69 residential units which equals 10% of the all residential units proposed in the RMA are designed to be wheelchair accessible apartments or easily adapted for residents who are wheelchair users, in accordance with the GLA Best Practice Guide on Wheelchair Accessible Housing (2010). The wheelchair accessible homes would be evenly distributed throughout the development, allocated in Buildings BW05 DE (9); BW05 F1 (7); BW05 F2 (11); BW05G (8); BW07 A (8); BW07 B (13); BW07 CD (7) and BW07 G (6) and would offer a variety of household sizes from one up to 4 bedroom residential units. Overall the wheelchair units are well above the minimum area standards and comply with the wheelchair accessible standards. LP Housing SPG Baseline 3.2.6 states that every designated wheelchair accessible dwelling above ground floor should be served by at least one wheelchair accessible lift. In this case every wheelchair accessible dwelling is served by two persons lifts. The approaches to all of the residential buildings would either be level, or would have a level landing of at least 1800mm in length in front of the building entrance. Access to all of the retail units would be step free and accessible for both staff and customers. Internal layouts and fitting out would be the responsibility of tenants and therefore not subject to this RMA.

4.165 On street and off street dedicated blue badge parking bays within each of the buildings' basements is proposed. There would also be two allocated pay and display blue badge bays in the site, the exact locations of which are to be confirmed subsequently and controlled by the Site Wide Parking and Servicing Framework secured by Condition 34 on OPP2. The quantum of blue badge bays would be in accordance with the requirements of the Section 106 agreement which requires one space for every ten residential units. There would also be one accessible space for every 650 sqm of leisure floorspace, one accessible space for every 400 sqm of community floorspace and one

accessible space for every 200 sqm of retail floorspace. This would result in a total of 68 accessible residential spaces and 13 accessible commercial spaces.

4.166 Each accessible parking space in the basement would be allocated in order to ensure that they would be within an acceptable distance from the appropriate vertical circulation core. The dimensions of the accessible parking spaces would meet those required by local and national policy, including the London Plan.

4.167 There are significant changes in levels throughout the site as a result of the existing topography. The applicant has sought where possible to provide full inclusive access to all parts of the development, although some finer details relating to materials will need be developed, pursuant to conditions. In terms of pedestrian movement, all the footpaths and pavements in the RMA are designed at a gradient of less than 1:20. Pavements are designed in accordance with 'Inclusive Mobility'. None would be narrower than 2000mm at any point and the cross falls would not exceed a gradient of 1:40. Adequate crossing points such as those across the Central Square would also be provided, but the exact location and design of these are subject to detailed design and will be submitted for future consideration as part of a Stage 2 Safety Audit.

4.168 To aid the ease of pedestrian movement across the site, a number of external steps, stairs and ramps are also proposed. Step free access in the form of appropriately designed ramps has been requested instead of steps except in-between the lower to upper courtyards and from the upper courtyards to the Lost River Park in plots BW05 and BW07. Ramped access in these two areas would be ideal in access terms, but with the availability of other accessible routes and need to maximize the provision of amenity space is not desirable. These courtyards are designed as private amenity spaces off the Lost River Park that offer a break between the buildings and a buffer between the Lost River Park and the main central part of the courtyard. There are significant level changes at this point. To accommodate ramped access at these points would result in a significant part of both of the private courtyards being eroded and resulting in a negative quantum of amenity space. There are other routes around the buildings which would not significantly alter distances to key routes and stations.

4.169 Seating is proposed at appropriate intervals around the site, particularly in the locations where the gradients on footways would be steeper. The precise design and location of seating is subject to detailed design and will therefore be considered at a later date, subject to condition.

4.170 Overall officers are satisfied the proposals have followed the principles of inclusivity and accessibility in accordance with policies accordance with Policy 3.8 of the London Plan and Policy DM A4 of the DMLP.

#### Waste:

4.171 The application contains a Waste Strategy within the Design and Access Statement which outlines proposals for both commercial and residential waste.

4.172 The submitted plans show a number of refuse and recycling storage areas plus dedicated storage for commercial waste and recycling at basement level. There is also a central storage area proposed in development plot BW07.

4.173 Dedicated internal waste storage facilities would be provided within each dwelling in a dedicated space. Communal residential waste chute rooms are proposed in

each building, located at ground level adjacent to the lift lobby of each core. These rooms would contain facilities for waste disposal and recycling chutes which lead to two larger central refuse collection rooms proposed at the basement level for collection by refuse vehicles. Separated recyclables and general waste would then be collected from the storage area at the basement of each building and be taken through to the service loading bay to await collection. Bulky waste storage areas would also be located in the basement for each building near the cores and arrangements would be made for collection via the management team. The retail units would be serviced from dedicated on street parking bays and have waste collections undertaken along the street frontages by traditional refuse vehicles. The larger retail unit under BW07B would be linked directly to the basement loading and servicing area, accessed from the northern end of the existing Lillie Road bus layover. The details are in accordance with policy CC3 of the Core Strategy.

#### Designing out Crime:

4.174 Secure by Design principles have guided and evolved through the design stage of this RMA and are included in the Design and Access Statement. Secure by design matters will be covered in more details by Conditions 35 (CCTV Framework), 70 (Secure by Design requirements) and 71 (CCTV Strategy) in OPP2. The proposed RMA layout predominately follows a perimeter block approach which ensures that all the streets and public/private open spaces benefit from being overlooked by active frontages. The RMA would also include:

- An extensive lighting scheme designed to ensure that that all open spaces, path and entrances are well lit;
- Building frontage designed to contribute to public realm and encourage pedestrian movement;
- Comprehensive CCTV coverage across the site, with the potential to be linked into wider security systems;
- Surveillance of all car parking and servicing areas under the control of the estate management;
- Natural surveillance through building design;
- The positioning and choice of planting designed to ensure that the visibility across the site is not restricted;
- Separate access points to the residential and commercial element;
- Provision of a 24 hour estate management / security office; and
- Appropriate security fencing that does not the security of residents adjacent to development parcels awaiting development.

The Metropolitan Police advisor has not raised any objections to the scheme subject to a Secured by Design accreditation being obtained. Condition 70 in OPP2 deals with this matter. Therefore it is considered that the proposals would be acceptable with regard to safety and security.

#### Daylight and Sunlight

4.175 The Environmental Statement for OPP2 included a detailed assessment of the impact of the whole Earl's Court Development on the daylight, sunlight and overshadowing of the surrounding residential properties. The report used the 2011 Building Research Establishment (BRE) guidelines and made use of the maximum building envelope of the development plots established by the approved parameters. At the outline stage, the daylight and sunlight report concluded that that the proposed development would not have an adverse effect on the amenity of the surrounding neighbouring properties. The report also predicted it possible to achieve adequate levels of amenity for future occupiers of the proposed residential units within the development,

but indicated that potential hot spots would need to be addressed through the detailed design stage.

4.176 An inclusive daylight and sunlight report has now been submitted as part of the RMA, to ascertain whether the proposed development would provide future occupants with acceptable levels of daylight and sunlight. Using the BRE 2011 guidelines, the principles of Vertical Sky Component (VSC), the Average Daylight Factor (ADF), No Sky Line (NSL) and Room Depth Criterion (RDC) have all been considered in terms of daylight. For sunlight, the Annual Probable Sunlight Hours (APSH) has been considered. In urban and city centre areas, BRE guidelines advise that the guidance be applied flexibly and there are circumstances where a degree of obstruction to light can on occasion be acceptable.

4.177 For daylight, Vertical Sky Component (VSC) façade assessments have been undertaken on all the proposed residential facades, in order to ascertain the levels of daylight for each building and to identify those areas where daylight would be at its lowest levels. This has informed the façade design of the buildings including the location and size of balconies and the internal room layouts in order to maximise the daylight and sunlight within the units and the amenity space. The Average Daylight Factor (ADF) uses a mathematical formula which involves values for the transparency of the glass, the net glazed area of the window, the total area of room surfaces, their colour reflectance and the angle of visible sky measured from the centre of the window. This is a method that measures the general illumination from skylight and takes into account the size and the number of windows, room size, room qualities and room use. The BRE test recommends an ADF of 5% for a well lit space or 2% for a partly day lit space. The minimum standards for ADF recommended by the BRE for individual rooms 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.

4.178 In summary the report states the levels of daylight to residential rooms in the development generally meet or exceed the recommended levels of ADF and the proposed accommodation offers good levels of daylight amenity. Overall 83% of the windows in the facades tested would achieve 15% and above VSC. In certain areas, some lower levels of VSC are identified, mainly on the lowest floors, adjacent to the tall buildings or around the Empress State building. In these areas, ADF, No Sky Line (NSL) and Room Depth Criterion (RDC) assessment have been carried out. A total of 319 rooms which are considered to represent the 'worst case scenario'.

4.179 A total of 250 (78%) rooms would see levels of ADF in excess of the BRE recommendations. For LBHF, 151 rooms were tested and 96 rooms (63.5%) would see levels of ADF in line with the BRE recommendations. The location of those rooms in LBHF not performing as well are summarised and considered in more detail in table below.

- BW05DE Generally see good levels of daylight due to position adjacent to the Lost River Park. Lowest levels of VSC seen within the lower levels of the south-west elevation, due to proximity of building BW05F. In total 19 rooms have been tested.
- 16 (84%) of the 19 rooms exceed ADF recommendations set out by the BRE.
  - 3 rooms fall short of recommendations:

- (i) 2 x combined living/kitchen/dining rooms (1.6% and 1.8% ADF) over the 1.5% requirement for living rooms but short of 2% recommended for kitchen and,
- (ii) 1x bedroom (0.9% ADF) marginally below recommended 1%.
- BW05F Close to tall buildings and Empress State Building plus strong vertical façade design. Worst performing locations found on lower floors (centre of main south west elevation fronting 'the Broadway' and on northeast elevation opposite BW05DE and BW05G.
- 14 (30%) of the 46 rooms exceed ADF recommendations.
  - 14 of the remaining 28 rooms are living rooms. None below 1.0 % ADF with one combined living/kitchen/dining rooms room over the 1.5% for living rooms but short of 2% recommended for kitchen.
  - 14 rooms are bedrooms and below the recommended 1.0 % ADF.
- BW05G Generally see good levels of daylight due to position adjacent to the Lost River Park. Lowest levels of VSC seen within the lower levels of the south-west elevation, due to close proximity of building BW05F. Worst performing locations found on lower floors. 12 rooms in the lowest four units have been tested.
- 10 (83%) of the 12 rooms tested exceed ADF recommendations set out by the BRE.
  - 2 rooms (bedrooms) falling short of the 1% ADF recommendations achieving 0.8% (first floor) and 0.9% (second floor). The consultants state both rooms are generous sized rooms and would pass the ADF recommendation if smaller.
- BW07A Similar position to Lost River Park as BW05DE and BW05G. South west elevation is partially obstructed due to close proximity of building BW07B. Worst performing locations found on lower floors. 12 rooms in the lowest four units have been tested.
- 6 (50%) of the 12 rooms tested exceed ADF recommendations set out by the BRE.
  - 6 rooms falling short of recommendations.
  - (i) 4 x combined living/kitchen/dining rooms (1.7%, 1.8%, 1.9% and 1.9% ADF), over 1.5% for living rooms but just short of 2% recommended for kitchen and,
  - (ii) 2 x bedroom (first floor - 0.8% ADF) (second floor above - 0.9% ADF) marginally below



	recommended 1%. Bedrooms exceed 1% on next floor above.
BW07B	<p>Close to tall buildings and Empress State Building. Worst performing locations found on lower floors – south west elevation fronting Empress State Building and on northeast elevation opposite BW07A and BW07G.</p> <ul style="list-style-type: none"> <li>- 43 (74%) of the 58 rooms tested exceed ADF recommendations set out by the BRE.</li> <li>- 15 rooms falling short of recommendations.</li> <li>- 9 x living rooms (5 on first floor and 4 on second floor) are all above 1% ADF but short of recommended 1.5%.</li> <li>- 6 x bedrooms (poorest result achieves 0.6%, short of recommended 1%).</li> <li>- Only 1 bedroom falls short where a living also falls below the recommended ADF. Bedroom achieves 0.9 % (0.1% short of the recommended 1%).</li> </ul>
BW07CD	<p>Long narrow building with a number of dual aspect units fronting existing Empress Place and BW07B and BW07G. 11 rooms at ground and first floor level have been assessed.</p> <p>All the rooms tested meet ADF recommendations set out by the BRE.</p>
BW07G	<p>Generally see good levels of daylight due to position adjacent to the Lost River Park. Lowest levels of VSC seen within the lower levels of the south-west elevation, due to close proximity of building BW07B. For this reason 12 rooms have been tested.</p> <ul style="list-style-type: none"> <li>- 8 (67%) of the 12 rooms tested exceed ADF recommendations set out by the BRE.</li> <li>- 4 rooms (all combined living/kitchen rooms) falling short of recommendations for kitchens but exceeding recommendations for living rooms (between 1.6% and 1.9% ADF).</li> </ul>

4.180 It is important to note that the facades of all the proposed buildings and the internal room layouts are designed in order to maximise the amount of daylight. The report concludes that all the residential rooms within this reserved matters application would have a good standard of daylight amenity. While some of the combined living/kitchen/dining rooms tested would not strictly meet the ADF recommendation, the report states that in the worst case, every room in the development would achieve at least a 1% ADF level (the recommended level for bedrooms). In summary losses in excess of the BRE guidelines have been identified, the residential units would enjoy good daylight conditions. In some situation the figures are exacerbated by the size of individual rooms including the use of combined living/kitchen/dining rooms or part of a larger flat where other habitable rooms meet the BRE guidelines. Consequently, even with the reductions predicted the retained daylight levels are considered reasonable in this urban

environment and would not be at a level that would justify refusing the reserve matters approval.

4.181 For sunlight every façade within 90 degrees of due south has been assessed for Annual Probable Sunlight Hours (APSH), in order to ascertain the levels of sunlight likely to be enjoyed by future occupants in the summer period (21 March to 21 September) and including the winter months (21 September to 21 March). The report predicts that a large proportion of the habitable living rooms tested provide hours of probable sunlight in excess of the BRE recommendations, both during winter months and throughout the year. In total 85% of the windows would see above 25% total ASPH, as recommended by the BRE and 81% would see 5% winter ASPH as recommended. A summary of the assessment per building is provided in table below.

BW05DE	The massing of BW05G and BW05F cause some overshadowing of the lower floors of BW05DE. Lower floors of the south west and south east corners effected. <ul style="list-style-type: none"><li>- 9 living rooms in these locations will see levels of total ASPH below those recommended.</li><li>- 12 living rooms (including the 9 above) see levels of total winter ASPH below those recommended.</li></ul>
BW05F	Despite close proximity to tall buildings and Empress State Building this building generally sees good levels of sunlight. Lowest three floors in the south west elevation would experience slightly lower total ASPH levels but all exceed 20%. A small area of the south east elevation opposite BW07B see slightly lower winter ASPH than recommended but still retain between 2-3%.
BW05G	Performs similarly to BW05DE where the massing of BW05E, BW05F, BW07B and BW07A cause some overshadowing of the lower floors on the south west and south east elevations. <ul style="list-style-type: none"><li>- 5 living rooms in these locations will see levels of total ASPH below those recommended.</li><li>- 20 living rooms (including the 5 above) see levels of total winter ASPH below those recommended.</li></ul>
BW07A	Generally performs well and overall experiences good levels of sunlight. <ul style="list-style-type: none"><li>- 1 living room on the south west elevation sees levels of ASPH below those recommended. Room still enjoys 20% total ASPH and 3% winter ASPH.</li><li>- 4 living rooms on south east elevation generally experience good levels of total ASPH but see levels of total winter ASPH below those recommended.</li></ul>
BW07B	Good levels of sunlight experienced by this building. On the north half of the south west elevation 6

living rooms see levels of ASPH below those recommended. Rooms still enjoys 20% total ASPH and 5% winter ASPH.

BW07CD This building performs well in terms of sunlight. All areas assessed see in excess of BRE recommendations.

BW07G Similarly to BW07A corner of south west elevation sees levels of ASPH below those recommended.  
- 3 living rooms in these locations will see levels of total ASPH below those recommended.

4.182 Overall the report concludes the proposal achieves good levels of sunlight with the majority of habitable rooms retaining close to the APSH recommendations. Slightly lower levels have been identified but the levels of impact identified it is advised in the ES that the effects will probably not be Noticeable and would result in a negligible impact. As such that would not justify a refusal of these details.

4.183 As predicted by OPP2, the buildings proposed are substantially in accordance with the BRE guidelines and the proposed layouts offer good levels of daylight and sunlight amenity to future occupiers. It should be noted that some of the properties on the lowest levels would be overshadowed by adjacent proposed buildings or the existing Empress State Building. The internal daylight distribution (ADF) is reasonable in most cases in satisfying the BRE standards for habitable rooms. It is concluded that despite some impacts to rooms within the development, reasonable levels of natural lighting conditions would remain and the development would be in accordance with the requirements of policies 7.6 and 7.7 of the London Plan and DMLP Policies DM A9 and the BRE guidelines. In conclusion, it is considered that given the size of the scheme and the urban context, the proposed development would achieve acceptable levels of daylight and sunlight for future occupiers. There are a small number of habitable rooms that may experience some impact; however given the small areas of non compliance with the BRE guidance which should be applied flexibly, it is considered on balance, the proposed development is acceptable in this respect.

#### Impact on existing residential amenity:

4.184 There would be no additional impact on the existing surrounding properties in terms of loss of sunlight/daylight as the layout and scale proposed are within the parameters plans approved in OPP2. Policy DM H1 of the DMLP requires new development to respect the principles of good neighbourliness. This is supported in Policy DM A9 which also refers to the protection of existing residential amenities. SPD Housing Policy 8 sets out those new windows should normally be positioned so that the distance to any residential windows is not less than 18 metres as measured by an arc of 60 degrees from the centre of the new window. Policy 7.6 and 7.7 of the London Plan state that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. This is particularly important for tall buildings. Policy 7.7 states that 'tall buildings should not affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunication interference.

4.185 As explained above, the proposals have been designed in the context of the approved parameter plans and design guidelines allowed by OPP2. The proposed development is bordered by Empress Place to the south, Empress Estate Building to the west and Lillie Road properties to the south west boundary of the site. The southern elevation of Building BW07 C+D would be located over 19 metres from the flank elevations of the commercial building at 16 to 18 Empress Place and 17 Empress Place. The principles of development through the testing of the maximum approved parameters were previously assessed with regards to the impact on the levels of daylight and sunlight of the neighbouring properties using the BRE guide 'Site Layout Planning for Daylight and Sunlight' 2011 and were considered acceptable.

4.186 Residential properties on the West Kensington and Gibbs Green estate lie to the west and North West of the RMA and the closest properties lie adjacent to the boundaries of the existing Empress State building. The closest properties in Aisgill Avenue and Stanier Close are located over 60 metres from boundaries of the ECV site. As required by the S106 agreement attached to OPP2, a daylight and sunlight assessment report was submitted by the applicant before the submission of a RMA package which studied the interim impact of the RMA proposals on the existing retained estate land properties. In total 290 windows, serving 189 rooms within 47 estate properties were analysed. Following a review of the approach, methodology and results of the daylight and sunlight assessment, officers were satisfied that given the separation distances involved the proposal would not cause a detrimental impact on the amenity of the occupiers of these properties in terms of daylight/sunlight or overshadowing. Officers concluded on 17 December 2013 that no further daylight or sunlight assessment would be required for this part of the proposed Earl's Court development. Similarly it is considered that the proposal would not result in any significant loss of privacy on the existing properties due to the distances involved.

4.187 In summary, officers are of the view that the proposals would not result in additional impact on the living conditions of the surrounding properties that have not already been approved at the outline stage and is therefore in accordance with DMLP Policy A9 and DM H1 and SPD Housing Policy 8

#### **Energy:**

4.188 A Site Wide Energy Framework relevant to the whole of the Earl's Court Development has been produced by the applicant. This will be updated every five years until completion of the development. The framework sets out to meet the requirements of energy in the S106 agreement associated with OPP1 and OPP2. It aims to achieve substantial reductions of CO2 emissions through measures such as energy efficient building design and technology; supplying energy efficiency through a district energy network consisting of one or more energy centres, connected to a site wide district heating network and installing renewable energy technologies. The over riding target is to meet the site wide carbon reduction target of 42% beyond Part L of the 2010 Building Regulations, for each reserved matters application of the Earl's Court Development.

4.189 The framework sets out the energy approach for each reserved matters application as part of a Site Wide Energy Statement. Each statement will follow the Mayor's energy hierarchy to 'be lean, be clean, and be green'. The statement confirms the detailed proposals aim to reduce regulated energy requirements and associated CO2 emissions for the given development plots and energy supply strategy. A number of passive design and energy efficiency measures would be implemented at part of the

proposed development. Aim to achieve a 5% reduction in CO2 emissions beyond the 2010 Part L Building Regulations.

4.190 The inclusion of temporary and permanent energy centres is also included for consideration. At present the master plan and s106 agreement has been designed to accommodate 2 energy centres (one in each borough) but does not preclude the option of either replacement or additional energy centres if these are required or connection to other local energy networks. In the case of the energy centre or replacement energy centre for this borough the s106 set out a requirement this must never be less than 3,000 sq m and would follow in a later phased reserved matters application. Temporary plant provision has also intended to be provided in the form of containerised boiler and CHP plant provision to service the construction of the development plots prior to the implementation of the energy centres.

4.191 A district heating and hot water network would be provided at the proposed development for all users. On site renewable energy generation is also considered in this first phase of reserved matters. Photovoltaic (PV) panel installations are incorporated in this first phase, proposed on the roof of Building BW07CD. The panels would total approximately 120 sqm. and would produce 'renewable' energy. This green supply of energy is predicted to reduce the total carbon dioxide emissions from the whole development by around <1% when compared to the baseline scheme.

4.192 At this stage the reserved matters application to RBKC provides floorspace for the energy centre at WV04.

#### **Sustainability:**

4.193 An initial pre-assessment of the building designs are included within the statement which show potential scores in-line with the target ratings. Residential units have been designed to achieve Level 4 of the Code for Sustainable Homes. The commercial element of the scheme has been designed with a view to targeting a BREEAM rating of 'Excellent'. Condition 48 of OPP2 secures the completion of these uses to meet these standards.

#### **Flooding:**

4.194 The RMA includes a Flood Management Plan and also a Drainage Strategy within the Design and Access statement. Both the Environment Agency and Thames Water recommended a number of conditions (23, 28, 49, 50-54, 75-81) which are attached to OPP2. Details on these matters will be submitted at the relevant times and will therefore follow in due course. The exception to this is a Flood Management Plan that has been submitted for the area of this RMA and is covered by Condition 23 of OPP2 which requires the proposed development be carried out in accordance with the Flood Risk Assessment submitted and approved under OPP2. This condition specifically notes that sleeping accommodation can be set at ground but should be no lower than 2.8 AOD that residential dwellings should not be located in basements and requires a Flood Management Plan with any RMA. The location and location of the residential accommodation proposed meets this requirement. The residential accommodation located on the lower levels of Building BW07Cd would be set at +5.2 AOD. This will accord with Policy CC2 of the Core Strategy and SPD Sustainability Policy 1.

#### **Noise:**

4.195 Noise maps have been submitted in relation to the facade design and the noise levels predicted are acceptable in accordance with policy CC4 of the Core Strategy



and Policies DM H9 and H11 of the DLMP. The retail units operating as A3-A5 use as cafes and restaurants at the base of the proposed buildings may cause noise and disturbance to the occupants of the upper levels. To mitigate this a restriction on music nor amplified voices and the hours of opening will be restricted in these uses by recommended conditions. Further applications will be required for any extraction and plant in relation to these units.

## **Transport**

4.196 Only details of the street network in terms of layout, scale and appearance can be considered at part of the RMA. The impacts and transport infrastructure have already been assessed as part of the approved OPP2 for the maximum extent of development and are covered by the conditions and S106 agreement in OPP2. A Transport Appraisal has been submitted in support of this application in the form of a Transport and Movement Strategy (Appendix 5 of the Design and Access Statement).

### Street Layout:

4.197 The layout of the streets has been designed using Manual for Streets and the widths of the roads have been designed between 6m and 4m. The streets are designed to a 20mph speed limit and will be lightly trafficked. These proposals have been designed to an adoptable standard in accordance with SPD Transport Policies 16 and 22 and Key Principle TRN3 of the Earl's Court and West Kensington Opportunity Area (ECKWOA) SPD.

4.198 Whilst some details regarding swept path assessment and visibility splays have been submitted as part of the Transport and Movement Strategy this does not form part of the RMA. Further information will need to be provided for conditions 68, 86, 87, and 88 of OPP2.

4.199 The layout has been subject to a Road Safety Audit which included the public square between the Lost River Park. An issue has however been raised with regards to the surface treatment of the Central Square. More information regarding the interaction at the public square and how the materials would work in this location are considered necessary. Officers therefore conclude that a Road Safety Audit Stage 2 should be secured by condition for the internal layout to ensure these detailed proposals are continued to be designed safely.

4.200 As part of the outline planning proposals the High Street was identified as a primary cycle route, which would be promoted via on-street signage. Therefore, a signage strategy which would be agreed with the Local Authority's and Transport for London should be secured via condition in order to ensure the proposals adhere to ECKWOA SPD key principle TRN8.

### Car Parking:

4.201 Car parking standards were agreed as part of OPP2 and are included within condition 18 of OPP2 and the S106 agreement. Secure car parking for residents and commercial uses would be predominantly located within the basement areas. This includes designed spaces for disabled occupiers and disabled occupiers and visitors at street level. Vehicular access arrangements to the basement areas and the layout of the parking are acceptable in principle. The basement areas would also cater for deliveries, refuse collection, resident/staff cycle parking, plant and back of house facilities and storage areas for residents. The proposals also includes that 20% of the car parking

spaces would have electric charging points and a further 20% would have passive provision which is in line with the London Plan requirements. Further details relating to detail design and the access to basement in terms of access ramps and clearance heights would need to be submitted as part OPP2 conditions 66 and 68.

4.202 Through the S106 agreement within OPP2, all the occupiers of the residential units (except for Blue Badge holders) would be eligible to obtain resident permits to park on the highway. As such the proposed development is judged to be satisfactory and unlikely to have an unacceptable impact on the existing amenities of local residents as a result of increase on street parking stress. Further information regarding how the parking spaces would be allocated and managed would also be provided as part of the Site Wide Parking and Servicing Framework and Parking and Servicing Plan, which is secured via OPP2 Condition 67 secured by the S106 agreement.

#### Cycle Parking:

4.203 Cycle parking standards were agreed as part of the outline planning permission and are set out in condition 18. The residential element of the development accords with DMLP policy J5 and the SPD Transport Policy 12. However, DMLP policy J5 for retail land use requires 1 space per 25 sqm to be provided. Given that the proposals adhere to the London Plan and the OPP2, it is considered that the cycle parking should be monitored via the Travel Plan secure by the S106 agreement and if additional cycle parking is required it should be provided. The applicant has confirmed that they would accept this approach.

4.204 The majority of the residential cycle parking would be provided in dedicated stackers within the basement, the Transport and Movement Strategy sets out that the stacking system would be 395mm apart. However, a minimum of 500mm should be provided to ensure the systems are usable and accessible. The Transport and Movement Strategy also confirms that on-street visitor parking would be provided in the form of Sheffield Stands, this is acceptable and in accordance with the SPD Transport Policy 12.

4.205 A Mayor's Cycle Hire Station comprising 25 bikes will also be provided on land within the Royal Borough of Kensington and Chelsea. This will be integrated within the public realm design but would be available for residents of the London Borough of Hammersmith and Fulham. The detail is secured via the OPP1 s106 and will be agreed with Transport for London.

#### Motorcycle Parking:

4.206 Motorcycle parking of 41 spaces is proposed to be provided for residential and other uses. This is provided in accordance with Condition 18 of the OPP2 and SPD Transport Policy 11.

#### Servicing:

4.207 The servicing and delivery strategy for the development has been provided in accordance with the site wide and servicing framework submitted as part of the outline planning permission. A servicing and delivery strategy for the development has been developed in accordance with the Site Wide and Servicing Framework, with the key principles for delivery is:

- Residential deliveries will take place from the basement areas or from on-street;

- Basement servicing will use either of the two dedicated servicing/compactor areas. Vans will also be permitted to use the car park ramps subject to headroom restrictions and;
- Retail and community / culture uses will generally be serviced from dedicated on-street loading bays.

Further detailed information is to be provided within the Servicing document which is yet to be submitted and secured via conditions 67 and 91 of OPP2. This document will ensure the proposals adhere to SPD Transport Policy 34.

#### Demolition and Construction:

4.208 Earl's Court Exhibition Centres 1 and 2 would be taken down in stages over an approximate 2 year period. The interior of the buildings would be demolished first leaving the external walls to create an additional noise and dust barrier. For EC1, temporary acoustic barriers would be constructed on the boundaries. To begin with EC2 is expected to be used as a construction consolidation centre, to avoid any visual and acoustic disruption and would then be demolished in stages over a 2 years period. The concrete slab above the London Underground depot and car park would be partially removed. The deck over the West London Line would be retained. Existing decking that extend over the LU tunnels at both the Brompton Gate and Warwick Road would be retained but approximately 75% of the existing portals that criss-cross the tunnels, located in less sensitive location would be removed. Lorries and demolition vehicles would access the site via the north of the site from the A4. Vehicles would not use North End Road, Lillie Road, Old Brompton Road and Warwick Road.

4.209 Comments made regarding demolition and construction or securing mainly rail-based delivery and removal of materials do not form part of the RMA as this was secured via condition 24 (demolition), 25 (construction) and 26 (construction management plan) in OPP2. Rail Freight options are being reviewed and the need for investigation in the form of a Rail Freight Facility Feasibility Study into the use of rail freight for construction is required by the s106 agreement in the form of a Construction Logistics Plan (CLP). The S106 agreement also requires a Strategic Transport Review Group be set up to monitor the impacts of the development on the highway network through the duration of the project.

#### **S106 Agreement and Community Infrastructure Levy (CIL)**

4.210 A comprehensive range of mitigation measures was secured in the S106 agreement as part of OPP2.

4.211 This application is liable for Community Infrastructure Levy (CIL). The Mayor's contribution is based on the floor space (GIA) proposed and is estimated to be £4,856,065. The exact number would however need to be confirmed by LBHF using a CIL liability notice.

### **5.0 Conclusion**

5.1 The principle of this development has been approved at outline stage, and the current details conform to the requirements of the original consent in terms of the land use, layout, scale appearance and landscaping. It is considered that the proposed units would provide acceptable living conditions for future occupiers and that the development would not have a detrimental impact on existing neighbours. The layout, scale and appearance of the buildings respect the details approved at the outline stage in terms of

the emerging aesthetic for the overall site, and the landscaping would provide appropriate amenity space for the occupiers and suitable treatment to the public streets.

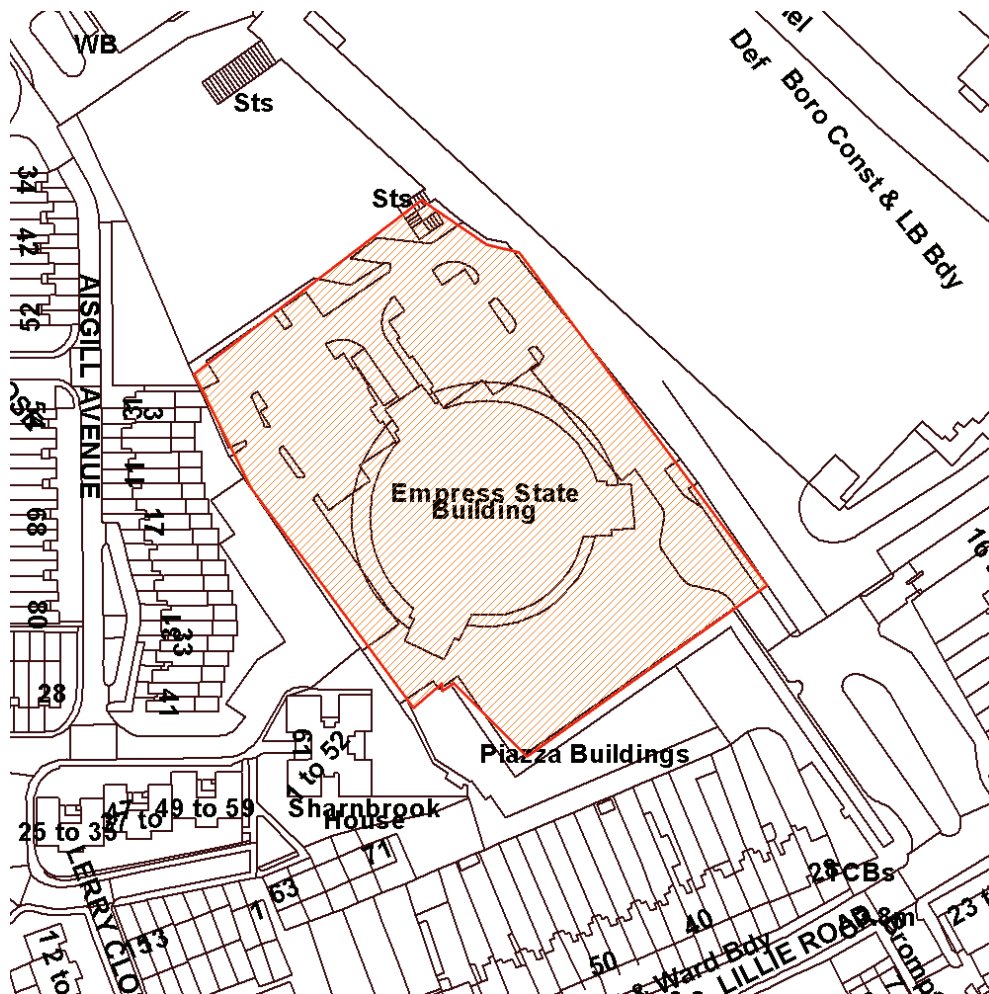
5.2 It is concluded that the details submitted under this Reserved Matters Application are acceptable in the context of the relevant planning policies and guidance and all other material considerations.

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**Ward:** North End

**Site Address:**

Empress State Building Empress Approach London SW6 1TR



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For identification purposes only - do not scale.

**Reg. No:**

2013/05175/FUL

**Case Officer:**

Sarah Ballantyne-Way

**Date Valid:**

02.12.2013

**Conservation Area:**

**Committee Date:**

03.04.2014



**Applicant:**

Empress State Limited Partnership  
C/o Agent

**Description:**

Change of use of the Empress State Building from Class B1 to Class C3 Residential and Ancillary Uses (excluding the basement) together with a Retail Unit (Class A1 - A4), works of external alterations to the building and works of demolition to the base of the building.

Drg Nos: A-010; A-015; A-020; A-021; A-023; A-024; A-025; A-026; A-030; A-031; A-032; A-033; A-100; A-101; A-102; A-103; A-106; A-109 (amended); A-112; A-114; A-121; A-126; A-127; A-128; A-129; A-130; A-131; A-251; A-252; A-253; A-254; A-261; A-262; A-263; A-330; A-331; A-332; A-333; A-334; A-335; A-336; A-337; A-338; A-340; A-350; A-351; A-352; A-353; A-354; A-355; A-356; A-357; A-358; A-359; A-360; A-361; A-362; A-363; A-364; A-365; A-366; A-367; A-368.

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

Subject to there being no contrary direction from the Mayor of London; that the Committee resolve that the Executive Director of Transport and Technical Services be authorised to determine the application and grant planning permission upon the completion of a satisfactory legal agreement and subject to the conditions set out below:

**Time Limit**

- 1) The development hereby permitted shall not commence later than the expiration of 6 years beginning with the date of this planning permission.

Reason: 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).

**Drawing Nos**

- 2) The development shall be carried out and completed only in accordance with the detailed drawings which have been approved: A-010; A-015; A-020; A-021; A-023; A-024; A-025; A-026; A-030; A-031; A-032; A-033; A-100; A-101; A-102; A-103; A-106; A-109 (amended); A-112; A-114; A-121; A-126; A-127; A-128; A-129; A-130; A-131; A-251; A-252; A-253; A-254; A-261; A-262; A-263; A-330; A-331; A-332; A-333; A-334; A-335; A-336; A-337; A-338; A-340; A-350; A-351; A-352; A-353; A-354; A-355; A-356; A-357; A-358; A-359; A-360; A-361; A-362; A-363; A-364; A-365; A-366; A-367; A-368.

Reason: In order to ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 7.14, 7.15 and 7.21 of the London Plan (2011), policy BE1 of the Hammersmith and

Fulham Core Strategy (2011) and policies DM G1, DM G2, DM G4 and DM G6 and DM G7 of the Development Management Local Plan (July 2013).

#### Grampian Condition

- 3) No development shall commence until the below ground layout of the development, including [parking, servicing, plant, water attenuation tank and storage (including waste and recycling)], has been approved in writing by the Local Planning Authority pursuant to planning permission reference 2011/02001/OUT.

Reason: To ensure that parking, servicing, plant, water attenuation tank and storage (including waste and recycling) for the scheme is delivered, in accordance with policies 5.13 and 6.11 of the London Plan (2011), policy CC2 of the Hammersmith and Fulham Core Strategy (2011), policies DM H2, H3, H4, H5, J1, H9 and H11 of the Development Management Local Plan (2013), and SPD Transport Policy 34, SPD Sustainability Policies 1, 2, 3 and 23 of the Planning Guidance Supplementary Planning Document.

#### Construction, Logistics, Demolition Plans

- 4) The development hereby permitted shall not commence until a Construction Logistics Plan and a Demolition and Construction Management Plan in accordance with Transport for London guidelines have been submitted to and approved in writing by the Council. The details shall include contractors' construction method statement setting out; waste classifications and disposal procedures; details of the measures proposed to minimise the impact of the construction processes on the existing amenities of the occupiers of neighbouring properties, including monitoring and control measures for dust, noise, vibration, and light monitoring and control; working hours; 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; provisions within the site to ensure that all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway; and all other matters relating to traffic management to be agreed. All works shall be carried out in accordance with the approved plan throughout the project.

Reason: To ensure that appropriate steps are taken to limit the impact of the proposed demolition and construction works on the operation of the public highway, the amenities of local residents and the area generally, in accordance with policies 5.18, 5.19 and 7.14 of the London Plan (2011), policy CC1, CC4 and T1 of the Hammersmith and Fulham Core Strategy (2011), policies DM H1, DM H2, DM H5, DM H8, DM H9, DM H11, DM J1 and DM J6 of the Development Management Local Plan (July 2013) and SPD Amenity Policy 26 of the Planning Guidance Supplementary Planning Document (July 2013).

#### Temporary Fencing/ Enclosure

- 5) No development shall commence until a scheme for temporary fencing and/or enclosure of the site where necessary has been submitted to and approved in

writing by the Council, and such enclosure has been erected in accordance with the approved details. The enclosure shall 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.

Reason: To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2011), policy BE1 of the Hammersmith and Fulham Core Strategy (2011) and policies DM G1 and DM G7 of the Development Management Local Plan (July 2013).

#### Contamination 1 – Preliminary Risk Assessment

- 6) No development shall commence until a preliminary risk assessment report, in connection with land contamination, is submitted to and approved in writing by the Council. 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.

Reason: Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The 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, and in accordance with policy 5.21 of the London Plan (2011), policy CC4 of the Hammersmith and Fulham Core Strategy (2011), policies DM H7 and DM H11 of the Development Management Local Plan (July 2013) and SPD Amenity Policies 2-17 of the Planning Guidance Supplementary Planning Document (July 2013).

#### Contamination 2 – Site Investigation Scheme

- 7) No development shall commence until a site investigation scheme, if found to be required under Condition 5, is submitted to and approved in writing by the Council. 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.

Reason: Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The 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, and in accordance with policy 5.21 of the London Plan (2011), policy CC4 of the Hammersmith and Fulham Core Strategy (2011), policies DM H7 and DM H11 of the Development Management Local Plan (July 2013) and SPD Amenity Policies 2-17 of the Planning Guidance Supplementary Planning Document (July 2013).

#### Contamination 3 – Quantitative Risk Assessment Report

- 8) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until (following a site investigation undertaken in compliance with the approved site investigation scheme) a quantitative risk assessment report is submitted to and approved in writing by the Council. 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.

Reason: Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The 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, and in accordance with policy 5.21 of the London Plan 2011, policy CC4 of the Hammersmith and Fulham Core Strategy (2011), policies DM H7 and DM H11 of the Development Management Local Plan (July 2013) and SPD Amenity Policies 2-17 of the Planning Guidance Supplementary Planning Document (July 2013).

#### Contamination 4 – Remediation Method Statement

- 9) Unless the Council 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, if deemed to be required, is submitted to and approved in writing by the Council. 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.

Reason: Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The 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, and in accordance with policy 5.21 of the London Plan (2011), policy CC4 of the Hammersmith and Fulham Core Strategy (2011), policies DM H7 and DM H11 of the Development

#### Contamination 5 – Remediation Verification Report

- 10) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until the approved remediation method statement has been carried out in full if required, and a verification report confirming these works has been submitted to, and approved in writing, by the Council. 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 appropriate waste Duty of Care documentation and the validation of gas membrane placement. If, during development, contamination not previously identified is found to be present at the site, the Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. Any required remediation shall be detailed in an amendment to the remediation method 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.

Reason: Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The 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, and in accordance with policy 5.21 of the London Plan (2011), policy CC4 of the Hammersmith and Fulham Core Strategy (2011), policies DM H7 and DM H11 of the Development Management Local Plan (July 2013) and SPD Amenity Policies 2-17 of the Planning Guidance Supplementary Planning Document (July 2013).

#### Contamination 6 – Long Term Monitoring

- 11) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until an onward long-term monitoring methodology report, is submitted to and approved in writing by the Council where further monitoring is required past the completion of development works to verify the success of the remediation undertaken. If required, a verification report of these monitoring works shall then be submitted to and approved in writing by the Council 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.

Reason: Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The 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, and in accordance



with policy 5.21 of the London Plan (2011), policy CC4 of the Hammersmith and Fulham Core Strategy (2011), policies DM H7 and DM H11 of the Development Management Local Plan (July 2013) and SPD Amenity Policies 2-17 of the Planning Guidance Supplementary Planning Document 2013.

#### Materials

- 12) The proposed development hereby permitted shall not commence until particulars and samples of materials to be used in all external faces of the building and roof coverings, including details of the colour, composition and texture of the stone work, details of all windows, balconies and shop front treatments, including window opening and glazing styles, have been submitted and approved in writing by the Council. The development shall be carried out in accordance with such details as have been approved.

Reason: To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2011), policy BE1 of the Hammersmith and Fulham Core Strategy (2011), policies DM G1 and DM G7 of the Development Management Local Plan (July 2013) and SPD Design policy 44 of the Planning Guidance Supplementary Planning Document (July 2013).

#### 1:20 Drawings

- 13) The development hereby permitted shall not commence before detailed drawings at a scale no less than 1:20 in plan, section and elevation of a typical section of the development to be agreed, showing details of proposed cladding, fenestration (including framing and glazing details), balconies (including roof terraces) and shop front and entrances have been submitted and approved in writing by the Council. No part of the development shall be used or occupied prior to the implementation of the approved details in relation to the development. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2011), policy BE1 of the Hammersmith and Fulham Core Strategy (2011) and policies DM G1 and DM G7 of the Development Management Local Plan (July 2013).

- 14) Prior to commencement of the development, details of the proposed 1.5m high parapet screens on the western elevation balconies of the Empress State Building shall be submitted to and approved in writing by the Council. The development shall be carried out in accordance with such details as have been approved.

Reason: To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2011), policy BE1 of the Hammersmith and Fulham Core Strategy (2011), policies DM G1 and DM G7 of the Development Management Local Plan (July 2013) and SPD Design policy 44 of the Planning Guidance Supplementary Planning Document (July 2013).

### Noise Assessment

- 15) Prior to commencement of the development, a noise assessment shall be submitted to the Council for approval of external noise levels incl. reflected and re-radiated noise and details of the sound insulation of the building envelope, orientation of habitable rooms away from major noise sources and of acoustically attenuated mechanical ventilation as necessary to achieve 'Good' internal room- and (if provided) external amenity noise standards in accordance with the criteria of BS8233:1999. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise from transport [industrial/ commercial noise sources], in accordance with Policies DM H9 and H11 of the Development Management Local Plan

### Sound Insulation between Dwellings

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

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

### Sound Insulation between Residential/ Commercial

- 17) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/ walls separating the commercial parts (including residential and business facilities) of the premises from dwellings. Details shall demonstrate that the sound insulation value  $D_{nT,w}$  [and  $L'_{nT,w}$ ] is enhanced by at least 10dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the 'Good' criteria of BS8233:1999 within the dwellings/ noise sensitive premises. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ adjacent dwellings/ noise sensitive premises is not adversely affected by noise, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

### Sound Insulation between Basement and Communal Facilities and Dwellings

- 18) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/ walls separating the basement and ground floor plant room, basement car park

and communal facilities from dwellings. Details shall demonstrate that the sound insulation value  $D_{nT,w}$  [and  $L'_{nT,w}$  ] is enhanced by at least 10dB above the Building Regulations value. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ adjacent dwellings/ noise sensitive premises is not adversely affected by noise, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

#### Noise Levels Plant/ Machinery

- 19) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the external noise level emitted from plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the lowest existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:1997 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 noise criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: 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 DM H9 and H11 of the Development Management Local Plan.

#### Vibration

- 20) Prior to commencement of development, details shall be submitted to and approved in writing by the Council, of building vibration levels generated by the adjacent railway, together with appropriate mitigation measures where necessary. The criteria to be met and the assessment method shall be as specified in BS 6472:2008. No building shall be occupied until the approved details in respect of that building have been implemented. Approved details shall thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises are not adversely affected by ground or airborne vibration, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

#### Anti-Vibration Measures

- 21) Prior to commencement of the development, details of anti-vibration measures shall be submitted to and approved in writing by the Council. The measures shall ensure that machinery, plant/ equipment, extract/ ventilation systems 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.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by vibration, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

#### Air Quality

- 22) Prior to commencement of the development hereby approved an air quality assessment and low emission strategy shall be submitted to and approved in writing by the Council. Details shall be in accordance with the Site Wide Air Quality Assessment and Low Emissions Framework pursuant to Condition 65 of the Outline Planning Permission reference 2011/02001/OUT. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure the development's air pollution impacts are mitigated in accordance with Policy CC4 of the London Borough of Hammersmith and Fulham Core Strategy, Policies DM H8 and DM H11 of the Development Management Local Plan, and SPD Amenity Policies 20 and 21.

#### Odour Abatement

- 23) Prior to commencement of the use of the retail unit, details shall be submitted to and approved in writing by the Council, of the installation, operation, and maintenance of any odour abatement equipment and extract system, including the height of the extract duct and vertical discharge outlet to commercial kitchens in respect of that unit. The details shall accord with the 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' January 2005 by DEFRA. Approved details in respect of the retail unit shall be implemented prior to the commencement of the use of that unit and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by cooking odour, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

#### External Doors – Self Closing

- 24) All external doors to any commercial kitchens within the development hereby permitted shall be fitted with self closing devices, which shall be maintained in an operational condition and at no time shall any external door nor windows to the kitchen be fixed in an open position.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, smell, steam or other effluent, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

#### Hours of Operation - Retail

- 25) Prior to the occupation of the retail unit details of operational hours for this unit shall be submitted to and approved in writing by the Council and the use of the unit shall accord with the hours as approved.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

#### Parking and Servicing Management Plan

- 26) Prior to commencement of the development hereby approved a Parking and Servicing Management Plan shall be submitted to and approved in writing by the Council. Details shall be in accordance with the Site Wide Parking and Servicing Framework and any approved Parking and Servicing Plan for the Development Parcel within which the development is located pursuant to Conditions 34 and 67 of the Outline Planning Permission reference 2011/02001/OUT. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure that servicing and deliveries are carried out without any significant impact on the flow of traffic and the local highway network and to prevent harm to the amenities of surrounding occupiers by reason of noise disturbance, in accordance with policy 6.11 of the London Plan (2011) and policies DM J1, DM H9 and DM H11 of the Development Management Local Plan (2013), and SPD Transport Policy 34 of the Planning Guidance Supplementary Planning Document (July 2013).

#### Surface Water Drainage Scheme

- 27) The development hereby permitted shall not commence until a surface water drainage scheme, based on sustainable drainage principles, and a programme of installation and maintenance for the sustainable urban drainage measures has been submitted to and approved in writing by the Council. The scheme shall be in accordance with the Drainage and Surface Water Management Strategy approved pursuant to Conditions 32 and 77 of the Outline Planning Permission reference 2011/02001/OUT. The scheme shall be implemented in accordance with the approved details and in accordance with the programme agreed, and thereafter permanently maintained in accordance with the agreed details.

Reason: 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 (2011) and policy CC2 of the Hammersmith and Fulham Core Strategy (2011) policies DM H2, H3 and H4 of the Development Management Local Plan (July 2013) and SPD Sustainability Policies 1, 2 and 23 of the Planning Guidance Supplementary Planning Document (July 2013).

#### Flood Risk Assessment

- 28) The development shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by Arup, dated November 2013.

Reason: To reduce the impact of flooding to the proposed development and future occupants, in accordance with Policies 5.11, 5.12, 5.13, 5.14 and 5.15 of the London Plan (2011), Policies CC1 and CC2 of the Hammersmith and Fulham Core Strategy (2011), Policy H3 of the Development Management Local Plan (2013), and SPD Sustainability Policies 1 and 2 of the Planning Guidance Supplementary Planning Document (July 2013).



### Lifetime Homes

- 29) Prior to commencement of the development hereby approved details and drawings at a scale of 1:100 demonstrating: (i) that all the flats within that building shall comply with the Lifetimes Home standards and; (ii) that the proposed retail use is accessible to all users, shall be submitted to and approved in writing by the Council. The development shall be carried out in accordance with such details as approved and permanently retained thereafter.

Reason: To ensure that the new flats are built to 'Lifetime Homes' standards and that the retail use provide an accessible environment, in accordance with policy 3.8 of The London Plan (2011), policy H4 of the Hammersmith and Fulham Core Strategy (2011) and Policy DM A4 and DM G1 of the Development Management Local Plan (July 2013).

### Wheelchair Standards

- 30) Notwithstanding details shown on the drawings as approved, before any part of the development on the site above the basement level commences, there shall first be submitted to and approved by the Council details that show the location and internal layout of the wheelchair adaptable apartments proposed, including appropriate wheelchair and related storage and turning space, circulation space in accessible bedrooms and bathrooms, provision for en-suite bathroom access, and corridor widths that accord with the Mayor of London's London Housing Design Guide 2012 and Local Development Framework supplementary planning document general guidance. That part of the development shall not be occupied until the approved details in respect of that part have been completed.

Reason: To ensure that the development provides for the changing circumstances of occupiers and responds to the needs of people with disabilities, in accordance with policy 3.8 of the London Plan (2011) and policy HO6 of the Unitary Development Plan (as amended 2007 and 2011). Core Strategy (2011) Policy H4 for meeting housing needs seeks for 10% of dwellings to be accessible or readily adaptable for residents who are wheelchair users in the context of a continuing need for housing for people who need care and support; and the Mayor of London's 2007 "Best Practice Guidance - Wheelchair Accessible Housing" which is summarised and distinguished from Lifetime Homes housing in Appendix 2 of the Mayor's London Housing Design Guide 2012.

### Level Thresholds

- 31) Prior to occupation or use of the relevant part of the development, all the entrance doors to the retail unit and the residential entrances shall have level thresholds installed at the same level as the areas fronting the entrances and shall not be less than 1 metre wide.

Reason: In order to ensure the development provides ease of access for all users, in accordance with Policy 3.1 and 7.2 of the London Plan (2011), policy BE1 of the Hammersmith and Fulham Core Strategy (2011), policies DM A4 of the Development Management Local Plan (July 2013) and SPD Design policies

1,2, 3, 4,6,7,8 and 9 of the Planning Guidance Supplementary Planning Document (July 2013).

#### Fire Rated Lift

- 32) The building shall contain a fire rated lift, details of which shall be submitted to and approved in writing by the Council prior to the occupation of the development. All lifts should have enhanced lift repair service running 365 day/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.

Reason: 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 2011, policy BE1 of the Hammersmith and Fulham Core Strategy (2011), policies DM A4, DM A9, DM G1, DM J2 and DM J4 of Development Management Local Plan (July 2013) and SPD Design Policies 1, 2, 3, 4, 6, 7, 8, 9 and 10, SPD Transport Policies 9, 10, 22, 23 and 31 of the Planning Guidance Supplementary Planning Document (July 2013).

#### Secured by Design

- 33) The development hereby permitted shall not commence until a statement setting out detailed measures of how 'Secure by Design' requirements are to be adequately achieved has been submitted to and approved in writing by the Council. Such details shall include, but not be limited to, CCTV coverage, access controls, basement security measures, and means to secure the site throughout construction in accordance with BS8300:2009. The approved details shall be carried out prior to occupation of the development hereby approved and permanently maintained thereafter.

Reason: 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 policies 7.3 and 7.13 of the London Plan (2011), policy BE1 of the Hammersmith and Fulham Core Strategy (2011) and policy DM G1 of the Development Management Local Plan (July 2013).

#### CCTV Strategy

- 34) Prior to first occupation of the development, a detailed CCTV strategy including measures to link the site wide public realm CCTV to the Council's borough wide system shall be submitted to and approved in writing by the Council. The strategy is to be in accordance with the Site Wide CCTV Framework pursuant to Condition 35 of Outline Planning Permission reference 2011/02001/OUT. The approved measures shall be implemented prior to occupation of the development and retained thereafter.

Reason: To ensure that the development incorporates suitable design measures to minimise opportunities for, and the perception of crime, in accordance with policies 7.3 and 7.13 of the London Plan (2011), policy BE1 of the Hammersmith

and Core Strategy (2011) and policy DM G1 of the Development Management Local Plan (July 2013).

#### Communal Satellite Reception System

- 35) Details of any integrated communal satellite reception system shall be submitted to and approved in writing by the Council prior to first occupation of the development and implemented in accordance with the approved details.

Reason: To reduce the need to install individual satellite dishes and antennae on the buildings and to ensure that the visual impact of telecommunication equipment can be considered in the interests of ensuring a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with policy BE1 of the Hammersmith and Fulham Core Strategy (2011) and policies DM G1 and DM G7 of the Development Management Local Plan (July 2013).

#### External Lighting

- 36) Prior to occupation of that part of development, details of all proposed external lighting, including security lights in respect of that part shall be submitted to and approved in writing by the Council and no occupation of that part shall take place until the lighting for that part has been installed in full accordance with the approved details. 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 and Bat Conservation guidelines.

Reason: To ensure that the amenity of occupiers of the development site / surrounding premises and natural habitat is not adversely affected by lighting, in accordance with policies 5.11, 7.3 and 7.13 of the London Plan (2011), policies BE1, OS1 and CC4 of the Hammersmith and Fulham Core Strategy (2011), policies DM E1, DM E3, DM G1, DM H10 and DM H11 of the Development Management Local Plan (July 2013) and SPD Amenity Policy 19 and SPD Sustainability Policy 21 of the Planning Guidance Supplementary Planning Document (July 2013).

#### Refuse and Recycling Storage

- 37) Prior to the occupation of each part of the development, details for refuse storage and collection arrangements, including how recycling will be maximised in respect of that part of the development shall be submitted to and approved in writing by the Council in accordance with the Site Wide Waste Framework approved pursuant to Conditions 31 and 73 of the Outline Planning Permission reference 2011/2001/OUT. That part of the development shall not be occupied until the approved refuse storage arrangements are in place for that part of the development and all approved storage arrangements shall be maintained permanently thereafter.

Reason: In order to protect the environment and to ensure that satisfactory provision is made for refuse/recycling storage and collection, in accordance with policy 5.3 of the London Plan (2011) and policy DM H5 of Hammersmith and Fulham Development Management Local Plan (July 2013) and SPD Sustainability Policy 3 of the Planning Guidance SPD (2013).

#### Sustainability/ Energy

- 38) The residential units hereby approved shall not be occupied prior to the submission and approval in writing by the Council of details of BREEAM Domestic Refurbishment confirming that all the dwellings in that building meet the requirements of BREEAM Domestic Refurbishment.

Reason: 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 (2011) and Policy BE1 and CC1 of the Hammersmith and Fulham Core Strategy (2011), policies DM G1, DM H1, DM H2 and DM H3 of the Development Management Local Plan (July 2013) and SPD Sustainability Policy 25 and 26 of the Planning Guidance Supplementary Planning Document (July 2013).

- 39) Within 6 months of occupation of any non-residential unit, a BREEAM (2011) certificate confirming that the non-residential unit achieves a 'Very Good' BREEAM rating shall be submitted to and approved in writing by the Council.

Reason: 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 (2011) and Policy CC1 of the Hammersmith and Fulham Core Strategy (2011), policies DM H1 and DM H2 of the Development Management Local Plan (July 2013) and SPD Sustainability Policy 25 and 26 of the Planning Guidance Supplementary Planning Document (July 2013).

- 40) The approved sustainable design and construction measures proposed in the Sustainability Statement dated November 2013 shall be fully implemented prior to the first occupation of the development. These measures shall thereafter be permanently retained to serve the development and maintained in a working order in accordance with the agreed strategy.

Reason: To ensure that sustainable design and construction techniques are implemented in accordance with policies 5.1, 5.2, 5.3 and 5.7 of The London Plan (2011), policies BE1 and CC1 of the Hammersmith and Fulham Core Strategy (2011), policies DM G1, DM H2 of the Development Management Local Plan (July 2013) and SPD Sustainability Policies 25 and 26 of the Planning Guidance Supplementary Planning Document (July 2013).

#### London Underground

- 41) The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:

- provide details on all structures
- accommodate the location of the existing London Underground structures
- demonstrate access to elevations of the building adjacent to the property boundary with London Underground can be undertaken without recourse to entering our land
- demonstrate that there will at no time be any potential security risk to our railway, property or structures
- 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 building hereby permitted is occupied.

Reason: To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2011 Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

#### General Conditions

- 42) No plumbing or pipes, other than rainwater pipes on the approved elevations, shall be fixed externally to the development hereby permitted.

Reason: To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2011), policy BE1 of the Core Strategy (2011) and policies DM G1 and DM G7 of the Development Management Local Plan (July 2013).

- 43) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting that Order with or without modification), no aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any part of the development hereby permitted, without planning permission first being granted.

Reason: 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 (2011), policy BE1 of the Hammersmith and Fulham Core Strategy (2011) and policies DM G1, DM G3 and DM G7 of the Development Management Local Plan (July 2013).

- 44) No removal of refuse nor bottles/ cans to external bins or areas of the commercial parts of the development hereby approved shall be carried out other than between the hours of 8am-8pm on Monday to Friday, and 10am-8pm on Saturdays, Sundays and Public/Bank Holidays.



Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, in accordance with policy CC4 of the Hammersmith and Fulham Core Strategy (2011), policy DM H9 of the Development Management Local Plan (July 2013) and policies in the Planning Guidance Supplementary Planning Document (July 2013).

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

Reason: To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, and to ensure that neighbouring occupiers are not unduly affected by smell, noise and disturbance, in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2011), policies BE1 and CC4 of the Hammersmith and Fulham Core Strategy (2011), policies DM G1 and DM G7 of the Development Management Local Plan (July 2013) and SPD Amenity policies 18 and 22 of the Planning Guidance Supplementary Planning Document (July 2013).

- 46) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no projections through the roof shall be erected on any part of the development hereby permitted, without planning permission first being obtained.

Reason: To ensure that the visual impact of the development can be considered in accordance with policies 7.6 and 7.8 of the London Plan (2011), policy BE1 of the Hammersmith and Fulham Core Strategy (2011) and policies DM G1, DM G3 and DM G7 of the Development Management Local Plan (July 2013).

- 47) No advertisements shall be displayed on or within any elevation of the development (including inside windows), without details of the advertisements having first been submitted to and agreed in writing by the Council.

Reason: In order that any advertisements displayed on the building are assessed in the context of an overall strategy, so as to ensure a satisfactory external appearance and to preserve the integrity of the design of the building, in accordance with policy BE1 of the Hammersmith and Fulham Core Strategy (2011), Policy DM G4 and DM G8 of the Development Management Local Plan (2013) and SPD Design Policy 29 of the Planning Guidance Supplementary Planning Document (July 2013).

#### Parking

- 48) A maximum of 204 car parking space will be provided within Plot BW06 of Outline Planning Permission reference 2011/02001/OUT, in accordance with the parking ratio of 0.6 spaces per unit. Of this total, 34 shall be wheelchair accessible spaces for the residential element of the scheme and 2 shall be wheelchair accessible spaces for the retail unit.

21 motorcycle parking spaces shall be provided within Plot BW06 of Outline Planning Permission reference 2011/02001/OUT for use in relation to the residential element of the scheme.

494 cycle parking spaces shall be provided in total within Plot BW06 of Outline Planning Permission reference 2011/02001/OUT, 6 of which shall be for use in relation to the retail unit and 488 in respect of the residential element of the scheme.

Reason: To ensure that suitable provision of motorcycle, car and cycle parking within the development to meet sustainable transport objectives, in accordance with Policies 6.13 and 7.2 of the London Plan (2011), Policy CC1 of the Core Strategy, Policy DM J2 of the Development Management Local Plan and SPD Policies 2 and 11 of the Planning Guidance SPD.

#### Confirmatory Deed

- 49) A maximum of 204 car parking space will be provided within Plot BW06 of Outline Planning Permission reference 2011/02001/OUT, in accordance with the parking ratio of 0.6 spaces per unit. Of this total, 34 shall be wheelchair accessible spaces for the residential element of the scheme and 2 shall be wheelchair accessible spaces for the retail unit.

21 motorcycle parking spaces shall be provided within Plot BW06 of Outline Planning Permission reference 2011/02001/OUT for use in relation to the residential element of the scheme.

494 cycle parking spaces shall be provided in total within Plot BW06 of Outline Planning Permission reference 2011/02001/OUT, 6 of which shall be for use in relation to the retail unit and 488 in respect of the residential element of the scheme.

The development shall not commence until all parties with an interest in the land for the purposes of s.106 of the Town and Country Planning Act 1990 have entered into a confirmatory deed agreeing to the provisions of the s.106 agreement dated [ ].

Reason: To ensure that successors in title to the council, which is the present owner of the site, will be bound by the planning obligation, in order to ensure the comprehensive redevelopment of the site, in accordance with Policy HTC1 of the London Borough of Hammersmith and Fulham Core Strategy (2011).

#### **Justification for approving application:**

- 1) Land Use: The change of use of Empress State Building to residential, comprising 340 residential units, is considered acceptable and in accordance with national, regional and local planning policies. The proposals would contribute to the residentially-led regeneration of the ECWKO and the aspirations contained within Policies FRA and FRA1 of the Core Strategy and the Earl's Court and West Kensington Opportunity Area (ECWKO SPD). The proposed development

therefore accords with policies 2.13, 2.15, 4.2 and 4.4 of the London Plan (2011), Policies FRA and FRA1 of the Core Strategy (2011), policy DM B1 and DM B3 of the Development Management Local Plan (July 2013) and the ECWKO SPD.

- 2) **The Loss of Offices:** The proposal involves the loss of Use Class B1 floorspace. This is considered to be acceptable given the proposed office floorspace predicted to come forward within the OPP as well as within LBHF and the surrounding boroughs in the short to medium term. In addition, the provision of residential floorspace within the ECWKO is entirely in accordance with the principles set out within FRA and FRA1 of the Core Strategy, and the ECWKO SPD, overriding the borough wide policy LE1 of the Core Strategy (2011). It is considered that the loss of the existing B1 floorspace is justified in this case.
- 3) **Retail Use:** A small retail unit (A1 – A4) is proposed within the development. This is considered an acceptable land use within the development as Policy FRA1 encourages the provision of retail floorspace to cater for the day to day needs of new and existing residents and Policy DMC1 of the DMLP states that the Council (amongst other factors) seek a mix of retail units in major developments.
- 4) **Housing:** The proposed development would contribute towards providing much needed additional housing, in accordance with London Plan Policies 3.3B and 3.3D and would help the borough meet its housing targets, in accordance with Table 3.1 of the London Plan and Policy H1 of the Core Strategy 2011. Policy 3.12 states that boroughs should seek the maximum reasonable amount of affordable housing when negotiating on individual mixed-use schemes. The scheme proposes 30% affordable housing and a Viability Assessment has been submitted by the developer which sets out that this is the maximum level that can be viably provided. The affordable housing is to be provided off site, but within the red line boundary of the OPP. This will allow the delivery of the maximum level of affordable housing that can be provided. Given the individual circumstances of the site and the wider planning benefits that off-site (albeit within the OPP boundary) affordable housing will deliver, it is considered that the provision of affordable housing is in accordance with London Plan Policy 3.8, 3.10, 3.11 and 3.12 and policies H1 and H2 of the Core Strategy (2011). The density of development provided sits within parameters expressed in the London Plan, with PTAL 6, when considered as part of the wider OPP and is considered acceptable in terms of Policy 3.4 of the London Plan and Policy H3 of the Core Strategy. The internal design and layout of the new residential units and the amenity space provision are considered satisfactory having regard to policies DM A1, DM A2, DM A3, DM A4, DM A9, G1 and G7 of the Development Management Local Plan (July 2013) and SPD Housing policies 1 and 5 in the Planning Guidance Supplementary Planning Document (July 2013). Overall it is considered good quality living conditions would be provided for future occupiers including the provision of a safe and secure environment, and overall the units would benefit from good levels of daylight/sunlight, outlook and privacy.
- 5) **Design and Conservation:** The proposed development is considered to be acceptable with regards to the form and design of the elevations in relation to the existing building and the surrounding indicative context. It is considered that the proposed design will enhance this building which is highlighted on the local list of Buildings of Merit. The proposal is therefore considered acceptable in accordance with policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.21, 7.27 of the London Plan and

policies BE1 and FRA of the Hammersmith and Fulham Core Strategy (2011) and policies DM G1, DM G7, DM E3 and DM E4 of the Development Management Local Plan (July 2013).

- 6) Residential Amenity: It is considered that given the size of the scheme, and its context within Plot BW06 of the OPP, the proposals will achieve adequate levels of daylight and sunlight. In light of the very small area of non-compliance with the BRE guidance to some of the proposed habitable windows, it is considered that on balance and given the size of the scheme, the proposed development is acceptable in respect of the sunlight and daylight, over-shadowing, outlook and privacy impacts. With regard to air quality and noise, the development would not result in any adverse impacts on the living conditions within the proposed units. 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 and 7.14 of the London Plan (2011), policies H3 and CC4 of the Hammersmith and Fulham Core Strategy (2011), policies DM G1, DM A3, DM A4, DM A9, DM H9, DM H10, DM H11 and DM E2 of the Development Management Local Plan (July 2013) and SPD Housing policy 8 of the Planning Guidance Supplementary Planning Document (July 2013).
- 7) Highways: It is considered that there would be no adverse impact on traffic generation, and the scheme would not result in unacceptable congestion of the surrounding road network. The accessibility level of the site is very good, and is well served by public transport. Satisfactory provision would be made for car and cycle parking, and adequate provision for storage and collection of refuse and recyclables would be provided as part of Plot BW06 of the OPP. Development will not be permitted to commence until the details of the basement of Plot BW06 of the OPP has been agreed and development commenced. External impacts of the development would be controlled by conditions and section 106 provisions to prevent an undue increase in on-street parking pressures in surrounding roads. 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 (2011), policy T1 of the Core Strategy (2011) and policies DM A9, DM J2, DM J4 and DM J5 of the Development Management Local Plan (July 2013) and SPD Transport policies in the Planning Guidance Supplementary Planning Document (July 2013).
- 8) Access: The development would provide a safe and secure environment for all users. The development would therefore be acceptable in accordance with policy 3.9 of the London Plan (2011), policy H4 of the Core Strategy (2011), policies DM A9 and DM G1 of the Development Management Local Plan (July 2013) and SPD Design Policies 1,2,3,4,6,7,8,9 and 10 in the Planning Guidance Supplementary Planning Document (July 2013).
- 9) Sustainability: The proposed development has been designed to meet the highest standards of sustainable design and construction. The proposal would thereby seek to reduce pollution and waste and minimise its environmental impact. The proposed development has been designed to meet the London Plan guidelines of sustainability by incorporating modern insulation technology and an energy efficient form of development utilising a combined heat and power unit and photovoltaic panels, which would result in a significant reduction of CO2 emission

beyond the Building Regulations 2010 compliant level. 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 (2011), policies CC1, CC2, H3, and FRA 1 of the Core Strategy (2011), policies DM E3, DM H1, DM H2, DM H8 of the Development Management Local Plan (July 2013) and policies in the Planning Guidance Supplementary Planning Document (July 2013).

- 10) Flood Risk: A Flood Risk Assessment (FRA) has been submitted and has considered risks of flooding to the site and adequate preventative measures have been identified. The development would therefore be acceptable in accordance with policy 5.11, 5.13, 5.14 of the London Plan (2011), policy CC2 of the Core Strategy (2011) and policy DM H3 of the Development Management Local Plan (July 2013) and SPD Sustainability policies 1, 2, 25 and 26 of the Planning Guidance Supplementary Planning Document (July 2013).
- 11) Land Contamination: The application proposes 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 (2011), policy CC4 of the Core Strategy (2011), policy DM H7 of the Development Management Local Plan (July 2013) and SPD Amenity Policies 2-17 of the Planning Guidance Supplementary Planning Document (July 2013).
- 12) Planning Obligations: The application proposes that its impacts are mitigated by way of a comprehensive package of planning obligations to fund improvements that are necessary as a consequence of the increase use arising from the population yield of the development, in the context of the OPP. A range of contributions towards education, health, community and regeneration opportunities and cycling are proposed. The proposed development would therefore mitigate external impacts and would accord with policy 8.2 of the London Plan which requires the Mayor to take account of planning obligations in decision making and policy FRA1 of the LBHF Core Strategy requiring affordable housing and social and transport infrastructure.
- 13) Environmental Impact Assessment: The Supplemental Environmental Statement and the various technical assessments together with the consultation responses received from statutory consultees and other stakeholders and parties were taken into account by the Council in reaching its decision as required by Regulation 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and therefore enables the Council to determine this application with knowledge of the likely significant environmental impacts of the proposed development.

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

### **All Background Papers held by Andrew Marshall (Ext: 3340):**

Application form received: 29th November 2013

Drawing Nos: see above



**Policy documents:** National Planning Policy Framework 2012  
The London Plan 2011 and Revised Early Minor Alterations to The London Plan, 2013  
Core Strategy 2011  
The Development Management Local Plan 2013  
Planning Guidance Supplementary Planning Document July 2013

### **Consultation Comments:**

<b>Comments from:</b>	<b>Dated:</b>
Network Rail	02.01.14
Transport For London - Land Use Planning Team	20.12.13
English Heritage London Region	13.12.13
Natural England	11.12.13
Environment Agency - Planning Liaison	09.12.13
Health And Safety Executive	13.12.13
Crossrail Limited	16.12.13
London Underground Limited	31.12.13
Sport England	11.12.13
Thames Water - Development Control	06.12.13
Metropolitan Police Licensing Officer	15.01.14
London Fire And Emergency Planning Authority	29.01.14
The Theatres Trust	19.12.13
Sport England	18.12.13
English Heritage London Region	19.12.13

### **Neighbour Comments:**

<b>Letters from:</b>	<b>Dated:</b>
Transport And Technical Services Town Hall Extension King Street W6 9JU	
07.02.14	
17 Upper Mall Hammersmith W6 9TA	24.12.13
62 Lillie Road London SW61TN	16.12.13
62 Lillie Road London SW61TN	16.12.13
FLAT 15 43 EARDLEY CRESCENT LONDON SW5 9JT	20.12.13

## **1.0 Introduction**

### **Site Description**

1.1 The application site (the site) comprises the existing Empress State Building (ESB). The site is located north of Lillie Road between Aisgill Avenue and the Earls Court 2 Exhibition Centre, and south of the Lillie Bridge Road LUL Depot. The site is accessed from Lillie Road and is currently surrounded by car parking.

1.2 The existing building is currently in Class B1 (office) Use and comprises a total of 58,706sqm (GEA) over ground plus 30 storeys (to a height of 106.1m AOD).

1.3 The building was designed by architects Stone, Toms and Partners in the late 1950s and completed in 1961. It was originally designed as a hotel but was never used as one, having been occupied by the Admiralty, various Ministry of Defence

departments, British Intelligence and most recently by the Metropolitan Police Service (MPS). It is the intention of the MPS to vacate the building in 2019, when their lease expires and as such the site owner has reassessed the use of this building and submitted this planning application.

1.4 In its original form, the building was 27 storeys (97,5m AOD) tall. It was designed with a Y-shaped 'tricorn' plan with three wings extending 37m from a central core. Each wing is glazed along its concave elevation and is terminated by a Portland stone 'bookend' feature that extends to the full height of the building.

1.5 The building was extended and renovated in the late 1990s and completed in 2003. It included a new brise soleil on the southern elevation, a three storey rooftop extension, bringing the building to 30 storeys in height, and a two storey circular podium around the base of the building.

1.6 The ESB is not nationally listed but was added to the London Borough of Hammersmith and Fulham's local register of Buildings of Merit in June 2000. The site is not located within a Conservation Area.

1.7 The site benefits from excellent public transport links and enjoys a Public Transport Accessibility Level (PTAL) of 6, which equates to 'excellent'. The site lies in proximity to London Underground stations (West Brompton and Earls Court) and an Overground station (West Brompton) and bus services along Lillie Road. The site lies within Flood Zone 3.

#### Earls Court Outline Planning Permission

1.8 On 14<sup>th</sup> November 2013, outline planning permission was granted by the London Borough of Hammersmith & Fulham (LBHF) and the Royal Borough of Kensington & Chelsea (RBKC), for the redevelopment of the site known as the Earl's Court site, as identified by Opportunity Area and Policy FRA1. The outline permission granted by LBHF (ref: 2011/02001/OUT) is referred to as OPP in this report. The description of development approved by LBHF in relation to the OPP is as follows:

*"Demolition and alteration of existing buildings and structures and the comprehensive redevelopment of the site including new open space, vehicular and pedestrian accesses and routes and a mixed use development comprising buildings to accommodate residential use (Class C3); office (Class B1); retail (Classes A1- 5); hotel and serviced apartments (Class C1); leisure (Class D2), private hospital (Class C2); Education/Health/Community/Culture (Class D1); below ground ancillary space (parking/plant/servicing etc). Replacement of the existing London Underground depot at Lillie Bridge with new depot, vehicle parking and associated highways alterations, structures for decking over existing rail lines and tunnels, waste and utilities, enabling works including related temporary works and structures and other works incidental to the development".*

1.9 The permission provides a framework for the submission of details (through reserved matters applications) on a phased basis. The permission fixes the maximum quantum of development and, as an overview, gives consent for the following:

- 756,447 sqm of residential use accommodating up to 6,775 residential units;

- 97,833 sqm of business use;
- 26,732 sqm of retail use;
- 16,319 sqm of hotel use;
- 31,827 sqm of education, community, health, cultural and leisure uses;
- 10,578 sqm of private hospital use;
- 177,884 sqm of ancillary space for uses such as parking, servicing, plant and machinery;
- 11,175 sqm of space for a replacement London Underground depot; and
- New public and private open space, including the Lost River Park.

1.10 The site is arranged into a series of separate Development Plots and the uses, levels, minimum and maximum heights within each plot are controlled via a series of parameter plans, mandatory design guidelines and access arrangements. The outline consents reserve the detailed design of the development for approval at a later stage and contain specific conditions requiring approval of reserved matters for layout, scale, appearance and landscaping.

1.11 ESB lies within Development Plot BW06 however the OPP did not proposed a change of use or any other works to ESB (except for the demolition of the podium extension at ground floor level).

#### Planning History of Application Site

1.12 The site forms part of the Earl's Court and West Kensington Opportunity Area. Two separate applications forming part of a wider Earl's Court Master plan were granted outline planning permission in 2013. Application 1 (in RBKC) proposed the demolition and alteration of existing buildings/structures to the north (including the EC Exhibition Centre building - EC1) and the comprehensive redevelopment of the site, including new open space, vehicular and pedestrian accesses and routes and a mixed use development comprising buildings to accommodate residential use, office use, retail use, hotel and serviced apartment uses, leisure use, community and culture uses, below ground ancillary space (parking/plant/servicing etc), works to the existing ticket hall/escalators/pedestrian tunnel to create direct access between the site and Earl's Court Station, vehicle parking and associated highways alterations, structures for decking over existing rail lines and tunnels, waste and utilities, enabling works including related temporary works and structures and other works incidental to the development.

1.13 Application 2 (LBHF) proposed the demolition and alteration of existing buildings and structures (including EC Exhibition Centre building - EC2 and the West Kensington and Gibbs Green housing estates) and the comprehensive redevelopment of the site, including new open space, vehicular and pedestrian access and routes and a mixed use development comprising buildings to accommodate office use, retail use, hotel and serviced apartment use, leisure uses, below ground ancillary space (parking/plant/servicing etc) residential use, replacement of the existing depot structure with new stabling, facilities, vehicle parking and associated highway alterations, structures for decking over existing rail lines and tunnels, waste and utilities, enabling works including related temporary works and structures and other works incidental to the development.

1.14 Aside from the Earls Court OPP, the site has been the subject of limited planning history in recent years. A number of minor applications have been submitted relating principally small changes or additions to the building at ground floor level.

1.15 The renovations to the building referred to above were permitted under planning application no. 2001/01503/FUL

#### The Proposal

1.16 The current application seeks permission for the change of use of the ESB from Class B1 office to Class C3 to provide 340 residential dwellings and ancillary uses together with a ground floor retail unit.

1.17 The residential accommodation comprises 115 x 1-bedroom apartments (34% of total number of units), 111 x 2-bedroom apartments (33%), 110 x 3-bedroom apartments (32%) and 4 x 4-bedroom apartments (1%), a total of 53,998 sqm. 10% of the units are allocated as wheelchair accessible units.

1.18 The retail element comprises 348sqm (GIA) floorspace accessed at grade given the change in level across the site. A flexible mix of uses is applied for comprising A1 – A4 uses.

#### The Proposals in the Context of the Earls Court OPP

1.19 The proposed development assumes that the Earls Court OPP is delivered and is therefore reliant on the delivery of the OPP in a number of respects including:

- Access and servicing
- Car, cycle and motorcycle parking;
- Various ancillary uses e.g. water storage and refuse storage;
- Public open space;
- Children's play space;
- Energy provision.

1.20 As explained above, the future development of Plot BW06 (excluding ESB) is controlled by the approved documents and planning conditions pursuant to the OPP.

1.21 The applicant has taken the following points into account in relation to this planning application, primarily through the illustrative material that demonstrates how the proposed development is compatible with the future development of Plot BW06:

- Planning condition 13 requires a mix of uses on BW06 that include business B1 and education/ health/ community/ culture/ leisure (D1/ D2). Other uses can include residential (C3) and retail (A1 – A5);
- Planning condition 14 sets the maximum floor area permitted to come forward in Plot BW06 is 45,023 sqm (GEA). This excludes ESB;
- Approved parameter plans
- Mandatory design guidelines

1.22 The scheme has been designed so that the proposed residential use works with the potential development of BW06.

## Environmental Impact Assessment

1.23 This application was submitted to the Council in November 2013 and therefore the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 apply. These regulations require certain projects to be assessed to establish whether they would have any significant effect on the environment. The purpose of this assessment is to allow the determining authorities and the public to adequately understand the significant environmental effects of the proposed development. The adequacy of the material presented in the SES and generally as part of the application is a matter of judgement for the local planning authority. In judging the adequacy of the material submitted, a local planning authority is required to act rationally and to have regard to the context within which the application is made.

1.24 The applicant considers that the proposal is an extension of the OPP, which was accompanied by an Environmental Statement (ES) and Addendum ES and, as such, a Supplemental ES (SES) has been submitted as part of this application that assesses the ESB proposals in the context of the OPP, specifically the 2011 ES and the 2012 Addendum. The SES is submitted in support of the application.

1.25 The adequacy of the material presented in the applicant's SES has been assessed by officers and is considered to be fit for purpose and is a document upon which the local planning authority can properly consider the environmental information and assess the environmental impacts.

1.26 The submitted SES identifies, describes and assesses the likely impacts of the development on the local environment, the local and regional economy and the wider area. A specialist assessment has been undertaken for each of the key environmental topic areas. The SES sets out to predict the likely impacts of the development from site preparation to final use and occupation and takes account of mitigation measures which have been identified to either reduce or remove any potential adverse impacts.

1.27 The ES comprises the following documents:

### Part 1 Volume 1

1. Introduction
2. SES Methodology
3. Design Evolution
4. ESB Development Proposals
5. Demolition and Construction
6. Socio-Economics
7. Transportation and Access
8. Wind and Microclimate
9. Daylight, Sunlight, Overshadowing and Solar Glare
10. Electronic Interference
11. Buried Heritage (Archaeology)
12. Ground Conditions
13. Water Resources, Drainage, and Flood Risk
14. Air Quality
15. Noise and Vibration



- 16. Ecology
- 17. Residual Impacts
- 18. Cumulative Impact Assessment

Volume 2  
Townscape & Visual Impact Assessment

Volume 3 - Technical Appendices

## **2.0 Publicity and Consultations**

Pre-application consultation

2.1 The Planning Statement, submitted with this planning application, sets out public consultation undertaken by Capco prior to submission of this application. This includes the following:

- Discussions with planning officers, design officers and other technical officers of LBHF, RBKC, the GLA, TfL and English Heritage.
- The Metropolitan Police have been consulted as tenants.
- 21,000 flyers were sent out to local residents and the exhibition dates were also advertised on [www.myearlscourt.com](http://www.myearlscourt.com).
- The public exhibition took place on 21<sup>st</sup> and 23<sup>rd</sup> November in the Earls Court Project Space on Floor 2 of the Earls Court Exhibition Centre. 127 people attended each event.

2.2 The Planning Statement advises that 96 written comments were received in total following the public exhibition and the majority of these were in support of the proposals in principle and welcomed the improvement to the area. However concerns were raised in relation to the impacts of more residential accommodation in the area in relation to local infrastructure, and the loss of offices.

2.3 The applicants also undertook a briefing to the Lillie Road Residents Association on 22<sup>nd</sup> January, held at the Earls Court Project Office. 80 invitations were sent out however only the Chair attended. The main issue raised related to parking and traffic issues, and the wider development of Plot BW06.

Consultation with Statutory Bodies

2.4 In addition to the engagement with residents, the applicant has confirmed that pre-application meetings took place with the following statutory bodies prior to the submission of the planning application:

- LBHF planning, design and other technical officers
- RBKC planning officers
- GLA planning, design, access and energy officers
- Transport for London (TfL) officers
- English Heritage
- Metropolitan Police Service (as tenants of existing building)

## Planning Application Consultations

2.5 The application was advertised by way of site notices and a press notice and a total of 1,133 letters were distributed, 4 responses were received including 1 in support and 3 in objection.

<b>Comments:</b>	<b>Number of responses</b>
Welcome the development and fully support it.	1
Object to the proposals on the basis of loss of employment and the impact this will have on the vitality and viability of the wider Earls Court Masterplan.	2
Uncertainty of creating a sense of community for the occupants and the health implications of living in tall buildings	1
Light pollution and potential for solar glare resulting from removal of brise soleil	1
Waste, litter and maintenance issues	1
Increase in noise resulting from the change of use	1
Increase in noise levels during construction	1

2.6 No responses have been received from amenities groups within LBHF.

## External Consultations

2.7 GLA – The stage 1 consultation response stated the development is generally acceptable in strategic planning terms and provided the following comments:

- The loss of employment floorspace is justified in strategic terms however LBHF should confirm that they are satisfied with this loss prior to the Stage 2 referral;
- The viability of the scheme should be fully assessed to ensure that the maximum reasonable level of affordable housing is provided;
- Additional information is requested in relation to the layout of the one bedroom units on the eastern side of the northern bookend on levels seven to eleven;
- Supportive of the overall design and layout of the proposals, including the height;
- Additional information requested with regards to the energy strategy.

2.8 Transport for London (TfL) – In summary, TfL supports the principle of the proposed development. TfL provided the following comments:

- Notes that many of the transport aspects of this application are intended to be resolved at Reserved Matters stage of the OPP (Plot BW06) and therefore this application will need to be the subject of a number of Grampian style conditions which will require details such as car and cycle parking.
- A condition or S106 head is requested preventing occupation of the residential units prior to the relocation of the bus station, in line with the OPP.
- The approach to the provision of car and cycle parking is acceptable but clarification is required as to whether parking and cycle parking for ESB will be allocated from the numbers consented under the wider Earls Court application, or will be additional.
- Trip generation is considered to be acceptable.

- Note that while the change of use proposed will reduced overall peak hour trips, the predominant direction of travel will change and as such mitigation is appropriate. An acceptable mitigation would be the inclusion of the proposed units within the trigger points contained within the wider Earls Court S106 Agreement to deliver mitigation.
- The principles for the Travel Plan, Service and Delivery Plan and Construction Logistics Plan should follow the approach taken by the OPP.

#### 2.9 English Heritage (Design and Conservation) –

- Have no comments to make in regard to the proposals.

#### 2.10 English Heritage (Archaeology) –

- No archaeological requirement on site.

#### 2.11 Environment Agency –

- Have no objection to the proposals.

#### 2.12 Thames Water (TW) –

- Have no objection to the proposals in relation to sewerage infrastructure capacity or water infrastructure capacity.

#### 2.13 Natural England

- Raise no objection to the scheme.

#### 2.14 London Underground Ltd

- Raise no objection in principle to the scheme subject to a condition requiring that detailed design and method statements (In consultation with London Underground Ltd) for all foundations, basement and ground floor structures or any other structures below ground floor level are submitted to and approved in writing by the Council prior to commencement.

#### 2.15 Health and Safety Executive

- The site is not situated within the consultation Distance of any Notifiable Hazardous Installation or Hazardous Pipeline. HSE have no comments to make concerning the proposals.

#### 2.16 Sport England

- The additional population resulting from the proposal will generate additional demand for sports facilities and while the application does propose an element of sport and leisure development on site this may not be sufficient and an additional contribution may be required in line with Sport England's Sports Facilities Calculator.

#### 2.17 Network Rail

- No objection to proposals.

2.18 All responses received are relevant to the determination of the planning application. Officers consider that all relevant material comments received have been taken into account in the assessment of the scheme, presented in the relevant sections below.

### 3.0 Planning Considerations

3.1 It is considered that the key considerations relating to this application are:

- The principle of development;
- The loss of commercial floorspace;
- The mix of land uses;
- Housing and viability assessment;
- Design
- The standard and quality of residential accommodation;
- Impacts on surrounding properties
- Daylight, sunlight, overshadowing and solar glare;
- Transport;
- Accessibility;
- Sustainability and Energy;
- Environmental impacts;
- Equality Impacts;
- Planning obligations, Mayoral CiL

3.2 In considering any application account must be taken of the National Planning Policy Framework, the development plan, any local finance considerations (CIL), the documentation accompanying the application, the available environmental information, including the Environmental Impact Assessment, representations made and all other material considerations.

3.3 In addition, the Public Sector Equality Duty (PSED) (Section 149 of the Equality Act (2010)) requires the Council to consider the equality impacts on all protected groups when exercising its functions. In the case of planning applications, equalities considerations are factored into the planning assessment at various stages. The first stage relates to the adoption of planning policies (national, strategic and local) and any relevant supplementary guidance. A further assessment of equalities impacts on protected groups is necessary for major development proposals which may have wider ranging equality impacts on the protected groups.

3.4 All planning policies in the Core Strategy, DMLP, London Plan, and National Planning Policy Framework (NPPF) which have been referenced 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 each application are considered to acknowledge protected equality groups, in accordance with the Council's PSED. Given that the proposal constitutes major development which would be of strategic importance to the Borough, an Equalities Impact Assessment (EqIA) has been undertaken. A summary of the equalities impacts on protected groups is set out as a separate section in the report. This draws from the outcomes set out in the EqIA and forms a comprehensive assessment of the equalities impacts of the development.

#### Principle of Development

3.5 The National Planning Policy Framework (NPPF) sets out a

presumption in favour of sustainable development, encouraging the effective use of land by reusing land that has been previously developed (brownfield land) whilst promoting mixed use developments.

3.6 London Plan Policy 2.9 of the London Plan advocates development that sustains and enhances recent economic and demographic growth while also improving the area's distinct environment, neighbourhoods and public realm, supporting and sustaining existing and new communities. The London Plan also seeks to ensure that developments achieve the optimum intensity of uses, that remain compatible with the local context and are well served by public transport.

3.7 The site lies within the Earls Court and West Kensington Opportunity Area (ECWKOA) and Policy 2.13 of the London Plan sets out that Opportunity Areas are London's 'strategic reservoir of brownfield land' with the capacity to accommodate new housing, commercial and other development. Table A1.1 in Annex 1 of the London Plan identifies the area as having capacity for a minimum of 4,000 new homes. However, in the draft Further Alterations to the London Plan, published in January 2014, the minimum number of new homes figure has been increased to 7,500.

3.8 In accordance with the National Planning Policy Framework (NPPF) and the London Plan, LBHF is required to promote sustainable economic growth through its comprehensive regeneration plans set out in the Core Strategy. The Council's Spatial Vision and Strategic Policy A envisages the physical, social and economic regeneration of 5 key locations across the borough, which are to be the focus of considerable development. The application site lies within the Fulham Regeneration Area, which is identified as one of these 5 regeneration areas.

3.9 Strategic Policy FRA (Fulham Regeneration Area) identifies the substantial opportunity for major regeneration in this area and encourages a residential led mixed use development, providing significant new housing and employment opportunities.

3.10 The site lies within Strategic Site and Housing Estate Regeneration Area FRA1 Earls Court and West Kensington Opportunity Area strategic site and housing regeneration area which is identified for major mixed use residential development, with an indicative level of 2,900 new homes and 5,000 – 6,000 new jobs within H+F. The area should provide housing, employment, hotels, leisure, offices and associated facilities including retail to cater for day to day needs and cultural facilities.

3.11 These ambitions for the area are reflected in the ECWKOA SPD (March 2012). The ECWKOA SPD sets out key objectives which the redevelopment of the Opportunity Area will be expected to meet. Under each key objective there are also a number of key principles that can be used to assess development proposals within the Opportunity Area.

3.12 The proposed development comprises the change of use of the building from office (Use Class B1) to 340 residential units, 348sqm retail accommodation and ancillary uses associated with the residential development, including a gym and residents amenity space, this increase in residential accommodation within the ECWKOA. The proposed development does result in the loss of office floorspace (51,127sqm GIA/ 59,092 sqm GEA).



3.13 The ESB site is included within the area which is the subject of outline planning permission for the redevelopment of the whole area (2011/02001/FUL) within which it is proposed that ESB would remain in commercial use, leased to the Metropolitan Police Service (MPS). However, it is the intention of MPS, to vacate the premises when their lease expires in 2019. As a result of this suggested Condition 1 allows 6 years for the commencement of development (to take account of the building being vacated in 2019).

3.14 The loss of employment is dealt with in detail in the following section however the increase in residential floorspace on site meets the overall objectives of the ECWKOA and Policies FRA and FRA1 and will contribute towards housing provision locally and regionally.

3.15 It is also worth noting the changes to the Use Class Order as set out in Class J of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 which allow for the change of use of a buildings falling within Class B1a (offices) to a use falling within Class C3 (dwellinghouse) subject to prior approval.

Insofar as the proposal would meet the prior approval requirements, the principle of the change of use would be established by the above order.

3.16 In the context of the above, the principle of the proposed development is considered acceptable and in accordance with local, strategic and national planning policy.

#### Loss of Commercial Use

3.17 The proposed development involves the loss of 51,127 sqm GIA (59,092 sqm GEA) of B1 employment floorspace.

3.18 The National Planning Policy Framework (NPPF) states that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

3.19 London Plan Policy 4.2 'Offices' is relevant to this application. The focus of this policy is to enable the necessary growth of office provision including the renewal and modernisation of existing office stock in viable locations. It allows for change of use to other uses where the existing office space can be deemed surplus to requirements. The policy encourages the consideration of surplus large office space for smaller units.

3.20 Core Strategy Strategic Policy B sets out that the ECWKOA is a location for new employment as part of a mixed approach with residential and that new offices should be of a quantity that would not adversely affect the objectives for Hammersmith Town Centre or White City as important office locations. Policy FRA highlights the opportunity for significant new employment opportunities within the area but the reasoned justification notes that the 'quantity of office employment will need careful assessment in relation to the role of Hammersmith town centre as a preferred office location and the proposals for the White City Opportunity Area'.

3.21 Core Strategy Policy LE1, is also relevant and seeks the retention of premises capable of providing continued accommodation for local services or significant employment unless:

1. Continued use would adversely impact on residential areas; or
2. an alternative use would give a demonstrably greater benefit that could not be provided on another site; or
3. it can be satisfactorily demonstrated that the property is no longer required for employment purposes; or
4. an alternative use would enable support for essential public services and is otherwise acceptable.

3.22 DMLP Policy DM B1 should also be considered against the proposals in this scheme which also sets out criteria with which to assess the loss of employment floorspace against. These include the suitability of the site for continued use; evidence of unsuccessful marketing; the need to avoid adverse impact on established clusters of employment use; and the need to ensure a sufficient stock of premises and sites to meet local need for a range of types of employment uses in appropriate locations.

3.23 The applicants have included an Employment Report and Addendum to justify the loss of the office floorspace from the site. The report has focussed on addressing Part 3 of Policy LE1 and the four considerations set out in the second part of Policy DM B1 above, in order to justify the loss of employment floorspace on site. Officers have carefully considered the applicant's Employment Report and addendum in determining whether the loss of office space is acceptable or not.

3.24 With regard to these four points the report considers both the existing role of the premises and the necessity for future provision for offices on this site.

3.25 At the strategic level, the report notes that the London economy has improved significantly over the past year and that this is reflected in the latest GLA forecasts for office-based employment, which is forecast to grow by 24% between 2011 and 2031 according to the London Office Policy Review (LOPR) 2012. This implies that there will be a requirement for 1.7m sqm GIA office floorspace across LBHF and its neighbouring boroughs LB Camden, Westminster CC and RBKC over this period and this increases to 2.1m sqm GIA office floorspace when LBHF's neighbours to the west (LB Hounslow, LB Hillingdon, and LB Ealing) are also factored in.

3.26 The LOPR (2012) also contains estimates for potential office floorspace capacity of 2.0m sqm GIA for LBHF, LB Camden, Westminster CC and in RBKC rising to 2.6m sqm GIA when the western neighbours are incorporated. This amounts to a potential oversupply of 314,000 sqm GIA office floorspace.

3.27 This potential strategic oversupply needs to be taken into consideration alongside the site specific characteristics of ESB, in line with the requirements of Policy DM B1.

3.28 With regard to the first consideration of Policy DM B1 (the suitability of the site or premises for continued employment use with or without adaptation) the Employment Report and Addendum acknowledges that ESB could provide good Grade

A office space if refurbished but that the low ceiling heights and poor range and size of floor plates place it at a distinct disadvantage.

3.29 In addition, there is low demand for larger commercial buildings in the West End and West London therefore the prospects of attracting larger occupiers will be limited and this would be further compounded by the low ceiling heights and floor plate issues.

3.30 The report notes that, without refurbishment, ESB could attract smaller occupiers for parts of the space (given the floor plate arrangement) but its likely that these would be deterred by the higher than average rents and service charges typical of tower buildings, and in any event the rent achieved would be below market rents (and may have higher vacancy rates) because of the type and quality of the accommodation.

3.31 In order to drive higher rents, refurbishment would be required however the applicant considers it is unlikely that a landlord would undertake a full refurbishment as the costs would push the cost of occupation to a higher level than comparable accommodation elsewhere, which would adversely affect its letting potential. A lighter refurbishment would allow rents to stay lower, but would compromise the ability of the building to attract tenants. Both options are considered by the report to be likely to result in a higher vacancy rate than the market norm.

3.32 With regard to second consideration of Policy DM B1 (Evidence of unsuccessful marketing) the report sets out that ESB will become available to let when the MPS vacate the building in July 2019. Given that this is in several years time, no marketing has taken place to date. However the applicant points out that any future marketing would need to take account of several factors. When it becomes available ESB will be in the centre of large scale construction activity relating to the wider Earls Court Masterplan, and this will place it at a distinct disadvantage given the disruption this can cause to business productivity. In addition, the tall and narrow nature, which was originally design to be an hotel, of the building restricts its floor plate size, making it more difficult to let than offices which have larger and therefore more efficient floorplates.

3.33 It is also worth noting that prior to the MPS leasing the entire building in 2004, ESB was unsuccessfully marketed for two years. Also, it has only ever been occupied by large public sector organisations and has never attracted interest from private sector tenants.

3.34 Regarding the third consideration of Policy DM B1, It is not considered that the loss of employment floorspace at ESB would have a detrimental impact on established clusters of employment, as there are no existing recognisable clusters in the area.

3.35 In respect of the fourth consideration of Policy DM B1 this sets out the need to ensure a sufficient stock of premises and sites to meet local need for a range of types of employment uses in appropriate locations. While the proposals would result in the loss of 59,092 sqm GEA of office floorspace, 97,833 sqm GEA of new commercial floorspace is proposed as part of the wider Earls Court Masterplan. This includes 64,103 sqm GEA of office floorspace, 26,756 sqm GEA retail floorspace with the remainder allocated for other commercial and ancillary uses. The new office stock that will be delivered at ECWKOA will be designed to match the most up to date

accommodation needs of business and will be of a better standard and alignment (in terms of floor plate size/ ceiling height) than ESB.

3.36 In addition, the LOPR (2012) highlights a potential supply of office floorspace in LBHF of 455,716 sqm (GIA) compared with a demand of 320,320 sqm (GIA) over the period 2011 - 2031. There is therefore considered to potentially be sufficient supply capacity of office space to meet local needs across a range of uses both in terms of what will be provided as part of the wider Earls Court Masterplan, and across LBHF.

3.37 Based on the evidence put forward, officers consider that there is considerable new B1 commercial floorspace predicted to come forward within LBHF and the surrounding boroughs up to 2031 which amounts to an overall surplus. In addition, considerable office floorspace is proposed within the wider Earls Court Masterplan which will be of a higher specification and more attuned to the needs of future tenants than existing ESB floorspace.

3.38 Nevertheless, significant weight has been attached to the overriding policy objectives of FRA and FRA1 of the Core Strategy which set out the strategic aim of a residential led mixed use Masterplan for the Opportunity Area, requiring 2,900 indicative new homes within H+F and 4,000 within the wider ECWKOA (including within RBKC). This is also reflected in Table A1.1 in Annex 1 of the London Plan and has in fact been increased to 7,500 new homes in the draft Further Alterations to the London Plan, published in January 2014. The delivery of new housing is therefore the key aim for the ECWKOA.

3.39 In addition, policies FRA and FRA2 of the Core Strategy, and Annex 1 of the London Plan includes an indicative employment density of 7,000 jobs. This capacity will still be achieved within the OPP once the loss of jobs associated with the existing office use of ESB have been taken into account. The OPP estimates 10,970 FTE jobs. The existing office use of ESB generates circa 2,000 jobs. Taking this into account leaves an estimated job capacity for the ECWKOA of around 8,970 FTE jobs, which is above the London Plan/ FRA indicative capacity of 7,000 jobs.

3.40 The proposal is therefore considered to be in acceptable in accordance with the NPPF, Policy 4.2 and Annex 1 of the London Plan and Policies FRA, FRA1 and LE1 of the Core Strategy and Policy DM B1 of the DMLP.

## Mix of Land Uses

### New Housing

3.41 The NPPF aims to boost the supply of housing required to meet the needs of present and future generations whilst delivering a wide choice of high quality homes, widening opportunities for home ownership and creating sustainable, inclusive and mixed communities. It seeks to ensure that housing is developed in suitable locations, which offer a range of community facilities and have good access to employment opportunities, key services and infrastructure.

3.42 London Plan policy 3.3A to G sets out the Mayor's strategic criteria for increasing housing supply. Policy 3.3A recognises the pressing need for more homes in ways that provide a real choice at a price Londoners can afford. Policy 3.3B states

that an annual average of 32,210 net additional homes should be delivered per annum in London. Within this overall aim, Table 3.1 sets an annual target of 615 net additional dwellings for Hammersmith and Fulham (excluding an increment in provision in the Earls Court West Kensington Opportunity Area). Policy 3.3D of the London Plan states that boroughs should seek to achieve and exceed the housing targets set out in Table 3.1 of the plan. It should be noted that in the draft Further Alterations to the London Plan the Council's annual monitoring target has been raised to 1031 units.

3.43 The site falls within the ECWKO A FRA1 whereby the Core Strategy identifies there is capacity for a minimum of 2,900 new homes (in LBHF) excluding any increase on estate lands. The development proposes 340 new residential units which would, in addition to the wider OPP go some way to achieve this target. Policy H1 underlines the acceptability of focusing new housing within the strategic sites in the regeneration areas in the Borough.

3.44 In light of the relevant adopted policy within the London Plan and the Core Strategy, the principle of a residential led development on this site would accord with the overall provisions in the Core Strategy, London Plan and NPPF (Developing a Wide Choice of Homes).

#### Retail and Restaurant/ Café Uses

3.45 The NPPF seeks to promote competitive town centres and directs commercial uses to town centres in the first instance. It also promotes customer choice and a diverse retail offer to reflect individual town centres.

3.46 Core Strategy Policy C encourages the diversity and distinctiveness in the shopping mix and seeks to ensure a good range of shop types with independent as well as national traders. Policy FRA1 encourages the provision of retail floorspace to cater for the day to day needs of new and existing residents. Policy DMC1 of the DMLP states that the Council (amongst other factors) seek a mix of retail units in major developments.

3.47 The development includes a new retail unit of 348 sqm which is proposed on the northern side of the building, adjacent to the High Street within the wider OPP.

3.48 The applicant has applied for a range of uses including A1 - A4 in order to provide maximum flexibility for the use of this floorspace to meet the needs of future residents and to assist in providing future options for animation of the High Street. The inclusion of this retail element is considered acceptable in planning policy terms.

3.49 It is recommended that several safeguarding conditions would be attached to any permission for the proposed uses on site ensuring the hours of operation are controlled, any external ducting, mechanical ventilation and appropriate methods to deal with noise and smells, as required, are submitted to the local authority for approval, prior to occupation, as required by relevant DMLP and SPD Policies.

#### Affordable Housing and Viability

3.50 Policy 3.9 of the London Plan addresses the need for promoting mixed



and balanced communities by tenure and household income particularly in some neighbourhoods where social renting predominates and there are concentrations of deprivation. Policy 3.10 sets out the criteria for housing to fall within the definition of affordable housing. This has however been superseded by the definition of Affordable Housing as set out in the Mayor's Housing SPG (November 2012).

3.51 London Plan Policy 3.12 seeks that the maximum reasonable amount of affordable housing should be sought when negotiating on schemes, having regard to a number of factors including the requirements for affordable housing at local and regional levels; the need to encourage rather than restrain residential development; the targets and priority accorded to affordable family housing; the need to promote mixed and balanced communities; the size and type of affordable housing needed in particular locations; the specific circumstances of individual sites; and the viability of future development.

3.52 The London Plan does not specifically prescribe a percentage target for affordable housing but does seek to ensure that an average of 13,200 new affordable homes are built each year across London which equates to approximately 40%.

3.53 Core Strategy Policy H2 sets a borough-wide target for 40% of additional dwellings to be affordable, with a preference for intermediate and affordable rented, unless a small proportion of new social rented housing is necessary in order to enable proposals for the regeneration of Council or Housing Association estates.

3.54 The reasoned justification of Policy FRA of the Core Strategy (Para 7.104) aims to substantially increase new housing with the Opportunity Area and to provide a mix of dwelling sizes, types and tenures that will enable there to be more mixed communities across the area.

3.55 Site specific Policy FRA1 sets out that there should be an overall net increase in housing and that 40% of all new housing in the Opportunity Area (within H+F) should be affordable in accordance with Policy H2 – Affordability. Overall, new residential development should have a mix of tenures, dwelling sizes and types, including family housing; and be provided in densities and layouts that are compatible with high quality living environments for a mixed and balanced community.

3.46 The ECWKOA SPD Key Principle H06 sets out that in LBHF 40% of all new housing in the OA should be affordable, subject to viability.

3.47 The submitted application originally proposed no affordable housing. Following negotiation and the applicants reviewing and re-assessing sensitivities in their financial appraisal the applicants have proposed 30% affordable housing (102 homes). The key terms of the applicant's offer can be summarised as follows:

- The total affordable housing floorspace is "not to exceed 5,436.6 sq m GIA";
- The affordable housing subsidy is to be capped at £16.3m which equates to £159,900 per affordable unit;
- The affordable housing is to be delivered prior to the occupation of more than 70% private homes within ESB where delivery means either constructed and transferred or if delivery within the Specified Area is delayed 'agreement to defer delivery to plots within the Specified Area;
- The offer is unconditional;

- There should be no subsequent review mechanism;
- The Council has the right, at its discretion, to elect to receive a payment of the Capped Subsidy in lieu of 'delivery';
- The ESB affordable homes are in addition to those required to be delivered through the Earls Court OPP; and
- Other terms relate to the dispersal of the affordable housing within the Specified Area, definitions of tenure, and affordability thresholds.

3.48 The 102 new affordable homes are to be provided as intermediate tenure within the red line boundary of the Earls Court outline planning permission within Development Plots BW02, BW06, NE01, NE02, NE03, NE04, NE05 and NE06. This land has been identified by a 'Specified Area Plan'. The proposed 102 affordable homes represent a level of 30%, just 10% below the policy compliant level of 40%.

3.49 The delivery of the proposed affordable housing units within the Specified Area will enable the delivery of more units, at a lower density with more affordable service charge levels than if the affordable housing was provided within ESB itself. This is primarily because the proposed internal conversion of ESB results in larger units.

3.50 The planning application has been accompanied by a viability appraisal. As part of that appraisal, and for the purposes of determining the amount and type of affordable housing no grant funding has been assumed. However, the application anticipates and the Sec106 agreement secures provisions in respect of the future availability of grant funding which could be used to improve the affordability of the intermediate units. The viability appraisal has been independently reviewed on behalf of the Council by an independent surveyor.

3.51 Prior to receipt of the affordable housing offer, given the likely start date would be in 2019, the independent report suggested that assessing the maximum contribution of affordable housing and planning obligations would be best left to a review prior to implementation of the scheme. If there is a review mechanism the proposed scheme could either outperform or underperform the current assumptions.

3.52 Following receipt of the affordable housing offer the independent surveyor produced an addendum report concluding that the proposals represent the maximum reasonable amount of affordable housing in the circumstances due to the applicant being in a unique position to make this offer.

3.53 London Plan Policy 3.12B sets out that when negotiating affordable housing regard should be given to, 'the need to encourage rather than restrain residential development' and 'the specific circumstances of individual sites. Paragraph 3.75 of the justification to the policy says that boroughs should consider whether it is appropriate to put in place provisions for re-appraising the viability of schemes prior to implementation. In addition, Core Strategy Policy H2 is relevant. Paragraph 8.27 of the reasoned justification states that the amount and mix of affordable housing that can be achieved in any scheme will depend on the financial viability of that scheme. It will have regard to a number of factors including site specific circumstances, the availability of public subsidy and the need to encourage rather than restrain residential development.

3.54 The benefits and risks of having a review mechanism and whether it is appropriate have been considered. The independent surveyor has advised that the offer from the applicant means that, if implemented, the developer will bear the risk of providing

affordable housing (or a capped contribution) irrespective of whether the market ultimately supports the viability of the scheme. This represents an upside position for LBHF and is at such a level to mitigate the need for a review.

3.55 On balance therefore officers have concluded that a review mechanism is not appropriate in the circumstances of the case. The level of affordable housing proposed as part of this redevelopment, while not being on site, within ESB, is to be delivered within the red line of the outline planning permission and at a level which is just 10% below the overall policy objective of 40% affordable housing.

3.56 The NPPF emphasises the deliverability and the provision of competitive returns to willing land owners and developers to enable sustainable development to come forward. It is within this context that the policies of the London Plan and LBHF's Core Strategy should be considered.

3.57 Officers have taken into account the need to encourage rather than restrain residential development, the individual circumstances of the development site and other development requirements and the need to balance the need for affordable housing with development viability and the delivery of regeneration and area improvements.

3.58 On balance, officers have reached the conclusion that the proposed quantum of affordable housing, 102 units, represents that maximum reasonable amount that can be viably delivered in accordance with London Plan policies 3.3, 3.4, 3.8, 3.9, 3.10, 3.12 and 3.13 and Core Strategy Policies A, FRA, FRA1 and H2 and the National Planning Policy Framework (NPPF).

## Service Charges

3.59 All households, including occupiers of affordable housing are required to pay toward service charges (i.e. specific to the building the household occupies) and estate service charges (i.e. fair and reasonable contribution to the wider estate amenities and services from which the occupier benefits). In order to meet the requirements of Policy 3.10 of the London Plan that the affordable housing is affordable, officers consider it necessary to control the level of service charge for the residents of the affordable housing. The S106 agreement will ensure that these are set at affordable levels reflective of the services received. Accordingly, officers consider that the proposals accord with the development plan in this regard.

3.60 Officers have considered Key Principle H011 of the ECWKO SPD. It sets out that the authorities will control the affordability of any affordable housing. The justification to this relates to high service charges and maintenance rates. Subject to the S106 Agreement, the proposal would accord with this principle of the ECWKO SPD.

## Design

### The Existing Building

3.70 The Empress State Building is currently in office use, occupied by the Metropolitan Police Service. It was originally designed by architects Stone, Toms & Partners in the late 1950's. Its construction began in 1959 and was completed in 1961. Although it was originally designed as a hotel, it was never used as one. Once

construction was completed, it was sold to the Admiralty, who occupied it until the late 1990s. It has also been occupied by various Ministry of Defence departments, including the team that developed Concorde, at one time it was a headquarters for British Intelligence and it was the centre of operations during the Falklands War. For a very short time it was the tallest building in London, until it was overtaken by Millbank Tower in 1962.

3.71 In its original form, the building was 27 storeys (97.5m) tall. It was designed with a Y-shaped 'tricorn' plan with three wings each extending 37m from a central core. Each wing is expressed externally by a striking concave glazed elevation, each terminated by a Portland Stone 'bookend' feature that extends to the full height of the original building. The contrast between these solid Portland Stone bookends and the glazed concave elevations serves to break up the otherwise potentially bulky mass of the building and give it a strong vertical emphasis and rhythm.

3.72 In 1997, architects Wilkinson Eyre developed plans to extend and renovate the building. The renovation was eventually completed in 2003. It included a 5.5m extension of the southern elevation, which was clad in aluminium curtain walling and full height brise soleil. A lightweight three storey rooftop addition was introduced to bring the building to 30 storeys in height. At the 30<sup>th</sup> floor a revolving restaurant was created. A new two-storey circular podium was also formed around the base of the tower and a separate piazza building was created to accommodate a restaurant and fitness centre. The renovation received an Royal Institute of British Architects award.

3.73 Although the Empress State Building is not nationally listed, in June 2000 it was added to the London Borough of Hammersmith and Fulham's local register Buildings of Merit. This long-standing register has been drawn up and maintained in close collaboration with local amenity groups. It gives a clear indication of those buildings which are valued by the local authority and local community and how they contribute to the character and distinctiveness of each local area. The buildings on the list are now widely recognised as local heritage assets in the planning process, and Officers therefore have a statutory duty to consider any applications that are likely to impact upon them with this in mind.

## Design Policy Context

3.74 In respect of design, among the core planning principles of the NPPF are that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Furthermore 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.

3.75 London Plan Policy 7.1, 7.2, 7.4, 7.5 and 7.6 requires all new development to be of high quality that responds to the surrounding context and improves access to social and community infrastructure contributes to the provision of high quality living environments and enhances the character, legibility, permeability and accessibility of the surrounding neighbourhood. Policy 7.7 requires that tall buildings should not compromise the character of the surrounding area and should be based on the highest standard of architecture and materials. Policy 7.8 requires that development respects affected heritage assets by being sympathetic to their form, scale, materials and architectural detail. In support of the London Plan, a Housing Supplementary

Planning Guidance (SPG) was published in November 2012. The standards this contains apply to all new housing in London, including conversions and change of use schemes where new dwellings are created.

3.76 Core Strategy Policy BE1 'Built Environment' states that all development within the borough, including in the regeneration areas 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. DM LP Policy DM G1 builds on the abovementioned policies and other design and conservation policies, seeking new build development to be of a high standard of design and compatible with the scale and character of existing development and its setting. In addition to Policy DM G1, DMLP policies of relevance to the change of use application submitted for the Empress State Building are DMA2, DMA4, DMA9, DMG2, DMG3 and DMG7.

3.77 In March 2012 LBHF, RBKC and the GLA published a Joint Supplementary Planning Document for the Earl's Court and West Kensington Opportunity Area (ECWKOASPD) in order to provide additional guidance based on the policy documents described above. It is a material consideration for the determination of any planning application submitted for the Opportunity Area. The SPD Key Principles considered to be of relevance to the submitted proposals are UF10, UF19, UF20, UF21, UF22, UF23, UF25, UF27, UF28, UF38 and UF39.

#### Assessment of Heritage Significance

3.78 In line with the requirements of the NPPF and LBHF's Local Development Framework, the applicant is expected to "describe the significance of any heritage assets affected, including any contribution made by their setting". The submitted application is therefore accompanied by an assessment of the Empress State Building's architectural and historic significance, undertaken by Richard Coleman, Citydesigner.

3.79 The evidential value of an asset relates to whether or not it contains, or is likely to contain, evidence that could contribute to historical research or understanding. Officers consider the Empress State Building to have some, very limited, evidential value in recording the post war development of the Earl's Court area and as an early example of tall building in London. However, many more tall buildings were built in London from the 1960's onwards, and the Empress State Building is not considered to be a rare or particularly remarkable example of such.

3.80 The historical value of an asset is usually assessed in terms of what it can tell us about history, either through its design and construction, or through association with historic characters or events. The Empress State Building is considered to have some, limited, historical value as a result of its association of the Ministry of Defence, Admiralty and British Intelligence Service. However, as it was not designed for this purpose and has since been significantly altered (both internally and externally), its historical value is limited.

3.81 Aesthetically, the Empress State Building is considered eponymous with the era in which it was designed and constructed. Its aesthetic value is primarily generated by its scale, its distinctive form, the impressive concave elevations of each of



the three wings and the contrast between these and the lighter Portland Stone bookends. The aesthetic value of the original building was further enhanced by the distinctive upper profile created during the 2003 refurbishment. However, in the context of the rest of London, it is not considered to be one of the more remarkable 1960's towers, which does limit its aesthetic value to a degree.

3.82 Assessment of the communal value of a heritage asset is usually based on its importance to any specific group in society. The Empress State Building has acquired significant communal value as a well-known and widely referenced local landmark in this part of West London. This largely results from its height, distinctive profile and recognisable appearance, particularly after the 2003 rooftop addition enhanced its presence on the skyline. The current commercial use of the Empress State Building is not considered to contribute to its significance as a heritage asset, especially as it was originally designed as a hotel.

3.83 Given the assessment summarised above, Officers consider the aesthetic and communal value of the Empress State Building to be the primary generators of its heritage significance. It is therefore considered important that the change of use proposals preserve or enhance its strong, distinctive appearance and its landmark status, whilst successfully putting it to a sustainable and viable use as part of the wider Earl's Court development.

#### Proposed Changes to Empress State Building

3.84 The submitted application proposes to change the use of the Empress State Building from commercial office to residential, resulting in the creation of 340 new residential units and shared residential facilities. Although the proposals would not alter the existing height or form of the building, they would make detailed changes to the existing facades in order to facilitate residential use and improve thermal performance. As detailed in the following design assessment, the manner in which these changes are proposed responds well to the existing building and Officers are satisfied that the proposals would not have any harmful impacts on its significance as a heritage asset or on the surrounding townscape.

#### Southern Façade

3.85 The proposals on this elevation involve the removal of the brise soleil and the creation of a continuous balcony on each floor, set back by 1.5m compared with the existing cladding, and framed at each end by glazed window bay structures. The proposals would help to introduce a sense of human scale to the elevation that is more appropriate for a residential development and return the appearance of this façade so that it is more in line with its original 1960s appearance.

3.86 In order to address the risk of overheating resulting from the removal of the brise soleil, a significant number of 'shadow boxes' are intended to be placed on the façade which, along with the solar shading the balconies will produce, will mitigate this risk. It is also considered that these opaque panels will add a subtle layer of visual interest and a degree of modulation.

3.87 At ground floor level, the existing podium (which was added to the base of the ESB in 2003) is to be removed and a new entrance hall created in the centre of the southern elevation, fronting onto a curved, landscaped drop-off area. This is clearly

inspired by the original 1960's design which had an entrance hall in a similar location. It would provide a grand approach to the building and a welcoming sense of arrival in accordance with ECWKOA SPD Key Principle UF10.

### The Portland Stone Bookends

3.88 The proposals create a 'plaza' at the base of each bookend. It is considered that this would give greater definition and identity to the tower when viewed from street level and would contribute to the sense that it is well grounded, in line with London Plan Policy 7.4, which requires designs to "create a positive relationship with street level activity [so that] people feel comfortable with their surroundings" and in accordance with ECWKOA SPD Key Principle UF23. The celebration of the Portland Stone elements would also enhance connections with the historic built fabric of London and reflect emerging proposals for the rest of the Earl's Court site, which include stone in civic, highly visible locations.

### East and West Facades

3.89 Each of the bookends currently contains escape cores which would no longer be required following the change of use. It is therefore proposed to remodel these features internally in order to create triple aspect apartments. The proposals retain all of the existing openings, in some cases making them slightly larger and/or giving them Juliette balconies. Some additional windows are also introduced, using the same language of the 'punched, hole-in-wall' opening used in the original design. The proposals are therefore considered to be very true to the original design; they maintain the strong reading of the bookends and do not compromise the important contrast between them and the glazed concave elevations.

3.90 The original design expressed the structural grid of the building (the horizontal floor plates and vertical columns) on the elevations in Portland Stone. However, during the 2003 refurbishment, these were over-clad in grey painted metal. The change of use application proposes to re-expose the vertical elements of this grid on the east and west facades by re-cladding them in Portland Stone. This re exposed grid would then be filled with a new cladding system made up of anodized bronze frames, transparent glazing and opaque shadow box panels, as used on the southern façade.

3.91 The proposal to re-expose of the structural grid is welcomed as it would enhance the apparent slenderness of the building and reveal and celebrate elements of the original 1960's aesthetic that contributes to its heritage significance. The warm bronze tones proposed for the cladding system would complement the Portland Stone and contribute to the subtle creation of a more residential character for the building.

3.92 The proposals for the east and west facades apply individual balconies within the re-exposed structural grid. As a result of the concave form of the elevations the applied balconies would not be perceived as protruding beyond the existing profile of the building. They would however, contribute to the expression of a more residential character and give a greater sense of human scale to the building, particularly once they are inhabited by residents. On the lower floors, where the amount of natural light would be lower, Juliet balconies are proposed so as not to overshadow the floors below. On the mid height floors the balconies are arranged in a staggered manner, again to avoid excessive overshadowing. In order to maximise the amount of natural light

available to the lower three floors, used for residential amenity, would be clad in full height glazing. This would have the additional advantage of animating the surrounding public realm.

3.93 For the units towards the top of the original building (below the rooftop addition created in 2003), vertically interlocking double height spaces are proposed. Internally these double height spaces are intended to overcome some of the problems created by the low floor-to-floor heights (3.05m) of the existing building. This is particularly important for these units on the upper floors because they are larger than those on the floors below and as a result, likely to feel more unbalanced with lower ceilings. Externally, the double height spaces would be expressed as an integral part of the redesigned facades, signifying what was originally the top of the building and adding further visual interest and a subtly different rhythm to the upper floors. As with the balconies and window modules proposed for the lower floors, these double height expressions would sit within the existing structural grid.

3.94 The proposals to treat the east and west facades in a manner that is different to the southern façade are welcomed as they would ensure that the southern façade retains its sense of visual prominence and clearly signifies the location of the main residential entrance in compliance with ECWKOA SPD Key Principle UF23. However, proposals for all three facades to share a palette of complimentary materials, colours and tones are also welcomed as it is important that the building is fundamentally read as one well composed, unified whole.

#### The Top

3.95 The proposals submitted would introduce large penthouse apartments into the lower two floors of the lightweight glazed structure that was added to the top of the Empress State Building in 2003. The existing structure would be re-clad with a new, flush, glazing system, incorporating both transparent glazing and opaque shadow box panels as on the floors below. A number of the units on these floors would feature double height spaces.

3.96 To further ensure that the profile of the top of the building is not disrupted, the 'flying saucer' revolving restaurant added as the 30<sup>th</sup> floor in 2003 would be kept and used as a residential amenity space. As the existing brise soleil serving these levels forms a distinctive component of the building's profile, it would be retained. Officers are therefore comfortable that the proposals would not detract from the distinctive upper profile of the exiting Empress State Building, thus ensuring that its distinctive presence on the skyline and its role as a local landmark would remain unchanged. This is considered to accord with ECWKOA SPD Key Principle UF23.

3.97 When considered together, the external changes proposed to the Empress State Building are considered to be compliant with London Plan Policy 7.6, as they are of the highest architectural quality, they enhance, activate and appropriately define the public realm and they comprise details and materials that complement the local architectural character. They are also deemed to comply with London Plan Policy 7.7 which requires tall buildings to relate well to the form, proportion, composition, scale and character of surrounding buildings, particularly at street level, to improve the legibility of the area and to incorporate the highest standards of architecture and materials. The proposals are also considered to comply with Policy DMG2 of LBHF's DMLP, which states that tall buildings must be of the highest architectural quality with

an appropriate scale, form and silhouette. They are also considered to allow subsequent phases of the Earl's Court masterplan to accord with ECWKO SPD Key Principle UF24 which states that "in any proposal that retains the Empress State Building it should be integrated into an attractive composition of new tall buildings that form a cluster around it."

3.98 In terms of the significance of the Empress State Building as a heritage asset, the proposals are also considered to comply with London Plan Policy 7.8, which requires development affecting heritage assets to conserve their significance by being sympathetic to their form, scale, materials and architectural detail and London Plan Policy 7.9 which requires heritage assets to be repaired, restored and put to a suitable and viable use. Furthermore, the proposals are considered to be compliant with Design Policy 21 of LBHF's PGSPD, which states that the council is keen to ensure that any proposals effecting Buildings of Merit preserve those elements that make a positive contribution to, or better reveal their heritage significance. The success of tall buildings is, in many ways dependent on the four factors identified in Key Principle UF23 of the ECWKO SPD; slenderness, articulation of the façade, how the building meets the sky and how the building meets the ground. As detailed above, the proposals under consideration are deemed to enhance each of these factors in the Empress State Building. In addition, the proposed development creates no harm to the settings of listed buildings in the vicinity of the development, including 62 – 68 Lillie Road. Officers have addressed the duty under s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have "special regard to the desirability of preserving the building or its setting" and consider that as there is no harm to such settings, that duty is met."

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## Townscape and Visual Impact Analysis

3.99 It is important to assess the impact of the proposed changes to the Empress State Building on the surrounding townscape for two primary reasons. Firstly, to ensure that the landmark status of the existing building, and the communal value and heritage significance associated with this, is not likely to be compromised and secondly to ensure that there is no potential harm to any existing heritage assets or their settings as required by ECWKO SPD Key Principles UF19 and UF20. Although the Empress State Building is not located within a designated Conservation Area, it is visible from a number of locations in the surrounding area, including Philbeach, Turneville/Chesson, Sedlescombe Road, Barons Court, Fitzjames and Fitzgeorge, Courtfield, Earl's Court and Queens Club Gardens. Furthermore, it also has a striking visual presence on the sensitive setting of Brompton Cemetery and the listed monuments and structures that it contains.

3.100 A Townscape and Visual Impact Assessment analysing seven

representative views has been prepared by Tavernor Consultancy in support of the submitted application. It is clear from this document that in long distance views the proposed changes would not be perceptible, from middle distance views they would be barely perceptible and from closer views they may be perceived, but they would not have any negative or harmful impacts. As no changes to the height or existing silhouette of the building are proposed, its presence on the skyline is unaffected. The more detailed alterations proposed do not alter the overall composition of the facades, but do lend the building a more residential character. They are therefore not judged to have any harmful impacts, but considered beneficial.

3.101 The townscape impacts of the proposals are therefore deemed to be in compliance with London Plan Policy 7.7, which requires tall buildings to not impact on local or strategic views adversely and LBHF DMLP Policy DMG2 which requires tall buildings to have an acceptable impact on the skyline, on views from and to open spaces and other locally important views. The latter also requires an acceptable impact in terms of the setting of and views to and from heritage assets, including Conservation Areas. The proposals are also considered to be compliant with Design Policy 49 of LBHF's PGSPD which states that "development should not adversely affect key views within, into or out of Conservation Areas" and Key Principles UF19, UF20 UF21 and UF27 of the ECWKO SPD.

#### View 21: Collingham Place

3.102 This representative view was selected for analysis in order to demonstrate the impact of the proposed changes on a long distance view from a Conservation Area. The viewing point is within the Courtfield Conservation Area in RBKC, looking southwest towards the application site. The existing view is framed by two curving terraces of townhouses and terminated by the 2 storey rear of Morton Mews. The profile of the significantly taller Empress State Building is visible above Morton Mews, but details of the existing façades are not visible from this distance.

3.103 The proposed alterations to the façades would not be visible from this distance and as the proposals would not alter the height or silhouette of the existing building, its distinctive form would remain as a landmark background townscape element, with the curved elevations of Collingham Place very much still the dominant feature of this view.

#### View 53: North End Road from the Junction with Fitzjames Avenue

3.104 This view represents another long distance view from within a Conservation Area, this time in LBHF. The viewing position looks south towards the application site along North End Road, from a point just inside the Fitzgeorge and Fitzjames Conservation Area. The substantial mass of the existing mansion blocks in the foreground channel the view towards the Empress State Building, which is seen as the distant, central focus.

3.105 From this distance, detailed changes to the facades would not be visible. It is the distinctive height and profile of the existing building that give the Empress State Building its landmark status in this view, and as these elements of the original design would remain unchanged by the submitted proposals it is concluded that there is no harmful impact. It should be noted that in the cumulative view, that is the view showing both the proposed changes to the Empress State Building and the



proposed massing of the approved outline masterplan for the rest of the Earl's Court Site, much of the Empress State building is obscured by other development plots.

#### View 44 From Greyhound Road

3.106 This view represents another long distance view from a conservation area, also in LBHF. It is taken from the Queens Club Gardens Conservation Area and is noted in the Conservation Area Statement as a view out of particular importance. The primary focus of the view is the tapering red brick building at the junction with St Andrews Road. The Empress State Building is seen as a distant object to the right of this, clearly recognisable thanks to its distinctive profile and the contrast between the Portland Stone bookends and concave glazed facades.

3.107 As neither of the features identified above would be altered by the change of use proposals, the Empress State Building's role within this view would remain unchanged. It should also be noted that, in the cumulative view, much of the Empress State Building is obscured by the approved parameter massing of the outline masterplan for the wider Earl's Court site.

#### View 27: Earls Court Square

3.108 This view was selected for analysis as indicative of a middle distance view, again looking from an conservation area. It looks west along the Grade II listed southern terrace of Earl's Court Square in the Earl's Court Conservation Area. Warwick Road is visible between the terraces that frame the view, with its roofline articulated by a number of additions and extensions. Behind this, the existing Empress State Building is visible as the main focus on the skyline. Its distinctive profile and the contrast between the Portland Stone bookend features and the darker concave elevations give it particular presence as a landmark object.

3.109 As neither of the features identified above would be altered by the change of use proposals, the Empress State Building's role within this view would remain unchanged. The new and altered punched openings in the Portland Stone bookends would be barely perceptible and the overall balance between solid (stone) and void (glazing) would remain. Some of the detailed changes to the facades, such as the reinstatement of the vertical Portland Stone grid may be noticed by those looking closely, but as these changes are considered to enhance the 1960's aesthetic of the building they are deemed beneficial. It is unlikely that other detailed amendments, such as the warmer palette of materials or the more modulated concave façades would be perceived.

#### View 31 : Brompton Cemetery the Mortuary Chapel

3.110 This view was selected for analysis because of the particular sensitivities of Brompton Cemetery. It is a conservation area and is registered as Grade I on English Heritage's register of parks and gardens of special historic interest. The Empress State Building is visible from a number of locations within it. This particular viewing position is located within the setting of the Grade II\* listed Mortuary Chapel, looking north west across the Grade II\* listed western arcade. The existing Empress State Building is visible in the distant centre of the view, through a number of mature trees. It is perceived as a singular built form on the skyline (although the mass of the Exhibition Centre is visible to the right). It is the distinctive profile of the upper storeys of

the building and the articulation provided by the Portland Stone bookends that have the greatest impact on this view.

3.111 This viewing position is too distant for the details of the changes proposed to the elevations to be visible. As no alterations to the height of the existing building or the distinctive profile of its rooftop are proposed and the Portland Stone bookends would remain, the Empress State Building retains its status as a distant landmark object and the existing listed arcade remains the main focal point in the foreground of this view.

#### View 35: Brompton Cemetery, Central Avenue

3.112 A second view from the cemetery was also assessed in order to demonstrate the impact of the proposed changes in a middle distance view. This viewing position is from a point on the central avenue that runs through the cemetery, looking north east towards the application site. The Empress State Building, particularly its southern facade, is a significant presence in this view as the largest single built object that is visible.

3.113 As the existing height, profile and balance between the Portland Stone bookends and the concave facades of the Empress State Building would not be altered by the submitted proposals, it is concluded that there would be no harm to this view. Although the removal of the brise soliel from the southern façade may be perceived from this distance, the introduction of continuous balconies ensures that the same horizontal articulation and overall elevational composition are retained. Again, it is worth noting that the cumulative impact of other proposals for redevelopment within the Earl's Court Opportunity Area would obscure much of the Empress State Building from this view, resulting in it no longer being viewed as a single object on the skyline, but rather as part of a layered and well-articulated backdrop to the cemetery.

#### View 41: Normand Park

3.114 As one of the most significant open spaces in the area surrounding the Empress State Building, it is considered important to assess the significance of the proposed changes from Normand Park. This view is taken from the west of the park, looking across a grassed area towards the application site. The existing building is central in the view, its distinctive profile and vertical Portland Stone bookends clearly visible on the skyline.

3.115 As the proposals would not alter the existing height of the building, its silhouette or the Portland Stone bookends, the Empress State Building would remain a local landmark when viewed from the park. Detailed alterations to the elevations would be hard to perceive from this distance, but the re-clad Portland Stone grid may well have some impact. As the latter is considered to enhance the 1960's integrity of the building the visibility of these changes is considered beneficial. Again, the cumulative impact of the wider Earl's Court development will have a significant impact on this view, not obscuring the Empress State Building, but rather setting it in a landmark cluster of tall buildings that contribute to the definition of the park edge.

Compliance with the Approved Masterplan and Illustrative Proposals for Podium Buildings

3.116 In November 2013 the outline planning permission was granted planning permission. The OPP includes a suite of documents including Parameter Plans and mandatory Design Guidelines the outline permission establishes, amongst other things, a number of development plots and their maximum and minimum scale and massing.

3.117 Although the Empress State Building itself does not form part of outline consent (although the podium buildings at its base are removed as part of the OPP), and is therefore not subject to the approved Parameter Plans or Design Guidelines, it does sit at the centre of one of the development plots referred to as BW06. As this development plot, is part of the outline planning permission any future designs for it will have to be compliant with the Design Guidelines and Parameter Plans.

3.118 The illustrative scheme prepared for plot BW06 as part of the outline planning permission was designed with ESB as an office building. As a result of the proposed change of use, an amended illustrative scheme has been prepared, which sits within the OPP requirements, and submitted as part of this application for BW06 to reflect the residential use proposed. This is seen by officers as a reasonable way of assessing the scheme in terms of its impacts on the surrounding proposed development. Approval is not being sought for the indicative scheme.

3.119 The illustrative proposals for plot BW06 present two podium buildings; one to the east of the Empress State Building and one to the west. No podium building is proposed to the south of the Empress State Building, even though the approved Parameter Plans would allow this, in order to celebrate the southern façade of the existing building and mark the new residential entrance created at its base. This is in accordance with ECWKOA SPD Key Principles UF10 and UF23

3.120 The approved massing for plot BW06 has a direct impact on what can be achieved in the Empress State Building without compromising privacy and resulting in unacceptably low levels of daylight and sunlight for the proposed residential units on site. The heights established by the approved Parameter Plans allow the buildings in BW06 to rise, on the northern and eastern sides, to as high as the 11<sup>th</sup> floor of the Empress State Building. The approved minimum heights established by the Parameter Plans only allow a 2m reduction of this. Furthermore, the mandatory Design Guidelines establish a route within the plot, directly alongside each of the Empress State Building's primary concave elevations, as close as 9m to the existing building and only ever as far as 14m.

3.121 Based on the minimum heights of plot BW06 established by the approved Parameter Plans, the lower levels of the eastern façade of the Empress State Building cannot be used for residential units as they would receive unacceptably low levels of light and would be significantly overlooked. Therefore, from the ground floor to the second floor and from the sixth floor to the eleventh floor, it is proposed that these spaces would be used for residential amenity and on third, fourth and fifth floors, they would be occupied by most of the plant required to serve the building. This is in accordance with Key Principle UF28 of the ECWKOA SPD.

3.122 The illustrative proposals use the route required by the mandatory Design Guidelines around the base of the Empress State Building to give light and activity to the lower levels of the existing building and the rear elevations of the podium

buildings. These routes would also comply with ECWKOA SPD Key Principles UF3 and UF32.

3.123 In addition to scale and massing, the approved Parameter Plans also establish ground levels across the masterplan. There are some fairly significant level changes required to overcome the existing constraints of the wider site, including the underground railway infrastructure. Around the perimeter of plot BW06 there is an approved level change of 4.65m from south to north, which has been exploited by the illustrative proposals to create a lower ground floor at the northern end of the site, used for refuse storage, cycle parking etc. There is also a full level of basement below this for car parking and plant. The site levels established by the parameter plans create gradients of 1:20 around the perimeter of BW06. This is in compliance with Design Policy 6 of LBHF's PGSPD which states that gradients should not exceed 1:12.

3.124 Although it is only an illustrative proposal, the design of the parameter compliant podium buildings shown in support of this application demonstrate that the Empress State Building, after change of use to residential, could successfully engage with and be framed by the wider Earl's Court masterplan. Whilst these proposals are only illustrative, Officers would expect to see many of the design drivers that have resulted in this solution applied to any formal Reserved Matters application submitted for plot BW06.

3.125 The illustrative proposals, and the impact that they would have on the Empress State Building are considered to be in compliance with London Plan Policy 7.7 which requires tall buildings have ground floor activities that provide a positive relationship to the surrounding streets and to contribute to improving the permeability of the site and wider area. They are also considered to be compliant with LBHF DMLP Policy DMG2 which states that tall buildings should have an appropriate design at the base to provide ground floor activity, should interact positively with the public realm and should contribute to permeability of the area. They are also in compliance with ECWKOA SPD Key Principles UF3, which requires a clear and well defined network of streets providing a variety of environments and a choice of routes, UF28, which states that the privacy, daylight and sunlight of all existing and future buildings must be respected and UF39 which requires all streets and public open spaces to be overlooked by the 'active frontages' of buildings.

## Design Conclusions

3.126 The proposals to change the use of the Empress State Building have clearly been designed to have minimal impacts on its existing external appearance and character. Those elements identified as contributing most to its significance as a heritage asset, primarily its strong 1960's aesthetic and its role as a local landmark, would be preserved and in some ways enhanced.

3.127 As the proposals are almost imperceptible in long and middle distance views from the local area, their impact on the surrounding townscape, including conservation areas and other heritage assets is considered to be very minor. As the building would retain its existing character and landmark status, the communal significance that contributes to its value as a heritage asset would be unaffected. In closer views, although the overall composition of the elevations would remain unchanged, it may be possible to perceive the detailed alterations proposed. However, as these are deemed to enhance the aesthetic of the building and to express its new

residential character, they are considered beneficial. In addition, the proposed development creates no harm to the settings of listed buildings in the vicinity of the development, including 62 – 68 Lillie Road. Officers have addressed the duty under s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have “special regard to the desirability of preserving the building or its setting” and consider that as there is no harm to such settings, that duty is met.”

3.128 On the whole, Officers conclude that the well composed and thoughtful design of the submitted proposals would make the Empress State Building fit for a new role as an integral part of the wider OPP as they maintain and even enhance the positive attributes and original integrity of the existing building whilst turning it into a suitable place to live. The proposals are therefore considered to comply with relevant policies contained within the NPPF, London Plan and the LBHF Core Strategy, Development Management Local Plan, Planning Guidance SPD and ECWKO SPD.

### Density

3.129 London Plan policy 3.4 requires development to optimise housing output for different locations taking into account local context and character, the design principles in Chapter 7 and public transport capacity. The residential density matrix in Table 3.2 provides density ranges which would allow developments to achieve a sustainable level of provision.

3.130 Policy H3 of the Core Strategy notes that some high density housing with limited parking may be appropriate in locations with high levels of public transport accessibility (PTAL 4 – 6) provided it is satisfactory in all other respects.

3.131 Policy DM A2 of the DMLP sets out that in assessing the appropriate density of a housing or mixed use scheme that includes housing, the Council will apply the Core Strategy and London Plan policies and guidance relating to density.

3.132 The public transport accessibility level of the site is PTAL 6a, and the site is considered to be located within a Central Setting. Table 3.2 of the London Plan sets out density ranges of between 650-1,100hr/ha (140- 405u/ha) for central settings. The London Plan identifies a central setting as being within a Metropolitan or major town centre. The proposal lies within an Opportunity Area, as identified by the Mayor. The delivery of high density development, reflecting the significant regeneration emphasis of Opportunity Areas, and the fact that the help to deliver strategic housing supply, is supported by the London Plan. Nevertheless, the London Plan does acknowledge that density levels are a guide and should not be used rigidly.

3.133 The density on this mixed use site has been calculated as both a standalone scheme (with the red line boundary as shown around the base of ESB) and within the wider context of the OPP.

3.134 The proposed density of the proposal, as a standalone scheme, would be 918 u/ha or 2,832hrh which sits well outside the density range of 140 – 405 residential units per hectare and 650 – 1100 habitable rooms per hectare in central sites with a PTAL of 4 - 6.



3.135 When the proposal is considered within the red line of the OPP, the Overall density is 822hrh which sits comfortably within the range set out in the London Plan.

3.136 It is considered that the density level for the standalone scheme is disingenuous given that the scheme is reliant on the OPP for its delivery. The overall density, when considered as part of the OPP, is considered appropriate, particularly given the regeneration benefits of the scheme and it is therefore acceptable in accordance with Policy 3.4 of the London Plan and Policy H3 of the Core Strategy.

#### Standard and Quality of Accommodation

3.137 Policy 3.5 of the London Plan requires new residential development to provide a high quality of internal living environment. Table 3.3 of this policy specifies unit sizes for new development.

3.138 Policy 3.8 of the London Plan requires new residential development to be built to lifetime homes standards, with 10% of units designed to be wheelchair accessible or easily adaptable to this standard. Policy 7.3 advises that new development should seek to create safe, secure and appropriately accessible environments.

3.139 The Mayor's Housing Supplementary Planning Guidance (2012) provides further detail on the Housing Policies in the London Plan, providing guidance on quality and design including minimum room and unit sizes, amenity and children's play spaces standards, accessibility and security.

3.140 Policy H3 of the Core Strategy requires new residential development to provide high quality living conditions for future occupiers. Policy DM A2 sets out that all new housing must be of a high quality design and must be designed to have adequate internal space in accordance with London Plan policies.

3.141 Policy DM A4 of the DMLP requires that 10% of new residential units are designed to be suitable for occupation by wheelchair users and that all new homes are designed to Lifetime Homes standards. The policy requires that sufficient car parking spaces are provided on site to meet the needs of blue badge holders.

3.142 All of the proposed units have been designed to exceed the minimum dwelling size requirements outlined in the Mayor's Housing SPG.

3.143 Officers consider that all of the units have been well designed to make good use of the space by having minimal circulation areas and combined living/dining areas with built-in kitchen units. Each unit has access to a private balcony, and large areas of communal amenity space are provided within the building including a residents lounge at top floor level and on the lower levels on the eastern elevation. Within BW06, public squares are proposed at the base of each of ESB's three bookends. Further public squares are proposed in the north and south east of the plot. In addition, the OPP provides a new park (the Lost River Park), garden squares and incidental areas of public open space which will be in close proximity to ESB. The proposals are therefore considered to meet the requirements of the Mayor's Housing Supplementary Planning Guidance, and relevant LBHF DM LP and SPD policies.

3.144 All the proposed units have been designed to meet the Lifetime Homes Standards, and 10% of the dwellings are designed to be wheelchair adaptable units (Conditions 28 and 29 would secure this). 10% of the on-site car parking bays would be designed for disabled people. The proposal therefore complies with London Plan Policy 3.8 and Policy A4 of the DMLP.

3.145 SPD Housing Policy 8 and the Mayor's Housing SPG seek to avoid dwellings that have all their habitable room windows facing exclusively in northerly direction. As a result of the tricorn plan of the existing building, the majority of the units proposed would be single aspect, with the notable exceptions of the triple aspect units proposed within each of the Portland Stone bookend features. However, as the existing building is oriented south, east and west, none of the primary facades face directly north and therefore none of the single aspect units would face directly north. The generous size of the units and windows ensure that a good standard of amenity is achieved for every unit on site and the proposed single aspect units are therefore considered to provide an acceptable standard of living accommodation.

3.146 The Mayor's Housing SPG recommends that the number of units served by an individual core should not exceed 8 in order to help foster a sense of community. As a result of the existing configuration of the building, this requirement cannot be met. In addition, the Mayor's Housing SPG recommends a floor to ceiling height of at least 2.5m and, as a result of the existing low ceiling heights, the proposals only achieve between 2.3m and 2.5m heights. On balance however it is considered that the, overall, proposals achieve a good standard of accommodation and these two small areas of non-compliance are considered acceptable in this instance.

3.147 The applicants Design and Access Statement includes a section on secured by design and how the design evolution has been guided by Secured by Design principles. Details of how the whole scheme would seek to adequately achieve Secure by Design status is required by Condition 32.

3.148 In conclusion, it is considered that the standard of accommodation is acceptable in accordance with the relevant policies and guidelines.

#### Impacts on Surrounding Properties

3.149 This section focuses on the impact that the scheme would have on the properties surrounding the site. Policy DM H1 of the Development Management Local Plan requires new development to respect the principles of good neighbourliness. This is supported in Policy DM A9, which also refers to the protection of existing residential amenities. SPD Housing Policy 8 sets out that new windows should normally be positioned so that the distance to any residential windows is not less than 18 metres as measured from the centre of the new window.

3.150 The proposal site lies within the boundary of the OPP for the Earls Court Masterplan and, as set out in the Design section above, the proposals have been designed in the context of the parameter plans and design guidelines for Plot BW06, within which ESB sits.

3.151 As explained above, an indicative scheme has been developed for BW06 in order to inform the layout and design of the proposed change of use of ESB and also to ensure that an appropriate scheme can be delivered on BW06 following a change of use of the building to residential.

3.152 As a result of the proximity of the illustrative eastern podium building to the Empress State Building and its relatively narrow plan form it cannot contain any residential units. Instead, the illustrative scheme shows it as a commercial building with cultural use(s) at ground and first floor levels. A small retail unit is also proposed at the southern tip of this building in order to animate the landscaped plaza space proposed at the base of the Portland Stone bookend feature of ESB. The approved parameters for the western podium building set it back significantly further from the Empress State Building at upper floor levels, so whilst the lower floors are proposed for cultural and retail use, the fourth to twelfth floors are residential. As a result of this set back, residential uses can also be proposed in the Empress State Building from the fourth floor up in the western wing. These proposals would result in a parameter compliant scheme which would achieve appropriate conditions for future occupiers of the buildings within BW06.

3.153 The closest residential properties to ESB, which do not lie within the masterplan area, are the properties along Lillie Road to the south of ESB. These lie some distance away from the tower and it is not considered that the change of use would result in any detriment to the amenity of these occupiers.

3.154 Residential properties along Marchbank Road and Aisgill Avenue lie to the west of ESB and form part of Plot NE06. These lie adjacent to the proposed buildings on BW06 and it is not considered that the change of use of ESB would have any detrimental impact on the amenity of these properties.

3.155 In summary, the proposal would not result in surrounding properties experiencing any significant undue loss of amenity in terms of overlooking, privacy, noise and disturbance. The proposal is considered to comply with policy requirements on this matter.

### Sunlight and Daylight

3.156 Policy 7.6 of the London Plan states that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. This is particularly important for tall buildings. Policy 7.7 states that 'tall buildings should not affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunication interference'.

3.157 There are no specific policies with regard to daylight, sunlight or overshadowing either within the Core Strategy, DMLP or SPD. Policy DM A9 of the DMLP does however set out that in order to achieve a high standard of design, new developments should respect the principles of good neighbourliness and protect existing residential amenities.

3.158 The development has been assessed with regards to the impact on the

levels of daylight and sunlight on the proposed residential units within ESB. Accordingly this issue has been considered in detail and also assessed against the requirements of policies 7.6 and 7.7 of the London Plan, Policy DMA9 of the DMLP and the BRE guide 'Site Layout Planning for Daylight and Sunlight, 2011.

3.159 A Sunlight and Daylight Report has been submitted as part of the application to ascertain whether the proposed change of use of ESB will provide future occupants within ESB with acceptable levels of daylight and sunlight.

3.160 The assessment has been undertaken in line with the Guidance provided in the Building Research Establishment (BRE) document entitled 'Site Layout Planning for Daylight and Sunlight' (2011). The assessment considers the potential impacts on the proposed residential units within ESB on daylight, sunlight and overshadowing in the context of the OPP, specifically the indicative scheme produced as part of this application, for BW06.

3.161 In urban and city centre areas, BRE Guidelines advise that the guidance be applied flexibly and there are circumstances that will exist where a greater degree of obstruction to light can on occasion, be acceptable.

3.162 The ADF method has been used to assess the daylight levels within the proposed residential units. The ADF uses a mathematical formula which involves values for the transparency of the glass, the net glazed area of the window, the total area of room surfaces, their colour reflectance and the angle of visible sky measured from the centre of the window. This is a method that measures the general illumination from skylight and takes into account the size and number of windows, room size, room qualities and room use. The BRE test recommends an ADF of 5% for a well day lit space or 2% for a partly day lit space. The minimum standards for ADF recommended by the BRE for individual rooms 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.

3.163 A total of 1034 habitable rooms were tested on site and the majority of windows (94%) would achieve an ADF in excess of the BRE Guidelines. There are however a number of rooms on the lowest 11 floors which do not achieve ADF targets and represent 6% of the total number of units within the proposed development. It is considered that, overall, the scheme will result in a good level of daylight for future occupants, and is therefore considered to be acceptable.

3.164 The daylight of the proposed development has also been assessed against the No Sky Line method. The plotting of the NSL measures the distribution of daylight within a room. It indicates the point in a room from where the sky cannot be seen through the window due to the presence of an obstructing building. The NSL method is a measure of the distribution of daylight at the 'working plane' within a room. In houses, the 'working plane' means a horizontal 'desktop' plane 0.85 metres above floor level. This is approximately the height of a kitchen work surface.

3.165 The NSL divides those areas of the working plane in a room which receive direct sky light through the windows from those areas of the working plane which do not. If a significant area of the working plane lies beyond the NSL (i.e., it receives no direct sky light), then the distribution of daylight in the room will be poor and supplementary lighting may be required.

3.166 The impact of the distribution of daylight in an existing building can be found by plotting the NSL in each of the main rooms. For houses, this will include living rooms, dining rooms and kitchens. Bedrooms should also be analysed, although they are considered less significant in terms of receiving direct sky light. Development will affect daylight if the area within a room receiving direct daylight is less than 80% of its former value.

3.167 The NSL analysis has also been carried out and demonstrates that 93% of the habitable rooms within the development achieve the 80% the NSL recommends.

3.168 When assessed together, only 3% of the overall habitable rooms do not meet both the ADF and the NSL assessments. Given the urban nature of the proposed development, and its context within the OPP, it is considered that, on balance, this is acceptable.

3.169 The Annual Probable Sunlight Hours (APSH) predicts the sunlight availability during the summer and winter for the main windows of each habitable room that faces 90 degrees of due south. The summer analysis covers the period 21 March to 21 September, the winter analysis 21 September to 21 March. The BRE Guidance states a window may be adversely affected if the APSH received at a point on the window is less than 25% of the annual probable sunlight hours including at least a 5% of the annual probable sunlight hours during the winter months and the percentage reduction of APSH is 20% or more.

3.170 Where a window does not meet the first criteria, retaining at least 25% total APSH with 5% in the winter months but the percentage reduction is less than 20% it will experience a negligible impact, as the area receiving reduced levels of sunlight is comparatively small when considering the baseline sunlight levels.

3.171 Almost all the windows assessed see levels of both total APSH and winter APSH which meet or exceed the levels recommended by the BRE.

3.172 Slightly lower levels are seen in two areas on floors 3 – 6 on the west elevation where two habitable rooms achieve 24% and 21% total APSH and winter APSH.

3.173 It is considered that, on balance, the proposal achieves good levels of sunlight with the vast majority of habitable rooms retaining an overall ASPH of more than 25%.

3.174 In conclusion, it is considered that given the size of the scheme, and the urban context, the proposed development will achieve acceptable levels of daylight and sunlight for future occupiers. There are a small number of habitable rooms that may experience adverse impacts, however, given the very small area of non-compliance with the BRE guidance which should be applied flexibly, it is considered that on balance, the proposed development is acceptable in this respect.

## Transport

3.175 The NPPF requires developments that generate significant movement



are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised; and development should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. The site has a Public Transport Accessibility Level (PTAL) rating of 6a and therefore has good level of public transport accessibility with good links to underground and over ground stations and extensive bus services.

3.176 Policy 6.1, 6.3, 6.9, 6.10, 6.11 and 6.13 of the London Plan sets out the intention to encourage consideration of transport implications as a fundamental element of sustainable transport, supporting development patterns that reduce the need to travel or that locate development with high trip generation in proximity of public transport services. The policies also provide guidance for the establishment of maximum car parking standards.

3.177 Core Strategy Policy T1 supports the London Plan. Policy J1 states that all development proposals will be assessed for their contribution to traffic generation and their impact on congestion. Policy DM J1 of the Development Management Local Plan requires a transport assessment and a travel plan on certain types of development and policies DM J2 and DM J3 set out vehicle parking standards, which brings them in line with London plan standards and circumstances when they need not be met. These are supported by SPD Transport Policies 3, 7, 9, 10, 11, 12 and 34. Key Principle TRN 4 of the ECWKOA SPD requires all streets to be accessible to all with appropriate gradients and generous footway widths.

3.178 The Transport Assessment (TA) submitted in support of the OPP assessed the transport impacts associated with the site wide OPP. A supplemental TA was submitted in support of this application that considers the additional changes in impacts as a result of a change of use of ESB from office to residential, within the context of the OPP.

3.179 ESB is currently used by the Metropolitan Police Service with 3,912 work stations available within the building, although the level of employment on the site at the time of the TA (February 2012)'s baseline surveys (2008/2009) was around 3,000 employees. The proposed development relies upon the OPP (specifically plot BW06) to deliver access, servicing and parking. It is stated that details of these matters will be brought forward in a separate planning submission in due course.

## Parking

3.180 The application proposes 204 car parking spaces that will be built pursuant to the OPP and allocated to ESB. This is in accordance with the consented residential parking ratio of 0.6 spaces per unit of the OPP as well as the maximum standards allowed in the London Plan and the Development Management Local Plan and this ratio will be controlled via condition as per the OPP. However this level is above the ECWKOA SPD which sets a maximum standard of less than 0.4 car parking spaces per dwelling. Officer's consider that the proposal, together with the parking ratio condition and the Travel Plan, will ensure parking levels will continue to be minimised thereby meeting the key objectives of the policy.

3.181 The proposal includes 36 wheelchair accessible spaces, 2 of which will be allocated to the retail unit and remainder will be for residential use. 21 motorcycle parking spaces and 494 cycle spaces are also proposed. Of the 494 spaces

6 are for use by the retail element. These levels are considered to comply with SPD Transport policies 8, 10 and 11.

3.182 The parking will be provided within the basement of Block BW06. An indicative plan has been submitted to illustrate the parking arrangements that could be provided as part of the Empress State Building proposals. The details of bicycle, car and motorcycle parking are secured by way of S106 Agreement. A car parking management plan has been secured by way of S106 agreement

3.183 The site is located within Controlled Parking Zone (CPZ) F. The proposed section 106 agreement would include clauses to restrict the occupiers of the 340 residential units from being eligible to obtain residents parking permits to park on the highway within the controlled parking zones. Subject to such clauses in the section 106 agreement the proposed development is judged to be satisfactory and unlikely to have an unacceptable impact on the existing amenities of local residents as a result of increased on-street car parking stress.

3.162 Officers have considered the relevant sections of the ECWKO SPD Key Principle TRN24 which states that car parking levels should be minimised in order to restrain car trips and are satisfied that the proposals are consistent with this guidance.

#### Trip Generation

3.184 The Supplementary TA set out that the existing use will generate 1285 two-way trips in the AM peak and 1202 in the PM peak. The proposed 340 units will generate 207 two-way trips in the AM peak and 175 in the PM peak. Therefore, there would be a net reduction of 1079 trips in the AM peak and 1033 trips in the PM peak. However, the direction of travel will change from the office trips and therefore outbound AM peak trips will increase by 84 including 17 car trips. In the PM peak inbound trips will increase by 10 although car trips will increase by 15. The car trip increase in the PM is larger than the overall trips as other modes decrease inbound. However, this increase is not considered to be significant to have a detrimental impact on the highway over what has been assessed as part of the TA submitted as part of the OPP.

#### Access

3.185 Details regarding the access to the underground car parks will form part of the reserved matters application for BW06, which will be required, via Condition 3, to be provided prior to any commencement of development.

#### Servicing

3.186 A Framework delivery and servicing plan that was submitted as part of the OPP. This is required to be updated as part of condition 25 of the OPP and should also reflect the proposals by ESB and this will be secured via Condition X.

#### Demolition and Construction

3.187 As part of Supplementary TA construction activity for the wider OPP site, taking account of ESB, has been reassessed and the proposals would increase the number of construction vehicles from 37 to 40 in the fourth quarter of year eight only.

This increase is not considered to be significant and can be accommodated in the framework Construction Logistics Plan approved under the OPP.

3.188 The proposed S106 Agreement requires that the Construction Logistics Plan (CLP) required as part of the OPP will be updated to reflect the ESB proposals. This is required in order to ensure that there is no harmful impact on neighbours and on the local highways network in accordance with Development Management Local Plan Policies DM J1, J6, H5, H8, H9, H10 and H11, SPD Amenity Policy 19 and 26, and SPD Transport Policy 28, and London Plan Policy 6.3

#### Travel Plans

3.189 The proposed S106 Agreement will include a requirement for the provision of a Travel Plan and for this Travel Plan to be consistent with the Framework Travel Plan as required by the OPP. Funding for the monitoring and management of the Travel Plan would be secured from the developer through the S106 agreement.

#### Accessibility

3.190 Policy 7.2 of the London Plan requires all new development to achieve the highest standards of accessible and inclusive design whilst policy 3.8 requires housing be built to meet the 'Lifetime Homes' standards, with 10% of units designed to be wheelchair accessible or easily adaptable to this standard. Policy H4 of the Core Strategy and Policy DM A4 of the Development Management Local Plan require all new dwellings be built to 'Lifetime Homes' standards with 10% to be wheelchair accessible or easily adaptable for residents that are wheelchair users. Policy DM A4 also states that car parking spaces should be provided on site to meet the needs of blue badge holders. Policy DM A9 seeks to ensure that all new housing is of a high standard that meets the future needs of future occupants and respects the principles of good neighbourliness. Policy DM G1 and SPD Design Policies 1 and 8 require new development to be designed to be accessible and inclusive to all who may use or visit the building.

3.191 The applicant confirms that all the residential units would all be built to the 16 Lifetime Homes standards and 10% of the units would be designed to be wheelchair accessible. This equates to 34 of the 340 units. Wheelchair accessible parking will be delivered within the basement of BW06 and secured via condition as set out in the Transport section above.

3.192 The Equalities Impact Assessment (EqIA) has demonstrated that in terms of accessibility, the proposal is consistent with the duty to give due regard to Section 149 of the Equalities Act 2010. The proposed development would help to facilitate equality of opportunity between disabled people and non-disabled people.

3.193 The accessibility provision within the development would comply with London Plan and Core Strategy Policies and the Council's SPD Access for All.

#### Sustainability and Energy

3.194 As required by the NPPF, the application proposes to incorporate design features in order to maximise on-site low carbon and renewable energy and energy efficiency. These measures would seek to minimise waste and limit carbon

dioxide emissions. The commitment to delivering these sustainability objections is considered in detail in the 'Sustainability Statement' and 'Renewable Energy' report submitted in support of this application.

3.195 The proposal has been considered against 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 (2011) and policies EN28A, EN29 of the London Borough of Hammersmith UDP (as amended 2007 and 2011) and policies CC1, CC2 and H3 of the Core Strategy (2011) which promote sustainable design, adaption to climate change and the increased use of renewable energy technologies to reduce carbon emissions, together with policy DM H1 and H2 of the Development Management Local Plan. SPD Sustainability Policy 25 requires major planning applications to provide details of how use of resources will be minimised during construction. In addition, the ECWKOASPD states that the redevelopment of the opportunity area presents an opportunity for a comprehensive scheme delivered in accordance with the principles of sustainable development.

3.196 Policy 5.2 of the London Plan states that the Mayor will seek a 40% reduction to the Target Emission Rate (TER) outlined in the national Building Regulations for both residential and non-domestic buildings between 2010 and 2013. The policy also requires major development proposals to include a detailed energy assessment to demonstrate how the targets for carbon dioxide emissions outlined above are to be met

3.197 The Energy Statement submitted as part of this application uses the Mayor's Energy Hierarchy, as set out in Policy 5.2 of the London Plan, which requires the development to be lean: use less energy; be clean: supply energy efficiently; and, be green: use renewable energy. This is supported by SPD Sustainability Policies 30 – 32.

3.198 Measures proposed will enable an achievement of 10% over the Building Regulations (2010) baseline to be met through energy efficiency and passive design measures alone. These measures include: shading and glazing strategy that takes into account the solar access; low energy lighting; ventilation heat recovery; low air permeability; zoning of lighting and heating.

3.199 The Energy Strategy states the development will be connected to the Site Wide District Heating System for Earls Court which was secured under the OPP in order to deliver low carbon heat to the site, however there are no existing district heat networks at the location. This is to be secured via the S106 Agreement along with details of a temporary energy solution which may be required prior to completion of the district heating. It is estimated that this would reduce the site's regulated CO2 emissions by 33%.

3.200 Solar PV modules will be used to achieve the renewable energy measure, which will achieve a 1.2% reduction of Regulation CO2 emissions.

3.201 The energy strategy estimates that the overall reduction in regulated CO2 emissions across the site after the connection with the District Heating System and renewables will be approximately 42% better than part L 2010 which exceeds the requirements of London Plan Policy 5.2.

3.202 The commitment to meeting (and where possible exceeding) the above ratings would be secured through the s106 agreement, which would linked to the OPP S106 Agreement.

3.203 Policy 5.3 of the London Plan states that “the highest standards of sustainable design and construction should be achieved [...] to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime”. In particular, it states that major development proposals should meet the minimum standards set out in the Mayor’s supplementary planning guidance. The accompanying Sustainability Statement demonstrates how these targets will be met. Policies CC1, CC2, CC3 and CC4 set out the Borough’s approach to tackling climate change through a reduction in carbon emissions and resource use, water and waste management and protecting and enhancing environmental quality. Policy DM H2 of the Development Management Local Plan promotes sustainable design and construction and requires a sustainability statement for major developments to set out sustainability measures.

3.204 Specifically, the Sustainability Statement sets out the how the design of the proposed ESB refurbishment has been developed to reduce its annual energy consumption, whilst providing energy in the most environmentally friendly way to reduce its overall CO2 footprint. Details including how passive design, accredited construction details (including thermal bridging details), air permeability, ventilation, energy efficient systems and appliances, low energy lighting, and energy metering (amongst others) to ensure the delivery of a highly sustainable building.

3.205 It is considered that the above measures would ensure the development is acceptable accordance 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 (2011), Policies CC1, CC2, CC3 and CC4 of the Core Strategy, policy DM H2 of the Development Management Local Plan and SPD Sustainability policies.

## Environmental Impacts

### Noise

3.206 The NPPF (Conserving and enhancing the natural environment) states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and should mitigate and reduce to a minimum any adverse impacts.

3.207 London Plan Policy 7.15 (Reducing noise and enhancing soundscapes) seeks to minimise the existing and potential impacts of noise on, from, within or in the vicinity of, development proposals. The Policy notes that “Reducing noise pollution and protecting good soundscape quality where it exists, contributes to improving quality of life”.

3.208 CC4 of the Core Strategy advises that the Council would seek to minimise the impact of noise, by managing the development and distribution of noise sensitive development in the borough Policy DM G1 sets out that new development should respect the principles of good neighbourliness. DM LP Policy DM H9, H10 and H11 requires developments to ensure that there is no undue detriment (e.g. noise and



light pollution) to the general amenities at present enjoyed by the existing surrounding occupiers of their properties.

3.209 SPD Amenity Policy 18 refers to noise and vibration and requires a survey and report for residential developments proposed near existing noise sources and for developments that have the potential to increase existing noise or vibration levels. SPD Amenity Policy 23 sets that careful consideration should be given to the design of stacking and adjoining similar rooms in adjoining dwellings, and to sounds insulation or separation of dwellings from residential and commercial areas that could cause noise disturbance to residents. SPD Amenity policy 24 also sets out that need to protect residential and other noise sensitive amenity.

3.210 An assessment of the proposed development with regards to noise and vibration has been submitted as part of the Supplementary Environmental Statement (SES). The SES considers the ESB proposals in the context of the Environmental Statement prepared as part of the OPP.

3.211 It is not anticipated that the construction noise and vibration as well as the construction traffic noise would alter the conclusions drawn in the OPP ES which is that Best Practicable Means will be employed to keep the noise and vibration levels generated on site to a minimum.

3.212 The main potential noise impacts on the completed proposed development are considered to be from new building services plant and road traffic generated by the proposals and noise generated from the retail/ commercial unit on site.

3.213 The assessment sets out that design measures will be used to mitigate any noise impacts resulting from plant or the retail/ commercial unit. It concludes however that these are anticipated to have a negligible impact on surrounding and future occupants.

3.214 The traffic levels are predicted to either remain as existing or decrease as a result of the proposed change of use. As noise levels resulting from traffic will not increase, the impact of noise resulting from traffic will remain negligible.

3.215 The proposal is considered to be acceptable subject to a number of conditions. Condition 4 is recommended to ensure that construction and demolition noise is mitigated, during construction phases. This would form part of a Construction and Environmental Management Plan which is set out as a condition.

3.216 Recommended Conditions 15 to 21 will mitigate the effects of sound transmission insulation (between noise sensitive premises and commercial, plant, and communal areas), odour abatement, sound insulation from external noises and noise from plant and machinery which will ensure the proposed units are not subject to adverse environmental impacts.

3.217 In conclusion, the impacts of external and internal noise upon the proposed development are considered to be minimal and would not adversely affect the living conditions within the proposed units, subject to the suitable conditions being imposed as outlined above. The proposal is therefore considered to comply with the requirements of the NPPF, London Plan policy 7.15, Core Strategy Policy CC4, DM LP policies Dm H9, H10 and H11 and SPD Amenity Policy.

## Air Quality

3.218 The whole borough was designated as an Air Quality Management Area (AQMA) in 2000 for two pollutants - Nitrogen Dioxide and Particulate Matter (PM10). The main local sources of these pollutants are road traffic and buildings (gas boiler emissions).

3.219 The National Planning Policy Framework states that planning decisions should ensure that any new development in AQMA's is consistent with the local air quality action plan.

3.220 Policy 7.14 of the London Plan (2011) seeks that development proposals minimise pollutant emissions.

3.221 Policy CC4 of the Hammersmith and Fulham Core Strategy (2011) explains that the Council will reduce levels of local air pollution and improve air quality in line with the national air quality objectives.

3.222 Policy DM H8 of the DM LP requires an air quality assessment and mitigation measures where appropriate. This is supported by SPD Amenity Policies 20 and 21.

3.223 An Air Quality Assessment has been carried out and included as part of the SES. The SES considers the ESB proposals in the context of the Environmental Statement prepared as part of the OPP. Although this is a detailed planning application, a site specific air quality assessment has not been carried out and the SES considers what impact the proposed changes to the development will have on the conclusions of the OPPI ES. The SES states that there will be an increase in 37 car parking spaces from the previous consented scheme, due to the change from office use to a primarily residential use and the Transport Assessment predicts that there will be a reduction in car trips associated with the am and pm peak. The proposed development is to be supplied energy from one of the energy centres in the wider Earl's Court development. The ES states that size of the energy centres will not change as a result of the Empress State Building changing use class.

3.224 Provided the current capacity of the energy centres can meet the demand of the Empress State Building, then no additional impacts (other than those identified by the original site wide air quality assessment) on air quality are likely. The introduction of more sensitive receptors on to the site is addressed within the SES. Although concentrations of NO<sub>2</sub> were predicted to be above the annual mean objective level of 40µg/m<sup>3</sup>, this prediction is for ground level and as the residential units will be at first floor level and above, the concentrations should improve with height. Additionally the building will be served by mechanical ventilation and the units will not have openable windows

3.225 The SES concludes that as there is not a significant increase in the number of HGV movements and there is unlikely to be a requirement for additional plant, the impact on air quality will remain as minor adverse. The SES concludes that as a result of the proposed development, the conclusions of the original site wide Environmental Statement remain the same.

3.226 The Council's EHO agrees with the findings of the report subject to conditions. Condition 4 has been attached requiring the submission of a Demolition Method Statement and Construction Logistics Management Plan that will detail how dust, noise and vehicle movements during construction will be satisfactorily mitigated. In addition, Condition 22 requires a detailed air quality assessment and low emission strategy, in conjunction with the OPP (Plot BW06)

3.227 Subject to conditions securing the proposed mitigation measures, the proposal is considered to comply with the requirements of London Plan policy 7.14, Core strategy policy CC4, DM LP policy DM H8 and relevant SPD policies by not causing a significant deterioration in air quality and minimising increased exposure.

#### Wind/ Microclimate

3.228 Policy 7.6 of the London Plan requires that new development does not cause unacceptable harm to the amenity of surrounding land and buildings, including through microclimate impacts. Policy 7.7 of the London Plan requires that the area surrounding tall buildings is not detrimentally affected in terms of microclimate and wind turbulence.

3.229 The application is supported by a detailed assessment of the resulting wind microclimate as part of the SES. The SES considers the ESB proposals in the context of the Environmental Statement prepared as part of the OPP

3.230 No changes are proposed to the existing form of ESB, which was assessed as part of the OPP within the ES and found to result in an acceptable wind environment for the intended uses.

3.231 The ESB proposals do however include the incorporation of balconies for residential use located in the central parts of the west, south and east elevations.

3.232 The south east balconies are recessed and the wind environment is expected to be suitable for sitting out in the summer. The west and east balconies would be exposed to wind blowing around these facades. As the east elevation is sheltered from prevailing south westerly winds, the wind microclimate is expected to be suitable for sitting out in the summer. The western elevation will need to include 1.5m high parapet side screens to the balconies to direct wind around balconies and create a suitable environment for sitting out in the summer. These screens are secured via Condition 14.

3.233 The proposals are considered to be compliant with London Plan policy regarding wind as there will be no adverse impact on the wind microclimate as a result of the proposed development.

#### Waste

3.234 The NPPF does not contain specific waste policies as these will be contained within the National Waste Management Plan for England, once published. In the meantime, Planning Policy Statement (PPS10) continues to provide the Government's waste policy and will remain in place until the National Waste Management Plan is published.

3.235 Policy 5.16 of the London Plan states that the Mayor will aim to achieve a zero biodegradable or recyclable waste to landfill by 2031 by minimising waste and encouraging the reuse of (and reduction in) the use of materials and waste.

3.236 Core Strategy Policy CC3, Development Management Local Plan Policy H5 and SPD Sustainability Policies 3, 4, 7, 8, 9 and 10 sets out the Councils Waste Management guidance, requiring development to incorporate suitable facilities for the storage and collection of segregated waste.

3.237 The ECWKOA SPD requires that the redevelopment of the OA must deliver sustainable waste collection and management systems taking into account industry best practice.

3.238 The application is supported by a detailed assessment identifying site waste generation during demolition, construction and operation.

3.239 During demolition and construction phases waste will be recycled and re-used where feasible.

3.240 Appropriate waste and recycling storage facilities for ESB will be provided within BW06 and details of this are required by Condition 36. In addition, details of refuse arrangements including storage, collection and recycling as part of the Service Management Plan is required by Condition 25.

3.241 The proposed arrangements are considered acceptable and in accordance with Policy 5.16 of the London Plan, Core Strategy Policy CC3, DM LP Policy DM H5 and relevant SPD policies.

#### Flood Risk

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

3.243 London Plan Policy 5.11, 5.12, 5.13, 5.14 and 5.15 requires 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.

3.244 Core Strategy policy CC1 requires that new development is designed to take account of increasing risks of flooding. Policy CC2 states that new development will be expected to minimise current and future flood risk and that sustainable urban drainage will be expected to be incorporated into new development to reduce the risk of flooding from surface water and foul water. These are also supported by DM LP Policy DM H3 and SPD Sustainability Policies 1 and 2.

3.245 A Flood Risk Assessment (FRA) has been submitted with the application as part of the SES. The site is in the EA's Flood Zone 3. Land in this zone has a 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year. This indicates a high risk of flooding from the Thames, although this designation does not take into

account the high level of flood protection provided by the Thames Barrier and local river wall defences which defend the site so that the annual probability of flooding from the Thames is 0.1% or less. If the flood defences failed or were breached, the site would not be at risk from rapid inundation by flood waters.

3.246 The proposals involve refurbishing and converting the existing office building to provide residential units with a retail unit at ground floor. The residential units have sleeping accommodation at the 3<sup>rd</sup> floor level and above. The ground floor will consist of the retail unit, residential lobby area and storage space. The more vulnerable aspect of the new use is therefore located well above the levels at risk from flooding.

3.247 Further consultation on a Flood Management Plan is underway as part of the wider Earls Court scheme. This recommends flood warning measures are in place for any residential development below a level of +5.13m OD. There is no residential floorspace below this level within the scheme.

3.248 The drainage strategy for ESB notes that as there is a basement across the entire site, there is limited opportunity to direct surface water into the ground via infiltration. However, the use of attenuation tanks to store run-off prior to controlled release into the combined sewer system is feasible. The FRA refers to 140m<sup>3</sup> of attenuation tank(s) being included as part of the Sustainable Drainage Systems approach to managing surface water at the site. This will be delivered as part of the delivery of BW06 and will be secured via Condition 26.

3.249 SUDS measures are required to show compliance with London Plan policy 5.13. Given that the planned measures are proposed to form part of the OPP, Condition 26 is proposed to secure the submission of further details of the SUDS measures and the level of attenuation they will provide.

3.250 As there will be no excavation, there will be no changes to groundwater flow and no increase in ground water flood risk to the site or elsewhere.

3.251 Drainage discharge from ESB will be integrated with the drainage strategy for the OPP which includes the provision of two new sewers along the route of the Broadway, to the east of ESB

3.252 Subject to the above planning conditions the development would comply with Policies 5.11, 5.12, 5.13, 5.14 and 5.15 of the London Plan 2011, Policies CC2 and CC4 of the Core Strategy 2011 and NPPF Technical Guidance with regards to flood risk, surface water drainage, drainage and water infrastructure.

## Archaeology

3.253 The NPPF requires that the significance of any heritage assets affected should be identified and the potential impact of the proposal on their significance addressed. As a minimum the relevant historic environment record should be consulted and the heritage assets assessed. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest an appropriate desk-based assessment and, where necessary, a field evaluation is required.



3.254 Policy 7.8 of the London Plan (2011) advises that development should incorporate measures that appropriately address the site's archaeology. Core Strategy Policy BE1 advises that new development should respect and enhance the historic environment of the Borough, including archaeological assets. A full consideration of these policies is set out in the Archaeology Report included in the Environmental Statement Chapter 8: Archaeology.

3.255 The SES sets out that intrusive ground works resulting from the proposal would be limited to additional pile foundations terminating in London Clay beneath ESB and that this would be subject to the same mitigation measures for ground works as set out in the ES of the OPP i.e. preliminary investigations prior to the commencement of any construction works.

3.256 English Heritage has raised no objection to the proposals. Subject to the condition referred to above, the proposal is considered acceptable and in accordance with relevant planning policies.

#### Ground Conditions

3.257 National Planning Policy Framework paragraph 121 states planning decisions should ensure that the sites is suitable for its new use taking account of ground conditions and after remediation the land should not be capable of being determined as contaminated land.

3.258 Policy 5.21 of the London Plan states the support for the remediation of contaminated sites and that appropriate measures should be taken to control the impact of contamination with new development.

3.259 Policy CC4 of the LBHF Core Strategy states that the Council will support the remediation of contaminated land and that it will take measures to minimise the potential harm of contaminated sites and ensure that mitigation measures are put in place, which is supported by Policies DM H7 and DM H11.

3.260 SPD Amenity Policies 2, 3, 4, 5, 7, 8, 12, 13, 14, 15 deal with contamination. SPD Amenity Policy 16 sets out the common submission requirements for planning conditions relating to contamination and SPD Amenity policy 17 deals with sustainable remediation.

3.261 The SES reports on ground conditions. It sets out that ground works are limited to additional pile foundations terminating in London Clay beneath ESB. The Ground Contamination Desk Study and Preliminary Risk Assessment produced for ESB identifies that, following mitigation there is a very low risk of harm to potential sensitive receptors. Nevertheless, officer's consider that a site investigation is required to better assess the ground contamination status of the site and as such Conditions 6 – 11 are considered necessary 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 Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan.

3.262 Subject to the above conditions, the development is considered to be in

accordance with relevant national, regional and local contaminated land policies which seek to manage the development of land to minimise the potential harm of contaminated sites.

## Demolition and Construction

3.263 It is proposed that the redevelopment of ESB will be undertaken in tandem with the demolition and construction of the plot within which ESB sits, BW06 of the OPP.

3.264 The ESB development will involve three stages – internal deconstruction of the building; shell and core works including the removal of the existing façade and its replacement, structural alterations for new balconies and terraces, new M+E plant equipment; and internal fit out.

3.265 In terms of the cumulative effect of the proposal in relation to the wider OPP and Plot BW06, it is unlikely that the proposals would affect the significance of the impacts identified in the ES of the OPP.

3.266 A Construction Environmental Management Plan (CEMP), a Demolition and Construction Logistics Plan and a Site Waste Management Plan will be required prior to commencement of works on site and will be secured via Condition 4. The CEMP will include defined working hours, quiet techniques, waste minimisation and recycling, drainage and spill prevention, demolition and construction traffic management and suppression of dust.

3.267 Officers consider that the CEMP will adequately ensure the mitigation of the impacts of the construction of the proposed development.

## Ecology/ Biodiversity

3.268 Policy 7.19 seeks the enhancement of London wide biodiversity and states that development proposals, where possible, should make a positive contribution to the protection, enhancement, creation and management of biodiversity. Core Strategy Policy OS1 states that the Council's objective to protect and enhance biodiversity in the Borough. Policy DM E1 of the DM Local Plan sets out the objective the enhance existing open space and Policy DM E3 of the DM DPD requires developments to protect and enhance the nature conservation interests. Key Principle ENV 18 of the ECWKOA SPD seeks to protect and enhance ecology and biodiversity, including the SNCI adjacent to West Brompton Station and ENV 19 requires an ecological impact assessment. SPD Sustainability Policies 14, 15 and 17 seek to protect biodiversity and protected species and SPD sustainability policy 16 requires an assessment to be submitted for designated sites. Policy 19 requires an ecological management plan for site close to nature conservation areas. Policy 20 states that biodiversity should be enhanced and policy 21 sets out that natural features should be incorporated into design and that native species should be used in developments adjacent to nature conservation areas and green corridors and Policy 22 states that developers should plant trees where possible. Policy 23 encourages the use of SUDS that will enhance biodiversity, and Policy 24 encourages green and brown roofs.

3.269 The application site has been assessed for its potential for bats and whether it is likely to have an impact on existing ecology in the vicinity of the site. The report concludes that ESB has negligible potential for bats and that it will not affect any existing ecology.

#### Cumulative Effects

3.270 The SES has identified two types of cumulative impact interaction resulting from the proposed development. The first takes account of the combined effect of individual impacts arising as a result of the ESB development in the context of the OPP, for example impacts in relation to noise, airborne dust or traffic. The second takes account of the combined impacts of the ESB in the context of the OPP, with several other development schemes which may, on an individual basis be insignificant but, together (cumulatively) have a significant effect.

3.271 The results of the cumulative effects assessment revealed that the proposals would not result in any additional cumulative impact to those identified in the OPP ES. Officers have carefully considered these results and are satisfied that overall the application would not have any significant cumulative effects or impact when assessed against the committed developments in the area.

#### Equality Act 2010

3.272 In accordance with the provisions of the Equality Act 2010, the Council has had due regard for the potential of the proposal to affect the various needs of protected 'characteristics' and groups. Section 149 of the Equality Act 2010 requires the Council to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. This means that the Council must have due regard for the impact on protected groups when exercising its functions, and case law establishes that this must be proportionate and relevant.

3.273 The development would lead to a wide range of positive impacts varying in significance in respect of new housing, new commercial floorspace, employment opportunities during construction and on site, and urban design.

3.274 The development proposes that 100% of all the new dwellings are built to lifetime homes standards and 10% are wheelchair accessible. This would benefit new residents who may become disabled or have an age related impairment which means that they may require accessible housing.

3.275 In terms of employment the application results in the loss of the existing B1 floorspace on site. However, it is the intention of the existing tenants of the building, the Metropolitan Police Service, to vacate the building in June 2019. This would result in a vacant office building of considerable floorspace which it is considered would be difficult to let/ unviable to refurbish to create Grade A office space. Furthermore, significant new commercial floorspace is proposed as part of the wider OPP as well as across west London. In addition, employment will be created by the commercial unit on site, as well as the proposed residents gym and general on site employment (concierge/ management etc), and also during the construction phase.

Overall, in site specific terms the proposal scheme will result in a decrease in employment levels however, significant levels of new employment floorspace are proposed within the OPP and across the West London region.

3.276 The development would result in a small number of potential negative impacts in relation to the construction phase. The recladding of the building is however considered to have a positive effect in urban design terms.

#### S106 Agreement

3.277 In dealing with planning applications, local planning authorities consider each on its merits and reach a decision based on whether the application accords with the relevant development plan, unless material considerations indicate otherwise. Where applications do not meet these requirements, they may be refused. However, in some instances, it may be possible to make acceptable development proposals which might otherwise be unacceptable, through the use of planning conditions or, where this is not possible, through planning obligations.

3.278 CIL Regulations also set out a number of tests including that: a planning obligation must be necessary to make the proposed development acceptable in planning terms, directly related to the proposed development, fairly related in scale and kind to it and reasonable in all other respects. Negotiations should seek a contribution towards the full cost of all such provision that is fairly and reasonably related in scale and in kind to the proposed development and its impact on the wider area.

3.279 London Plan policy 8.2 recognises the role of planning obligations in mitigating the effects of development and provides guidance of the priorities for obligations in the context of overall scheme viability.

3.280 Core Strategy policy CF1 requires that new development makes contributions towards or provides for the resulting increased demand for community facilities. The Delivery and Monitoring policy of the Core Strategy states that the council will “seek to ensure that the necessary infrastructure is secured to support regeneration by... negotiating S106 obligations...”.

3.281 The applicant has agreed to provide a total s106 package of approximately £1.1 million.

3.282 Officers consider that the section 106 contribution towards supporting infrastructure is necessary, proportionate, reasonable, fair and directly linked to the development. It is considered that the S106 contribution is justified under the tests set out in CIL Regulation 122 and Regulation 123, for major developments.

#### Mayoral CIL

3.283 The Mayor of London’s CIL came into effect on 1 April 2012. This is a material consideration to which regard must be had when determining the application. Officers and the applicant have estimated a nil charge for the Mayoral CIL levy as the building is currently occupied and in use.

## Heads of Terms

1. The delivery of Affordable Housing units to be secured in the form of up to 102 housing units (up to 5,436.6sqm GIA floorspace), over and above that to be provided as part of the OPP, of an appropriate mix of 1 and 2 bedroom units, constructed and made available for use as intermediate Affordable Housing within the agreed specified area within the OPP boundary, as identified on the 'Specified Area Plan'. The delivery of the Affordable Housing units to be made at a range of levels of affordability to the intermediate Affordable Housing units. Option to elect to receive a payment of the Capped Subsidy in lieu of the provision within the 'Specified Area'.
2. The occupants of the Affordable Housing units will be liable to pay a fair, reasonable and proportionate contribution to the level of service charge.
3. Provisions to cater for the possibility of grant funding becoming available in the future, in order to potentially enhance the affordability of the additional 102 affordable housing units.
4. Travel Plan to be submitted for approval prior to occupation of the development (including linkage with Framework Travel Plan associated with outline planning permission ref. 2011/02001/OUT).
5. All the future occupiers (apart from blue badge holders) of the residential units shall be prohibited from applying for or holding on street residential car parking permits.
6. Submission and approval of a Car Park Management Plan prior to occupation of the development (including linkage with Car Parking Management Strategy in respect of outline planning permission 2011/02001/OUT).
7. Delivery of highway access from Lillie Road (the Lillie Road / Broadway access as defined in planning permission 2011/02001/OUT).
8. Lillie Road public realm improvements (linkage with works defined in outline planning permission ref. 2011/02001/OUT).
9. A financial contribution of £150,000 towards cycle infrastructure improvements in the local area.
10. Provision of children's play space in the vicinity of ESB, within the OPP boundary .Provision of 10% of residential units to be adaptable to wheelchair accessible standards.
11. Submission of a Wheelchair Accessible Units marketing strategy (including linkage with Wheelchair Accessible Unit Marketing Scheme in respect of outline planning permission ref. 2011/02001/OUT).
12. A financial contribution of £272,000 towards the provision of health care services
13. A financial contribution of £50,000 towards the provision of day nursery services
14. A financial contribution of £100,000 towards the provision of primary education services (unless the relevant party has contracted to deliver the primary school in accordance with the terms of the S106 Agreement related to the outline planning permission ref. 2011/02001/OUT)".
15. A financial contribution of £60,000 towards the provision of secondary education services



16. A financial contribution of £500,000 towards a communities and regeneration fund to support the social and physical health of the local community.
17. Connection to the district heating network delivered in respect of the wider Earls Court development.
18. If the district heating network is not yet operational upon completion of the development, details of a temporary alternative energy solution to be provided.
19. Commitment to employment and training during construction.
20. Restriction on development until development has commenced in relation to wider development parcel (BW06) pursuant to outline planning permission ref. 2011/02001/OUT.
21. Restriction on development until details associated with relevant vehicular, cycle and pedestrian routes as well as parking within parcel BW06 to service the development have been submitted and approved.

#### **4.0 Conclusions and Recommendations**

4.1 It is considered that the proposal constitutes an entirely appropriate response to this regeneration site in FRA. The development is considered to be in accordance with national policy and guidance, the London Plan, the Core Strategy, the Development Management Local Plan and the SPD. Officers consider that the development would enhance the built environment in this part of the Fulham Regeneration Area and the ECWKO and enable the delivery of much needed housing. It would be a high quality development which would sit well beside the proposals set out in the OPP.

4.2 Officers have given serious consideration to all the representations received when assessing the proposal against the relevant national, regional and local planning policies and guidance. For the reasons detailed in this report officers conclude that the proposal is acceptable in accordance with the relevant policies including nature and density of the land uses proposed; the housing provision; design and impact on heritage assets; impact on surrounding amenity; highways; access for all; energy and environmental impact and equalities. On the basis of securing the recommended planning obligations and conditions, the proposal is considered to represent sustainable and high quality regeneration within this part of the Fulham Regeneration Area and the ECWKO.

4.3 Therefore, officer recommendation is that subject to there being no contrary direction from the Mayor for London; that the Committee resolve that the Executive Director of Transport and Technical Services be authorised to determine the application and grant planning permission upon the completion of a satisfactory legal agreement and subject to the planning conditions.

**Ward:** Shepherd's Bush Green

**Site Address:**

Shepherd's Bush Market, Peabody And Broadway Centre, Nos.1 - 14 Market Lane, Former Laundry Site Rear Of Nos.9 - 61 Pennard Road, Land Adjoining Former Shepherd's Bush Library And Nos.30 - 52 Goldhawk Road W12



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**Reg. No:**  
2013/05493/RES

**Case Officer:**  
Agnieszka Nowak

**Date Valid:**  
19.12.2013

**Conservation Area:**  
Coningham And Lime Grove Conservation Area -  
Number 33  
Shepherds Bush Conservation Area -  
Number 21

**Committee Date:**  
13.11.2012

**Applicant:**

Orion Shepherds Bush Limited  
C/o Agent

**Description:**

Submission of reserved matters relating to appearance and landscaping pursuant to outline planning permission dated 30th March 2012 (ref.2011/02930/OUT) for the phased redevelopment of Shepherd's Bush Market and adjoining land comprising the demolition of existing buildings, the refurbishment and enhancement of the market, and the construction of new buildings ranging from 2-9 storeys in height (plus basement) to provide up to 212 residential units (up to 27,977sqm); and up to 14,052sqm of non-residential floorspace comprising up to 6,000sqm of market/retail floorspace (Class A1), up to 4,000sqm floorspace comprising food and drink Uses (Classes A3/A5), and up to 4,052sqm of associated servicing facilities and ancillary uses; including provision of landscaping and amenity/public space; access and parking (up to 85 vehicular spaces), up to 457 cycle parking spaces and associated works.

Drg Nos: A\_PL\_000; A\_PL\_001; A\_PL\_002/R01; A\_PL\_010; A\_PL\_011; A\_PL\_020; A\_PL\_099; A\_PL\_100/R01; A\_PL\_100\_M/R01; A\_PL\_101/R01; A\_PL\_102/R01; A\_PL\_103/R01; A\_PL\_104/R01; A\_PL\_105/R01; A\_PL\_105/R01; A\_PL\_106/R01; A\_PL\_107/R01; A\_PL\_108/R01; A\_PL\_109/R01; A\_PL\_119; A\_PL\_120/R01; A\_PL\_125; A\_PL\_130; A\_PL\_131; A\_PL\_132/R01; A\_PL\_133; A\_PL\_134; A\_PL\_140; A\_PL\_141; A\_PL\_142; A\_PL\_143; A\_PL\_144; A\_PL\_201; A\_PL\_202; A\_PL\_203; A\_PL\_204; A\_PL\_205; A\_PL\_206; A\_PL\_207; A\_PL\_230; A\_PL\_231; A\_PL\_232; A\_PL\_233; A\_PL\_301; A\_PL\_302; A\_PL\_303; A\_PL\_304; A\_PL\_305; A\_PL\_306; A\_PL\_307; A\_PL\_308; A\_PL\_309; A\_PL\_330; A\_PL\_331; A\_PL\_332; A\_PL\_333; A\_PL\_401; A\_PL\_402; A\_PL\_403; A\_PL\_404; A\_PL\_405; A\_PL\_406; A\_PL\_407; A\_PL\_408; A\_PL\_430; A\_PL\_431; A\_PL\_432; A\_PL\_433; A\_PL\_501; A\_PL\_502; A\_PL\_503; A\_PL\_504; A\_PL\_505; A\_PL\_506; A\_PL\_530; A\_PL\_531; A\_PL\_532; A\_PL\_533; A\_PL\_610; A\_PL\_611; A\_PL\_620; A\_PL\_621; A\_PL\_623; A\_PL\_630; A\_PL\_631; A\_PL\_640; A\_PL\_641/R01; A\_PL\_700; A\_PL\_710; A\_PL\_711; A\_PL\_712; A\_PL\_713; A\_PL\_714; A\_PL\_720; A\_PL\_799; A\_PL\_800/R01; A\_PL\_800\_M/R01; A\_PL\_801; A\_PL\_802; A\_PL\_803; A\_PL\_804; A\_PL\_805; A\_PL\_806; A\_PL\_807; A\_PL\_808; Reserved Matters Design Statement; Reserved Matters Access Statement; Reserved Matters Landscape Design Statement; Reserved Matters Landscape Addendum; Reserved Matters Daylight/Sunlight Assessment; Reserved Matters Transport Assessment.

**Application Type:**

Submission of Reserved Matters

**Officer Recommendation:**

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

- 1) The development shall not be erected otherwise than in accordance with the following approved drawings:

A\_PL\_000; A\_PL\_001; A\_PL\_002/R01; A\_PL\_010; A\_PL\_011; A\_PL\_020;  
A\_PL\_099; A\_PL\_100/R01; A\_PL\_100\_M/R01; A\_PL\_101/R; A\_PL\_102/R01;  
A\_PL\_103/R01; A\_PL\_104/R01; A\_PL\_105/R01; A\_PL\_105/R01; A\_PL\_106/R01;

A\_PL\_107/R01; A\_PL\_108/R01; A\_PL\_109/R01; A\_PL\_119; A\_PL\_120/R01;  
A\_PL\_125; A\_PL\_130; A\_PL\_131; A\_PL\_132/R01; A\_PL\_133; A\_PL\_134;  
A\_PL\_140; A\_PL\_141; A\_PL\_142; A\_PL\_143; A\_PL\_144; A\_PL\_201; A\_PL\_202;  
A\_PL\_203; A\_PL\_204; A\_PL\_205; A\_PL\_206; A\_PL\_207; A\_PL\_230; A\_PL\_231;  
A\_PL\_232; A\_PL\_233; A\_PL\_301; A\_PL\_302; A\_PL\_303; A\_PL\_304; A\_PL\_305;  
A\_PL\_306; A\_PL\_307; A\_PL\_308; A\_PL\_309; A\_PL\_330; A\_PL\_331; A\_PL\_332;  
A\_PL\_333; A\_PL\_401; A\_PL\_402; A\_PL\_403; A\_PL\_404; A\_PL\_405;  
A\_PL\_406; A\_PL\_407; A\_PL\_408; A\_PL\_430; A\_PL\_431; A\_PL\_432; A\_PL\_433;  
A\_PL\_501; A\_PL\_502; A\_PL\_503; A\_PL\_504; A\_PL\_505; A\_PL\_506; A\_PL\_530;  
A\_PL\_531; A\_PL\_532; A\_PL\_533; A\_PL\_610; A\_PL\_611; A\_PL\_620; A\_PL\_621;  
A\_PL\_623; A\_PL\_630; A\_PL\_631; A\_PL\_640; A\_PL\_641/R01; A\_PL\_700;  
A\_PL\_710; A\_PL\_711; A\_PL\_712; A\_PL\_713; A\_PL\_714; A\_PL\_720;  
A\_PL\_799; A\_PL\_800/R01; A\_PL\_800\_M/R01; A\_PL\_801; A\_PL\_802;  
A\_PL\_803; A\_PL\_804; A\_PL\_805; A\_PL\_806; A\_PL\_807.

In order to ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policies E4, G1, G6 and G7 of the Development Management Local Plan (2013) and policies BE1 and WCOA 3 of the Core Strategy 2011.

- 2) Prior to any superstructure work on the relevant phase (podium blocks at ground level and above, Pennard Mews and railway arches), except in relation to drainage works, details in plan section and elevation at a scale no less than 1:20 of each building type, including refurbished railway arches, shall be submitted and approved in writing by the Council, and no part of the development shall be used or occupied prior to the completion of that part of the development in accordance with the approved details

To ensure a satisfactory external appearance and prevent harm to the street scene, in accordance with Policies G1 and G7 of the Development Management Local Plan (2013) and Policy BE1 of the Core Strategy 2011.

- 3) Prior to any superstructure works (podium blocks at ground level and above, Pennard Mews and railway arches) commencing on the relevant phase of the development details and samples of all materials including both building materials and hard landscaping shall be submitted and approved in writing by the Council. The development shall be implemented in accordance with the approved details

To ensure a satisfactory external appearance in accordance with policies E4, G1 and G7 of the Development Management Local Plan (2013).

- 4) Except in relation to the Drainage Works, no development shall commence prior to the submission and approval in writing by the Council of details of the canopies. The development shall be implemented in accordance with the approved details

To ensure a satisfactory external appearance in accordance with policies E4, G1 and G7 of the Development Management Local Plan (2013).

- 5) No development, except in relation to Drainage Works, shall commence prior to the submission and approval in writing by the Council of full details of the proposed hard and soft landscaping of the site, including planting schedules and details of the species, height and maturity of any trees and shrubs and proposed

landscape maintenance. The approved scheme shall be implemented in the next winter planting season following completion of the building works, or before the occupation and use of any part of the buildings, whichever is the earlier, and the landscaping shall thereafter be retained and maintained in accordance with the approved details.

To ensure a satisfactory external appearance in accordance with policies E4, G1 and G7 of the Development Management Local Plan (2013).

- 6) Prior to any superstructure works commencing (podium blocks at ground level and above, and Pennard Mews) ) details of the Bush Theatre Square area shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in the next winter planting season following completion of the building works, or before the occupation and use of any part of the podium buildings, whichever is the earlier, and the landscaping shall thereafter be retained and maintained in accordance with the approved details

To ensure a satisfactory external appearance in accordance with policies E4, G1 and G7 of the Development Management Local Plan (2013).

- 7) Any tree or shrub planted pursuant to approved landscape details that is removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of similar size and species to that originally required to be planted.

To ensure a satisfactory provision for planting, in accordance with policies E4, G1 and G7 of the Development Management Local Plan (2013).

- 8) Prior to any superstructure works commencing (podium blocks at ground level and above, and Pennard Mews), details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value  $D_{nT,w}$  [and  $L'_{nT,w}$ ] of at least 5dB above the Building Regulations value, for the floor/ceiling /wall structures separating different types of rooms/ uses in adjoining dwellings, namely [eg. bathroom/ living room and kitchen above/adjacent bedroom of separate dwelling]. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site is not adversely affected by noise, in accordance with Policies DM H9 and H11 of the Development Management Local Plan (2013).

- 9) Prior to commencement of the development, except in relation to Drainage Works, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/ walls separating the [plant room] [basement car park] [communal facilities] [specify other] from [dwellings] [noise sensitive premises]. Details shall demonstrate that the sound insulation value  $D_{nT,w}$  [and  $L'_{nT,w}$ ] is enhanced by at least 10dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain noise from communal areas and machinery so as not to exceed the 'Good' criteria of BS8233:1999 within dwellings/ noise sensitive premises. 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/ adjacent dwellings/ noise sensitive premises is not adversely affected by noise, in accordance with Policies DM H9 and H11 of the Development Management Local Plan (2013).

- 10) Prior to any superstructure works commencing (podium blocks at ground level and above, and Pennard Mews), details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/ walls separating the commercial part(s) of the premises from [dwellings] [noise sensitive premises]. Details shall demonstrate that the sound insulation value  $D_{nT,w}$  [and  $L'_{nT,w}$ ] is enhanced by at least 15dB-20dB (as appropriate) above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the 'Good' criteria of BS8233:1999 within the dwellings/ noise sensitive premises. 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/ adjacent dwellings/ noise sensitive premises is not adversely affected by noise, in accordance with Policies DM H9 and H11 of the Development Management Local Plan (2013).

- 11) Notwithstanding the plans hereby approved, full details and scaled drawings of any gates to be installed to the west of the arches fronting Goldhawk Road and Uxbridge Road shall be submitted and approved in writing by the Local Planning Authority prior to any superstructure works commencing (podium blocks at ground level and above, and Pennard Mews). All works shall be carried out in accordance with the approved details.

To ensure a satisfactory external appearance and prevent harm to the street scene, in accordance with Policies G1 and G7 of the Development Management Local Plan (2013) and Policy BE1 of the Core Strategy 2011.

- 12) Prior to the construction of the podium gardens, a scheme detailing the play equipment, boundary treatments and ground surface treatment of the outdoor play spaces shall be submitted to the local planning authority and approved in writing. Any play equipment will be designed to be fully inclusive to ensure the play areas are accessible to all and will be implemented in accordance with the approved plans prior to occupation of the podium residential blocks, to be permanently retained thereafter.

In order to ensure equal life chances for all, and to prevent groups such as blind people and disabled children being excluded from use of public realm and other amenities by designs failing in detail to take specific needs into account, in accordance with London Plan (2011 with 2013 Alterations) Policy 3.1, the access policies set out in the DM Planning Guidance, Supplementary Guidance SPD and any other relevant best practice guidance.

- 13) Notwithstanding the plans hereby approved, full details and scaled drawings of any structure(s) to be constructed to the west of the arches shall be submitted to and approved in writing by the Local Planning Authority within 12 months of the work commencing on the superstructure (podium blocks at ground and above and

Pennard Mews). All works shall be carried out in accordance with the approved details before the occupation of any of the podium residential blocks.

To ensure a satisfactory external appearance in accordance with policies E4, G1 and G7 of the Development Management Local Plan (2013).

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

- 1) 1. Land use: The principle of a residential led development has been established by the outline planning permission (ref. 2011/02930/OUT, granted 30th March 2012). The overall quantum of development would accord with the policy requirement to optimise the use of the site and the dwelling mix and affordable housing provision would accord with policy guidance and the outline consent. The proposed development is acceptable in accordance with the NPPF (2012), Policies 3.3, 3.4, 3.8, 3.9, 3.10, 3.12 and 3.13 of the London Plan (2011 with 2013 Alterations), Core Strategy Policies A, H2 and WCOA 3, and Policies DM A3, DM C1 and DM C2 of the Councils Development Management Local Plan (2013).
2. Design: The proposed details in relation to the proposal's appearance and landscaping would bring a high quality design solution to this part of the town centre and opportunity area. The development would therefore be acceptable in accordance with the NPPF (2012), London Plan Policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6 and 7.7, Core Strategy Policy BE1 and Policies F1, F2, E4, G1, G6, and G7 of the Development Management Local Plan (2013) which seek a high quality in design and architecture, requiring new developments to have regard to the pattern and grain of existing development.
3. Residential Amenity and Impact on Neighbouring Properties: The internal design and layout of the new residential units are considered satisfactory having regard to London Plan Policies 3.4, 3.5 and 3.8, Core Strategy Policies H2, H3 and H4 and Policy A9 of the Development Management Local Plan (2013). The amenity space provision is also considered satisfactory, judged against Core Strategy Policy OS1 and Policies E1 and E2 of the Development Management Local Plan (2013). The impact of the proposed development upon adjoining occupiers is considered acceptable with no significant worsening of noise, overlooking, 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 development would therefore be acceptable in accordance with Policies G1, H9, H10 and H11 of the Development Management Local Plan (2013).
4. Safety and Access: The development would provide a safe and secure environment for all users in accordance with London Plan policies 1.1, 3.8, 3.16, 4.5, 7.2, 7.3 and 7.57, Core Strategy Policy H4 and Policies DM A4, DM F1, DM G1 and DM H10 of the Development Management Local Plan (2013), as well as the Council's adopted supplementary planning document (SPD) 'Access for All'.
5. Transport: The development would not result in any significant adverse impacts on traffic generation or congestion of the road network. Satisfactory provision would be made for car and cycle parking, and adequate servicing facilities and provision for storage and collection of refuse and recyclables would also be provided in accordance with conditions and S106 obligations secured by the

outline permission. The development would therefore be acceptable in accordance with the NPPF (2012), London Plan (2011 with 2013 Alterations) Policies 6.1, 6.3, 6.9, 6.10, 6.11, 6.13, Core Strategy Policy T1 and CC3, and Policies H5, J1, J2, J3 and J5 of the Development Management Local Plan (2013).

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

### **All Background Papers held by Andrew Marshall (Ext: 3340):**

Application form received: 18th December 2013

Drawing Nos: see above

**Policy documents:** National Planning Policy Framework 2012  
The London Plan 2011 and Revised Early Minor Alterations to The London Plan, 2013  
Core Strategy 2011  
The Development Management Local Plan 2013  
Planning Guidance Supplementary Planning Document July 2013

### **Consultation Comments:**

#### **Comments from:**

Royal Borough Of Kensington And Chelsea  
Greenside Residents Action Group  
Environment Agency - Planning Liaison  
English Heritage London Region  
Thames Water - Development Control

#### **Dated:**

24.01.14  
21.02.14  
16.01.14  
28.01.14  
10.01.14

### **Neighbour Comments:**

#### **Letters from:**

9 Lime Grove Shepherds Bush London W12 8EE  
33 Scotts Road London W12 8HP  
Flat 3, Bush Green House Pennard Rd London W12 8LL  
9 Lime Grove Shepherds Bush London W12 8EE  
flat 10 42 lime grove london W12 8EA  
11 Stillingfleet Road Barnes London SW13 9AQ  
48 Goldhawk Road London W12 8DH  
17a Pennard Mansions Goldhawk Rd London W12 8DL  
72 Edensor Gardens London W4 2RB  
6 Marlborough rd Liverpool L22 1rt  
6 Marlborough rd Liverpool L22 1rt  
8 Pennard Road London W12 8DS  
29 Pennard Road London W12 8DW  
23 Pennard Road London W12 8DW  
18 Fairlea Place London W5 1SP  
7/27 Sinclair Gardens London W14 0AU  
60b Mall Road Hammersmith London W6 9DG

#### **Dated:**

07.02.14  
20.03.14  
07.02.14  
07.02.14  
15.02.14  
30.01.14  
06.02.14  
19.01.14  
17.01.14  
18.01.14  
18.01.14  
10.02.14  
29.01.14  
06.02.14  
20.01.14  
20.01.14  
17.01.14

## 1.0 BACKGROUND

1.1 The application site is a broadly triangular area of approximately 1.93 hectares, comprising Shepherd's Bush Market, the Broadway Centre and Peabody Trust (1-14 Market Lane), the Pennard Road former Laundry site to the rear of 9-61 Pennard Road, Land adjoining the former Shepherd's Bush Library and 30-52 Goldhawk Road.

1.2 The site is bounded by Uxbridge Road to the north, the rear gardens of the properties along Pennard road to the east, Goldhawk road to the south and the Hammersmith and City line viaduct to the west.

1.3 The site is within Flood Risk Zones 2 and 3 and has a public transport accessibility level (PTAL) of 6b (excellent). The buildings within the site are not listed and have little architectural value.

### The Surrounding Area

1.4 The immediate surrounding area is residential in character along Pennard Road to the east and Lime Grove to the west. The Pennard Road properties are characterised by predominantly 2-storey Edwardian terraces, and those along Lime Grove comprise a mix of 2 and 3-storey terraced houses and 3-storey modern build residential blocks. The London College of Fashion and Lime Grove Hostel are also located to the western and eastern sides of Lime Grove respectively.

1.5 The properties along Pennard Road form part of the Shepherds Bush Conservation Area and those along Lime Grove are designated as part of the Coningham and Lime Grove Conservation area. Pennard Road mansions and the former Shepherd's Bush Library to the north and south of the site respectively are both identified on the Council's Register of Buildings of Merit.

1.6 Commercial businesses are characteristic of development along Goldhawk and Uxbridge Roads, occupied by a mix of retail, café and restaurant uses.

1.7 Shepherd's Bush Market falls within the White City Opportunity Area and a designated Town Centre. The area encompasses three main retail 'anchors' which are the Westfield shopping centre, West 12 shopping centre and Shepherd's Bush Market.

### Planning History of Application Site

1.8 On 30th March 2012 outline planning permission was granted for access, layout and scale in relation to the phased redevelopment of Shepherd's Bush Market and adjoining land comprising the demolition of existing buildings, the refurbishment and enhancement of the market, and the construction of new buildings ranging from 2-9 storeys in height (plus basement) to provide up to 212 residential units (up to 27,977sqm); and up to 14,052sq.m of non-residential floorspace comprising up to 6,000sqm of market/retail floorspace (Class A1), up to 4,000sqm floorspace of Food and Drink Uses (Classes A3/A5), and up to 4,052sq.m of associated servicing facilities and ancillary uses; including provision of landscaping and amenity/public space; access and parking (up to 85 vehicular spaces), up to 457 cycle parking spaces and associated works (2011/02930/OUT).

1.9 The above permission has been subject to a Judicial Review challenge. The challenge was dismissed on all grounds on the 9th October 2013, however, an

application for permission has been made to the Court of Appeal and is currently pending consideration.

1.10 On 17th December 2013 an application for a Non-Material Minor Amendment to the above outline permission was approved for the alterations to the height of each of the four proposed podium blocks by a maximum of 400mm and increase the depth of the basement by 1m (2013/05004/NMAT).

#### Application Description

1.11 This application seeks reserved matters approval for phased redevelopment of Shepherd's Bush Market and adjoining land as granted under outline application ref. 2011/02930/OUT. Matters relating to access, layout and the maximum parameters for each of the buildings were considered and approved as part of the outline permission and subsequent non-material amendment application. It is not possible to reconsider these aspects to the scheme as part of this application. This report deals solely with external appearance and landscaping of the proposed development in accordance with Condition 1 of the outline permission which states:

"Except in relation to the Drainage Works, no part of the development hereby permitted shall be commenced until an application or applications of the matters reserved by this planning permission have been made to and approved in writing by the Local Planning Authority and the reserved matters application(s) shall include (but not be limited to) detailed plans, sections and elevations showing:

- Appearance; and
- Landscaping.

Application(s) for approval of the matters reserved by this planning must be made not later than the expiration of 3 years from the date of this decision notice; and the development must be begun not later than the expiration of 2 years from the final approval of reserved matters for the or, in the case of approval on different dates, the approval of the last such matter to be approved."

1.12 The application includes detailed design of the four residential podium blocks, Pennard Mews and the retail elements of the scheme on Goldhawk Road, and along Market Lane.

1.13 The development will provide a total of 211 residential units, spread across the four podium blocks, Pennard Mews and live/work units. The dwelling sizes meet or exceed the GLA minimum space requirements and are to be built to Lifetime Homes standards with at least 10% to be wheelchair adaptable.

1.14 Main access to the podium residential units will be via the two main entrances off Market Lane with a secondary residential entrance being provided from Goldhawk Road.

1.15 A total of 81 car parking spaces would be provided within the basement car park and this would include 21 disabled accessible parking spaces and 2 parking spaces for car club vehicles.



1.16 Full details of the landscaping strategy for the scheme have also been submitted, including Market Lane and the four main areas of public realm which have been designated as:

- Bush Square,
- The Croft,
- Market Square and the podium gardens.

1.17 The proposed landscape design strategy uses the concept of weaving and seeks to unify the site by knitting together the existing railway arches with new retail and residential buildings, whilst providing a legible route through the site from north to south. The proposals also link the ground floor level with the new podium landscape by using a similar design language and materials palette. The Mews housing relates in scale and character with the neighbouring Pennard Road.

1.18 The applicants have provided the following documents in support of the application:

- Reserved Matters Design Statement;
- Reserved Matters Access Statement;
- Reserved Matters Landscape Design Statement (including Addendum);
- Reserved Matters Daylight/Sunlight Assessment; and
- Reserved Matters Transport Assessment.

1.19 The supporting information for the outline planning application included an Environmental Statement (ES) which assessed all environmental impacts of the development. It was determined that the development would be appropriate in development terms of the environmental impacts that would arise subject to a suitable range of mitigation measures secured by planning condition or planning obligations attached to the outline planning permission.

1.20 The recent Non-Material Minor Amendment application that sought to increase the overall heights of the four buildings and basement depth was subject to a screening opinion that confirmed that the amendments did not alter the findings of the original ES.

1.21 On the basis that the current Reserved Matters application includes areas of plant which sit outside the amended parameter plans proposed amendments have been screened in accordance with the EIA regulations. It has been considered that the inclusion of the plant does not give rise to any new significant environmental impacts not previously considered by the original ES, or any new environmental considerations.

## 2.0 PUBLICITY AND CONSULTATIONS

### Pre-application consultation

2.1 A Statement of Community Involvement (SCI) has been submitted with the application which details the public consultation undertaken by Orion Shepherds Bush Limited (OSBL) prior to submission of the reserved matters application.

2.2 Portland Communications were appointed to liaise with the local community. A series of drop-in consultation sessions were first held to introduce the proposal and continued at various stages throughout the consultation process each with a different focus that was relevant to the advancement of the development plans. A public exhibition took place over three days from November 21st-23rd at two local venues. Full

details of the community consultation including key dates, content, publicity, and attendees are set out within the SCI.

2.3 In addition to the public consultation, Wellington Markets, who have been appointed to manage the market, have held consultations with the existing traders, including one-to-one meetings. A Steering Group has also been established in accordance with the requirement of the s106 agreement linked to the outline consent. Wellington Markets have strong reputation as market operators and currently operate at 21 locations in England and Wales from a combination of its own freehold premises, leasehold premises and licensed locations.

#### Reserved Matters Application Consultations

2.4 Following submission of the application, the application was advertised by the posting of site notices and an advertisement notice in the local press. Approximately 1200 consultation letters were sent to neighbouring properties.

2.5 A total of 17 responses were received to this consultation, including 2 petitions signed by 21 and 47 people respectively. The responses received are summarised in the table below;

- Inappropriate height, scale and massing of the buildings;
- Not in keeping with the character of its surroundings and the grade II listed properties;
- Overdevelopment of the site, cramped and too dense;
- Overlooking and resulting loss of privacy;
- Impact on peaceful enjoyment of residential properties;
- Loss of daylight/sunlight and overshadowing;
- Visually overbearing;
- Noise, pollution and dust from the proposed entrance of the parking;
- Light pollution;
- Insufficient provision of car parking spaces;
- Traffic problems and safety hazard;
- Excavation of the basement may cause vibration and movement, and could affect the foundations of the surrounding properties;
- Bland and featureless design with a brutalist landscape appearance; dull and unattractive;
- Inadequate living conditions for new occupants; (Officers comment: see standard of accommodation section, paras 3.66 - 3.82 below);
- The resulting trading space will be darker, gloomier and colder than the existing - spaces they now occupy; it will affect the general ambience of the market;
- Luxury flats will not help to solve the housing crisis in the borough;
- 4 bedroom family houses are in Pennard Mews and these do not have access to private gardens;
- The development will drive many local businesses away and destroy the livelihoods of market traders;
- Building works may inevitably have an effect on local businesses;
- Loss of A.Cooke's Pie Shop, which is part of London's heritage and is a local institution;
- Loss of Victorian terraces either side of the market;
- Multi-coloured paving; (Officers comment: see Landscaping section paras 3.48-3.64 below);
- Lack of family sized accommodation within the podium blocks;

- Ground level family houses should have a direct access to private gardens; (Officer's comment: see Amenity space section, paras 3.83-3.94 below);
- Design of the shop fronts;
- Artificial grass does not enhance biodiversity nor does it help with water run off;
- Security of the cycle stands;
- Insufficient car parking for the market traders and shopkeepers;
- Security of the market.

2.6 The following responses have been received from amenities groups within LBHF

Greenside Residents Action Group:

- proposed density is too high and will negatively impact on local environment and amenities;
- increase in pressure on the local social amenities such as health services, schools, social services etc;
- insufficient parking provision;
- increase in the risk of crime and antisocial behaviour;
- multi-storey development will impact on light to Pennard Road properties;
- noise to rear of Pennard Road properties will increase;
- object to new or additional food service outlets that might be open late evening causing negative effect on residential quality of life. Oversaturation of food and drink uses and night economy related businesses;
- object to the proposed compulsory purchase of 30-52 Goldhawk Road, which include a number of fabric shops that are known across the Capital and are very much a traditional part of Shepherds Bush heritage;
- local residents are concerned at the exclusive arrangements between the Council and Orion.

Shepherd's Bush Market Tenants' Association:

- Accuracy and representativeness of the Reserved Matters Statement Of Community Involvement - no names and addresses from the alleged comments were listed in the document and Orion has chosen not include or voice the concerns and opinions of all of the Shepherd's Bush Market tenants;
- Inaccurate drawings;
- Market canopy - not addressing details of the market canopy in the reserved matters application lacks transparency and correctness. (Officers comment: see paras 3.44-3.47 below)
- Stall Design - as above, there is grave concern as to the fairness and correctness of the Steering & Liaison Group; (Officers comment: see para 3.16 below)
- Steering & Liaison Group - an individual under instruction of Orion and holding the position of chairman fails to be independent and therefore compromises the Steering & Liaison Group;
- Retail units - the submission does not give indication on how many retail units will be present in Orion's new market design, how many of these units are Arches, Permanent Stalls or Shops; (Officers comment: see Land use section, Para. 3.16 below)
- Soft Furnishing (Foliage & Trees) - The reserve matters application displays foliage and trees within the market area however the locations of these are incorrect as Orion have already agreed that the location will be required for Stalls; (Officers comment: see para 3.55 below)
- Market "Phasing" - There is concern that Orion may be failing to consider alternative possibilities for the market "phasing";

- Business Continuity Fund - The Business Continuity Fund's stipulations are biased and are too limiting to the market tenants. The Business Continuity Fund fails to provide sensible and reasonable assistance to the tenants. Orion has failed to address these concerns and continues to refuse to discuss these matters;
- Maintenance on both the east and west side of the brickwork of the viaduct - The removal of foliage growing from the viaduct brickwork is required. Orion had said that this would be addressed however there is no mention of this in the reserved matters application;
- Orion's Funding for The Fronts of The Arches - further assurances is required regarding the funding of the refurbishment of all of the arch frontages;
- Late provisional service charges - Orion has failed to provide detail and costing's of recent service charge contracts. The Failure to disclose recent service charge contract costing's is no acceptable as it is the tenants that pay these service charges;
- Orion's proposal to remove the 1954 Landlord & Tenant Act - attempt to exempt the 1954 Landlord & Tenant Act from the leases is an attempt to steal the worth and value of the present leases from the tenants;
- Rents & Service Charge Proposals - Orion's rental and service charge aspirations are beyond that of market businesses.

2.7 Council officers' response: Whilst all responses received are important in determining the acceptability or not of this reserved matters application, officers note that majority of the objections raised relate to aspects of the scheme that were fully assessed and consulted upon at the outline stage, such as density, quantum of development and the proposed land uses, impact on local social amenities and parking, safety and security, and impact on residential amenities. All relevant material comments received in relation to appearance and landscaping have been taken into account in the assessment of the scheme, presented in the relevant sections below. Members are given opportunity to view the public responses received if they wish to do so. Any new issues of concern received following the completion of this report will be reported by way of addendum to this report.

## 2.8 External consultees:

English Heritage - no comments

Environment Agency - has no comments to make on the reserved matters application and looks forward to commenting on the discharge of conditions applications in due course.

Thames Water - no comments

Transport for London - no comments

## 3.0 PLANNING CONSIDERATIONS

3.1 The outline permission 2011/02930/OUT and the subsequent Non-Material Amendment approval set the parameters for the quantum and mix of uses, scale and height of buildings, siting and means of access. This application seeks reserved matters approval under the outline permission with regards to appearance and landscaping.

3.2 In assessing these reserved matters proposals other issues fall to be considered in the overall assessment of external appearance and landscaping. Consideration will be given to the provision of land use, internal amenity and impact on neighbouring properties, transport servicing arrangements, access and accessibility, and security.

## Land Use

3.3 The primary objectives of the comprehensive regeneration scheme for the Shepherds Bush Market secured under the outline permission were based on allowing residential development to assist in the renovation, enhancement and enlargement of the existing Market in terms of the physical fabric of the trading units and stalls, the public realm and railway arches, servicing arrangements and security and safety.

3.4 Whilst the council has since adopted the Development Management Local Plan (July 2013), the development is considered to satisfy the relevant land use policies and guidance set out for the area in the Core Strategy and the Development Plan Policies.

3.5 The Market is designated within the Core Strategy as a Strategic Site (White City Opportunity Area 3 (WCOA 3) - Shepherds Bush Market and adjacent land). It also forms the western boundary of the Shepherd's Bush Town Centre as designated in the Core Strategy.

3.6 The Core Strategy states that the regeneration of the Shepherd's Bush Market is a priority which will improve the attraction of Shepherd's Bush Town Centre and act as a catalyst to further integration of the Westfield centre with the older part of the Town Centre. The Core Strategy envisages that the reinvigoration of the market will help to revive the economic and cultural health of the Town Centre and position the market as a major attraction in the area.

3.7 The White City Opportunity Area policy encourages the regeneration of the Market area so that it provides an enhanced focus and destination in the western part of the Town Centre.

3.8 Policies DM C1 and DM C2 of the Development Management Local Plan promote proposals that enhance the viability and vitality of the town centres and regulate the uses within the prime retail frontages.

3.9 The land uses proposed under this reserved matters application follow the type and quantum approved at outline stage which includes up to 14,052m<sup>2</sup> of non-residential floor space including up to 6,000m<sup>2</sup> of market/retail floor space, up to 4,000m<sup>2</sup> of food and drink uses, up to 212 new dwellings and up to 4,052m<sup>2</sup> of associated servicing facilities and ancillary uses.

3.10 The non-residential floor space will comprise external works to the railway arches, new stalls along Market Lane, new retail floorspace provision under the podium blocks and along Goldhawk Road, as well as the live/work units.

3.11 Officers recognise that as a consequence of design issues and the application of modern standards for retail premises the new units may differ in size and format from the existing shops. However, all existing traders from Goldhawk Road and the Market itself can be accommodated in the redevelopment.

3.12 The existing estimated retail frontage of the Goldhawk Road units is circa 56m whilst the proposed retail frontage will be approximately 49m. The reduction of 5m results from the incorporation of the residential entrance and the vehicular access to the basement. It appears that if the existing ten businesses all wished to take up the offer



relating to the new premises, the new shop fronts would be approximately 500mm narrower than the existing ones. Officers acknowledge, however, that all units will have a greater presence within the street due to the increased glazing of the shop fronts.

3.13 A further point is that with regard to the retail floorspace, the new units will include full basements which will provide fully tradable spaces. On this basis, officers conclude that whilst the shop fronts might be slightly narrower, the actual floor area of the proposed units will be greater. As such, it is considered that the new units will be able to accommodate the relocated businesses if they wish to continue trading in this location, thereby satisfying the commitments of the outline consent.

3.14 The Goldhawk Road façade will be ordered by the structural grid of the residential building above which will provide a flexible framework for the new units below. Accordingly, the new retail units can extend to the full width of a structural bay or a bay can be subdivided into two units.

3.15 Whilst some of the commercial spaces have been designated for specific use, such as café/restaurant at the ground and first floors of The Croft, majority of the retail units along Goldhawk Road and Market Lane have been designed to be flexible in terms of both their size and use. Servicing has been designed to allow all units to be used as either retail (Use Class A1) or food and drink (Use Class A3/A5), albeit adhering to the maximum floor areas allowed under the outline permission.

3.16 The details relating to the number and design of the new market stalls are secured by condition 6 of the outline permission and will be finalised following the consultation with the Martet's Steering Group and Wellington Markets.

#### Residential Unit Mix

3.17 London Plan (2011 with 2013 Alterations) policy 3.4 seeks that development optimises housing output within the relevant density range while respecting local context and character and the Plan's design principles. Policy 3.8 of the London Plan (2011 with 2013 Alterations) identifies amongst other things that development should offer a range of housing choices in terms of sizes and types including affordable family housing as a priority. Policy DM A3 of the Development Management Local Plan (2013) seeks all new housing provided as part of new major development to provide a mix of housing, including family housing.

3.18 Under the outline application, an illustrative unit mix for the proposed 212 residential dwellings was provided. The development will provide a total of 211 residential units. 193 residential apartments across four podium blocks, 13 mews houses and 5 live/work units on Pennard Mews. This is a decrease of 1 unit from the maximum 212 allowed by the outline permission.

3.19 The overall revised unit mix when compared to the illustrative scheme is as follows:

Unit Size	Outline Permission
No	Outline Permission
percentage	Reserved Matters
No	Reserved Matters
percentage	

1 bed	81	38.2	89	42.2
2 bed	84	39.6	83	39.3
3 bed	47	22.2	30	14.2
4 bed	0	NA	9	4.3
TOTAL	212	100	211	100

3.20 Whilst there will be a decrease in the number of 3 bed units within the podium blocks, the Mews houses have changed from 2 and 3 bed houses to 3 and 4 houses. The proposed changes result in the overall decrease in the ratio of family units from 22.17% to 18.5%, however officers are of the view that the introduction of larger family sized units enhances regenerative effect of the scheme by addressing the identified shortage of such accommodation in the local area. To this end, the proposed dwelling mix is considered to satisfy the aspirations of relevant policies.

### Affordable Housing

3.21 The NPPF states (para.50) that in order to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- o plan for a mix of housing based on current and future demographic trends;
- o market trends and the needs of different groups in the community;
- o identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand. Such policies should be sufficiently flexible to take account of changing market conditions over time.

3.22 London Plan Policy 3.13 (2011 with 2013 Alterations) outlines that affordable housing will normally be required on a site which has the capacity to provide 10 or more homes and that negotiations should take account of development viability.

3.23 London Plan Policy 3.11 (2011 with 2013 Alterations) sets out London wide affordable housing target of at least 13,200 more affordable homes per year. The policy advises that 60% of new affordable housing should be provided for social and affordable rent and 40% for intermediate rent or sale, with priority accorded to the provision of affordable family housing. The Mayor's Minor Alterations to the London Plan addresses the introduction of affordable rent, with further guidance set out in the Housing SPG. The second part of Policy 3.11 relates to the establishment of Borough level affordable housing targets through LDF preparation that take account of a range of considerations that include the strategic target and local circumstances.

3.24 London Plan Policy 3.12 (2011 with 2013 Alterations) seeks, amongst other things, that the maximum reasonable amount of affordable housing should be sought when negotiating on schemes, having regard to a number of factors including the requirements for affordable housing at local and regional levels; adopted targets; the need to encourage rather than restrain residential development; the need to promote mixed and balanced communities; size and type of housing required, specific circumstances of the site; funding resources; and the priority to be accorded to family housing. Part B of Policy 3.12 advises that 'negotiations on sites should take account of their individual circumstances including development viability, the availability of public subsidy, the implications of phased development including provisions for reappraising the viability of schemes prior to implementation ('contingent obligation'), and other

scheme requirements'. Part C encourages provision of affordable housing on site and states that cash in lieu should only be used in exceptional circumstances.

3.25 Policy H2 of the Core Strategy requires the provision of affordable housing on sites that have the capacity for 10 or more units. In determining the acceptability of the proposals in accordance with Policy H2 and the London Plan, the Council has had particular regard for the site size and site constraints, financial viability, the individual circumstances of the site, the availability of public subsidy and the need to encourage rather than restrain residential development.

3.26 Under the terms of the policies and documents outlined above, housing developments should provide an element of affordable housing, however, financial viability is an important material planning consideration that may affect the level that can be achieved.

3.27 In respect of the Shepherds Bush Market outline planning application, an independently verified viability appraisal at the outline stage demonstrated that affordable housing provision was not financially viable. Given the wide ranging regeneration benefits of the scheme and the supporting viability appraisal the application was considered acceptable in accordance with development plan policies without affordable housing. However, a section 106 Agreement accompanying the planning permission makes provision for a "review mechanism" that requires a viability review to be undertaken at the reserved matters stage.

3.28 In this regard the applicants have submitted a viability appraisal with the application documentation. The viability appraisal and assumptions there in propose that no affordable units be offered to be provided on site.

3.29 On behalf of the applicant, consultant's DS2 prepared a financial viability assessment (FVA) of the proposed scheme based on the review mechanism obligations set out in the Section 106 of the extant scheme. These obligations fixed the land value and identified which assumptions could be adjusted away from a base appraisal.

3.30 DS2 concluded that based on their interpretation of the obligations the revised scheme indicated that the proposed scheme would generate a return significantly below a competitive developer's return based on Gross Development Value (GDV).

3.31 The applicant's viability report has been independently scrutinised by Lambert Smith Hampton (LSH), employed on behalf of the Council. LSH was originally employed to assess the original planning application. LSH were able to use their knowledge of extant scheme's viability to demonstrate that the applicant was using the wrong base appraisal to form the basis of their assumptions. When this base appraisal was adjusted it improved the viability of the scheme.

3.32 LSH investigated further the proposed residential sales values applied to the scheme for the assessment and concluded that they were not reflective of current market evidence.

3.33 LSH and the Council met with the applicant's consultant to discuss the amendable assumptions, including build costs and revenue. LSH provided their additional sales comparables to applicant's and highlighted that the evidence provided by the applicant

and used to value the proposed residential units did not reflect current values. LSH also presented a schedule of accommodation values

3.34 This additional evidence enabled LSH to consider the consequential impact on the maximum reasonable level of affordable housing and planning obligations that could be provided.

3.35 LSH's conclusions were as follows:

- o The applicant's viability assessment was not based on the correct viability appraisal of the extant scheme.
- o The applicant's consultant provided an update based appraisal which LSH agreed as reflecting the base appraisal expressed in the S106. This included value for the Market and Car parking.
- o Generally the assumptions adopted by the applicant's consultant were reasonable, including their updated build costs. However, LSH concluded their proposed residential sales values did not reflect market data.
- o Sensitivity analysis of potential sales rates could enable the proposed scheme to viable and able to generate surplus revenue which could deliver affordable housing.

3.36 LSH and the Council discussed the outcomes of the sensitivity tests based on market data with the DS2, which concluded the scheme may be able to deliver a surplus which could be used to support affordable housing. Following careful consideration the applicant proposed a contribution of £2.55m, which reflected a midpoint of anticipated surplus generated in the sensitivities.

3.37 LSH's analysis, further demonstrated that if the contribution offered was invested in the proposed scheme, the scheme could deliver circa 6 residential Discounted Market Sale (DMS) affordable units instead of an off-site contribution. Given the nature and design of the scheme and the impact of the affordable is such that no additional units or alternative affordable tenure mix could be viably delivered on site. This level of onsite affordable housing has been discussed with the applicant and an offer of 6 DMS units has been made instead of an offsite payment.

3.38 LSH therefore conclude that the proposed affordable housing at 6 DMS units, together with the level of planning obligations can be considered the maximum reasonable to be provided (2.8% of the total number of units provided).

3.39 The DMS housing provision will consist of 1x three bedroom unit and 5x one bedroom units in Block B, at a total household income threshold of £50,000 for the one bed properties, and the GLA maximum of £80,000 for the three bed property.

3.40 Whilst the provision of affordable accommodation is one-bed heavy, with only one three bed unit being proposed, the affordable housing offer has been considered against the financial viability of the development which is finely balanced.

3.41 It is considered that the provision of 6 DMS units represents the maximum reasonable amount of affordable housing. Officers are satisfied that the developer has demonstrated the financial viability of the development does not permit further delivery of affordable housing. The provision of six units of affordable housing will require an amendment to the Section 106 agreement in respect of the outline application to secure

the delivery of the units and to secure the Council's standard restrictions including amongst other things the sale prices and purchasers of the units.

3.42 In summary, it is considered that the proposed development, would contribute towards the provision of new affordable residential accommodation at an acceptable discounted rate and assist the regeneration of Shepherd's Bush Market thereby achieving the Council's strategic objectives. The affordability level would ensure that six units of affordable housing are available for people eligible for affordable housing. The FVA Update is considered to demonstrate that the council is securing the maximum reasonable level of affordable housing. The current housing component of the scheme including the tenure is therefore considered acceptable in accordance with Policies 3.3, 3.4, 3.8, 3.9, 3.10, 3.12 and 3.13 of the London Plan (2011 with 2013 Alterations), Core Strategy Policies A, H2 and WCOA 3, as well as the National Planning Policy Framework (NPPF).

## APPEARANCE AND LANDSCAPING

### Appearance

3.43 The proposed design has been developed with respect to the status of the site, its setting and the desire to improve the market. It is distinguished by several different character areas which were identified at the outline stage and which have been developed with regard to their setting and the townscapes which they address.

#### Goldhawk Road Frontage

3.44 The proposed building frontage connects to Pennard Mansions at the eastern end and gently curves away at the western end to reveal the first of the railway arches and create a larger space on Goldhawk Road to signal the entrance to the market. The rhythm of the bays on the elevation reflects the general plot widths along Goldhawk Road and follows the structural grid of the residential building above and to the north. The façade has a clear hierarchy through each bay.

3.45 The ground floor would accommodate the retail units where the option to occupy the full width or half of the bay exists. The shop fronts would be framed by a framework of pilasters and fascia which would be painted steel and consistent along the façade. Areas for signage, louvres and canopies are similarly determined in the design to give a degree of consistency across the elevation.

3.46 The upper levels would be clad in brick with projecting framed stone surrounds to the windows. The windows at first and second floor levels are combined to give a double-height frame and reinforce the hierarchy and sense of proportion through the bay. The window module would have a bronze finish and a sliding shutter panel to the winter gardens. Above the parapet, the fourth and fifth floors would be progressively set back. The fourth floor includes alternate projecting window bays which would add to the skyline silhouette of the elevation from Goldhawk Road.

#### Podium Residential

3.47 The west facades are given a proportion which reflects the grid of the railway arches. The north and south facades curve gently to connect the alignment set up by the railway arches to the alignment of Pennard Road at the eastern boundary of the site. A common architectural language has been adopted for all blocks.



3.48 The buildings terrace back from Market Lane toward Pennard Road with a decreased massing. The main framing of the buildings would be clad in a light London stock brick. At the east and western ends of the blocks where the building projects from the primary frame, a simple elevation composed of an expressed steel frame and terracotta is proposed. On the Market Lane façade, vertically stacked recessed terraces alternate with full height glazing. Entrances to the blocks are located within the retail base along Market Lane and would be marked by projecting canopies.

3.49 The southern façade would be articulated as a series of vertical bays framed by brick columns. Paired bays of vertically stacked winter gardens would be alternated with bays of angled glazing to give a rhythm and strong degree of articulation across the façade. The angled glazed vertical bays would be used on the north elevation.

3.50 The terracing of the form allows for the inclusion of roof terraces which would be enclosed by a glazed balustrade and set back from the edge of the roof to avoid overlooking to neighbouring units. The roof storey on each block would be given a simpler design treatment and clad in bronze coloured steel and terracotta.

3.51 The northern part of block D addresses the central space, the form of the building tapers to a tight curved corner and would have a retail two storey base and recessed terraced fourth floor. The steel framed terracotta is extended onto this element.

#### Pennard Mews

3.52 The proposed mews houses follow the design concept approved at the outline stage. Top floors are angled within the projecting bay of the houses. The kitchen and living area would be at ground floor level providing some animation and surveillance to the mews space. The house would have an asymmetrical façade with a combination of a wider projecting bay and a narrower bay. This sets up a rhythm along the mews. The roof line silhouette is varied by the inclusion of a second floor extension set back from the main frontage, at various intervals along the terrace. The houses would be clad in London stock brick forming a double-height frame which would then be lined with a recessed stone skin. The window module would be articulated and clad in bronze with the glazing being a combination of clear and translucent panels.

#### Railway Arches

3.53 The railway arches provide the context for the scheme and their refurbishment is the key to the success of the regeneration of the market. A minimally framed glass façade would be set within the arch and recessed to allow the form of the arch to be fully expressed in views along Market Lane. The design would allow for a standard form of fascia and projecting sign for each of the unit to ensure that any signage is sensitively incorporated into the arch.

3.54 With regard to canopies, whilst both the outline and the current reserved matters application include some indication of what might be provided, the exact details are yet to be finalised following the consultation with the Steering Group and Wellington Markets and in accordance with condition 6 of the outline permission. It is considered appropriate, that the detail of the canopies are secured by condition.

3.55 Notwithstanding the above, it is important to highlight that there are both TfL restrictions and also design/townscape considerations which will dictate what can and cannot be achieved. In this regard TfL have confirmed that any canopies would need to

be retractable and at a height 'not above the vertical demise level' to ensure that they cannot be climbed upon to gain access to the viaduct. On this basis, officers understand that the existing permanent structures that are in place would not in fact comply with these requirements and it would not therefore be possible to install something similar in the future. Instead it is likely that there will be smaller retractable canopies provided over the entrances to the arches which will enable people to seek refuge from bad weather but at the same time not cutting across the entire face of each arch or compromising railway security.

3.56 From the design perspective, a key priority of the scheme is to rediscover the elegance of the arches and the view of them which will be created down Market Lane.

#### Landscaping

3.57 In design terms it is important that the materials have a quality and robustness that is appropriate to the market and a design which adds to the vibrancy of the place. The materials and design should be used in a way to provide a unifying character through the scheme and to tie the space together as a cohesive whole.

3.58 The landscape architects have developed their scheme in line with these aims. The scheme includes proposals for both the market areas and the gardens spaces for residents.

3.50 The market areas are given sense of vibrancy and interest in the use of a "weave pattern" of the paving materials at key points along market lane. The use of a weave pattern was inspired by the presence of fabrics in the market.

3.51 Lighting would be integral to the buildings and street furniture wherever possible. Special effect lighting would be integrated around Bush Theatre Square and the Croft such that it could be used for special events.

#### Market Lane

3.52 Market Lane is the main axial route through the market. It includes a 3m wide central zone which would accommodate the market stalls and tree planting. Narrow paving bands running across Market Lane would connect the grid of the refurbished railway arches with the bay widths of the new buildings

3.53 London Underground requires a 3m exclusion zone adjacent to the railway arches. This has enabled the scheme to have a clutter free zone adjacent to the arches which would be used purely for circulation. A clear strategy and definition of areas for movement and uses has been developed

3.54 Trees are located at the larger key spaces along the route such as residential entrances or potential gathering areas where the route widens or where specific functions are catered for. Honey locust trees are proposed for these areas. The trees have a light canopy and yellow foliage in spring and autumn. These are also the areas where the paving would become richer with the use of colour and the weave pattern concept. Robust palette of materials have been selected to meet the demands of market use. Simple grey paving with dark banding which reflects the rhythm of the arches and the proposed new buildings would be the predominant materials with feature paving in the weave pattern at key locations.

3.55 Whilst the plans submitted indicate the locations of trees along Market Lane, their exact positions will be agreed once the details relating to the number and design of the new market stalls are finalised following the consultation with the Steering Group and Wellington Markets. A condition will be added to this consent, should it be granted, requiring final approval of the soft landscaping scheme. Additionally, officers note that conditions 32 and 58 of the outline permission require further details of the landscaping and landscaping management plan to be submitted and approved by the council.

#### Bush Theatre Square

3.56 This space has been designed to connect Bush Theatre with the Market. It has been designed as an adaptable space which could be used by the Theatre for performances or as a café / bar spill-out area. The Theatre has indicated that they might want to use it occasionally for private functions connected to the Theatre. It could also be used by the Market for temporary markets or seasonal events.

3.57 The design includes a raised terrace along western edge of Bush Theatre which responds to levels in the theatre but also gives a grade separation from main thoroughfare of market giving the space a different character. Colour is proposed for the paving to provide a "welcome mat" at the entrance and to introduce the weave theme which is then repeated at intervals along the market. Three London Plane trees are proposed to mark the edge of the proposed square and entrance to the market

#### The Croft

3.58 This is the space which lies at the heart of the site where the space widens. It has been designed as a point of rest along the linear route and encourages people to stop and inhabit the space. The space would be used as a spill out space for cafes, but due to its form and location could also be used as an event space. Three honey locust trees would be located in Market Lane at the Croft. The weave pattern and colour would be used in the paving at this important node which would wrap the curved end of the proposed market lane building to the south.

#### Market Square

3.59 Market Square would be a generous covered area which would sit beneath the residential building and would be linked onto Market Lane. It could accommodate specialist market space or be used for start up pitches, exhibitions, fashion shows etc. Power supplies would be incorporated into the design to ensure that the intended flexible use of the space is catered for. The space would be announced by three honey locust trees with seating between on Market Lane, and again uses the weave pattern of coloured paving which would connect the market and flow into the space. The covered space would be top lit by a linear glazed element at podium level and would borrow this characteristic from the traditional covered market

#### Goldhawk Road And Uxbridge Road Entrances

3.60 At each entrance to the market, the weave pattern and colour would be introduced as a "welcome mat". The paving would be designed to link with the York stone paving on the public highway along each of the east west routes. No trees are proposed in these locations in order that visibility into the market is maximised. However it is possible that the entrances could be signed by a public art feature which would assist in creating a sense of place.

### Pennard Mews

3.61 Pennard Mews is a single sided mews. In keeping with a traditional mews, the space would be laid to a shared surface throughout. The paving would be subdivided by banding which would reflect the rhythm of the mews houses. Space does not permit tree planting but the mews would be lined by hedge and shrub planting on both sides. A simple palette of contrasting clay pavers is proposed. A modest front edge to the properties would be defined by low planter walls and railings.

### Podium Gardens

3.62 The podium gardens are green spaces which flow between the residential blocks. The gardens would provide residents with active and passive recreation away from the activity of the market. It would be a greener, softer space which would benefit from the proposed tree planting in Market Lane, and in return would offer trees at the openings between buildings which would be visible in views along the market.

3.63 The apartments at podium level would have their own private terrace defined by a 1.2m hedge. Beyond, planting is proposed for the deck. It is proposed that the scheme would provide year round interest by combining a strong evergreen framework with seasonal planting. Play areas would be integrated into the landscaping. Circulation to allow for movement between buildings and around space has been incorporated into the design. The podium would provide opportunities for viewing activity of the market below. The proposed planting is used to soften the lines of the architecture when seen in the foreground of the elevations.

3.64 The proposed design and landscape schemes would secure a significant improvement to the market and its setting. The design of the buildings has been developed to be mindful of the surrounding heritage assets and wider setting, whilst also providing a high quality backdrop to the market activity. The proposed landscape design is inspired by the market and co-ordinated with the building design to give a coherent and vibrant floorscape to the market as well as fully planted amenity areas for the residential blocks.

3.65 Overall, it is considered that the scheme would bring a high quality design solution to this part of the town centre and opportunity area, thereby satisfying the aspirations of the NPPF (2012), London Plan Policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6 and 7.7, Core Strategy Policy BE1 and Policies F1, F2, E4, G1, G6, and G7 of the Development Management Local Plan (2013) which seek a high quality in design and architecture.

### Internal Layout/Standard of Accommodation

3.66 Policy 3.5 of the London Plan (2011 with 2013 Alterations) requires new residential development to provide a high quality of internal living environment. Table 3.3 of this policy specifies unit sizes for new development. A caveat is included within the policy stating that development that does not accord fully with the policy can be permitted if it exhibits exemplary design and contributes to the achievement of other policy objectives.

3.67 Policy 3.8 of the London Plan (2011 with 2013 Alterations) requires new residential development to be built to lifetime homes standards, with 10% of units designed to be wheelchair accessible or easily adaptable to this standard. Policy 7.3 advises that new development should seek to create safe, secure and appropriately accessible environments.

3.68 Policy H3 of the Core Strategy and policies DM A2 and DM A9 of the Development Management Local Plan (2013) require new residential development to provide high quality living conditions for future occupiers.

3.69 The Applicant has demonstrated that all proposed dwelling sizes would meet and in most cases exceed the minimum space requirements set out in table 3.3 of the London Plan and will be built to Lifetimes Homes standards (secured under conditions 45 and 60 of the outline permission). All units will have access to the podium gardens and each of the podium block apartments will benefit from private amenity space in the form of a balcony, terrace or winter garden.

3.70 Windows within the elevations between each of the podium blocks and also within the front elevation of Pennard Mews facing the rear of the Pennard Road properties will be a combination of clear and translucent glazed panels to ensure that issues of privacy and overlooking are adequately addressed.

3.71 Whilst due to the site constraints significant number of the new units (88 no) would be single aspect, none of them would face directly north which is in line with guidance set out in the Mayor's Housing SPG.

3.72 It is considered that each of the habitable rooms within the development would provide adequate outlook and privacy for future occupants.

#### Daylight/sunlight

3.73 While there are no specific policies with regard to daylight, sunlight or overshadowing either within the Core Strategy, DMLP or SPD, the proposed development has been assessed with regards to the impact on the levels of daylight and sunlight on the proposed residential units within the scheme now that the residential unit layouts have been established. Accordingly this issue has been considered in detail and assessed against the BRE guide 'Site Layout Planning for Daylight and Sunlight, 2011.

3.74 The applicants have undertaken a detailed analysis to establish the quality of light within a representative selection of the residential rooms, including the lowest residential floor and then, alternate floors up to give a spread of results, which includes the potentially worst affected rooms.

3.75 Technical analysis has been undertaken in accordance with the Average Daylight Factor (ADF), No Sky Line (daylight) and Annual Probable Sunlight Hours (sunlight) (APSH) methodology set within the BRE guidelines. It should be noted that the guidelines are not mandatory; however they suggest daylight and sunlight standards based on room usage to ensure that adequate levels are met.

3.76 The results of the ADF analysis indicate that of the 277 habitable rooms assessed 261 (94%) will achieve BRE compliance. The majority of the rooms that do not meet the target values have deep balconies, which limit the daylight availability to the room. The provision of external private amenity space to the proposed units is considered to be of great benefit, however, it is acknowledged that when doing so, it is difficult to achieve 100% adherence to the BRE guidelines.



3.77 While a selection of the rooms were assessed, it is noted that if every room in the development were assessed the proportion of rooms that achieve the BRE compliance would increase to around 98%, which, considering the urban setting of the development, is considered to be good.

3.78 With regard to sunlight, it is noted that the BRE guidance considers living rooms as the most important room for receiving direct point-source sunlight, and that sunlight is considered less important in bedrooms and kitchens. It is preferable to maximise the number of living room windows facing within 90 degrees of due south. However, for larger developments of flats within constrained sites, it is not always possible to have every living room south facing.

3.79 Of the 277 rooms tested, 145 do not meet the APSH target value, of which 37 are living rooms or combined living/kitchen/dining rooms. Focussing on the living rooms, 22 of the living rooms have windows that do not face within 90 degrees of due south. This is due to the constrained nature of the narrow site which is orientated on the north-south axis. These windows include the mews houses, that are east facing.

3.80 With respect to the rooms which do not meet the target APSH values which are south facing, 14 are living rooms or living/kitchen/dining rooms. All of these rooms are located beneath balconies which significantly reduces the amount of APSH levels achievable in the summer months. They do exceed the target value of 5% winter APSH as the sun is lower in the sky during those months. As mentioned above, it is considered that the private amenity space provided by the balconies is of great value to the units, so the impact on APSH levels achievable is considered to be permissible.

3.81 The siting, scale and massing of the buildings was approved at the outline stage. Officers consider that both the layout of the development and the arrangement of the individual residential units will constitute the optimum design solution in response to the constraints of the site and access aspirations. The proposed reserved matters are therefore considered acceptable in relation to the standard of residential accommodation and daylight and sunlight in accordance with London Plan Policies 3.4, 3.5 and 3.8, Core Strategy Policies H2, H3, H4 and OS1, and Policies DM A9, DM E1 and DM E2 of the Development Management Local Plan (2013).

#### Amenity Space and Children's Play space

3.82 Guidance on the appropriate level and quality of amenity space in relation to new residential development is contained within policies BE1 and H3 of the Core Strategy, Policies DM A2 and DM E2 of the Development Management Local Plan (2013) and Planning Guidance SPD Housing policies 1 and 3.

3.83 SPD Housing policy 1 advises that every new family dwelling should have access to amenity or garden space of not less than 36sqm. Dwellings with accommodation at ground floor level should have at least one area of private open space with direct access to it from the dwelling. For family dwellings on upper floors this space may be provided either as a balcony or terrace and/or communally within the building's curtilage.

3.84 Each unit within the podium blocks will have access to private amenity space in the form of a balcony, terrace or winter garden and the majority of private amenity spaces provided will exceed the minimum thresholds set out in the Housing SPG. Whilst

no private amenity space will be provided for Pennard Mews houses, given the challenges of the site in order to achieve market regeneration, it is considered that on balance, the scheme is acceptable in this regard. It is also noted that residents of the mews houses will have access to a podium level gardens providing 1,790sqm of communal amenity space. This provision is considered to be sufficient for the users of the site.

3.85 Policy 3.6 of the London Plan and the GLA's SPG 'Providing for Children and Young People's Play and Informal Recreation' (2008) sets out that 'development proposals that include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs. Core Strategy Policy OS1 seeks children's play provision in new developments. Policy DM E2 of the Development Management Local Plan requires on-site provision of an off-site contribution where it cannot be provided.

3.86 Although the outline application provided for 220sqm of play space as part of the illustrative scheme, the revisions to the dwelling mix have subsequently reduced the child yield and resulted in the slightly lower requirement. Based on the current unit mix, the proposed development should provide 168sqm of doorstep play space.

3.87 Due to the close proximity to Shepherds Bush Common (within 400m) which offers the play facility requirements for the children aged over 5, the development is only seeking to provide play space for under 5s. Overall, the scheme delivers a total of 1,790sqm of communal amenity space, including 211sqm of doorstep play space provided over three areas to the north of Blocks A, B and C. Each of the dedicated play area will be accessible from the internal circulation area to ensure easy access by both able bodied and disabled people and those with pushchairs. Each area will offer an array of play typologies including sand-based play, active play and creative/imaginative play.

3.88 Officers also have had regard to the provision of three public spaces proposed throughout the development that have been identified as 'The Croft', 'Market Square' and 'Bush Square', and these areas have been designed for specific uses. In particular, 'The Croft' and 'Bush Square' have been designed as adaptable spaces including outdoor seating for informal gatherings. As such, the level and nature of amenity space provision is considered adequate.

3.89 Whilst the development has been sensitively designed to avoid any undue detrimental impacts with regard to daylight, sunlight and overshadowing to surrounding properties; inevitably this means that there will be some degree of overshadowing within the development itself.

3.90 The BRE publish discretionary guidance for sunshine to public spaces. This suggests that 50% of the space should receive two hours of sunlight at mid-season (March 21st). Sunlight and daylight consultants GIA have analysed the three amenity areas. The results confirm that the communal amenity areas to the north of Blocks B and C will have 57.6% and 100% respectively of the amenity area capable of receiving two hours of direct sunlight on March 21st. The third area, directly to the north of Block A, will not receive more than two hours direct sunlight on March 21st.

3.91 Officers acknowledge, however, that with respect to this amenity area, given the orientation of the proposed building and its proximity to an existing four storey building

of Pennard Mansions means that it is difficult for this area to receive large amounts of direct sunlight.

3.92 It is noted that this amenity space forms the smallest part of the overall play space provision and given that all of the residents will have access to all of the communal amenity spaces within the podium gardens, the access to direct sunlight, as a whole, is considered to be acceptable. Furthermore, all units within the podium blocks will also benefit from their own private amenity spaces.

3.93 Overall, officers are of the view that the proposed development will afford an acceptable standard of residential accommodation and would meet the objectives of relevant policies of the London Plan (3.5 and 3.6), Core Strategy (BE1, H3 and OS1) and Development Management Local Plan (DM A2 and DM E2).

#### Impact on Residential Properties

3.94 Policy 7.6 of the London Plan (2011 with 2013 Alterations) states that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. There are no specific policies with regard to daylight, sunlight or overshadowing either within the Local Management Plan or Core Strategy. Policy DM G1 does however refer to impact generally and the principles of 'good neighbourliness'. Housing Policy 8 in the SPD requires amenity of neighbouring occupiers to be protected.

3.95 The outline planning permission established the siting and massing of the podium blocks which are defined by the approved parameter plans and the subsequent non material amendment application. The daylight and sunlight assessments at the outline stage confirmed there would be no significant detrimental impact to the existing surrounding residential properties.

3.96 With regard to potential overlooking to neighbouring properties, the scheme's proposed terraces will be set back from the edge of the roof by approximately 500mm and will be enclosed with 1100mm high glass to ensure adequate privacy to adjacent terraces and the rear of the Pennard Road properties. The windows within the front elevation of Pennard Mews facing the Pennard Road properties will be a combination of clear and translucent glazed panels to address the issues of privacy and overlooking.

3.97 In summary, officers are of the view that the proposals will ensure that the privacy and outlook of the surrounding residential occupiers will not be unduly compromised. The proposal is considered to comply with policy requirements on this matter.

#### Transport and Highways

3.98 The London Plan contains numerous policies relating to sustainable transport modes, highway safety, traffic congestion and car parking and cycling spaces Policy 6.3 requires the effects of development on transport capacity to be assessed. Policy 6.9 requires that new development provide for the needs of cyclist Policies 6.11 and 6.12 relate to tackling congestion and improving road network capacity. Policy 6.13 outlines an objective for new development to accord with the London Plan car and cycle parking standards and that the delivery and servicing needs be satisfactorily met.

3.99 Policies DM J2 and DM J3 of the Council's DM Local Plan 2013 set out vehicle parking standards, which brings them in line with London plan standards and circumstances when they need not be met. Policies DM J1, DM J4, DM J5 and DM J6 are also applicable.

3.100 The application site has a PTAL of 6b which offers excellent public transport accessibility level. The site is within Controlled Parking Zone (CPZ) G, which operates restricted parking Monday to Sunday 9:00am - 10:00pm and is for permit holders only 6:30pm - 8:00pm.

3.101 The outline approval enables the redevelopment of Shepherd's Bush Market with new vehicular access from Goldhawk Road and associated car and cycle parking. The points of vehicular access to the proposed development remain as approved as part of the outline application; however there have been some minor amendments to address the detailed design of the proposals.

3.102 Vehicular access to the Market stalls and arches would continue to operate as per the current arrangement with vehicles entering at the south of the Market from Goldhawk Road and exiting from the north of the Market onto Uxbridge Road.

3.103 Vehicle access to the service yard and the basement car park would be gained via a new vehicle access from Goldhawk Road. There have been minor amendments to the arrangement of this access as part of the development of the proposals. These are considered acceptable, subject to a favourable Stage 2 Road Safety Audit.

3.104 An access management strategy will be submitted to discharge condition 22 of the outline consent, in particular to control vehicle access to the site. Vehicle access to the Market would continue to be subject to controls during the day with vehicles restricted from entering the Market during the day such that the Market is pedestrian only during these times. This arrangement remains as per the outline application.

3.105 Access to the service yard from Goldhawk Road would be controlled by gates. The gates would be set back from the public highway such that a vehicle can wait at the gates without impeding the movement of pedestrians and/or vehicles on Goldhawk Road. It is envisaged that gates would be monitored by CCTV, intercom or other similar system.

3.106 Vehicle access to Pennard Mews would be taken from the existing vehicle access on Pennard Road. This arrangement remains as per the outline application. The proposed gates at the northern end of Pennard Mews which open into Market Lane are solely required for fire access in an emergency and they will not be used at any other time. There is, however, a controlled pedestrian access within the gate to be used at all times.

#### Car Parking

3.107 In line with the approved outline application, the only car parking to be provided on site will be assigned to the residential apartments and the Mews houses.

3.108 A total of 81 car parking spaces would be provided within the basement car park and this would include 21 disabled accessible parking spaces and 2 parking spaces for car club vehicles.

3.109 The outline application envisaged that each of the 13 Mews houses within Pennard Mews would include a single garage to accommodate 1 vehicle and that no car parking would be provided for the 5 live/work units in Pennard Mews. As part of the design development the parking associated with Pennard Mews has been relocated to the main basement car park. Residents of each of the 13 Mews houses would be assigned 1 car parking space within the basement car park. As per the outline application no car parking will be provided for the 5 live/work units in Pennard Mews. Vehicle access to Pennard Mews will be available such that residents can access their properties to load/unload items; however they would not be able to park within the Mews and would be required to move their car to the basement car park to park. A pedestrian connection would be provided between the basement car park and Pennard Mews.

3.110 The application indicates that 23 motorcycle parking spaces would be provided in the basement.

#### Cycle Parking

3.111 The approved outline application provided cycle parking spaces for the market traders, retail units, and Mews houses.

3.112 The current reserved matters proposals provide:

- o 315 cycle spaces for residential apartments within basement;
- o 31 cycle spaces for the mew houses and live/work units within basement;
- o 24 cycle spaces for the retail units/ market traders within basement; and
- o 74 cycle spaces for visitors at grade.

3.113 The proposed cycle parking provision is in line with the provision agreed as part of the outline application and is considered acceptable.

#### Servicing and Deliveries

3.114 As part of the reserved matters application there has been minor amendments to the layout of the site access junction and the service yard.

3.115 The service yard will provide a total of 6 loading bays split between three servicing areas, as identified within the approved outline application, as follows:

- o 2 loading bays at the northern end of the service yard as a refuse and recycling hub;
- o 2 loading bays on the north eastern side of the service yard to serve the retail units; and
- o 2 loading bays on the south eastern side of the service yard to serve the residential units.

3.116 Swept path analyses has been provided showing a large refuse vehicle accessing and egressing the refuse and recycling hub at the northern end of the yard and a 10m rigid lorry accessing and aggressing the retail and residential loading bays.



3.117 The Transport Assessment submitted alongside the outline planning application considered the expected servicing trips associated with the development proposals. The assessment concluded that the proposed retail units would result in around 30 service trips per day, with a peak trip attraction of 2-3 service vehicles per hour.

3.118 The assessment presented in the Transport Assessment also considered servicing trips associated with the proposed residential units and concluded that the units would result in a total of 16 servicing trips per day, with a peak of around 2-3 service vehicles per hour.

3.119 It is considered that the capacity of the proposed service yard is sufficient to accommodate the service trips associated with the development proposals. A site servicing and delivery strategy will be submitted to discharge a condition of the outline permission.

3.120 It may be possible that some servicing trips associated with the redeveloped Market could be accommodated within the service yard rather than on Market Lane, using the bays identified for the retail units and refuse collection.

3.121 Refuse collection associated with the proposed Mews houses and live/work units would be undertaken from Pennard Mews and a swept path analysis showing a large refuse vehicle accessing and egressing Pennard Mews has been carried out.

3.122 Officers are satisfied that subject to the compliance with the conditions attached to the outline consent and mitigation measures secured through legal agreements, the development will not have an adverse impact on the safe operation of the highway or the living conditions of neighbouring residents. The proposal therefore complies with the objectives of 6.1, 6.3, 6.9, 6.10, 6.11, 6A.11, 6.13, of the London Plan 2011 and policy T1 of the Core Strategy (2011) and policy DM J1, DM J2, DM J3, DM J4, DM J5 and DM J6 of the Development Management Local Plan 2013 and the Council's "Planning Guidance" Supplementary Planning Document.

#### Access for All

3.123 London Plan policies 1.1, 3.8, 3.16, 4.5, 7.2, 7.3 and 7.5, DM policies DM A4 and DM F1 of the Development Management Local Plan (2013) and the Council's adopted supplementary planning document (SPD) 'Access for All' are relevant in consideration of the acceptability of the scheme in terms of disabled access.

3.124 All residential entrances will be step free and will have automated doors to accommodate for wheelchair access. All residential units have been designed to Lifetimes Homes standards. In line with the London Plan, LBHF's Local Plan and Core Strategy, 17% of the units are provided as wheelchair adaptable, providing accommodation for disabled users but also for those whose mobility may become impaired with age. The wheelchair adaptable units will be provided within the podium blocks. Further details of these units are secured under conditions 45 and 60 of the outline consent.

3.125 Of the 36 wheelchair adaptable units offered in the development proposal, 18 are one bedroom, 11 are two bedroom and 7 have three bedrooms. The proposed

scheme is considered as acceptable in terms of providing an appropriate number and choice of unit sizes for disabled occupiers.

3.126 The residential units of the development have level thresholds with all units benefitting from level access to private amenity space as well as the podium gardens. The play spaces will be accessible to both children and adults and will be developed further through detailed design.

3.127 The basement car park has been configured to ensure ease of access to the accessible bays and to conveniently locate them near the access cores. The provision of ramps with a gradient of less than 1:15 is considered to assist the safe and secure movement for all users. Charging points for mobility scooters and buggies will be provided within the development at ground floor level near the lift core and the reception.

3.128 The proposed access strategy for the public realm will include the provision of legible layout with clear visual links along the market and to the entrances to the site and the buildings, safe pedestrian zone with step-free circulation routes and suitable slip-resistant surfaces. Whilst the current submission demonstrates the landscape strategy for the Bush Square area including a new sloped access to the theatre, it is considered appropriate that submission of further details is secured via an appropriate condition, should the consent be granted. It is also noted that details regarding disabled access to Shepherds Bush Theatre from the Bush Square are required under condition 66 of the outline approval.

3.129 Subject to a number of conditions, the accessibility provision in the development would comply with London Plan, DM Local Plan, Core Strategy Policies and the Council's "Planning Guidance" Supplementary Planning Document.

#### Lighting and Security

3.130 S17 of The Crime and Disorder Act 1998 imposes an obligation on the Local Planning Authority to consider crime and disorder reduction in the assessment of planning applications. London Plan Policy 7.3 advises that development should reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating. Policy DM G1 of the Development Management Local Plan (2013) requires new development to respect the principles of Secured by Design.

3.131 The applicant has identified a number of security measures within the Reserved Matters Design and Landscape Statements and has sought to promote the key objectives and principles of Secured by Design. Condition 7 of the outline planning permission requires submission of a market management plan whilst Condition 44 requires submission of details to demonstrate how the proposal will satisfactorily meet the Secured by Design objectives.

3.132 Core Strategy Policy CC4 advocates for the protection and enhancement of environmental quality. With regard to lighting it states the council will take measures to 'minimise the impact of light pollution'. Policy DM H10 of the Development Management Plan (2013) states that where proposals include external lighting, this should be designed in order to provide the minimum amount of lighting necessary to achieve its purpose and to avoid glare and light spillage from the site.

3.133 Condition 39 of the outline permission requires the submission and approval of details of all proposed external artificial lighting. With this condition in place, officers consider that the impact of the proposal on the surrounding properties will be acceptable in light pollution terms and that no undue harm would result.

3.134 To this end officers are of the view that subject to the above conditions the proposals are considered to satisfy the requirements of London Plan Policy 7.3, Core Strategy Policy CC4, Policies DM G1 and DM H10 of the Development Management Local Plan (2013) the Council's "Planning Guidance" Supplementary Planning Document.

#### 4.0 LEGAL AGREEMENT

4.1 Schedule 5 of the Section 106 Agreement signed prior to the grant of the outline planning permission required the developer to submit an updated Financial Viability Appraisal at the time of submission of the reserved matters application.

4.2 The appraisal was independently scrutinised by Lambert Smith Hampton (LSH) on behalf of the Council. As a result of this viability review the Council has negotiated the maximum reasonable amount of affordable housing on the Site which represents six DMS residential units on site.

4.3 In the light of the above and in accordance with Section 106 of the Town and Country Planning Act 1990 (As Amended), the applicant has agreed to enter into an agreement with the Council to vary the Section 106 agreement that will include the following Head of Terms:

- o Provision of six DMS residential units on site comprising five 1-bed units at a total annual household income of no more than £50,000 and one 3-bed unit at a total annual household income of no more than £80,000.
- o Provision to ensure that the Council's standard restrictions relating to affordable housing are secured in respect of the units.

#### 5.0 CONCLUSION and RECOMMENDATION

5.2 The reserved matters details for appearance and landscaping have evolved within the context of the approved outline scheme. They are considered to be consistent with the principles and level of detail established and approved at the outline stage. The proposal will provide a high quality development which would make a positive contribution to the urban environment in this part of the Borough.

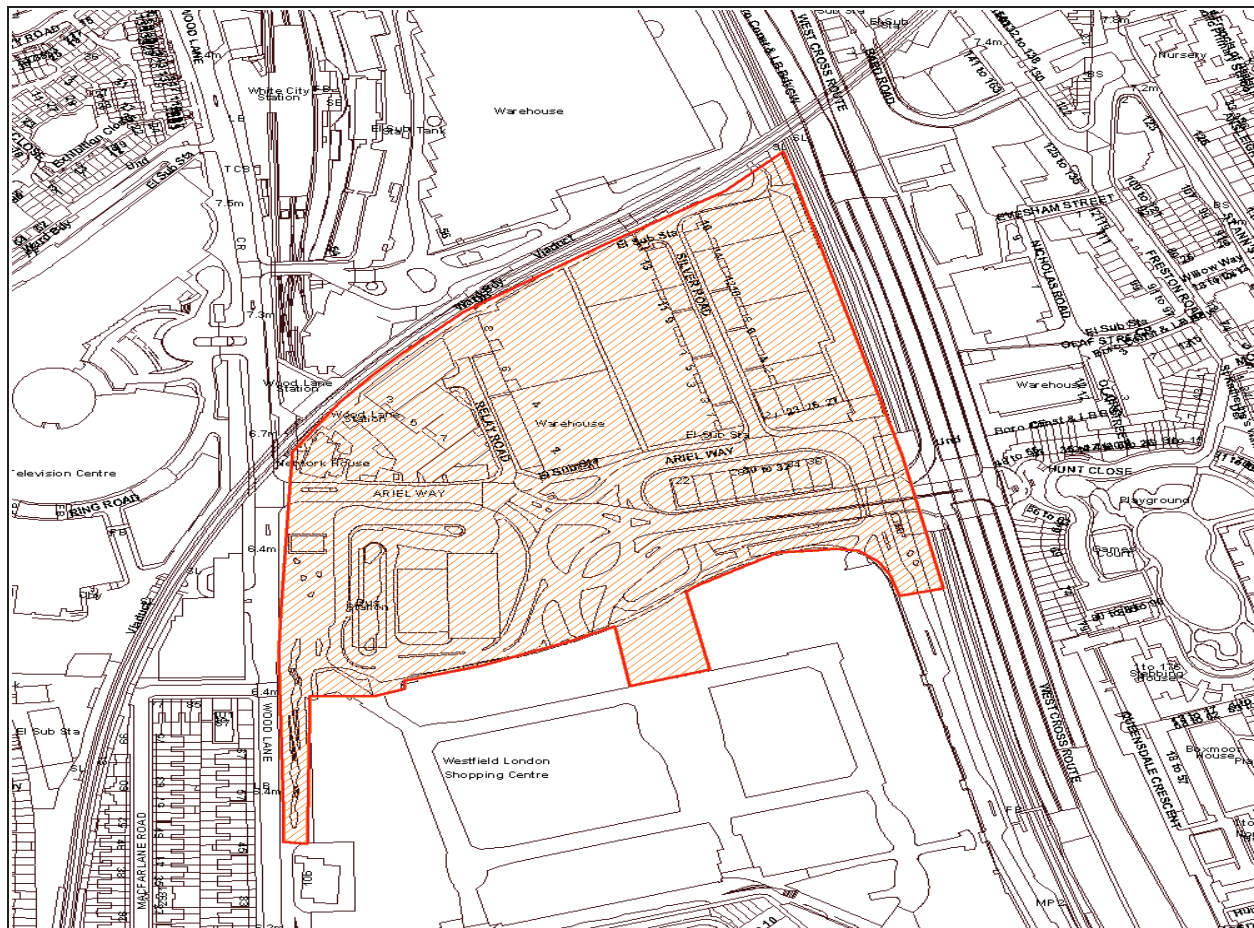
5.3 The overall quantum of development would accord with the policy requirement to optimise the use of the site while providing acceptable standards of residential and retail accommodation and the dwelling mix and affordable housing provision would be acceptable in accordance with policy guidance and the outline consent.

**Ward:** Shepherd's Bush Green

**Expiry Date:**

**Site Address:**

Land North Of Westfield Shopping Centre Ariel Way London



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

**Reg. No:**

2013/05115/OUT

**Date valid:**

29.11.2013

**Recommendation Date:**

10.03.2014

**Committee Date:**

03.04.2014

**Case Officer:**

Michelle Bradshaw

**Conservation Area:**

**Applicant:**

Westfield Shopping towns Ltd  
C/o Agent

**Description:**

Outline Planning Application (all matters reserved) for the comprehensive redevelopment of the site comprising a mixed use scheme to include demolition of existing buildings and associated structures, the closure and alteration of highways, engineering works and construction of new buildings (ranging from 2 - 23 storeys) and structures (including podium) up to 87.975m (AOD) to provide up to 61,840sqm (GEA) (net increase) retail use (A1) including an anchor department store; up to 8,170sqm (GEA) restaurant and café use (A3 - A5); up to 2065sqm (GEA) office use (B1); up to 1,600sqm (GEA) community/health/cultural use (D1); up to 3500sqm (GEA) leisure use (D2); and up to 1,347 residential units (up to 127,216sqm (GEA)) (C3); plus creation of a basement, an energy centre together with ancillary and associated development, new pedestrian routes and open spaces, cycle parking, car and motorcycle parking and vehicular access and servicing facilities.

Drg. Nos:

- WLD 001: Existing Site 684\_07\_001 Rev A
- WLD 002: Planning Application Area 684\_07\_002 Rev A
- WLD 003: Existing Site Levels 684\_07\_003 Rev A
- WLD 004: Demolition 684\_07\_004 Rev A
- WLD 005: Development Plots Ground 684\_07\_005 Rev C
- WLD 006: Development Plots Plinth 684\_07\_006 Rev C
- WLD 007: Proposed Site Levels 684\_07\_007 Rev A
- WLD 008: Building Lines 684\_07\_008 Rev A
- WLD 009: Maximum Building Heights 684\_07\_009 Rev A
- WLD 010: Minimum Elevational Height 684\_07\_010 Rev A
- WLD 011: Ground Floor Uses Along Public Realm 684\_07\_011 Rev A
- WLD 012: Landscaping 684\_07\_012 Rev A
- WLD 013: Basements 684\_07\_013 Rev A
- WLD 014: Access 684\_07\_014 Rev A
- WLD 015: Green and Brown Roofs 684\_07\_015 Rev A

**Application type:**

Outline Application

**Officer Recommendation:**

Subject to there being no contrary direction from the Mayor for London, that the application be approved subject to s106 legal agreement and the conditions set out below:

1) TIME LIMITS AND SUBMISSION OF RESERVED MATTERS

i) No part of the development hereby permitted by this outline planning permission shall be commenced on Development Plots A, B, C, D, and K (as identified on drawing



number WLD: 006 Development Plots: Plinth 684\_07\_0006 Rev B) unless and until an application or applications for written approval of the matters reserved by this planning permission in respect of the relevant Development Plot have been made to and approved in writing by the Local Planning Authority. The reserved matters applications shall include detailed plans, sections and elevations showing:

- Access;
- Layout;
- Scale;
- Appearance; and
- Landscaping.

ii) Application(s) for approval of the matters reserved by this planning permission for the relevant Development Plot referred to in paragraph (i) above must be made no later than the expiration of the following from the date of this decision notice:

- Three years for Development Plots A and B
- Ten years for Development Plots C and K
- Fifteen years for Development Plot D

iii) Development of Development Plots A, B, C, D, and K to which this permission relates must be begun not later than the expiration of TWO YEARS from the final approval of reserved matters of the relevant Development Plot, or, in the case of approval on different dates, the approval of the last such matter to be approved.

Reason: To comply with Article 2 of the Town and Country Planning (Applications) Regulations 1988 as amended by the Planning (Applications for Planning Permission, Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2006 and Section 92 of the Town and Country Planning Act 1990 (as amended).

2) IN ACCORDANCE WITH APPROVED PLANS AND DOCUMENTS

i) The OUTLINE planning permission hereby permitted shall not be constructed unless in accordance with the following Parameter Plans, Parameters Report and schedules therein, submitted as part of the planning application:

Parameter Plans

- WLD 001: Existing Site 684\_07\_001 Rev A
- WLD 002: Planning Application Area 684\_07\_002 Rev A
- WLD 003: Existing Site Levels 684\_07\_003 Rev A
- WLD 004: Demolition 684\_07\_004 Rev A
- WLD 005: Development Plots: Ground 684\_07\_005 Rev C
- WLD 006: Development Plots: Plinth 684\_07\_006 Rev C
- WLD 007: Proposed Site Levels 684\_07\_007 Rev A
- WLD 008: Building Lines 684\_07\_008 Rev A
- WLD 009: Maximum Building Heights 684\_07\_009 Rev A
- WLD 010: Minimum Elevational Height 684\_07\_010 Rev A
- WLD 011: GF Uses Along Public Realm 684\_07\_011 Rev A
- WLD 012: Landscaping 684\_07\_012 Rev A
- WLD 013: Basements 684\_07\_013 Rev A

- WLD 014: Access 684\_07\_014 Rev A
- WLD 015: Green and Brown Roofs 684\_07\_015 Rev A

Parameter Report with the following schedules:

Table 1 – Maximum Quantum of Floorspace by Use (GEA))

Table 2 – Unit Mix by Tenure

Should the resulting reserved matters propose demolition of any more or any less Retail floor space than provided for in Table 1 referenced above, a change to the planning permission would be necessary (either through s 96A or s 73 depending on the scale of the amendments), or the submission of a new outline planning permission if the change is considered to result in a material difference from the approved scheme.

Reason: In order to ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with policies 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 (2011) (including 2013 alterations) and policies BE1 of the Core Strategy (2011) and policies DMG1, DMG3, DMG6, DMG7, DMG8 of the Development Management Local Plan (2013).

### 3) IN ACCORDANCE WITH DAS AND DESIGN CODES

All reserved matters applications shall include a statement to demonstrate compliance with the principles and parameters set out in the Design and Access Statement prepared by Allies and Morrison (dated November 2013), the General Design Code and the Design Codes for Plots A, B, C, D and K, prepared by Allies and Morrison (dated November 2013) and amended General Design Codes and amended Design Codes for Plots A, B, C, D and K prepared by Allies and Morrison (Rev 1) (dated March 2014), the Design Code for the Public Realm prepared by Townshends Landscape Architects (dated November 2013) and the Parameters Report by Montagu Evans (dated November 2013), or other such versions that are subsequently agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is constructed in accordance with the Design Guidelines on which this decision is based and to be consistent with the principles of good master planning, in accordance with Policies A, BE1, WCOA and WCOA1 of the Core Strategy, policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 7.18, 7.19 and 7.21 of the London Plan (2011) (including 2013 alterations) and policies DMG1, DMG4, DMG6 and DMG7 of the Development Management Local Plan (2013).

### 4) PHASING PROGRAMME

Prior to commencement of the development hereby approved (notwithstanding the enabling works planning application reference 2013/05350/FUL or any subsequent application made via a s96 or s73 application), a phasing programme for the construction, completion and occupation of each phase of the development shall be submitted to, and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved phasing programme.

Reason: To ensure that the development accords with the provisions and assessment of the approved Environmental Statement and to ensure that the development is carried

out in a satisfactory manner in accordance with policies BE1 of the Core Strategy (2011).

#### 5) FLOOR SPACE – D2 USE

No less than 3,500sqm (GEA) of Class D2 floorspace shall be provided within the development. The floorspace shall be provided within any one or in all development plots..

Reason: To ensure a sustainable mix of uses is delivered within the development, to create a high quality environment with active and vibrant streets and a range of land uses which would complement Shepherds Bush Town Centre and the White City Opportunity Area, in accordance with policies 7.1 and 7.3 of the London Plan (2011) (including 2013 alterations), Core Strategy (2011) Policies BE1, WCOA and WCOA1 and policy DM C1 of the Development Management Local Plan (2013).

#### 6) DETAILS OF D1 and D2 USES

The details of the provision of Class D1 (Non-residential Institution) and Class D2 (Leisure) floorspace shall be submitted to the Local Planning Authority for approval in writing, prior to the submission of the reserved matters application for the relevant Plot(s). Where provided the details shall include the proposed location, layout, amount of floorspace (sqm) and description of the facilities and any other relevant information relating to the provider or use. The relevant phase shall not be implemented until the submitted details have been approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details and permanently retained thereafter.

Reason: To ensure a sustainable and viable mix of uses is delivered within the development, to create a high quality environment with active and vibrant streets and a range of land uses which would complement Shepherds Bush Town Centre and the White City Opportunity Area, in accordance with policies 7.1 and 7.3 of the London Plan (2011) (including 2013 alterations), Core Strategy (2011) Policies BE1, WCOA and WCOA1, and policy DM C1 of the Development Management Local Plan (2013).

#### 7) DETAILS AND SAMPLES OF MATERIALS

Prior to the commencement of each phase of the development or relevant part thereof, details and samples of materials to be used for that phase on all external faces and roofs of the buildings, shall be submitted to and approved in writing by the Local Planning Authority and no part of that phase shall be used or occupied prior to the implementation of the approved details. Each phase or part thereof, of the development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and to prevent harm to the visual amenity of the street scene and public realm, in accordance with policy 7.1 and 7.5 of the London Plan (2011) (including 2013 alterations), policy BE1 of the Core Strategy (2011) and policies DM G1, DM G2, DM G6 and DM G7 of the Development Management Local Plan (2013).

## 8) DETAILS AND SAMPLES OF EXTERNAL HARD SURFACES AND BOUNDARY MATERIALS

Prior to the commencement of each phase of the development, or relevant part thereof, details and samples, where appropriate, of all paving and external hard surfaces, boundary walls, railings, gates, fences and other means of enclosure for that phase shall be 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 or use of that phase and shall be permanently retained thereafter.

Reason: To ensure a satisfactory external appearance, in accordance with policy 7.1 and 7.5 of the London Plan (2011) (including 2013 alterations), policy BE1 of the Core Strategy (2011) and policy DM G1, DM G2 and DM G4 of the Development Management Local Plan (2013).

## 9) DETAILS OF TYPICAL BAYS

The development of each phase shall not commence before detailed drawings of that phase, at a scale no less than 1:20 in plan, section and elevation, of a typical bay of each proposed building type to show details of proposed cladding, fenestration, balconies, entrances and shop fronts, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory external appearance, in accordance with policy BE1 of the Core Strategy (2011) and policy DM G1, DM G2 and DM G4 of the Development Management Local Plan (2013).

## 10) DETAILS OF HARD AND SOFT LANDSCAPING

No phase of the development, save for enabling works, shall commence prior to the submission and approval in writing by the Local Planning Authority of full details of the proposed hard and soft landscaping for that phase or part thereof including planting schedules and details of the species, height and maturity of any trees and shrubs and proposed landscape maintenance. The approved details shall be implemented in the next winter planting season following completion of the building works, or before the occupation or use of that phase, whichever is the earlier, and the landscaping shall thereafter be retained and maintained in accordance with the approved details.

Reason: To ensure a satisfactory external appearance in accordance with policies 7.1, 7.2, 7.5 of the London Plan (2011) (including 2013 alterations), policy BE1 and OS1 of the Core Strategy (2011) and policies DM G1, DM E3 and DM E4 of the Development Management Local Plan (2013).

## 11) GREEN AND BROWN ROOFS

Prior to the commencement of the relevant phase of the development, details of green/brown roofs, including planting and maintenance schedules, and ecological enhancement measures for that phase shall be submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved details prior to the occupation or use of the phase and shall be permanently retained thereafter.

The details will demonstrate how the development shall make provision for a minimum area of 1,507sqm to be laid out as green roofs and a minimum area of 3,615sqm to be laid out as brown roofs, and such roof treatments shall be located in as many parts of the buildings, for each phase, as possible.

Reason: To ensure the provision of green and brown 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 (2011) (including 2013 alterations) and policies OS1, CC1, CC4 and H4 of the Core Strategy (2011) and Policies DM E3, DM E4, DM H2 and DM H4 of the Development Management Local Plan (2013), and to promote sustainable design in accordance with policies 5.1, 5.2, 5.3, 5.11, 5.13 and 7.19 of the London Plan (2011) (including 2013 alterations) and policies OS1, CC1, CC4 and H4 of the Core Strategy (2011) and policy DM E3, DM E4, DM H2 and DM H4 of the Development Management Local Plan (2013).

## 12) REPLACEMENT OF TREES AND SHRUBS

Any tree or shrub planted, pursuant to approved landscape details, that is 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.

Reason: To ensure a satisfactory provision for planting, in accordance with policy 7.21 of the London Plan (2011) (including 2013 alterations),, policy OS1 of the Core Strategy (2011) and policy DM E4 of the Development Management Local Plan (2013.)

## 13) TELEVISION INTERFERENCE

The development shall not commence until details of the methods proposed to identify any television interference caused by the proposed development, including during the demolition and construction process, have been submitted to and approved in writing by the Local Planning Authority. The details shall include the measures proposed to ensure that television interference which might be identified, is remediated in a satisfactory manner. The approved remediation measures shall be implemented for each phase immediately that any television interference is identified.

Reason: To ensure that television interference caused by the development is remediated, in accordance with Policy 7.7 of the London Plan (2011),, policy BE1 of the Core Strategy (2011) and policy DM G2 of the Development Management Local Plan (2013).

## 14) CHANGES TO EXTERNAL APPEARANCE

Prior to making any material changes to the external appearance of the building, including the installation of air-handling units, ventilation fans or extraction equipment, must first be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall be implemented in accordance with the approved details and permanently retained thereafter.

Reason: To ensure a satisfactory external appearance and prevent harm to the street scene, and to safeguard the amenities of neighbouring residential occupiers, in



accordance with policy 7.6 of the London Plan (2011) (including 2013 alterations), policy BE1 of the Core Strategy (2011) and policies DM G1, DM G2, DM G3, DM G6 and DM G7 of the Development Management Local Plan (2013) and 'Planning Guidance' Supplementary Planning Document (2013).

#### 15) SHOPMOBILITY FACILITIES

Prior to commencement of Plots A and B, details of the Shop mobility facilities within the extended shopping mall shall be submitted to the Local Planning Authority for approval, unless otherwise agreed in writing. The facilities shall be located close to the mall entrance. The development shall be implemented in accordance with the approved details prior to occupation or use, and permanently retained thereafter.

Reason: To ensure that the proposal provides an inclusive and accessible environment in accordance with Policy 7.2 of the London Plan (2011) (including 2013 alterations) and policy T1 of the Core Strategy (2011), and the Council's 'Access for All' Supplementary Planning Document.

#### 16) CAR PARKING DESIGN LAYOUT AND LOCATION

Prior to commencement of each relevant phase, details shall be submitted which shall include detail of but not be limited to the numbers, detailed design, phasing plan, layout and location of car park(s) and proposed reservoir parking shall be submitted to and approved in writing by the Council.. The details shall include the design and location of blue badge parking spaces. The development shall be implemented in accordance with the approved details prior to occupation or use, and permanently retained thereafter.

Reason: To ensure the suitable provision of car parking within the development to meet the needs of future site occupiers and users, in accordance with policies 6.13 and 7.2 of the London Plan (2011) (including 2013 alterations) and T1 of the Core Strategy (2011), policies DM J2 and DM J4 of the Development Management Local Plan (2013) and the Council's "Planning Guidance" Supplementary Planning Document (2013).

#### 17) TAXI RANK

Details of the location, capacity, layout and design of a new taxi rank and drop-off bay in either plot A shall be submitted to the Local Planning Authority prior to occupation of the relevant phase of the development for approval. The development shall be implemented in accordance with the approved details prior to occupation or use, and permanently retained thereafter.

Reason: To ensure there are adequate facilities for taxis serving the development, in accordance with policy T1 of the Core Strategy (2011) and DM J1 of the Development Management Local Plan (2013).

#### 18) STREET FURNITURE AND SIGNAGE

Prior to the occupation of the relevant phase of the development or part thereof, details including the locations of the benches, litter bins and signage for each reserved matters phase shall be submitted to and approved in writing by the local planning authority before any works thereby affected are begun. The development shall not be open to

users or occupants until the benches, litter bins and signage as approved have been provided, and must be permanently retained thereafter.

Reason: To ensure the satisfactory provision of facilities, in accordance with policy OS1 of the Core Strategy (2011) and policies DM E1 and E2 of the Development Management Local Plan (2013) and to ensure the development is fully inclusive and accessible for all users, in accordance with policies 3.1 and 7.2 of the London Plan (2011) (including 2013 alterations), policy T1 of the Core Strategy (2011) and the Council's "Planning Guidance" Supplementary Planning Document. (2013).

#### 19) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

Prior to the commencement of the development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Council.

The CEMP and shall include:

Details of the demolition method statement, methods of piling and steps to be taken to re-use and re-cycle demolition waste and measures proposed to minimise the impact of the demolition processes on the existing amenities of neighbouring occupiers, including monitoring and control measures for dust, noise, vibration, lighting and working hours (including restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays) , waste classification and disposal procedures and locations, as well as details on waste classification, dust and noise monitoring and control, provisions within the site to ensure that all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. In addition, the CEMP shall include a commitment to 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.

Note: BPM (best practicable means to minimise noise) during demolition and construction should result in noise being no more than 72dB LAeq, giving a minor to moderate adverse effect at existing and proposed noise sensitive premises. Approved details shall be implemented throughout the project period.

Reason: To ensure that no unacceptable adverse effect on the amenity of surrounding occupiers in accordance with policies 5.18, 5.19, 5.20, 5.21 and 5.22 of the London Plan (2011) (including 2013 alterations), policy CC4 of the Core Strategy (2011) and policies DM G1, DM H5, DM H8, DM H9, DM H10 of the Development Management Local Plan (2013).

#### 20) AIR QUALITY IMPACTS ASSESSMENT

Prior to the commencement of the relevant phase(s) of development, an assessment of the air quality impacts from the chosen energy plants must be submitted to and approved in writing by the Council. The air quality assessment must include dispersion modelling of the stack emissions of NO<sub>2</sub> and PM<sub>10</sub> and show the impacts on concentrations of these pollutants at the different heights where receptors are to be located (i.e. balconies and terraces).

Reason: to comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2011) (including 2013 alterations) and Policy DM H8 of the Development Management Local Plan (2013).

## 21) LOW EMISSIONS STRATEGY

Prior to the commencement of the relevant phase of the development (save for approved enabling works) a Low Emission Strategy shall be submitted to and approved in writing by the Council. The Low Emission Strategy must address the results of the air quality assessment from condition 20 "Air Quality Impacts Assessment) and detail the remedial action and mitigation measures that will be implemented to protect receptors (e.g. abatement technology for energy plant, design solutions). This Strategy must make a commitment to implement the mitigation measures (including NOx emissions standards for the chosen energy plant) that are required to reduce the exposure of future residents to poor air quality and to help mitigate the development's air pollution impacts, in particular the emissions of NOx and particulates from on-site transport and energy generation sources. Evidence must also be submitted to and approved in writing by the Council to show that the CHP units installed within the energy centre comply with the relevant emissions standards in the Mayor's Sustainable Design and Construction Supplementary Planning Document. The submitted evidence must include the results of NOx emissions testing of each CHP unit by an accredited laboratory.

Reason: to comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2011) (including 2013 alterations) and Policy DM H8 of the Development Management Local Plan (2013).

## 22) COMPLIANCE WITH EMISSIONS STANDARDS

Prior to the occupation of the relevant phase of the development evidence must be submitted and approved in writing by the Council, that shows the CHP units installed within the energy centre comply with the emissions standards set out within the agreed Low Emission Strategy. The submitted evidence must include the results of NOx emissions testing of each CHP unit by an accredited laboratory.

Reason: to comply with the requirements of the NPPF, Policies 7.14a-c of the London Plan (2011) (including 2013 alterations) and Policy DM H8 of the Development Management Local Plan (2013).

## 23) EXTRACTION CONTROL SYSTEMS AND ODOUR ABATEMENT

Prior to the commencement of each phase of the development, or relevant part thereof, details of the installation, operation, and maintenance of the best practicable odour abatement equipment and extract system to the commercial kitchens shall be submitted to and approved in writing by the Council. The details shall include 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 and thereafter be permanently retained, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the amenity nearby premises and occupiers are not unduly affected by odour and disturbance in accordance with Policy CC4 of the Core Strategy (2011) and policy DM H8, DM H9 and H11 of the Development Management Local Plan (2013).

#### 24) NOISE ASSESSMENT

Prior to the commencement of development, a noise assessment shall be submitted to the Council for approval of external noise levels including reflected and re-radiated noise and details of the sound insulation of the building envelope, orientation of habitable rooms away from major noise sources and of acoustically attenuated mechanical ventilation as necessary to achieve 'Good' internal room and (if provided) external amenity noise standards in accordance with the criteria of BS8233:1999. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise in accordance with policy CC4 of the Core Strategy (2011) and policies DM H9 and H11 of the Development Management Local Plan (2013).

#### 25) SOUND INSULATION

Prior to the commencement of each phase of the development, or relevant part thereof (save for the approved enabling works) details of the sound insulation of the floor /ceiling /walls separating the commercial part(s), plant room, car park, communal facilities etc from dwellings/noise sensitive premises shall be submitted to and approved in writing by the Local Planning Authority. Details shall demonstrate that the sound insulation value  $D_{nT,w}$  [and  $L'_{nT,w}$ ] is enhanced by at least 15-20dB above the Building Regulations value and, where necessary, additional mitigation measures implemented to contain commercial noise within the commercial premises and to achieve the 'Good' criteria of BS8233:1999 within the dwellings/ noise sensitive premises. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the amenity of occupiers of the development site/ adjacent dwellings/ noise sensitive premises is not adversely affected by noise, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

#### 26) ENHANCED SOUND INSULATION SCHEME

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

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

## 27) LAYOUT AND INTERNAL ARRANGEMENT OF RESIDENTIAL UNITS

Prior to the commencement of each relevant phase or part thereof, details shall be submitted to and approved in writing by the Council, of the layout and internal arrangement within the building(s). Details shall ensure that:-

- Large family units are not situated above smaller units.
- Similar types of rooms in neighbouring dwellings are stacked above each other or adjoin each other.
- Halls are used as buffer zones between sensitive rooms and main entrances, staircases, lift shafts, service areas and other areas for communal use.

Unless plans show a suitable layout of rooms, enhanced sound insulation between unsuitably stacked/adjoined rooms/areas will be required. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by household/neighbour noise transmission to adjoining dwellings at unreasonable levels due to unsuitable layout and arrangement of rooms and communal areas, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

## 28) NOISE AND VIBRATION OF PLANT, MACHINERY, AND EQUIPMENT

Prior to the commencement of each phase of the development, or relevant part thereof, details of the noise and vibration level of any proposed plant/machinery/equipment, including details of appropriate mitigation measures to ensure that the external noise level at the nearest and/or most affected noise sensitive premises is 10dBA Leq below background noise level (and by 15dBA where the source is tonal), as assessed according to BS4142:1997, with all machinery operating, and that internal room and external amenity noise standards will be achieved in accordance with BS8233:1999 shall be submitted to and approved in writing by the Local Planning Authority. 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 noise criteria and additional steps to mitigate noise shall be taken, as necessary. No part of the development shall be used or occupied prior to the implementation of the approved details, which shall thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the site/surrounding preemies is not adversely affected as a result of noise or vibration from any proposed plant/machinery/equipment, in accordance with Policy CC4 of the Core Strategy (2011) and policy DM H9 and DM H11 of the Development Management Local Plan (2013).

## 29) BUILDING VIBRATION LEVELS

Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of building vibration levels and, together with appropriate mitigation measures where necessary. Details shall demonstrate that vibration will meet a level that has low probability of adverse comment and the assessment method shall be as specified in BS 6472:2008. No part of the development shall be occupied



until the approved details have been implemented. Approved details shall thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by ground- or airborne vibration, in accordance with Policies Policy CC4 of the Core Strategy (2011) and DM H9 and H11 of the Development Management Local Plan (2013).

### 30) TEMPORARY FENCING AND ENCLOSURE

Prior to the commencement of the development (save for the approved enabling works) details of temporary fencing and/or enclosure of the site in each phase of the works shall be submitted to and approved in writing by the Local Planning Authority and shall be retained as approved for the duration of the construction works.

Reason: To ensure that the site remains in a tidy condition during the construction phase and to prevent harm to the street scene and character and appearance of the adjoining conservation area, in accordance with Policy BE1 of the Core Strategy (2011) and policy DM G7 of the Development Management Local Plan (2013).

### 31) ARBORICULTURAL METHOD STATEMENT

Prior to the relevant phase of the development or part thereof (save for the approved enabling works), an arboriculture method statement setting out the method(s) of tree protection during construction, shall be submitted to and approved in writing by the Local Planning Authority. The methods of tree protection shall be implemented as approved.

To ensure that the retained trees are protected during the construction processes to prevent their unnecessary damage or loss, in accordance with Policy 7.21 of the London Plan (2011) (including 2013 alterations) , policy OS1 of the Core Strategy (2011) and policies DM E3 and DM E4 of the Development Management Local Plan (2013).

### 32) TREE WORKS

Any works to tree(s) on the site shall be carried out only in accordance with British Standard 3998:1989 - Recommendations for Tree Work:

To ensure that the Council is able to properly assess the impact of the development on any trees and to prevent their unnecessary loss, in accordance with Policy 7.21 of the London Plan (2011) (including 2013 alterations), policy OS1 of the Core Strategy (2011) and policies DM E3 and DM E4 of the Development Management Local Plan (2013).

### 33) TELECOMMUNICATIONS EQUIPMENT

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

Reason: To ensure that the visual impact of telecommunication equipment can be considered in accordance with policy BE1 of the Core Strategy (2011), policy DM G1 of the Development Management Local Plan (2013) and SPD Design Policy 39 of the "Planning Guidance" Supplementary Planning Document (2013).

#### 34) ECOLOGICAL MANAGEMENT PLAN

No development shall commence until an Ecological Management Plan (EMP) has been submitted to and approved in writing by the Local Planning Authority. The EMP shall comprise a monitoring report for a minimum period of 5 years, unless otherwise agreed in writing with the Local Planning Authority which looks to safeguard biodiversity features following the completion of each phase of the development or relevant part thereof.

Reason. To ensure the biodiversity of the site is protected and enhanced where possible, in accordance with policy 7.19 of the London Plan (2011) (including 2013 alterations) and policies OS1 and CC4 of the Core Strategy (2011) and policy DM E3 and DM H2 of the Development Management Local Plan (2013).

#### 35) SOLAR PANELS

Prior to the commencement of the relevant phase of the development, or part thereof, details of the proposed solar panels including the angle of the solar panels relative to the surface of the roof and a plan showing their location on the roof of the building(s) as identified in the approved Energy Strategy, shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be implemented prior to occupation of the relevant phase and permanently retained thereafter.

To ensure that the development is consistent with the Mayor's sustainable design objectives in accordance with Policies 5.1, 5.2, 5.3, 5.7 and 5.8 of the London Plan (2011) (including 2013 alterations) and to ensure that the visual impact of the equipment is satisfactory in accordance with the policies BE1 and CC1 of the Core Strategy (2011) and policies DM G1 and DM H2 of the Development Management Local Plan (2013).

#### 36) WATER INFRASTRUCTURE IMPACT STUDY

Prior to the commencement of works (save for the approved enabling works), an impact study of the existing water infrastructure to determine the magnitude of any new additional capacity required in the system and the location of a suitable connection, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand in accordance with policies 5.14 and 5.15 of the London Plan (2011) (including 2013 alterations), policy CC2 of the Core Strategy (2011) and policy DM H3 of the Development Management Local Plan (2013).

#### 37) EXTERNAL LIGHTING

Prior to commencement of the relevant phase of the development or part thereof, details of all proposed external lighting, including security lights for each phase shall be submitted to and approved in writing by the Local Planning Authority. The residential

buildings shall not be occupied nor the non-residential use(s) commence until the lighting has been installed in full accordance with the approved details. 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 2005' to ensure that any lighting proposed does not harm the existing amenities.

Reason: To ensure a satisfactory external appearance and to prevent harm to the occupiers of neighbouring properties, in accordance with policies 7.3 and 7.13 of the London Plan (2011) (including 2013 alterations) and policy BE1 and CC4 of the Core Strategy (2011) and policy DM H10 of the Development Management Local Plan (2013).

### 38) REFUSE AND RECYCLING ARRANGEMENTS AND STORAGE

Prior to the occupation of the relevant phase of the development, or part thereof, details of the refuse arrangements including storage, collection and recycling shall be submitted to and approved in writing by the Council (save for the approved enabling works). The details as approved shall be implemented prior to the use or occupation of any part of the development and maintained permanently thereafter.

To ensure the satisfactory provision for refuse storage and recycling in accordance with Policy CC3 of the Core Strategy (2011) and policy DM H5 of the Development Management Local Plan (2013) and the Council's Planning Guidance Supplementary Planning Document.

### 39) SUSTAINABLE URBAN DRAINAGE (SUDS)

The development hereby permitted shall not commence (save for the approved enabling works) until details of a sustainable urban drainage system (SUDS) and maintenance plan have been submitted to and approved in writing by the council. The SUDS scheme shall be implemented in accordance with the approved details prior to first occupation of the development hereby permitted, and thereafter permanently retained.

To ensure that surface water run-off is managed in a sustainable manner, in accordance with policy 5.13 of The London Plan (2011) (including 2013 alterations) and policy CC2 of the Core Strategy (2011) and policy DM H3 and DM H4 of the Development Management Local Plan (2013).

### 40) SURFACE WATER RUNOFF

The development hereby permitted shall not be commenced (save for the approved enabling works) until such time as a scheme to reduce the surface water runoff from site to a maximum of 614l/s has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

To prevent flooding by ensuring the satisfactory management of surface water run-off from the site in accordance with policy 5.13 of the London Plan (2011) (including 2013 alterations) and policy CC2 of the Core Strategy (2011) and policy DM H3 and DM H4 of the Development Management Local Plan (2013).

#### 41) DRAINAGE STRATEGY

No phase of development shall commence (save for the approved enabling works) until a drainage strategy detailing any on and/or off site drainage works, has been 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.

Reason: To prevent any increased risk of flooding and to ensure the satisfactory storage of/disposal of foul or surface water from the site in accordance with policies 5.11, 5.12, 5.13, 5.14 of the London Plan (2011) (including 2013 alterations), Policy CC2 of the Core Strategy (2011) and policy DM H3 and DM H4 of the Development Management Local Plan (2013).

#### 42) SECURED BY DESIGN

Prior to the commencement of the relevant phase of the development or part thereof (save for the approved enabling works), a statement of how "Secured by Design" requirements are to be adequately achieved within that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out prior to occupation of the development hereby approved and permanently maintained thereafter.

To ensure a safe and secure environment in accordance with policy 7.3 of the London Plan (2011) (including 2013 alterations), policy BE1 of the Core Strategy (2011) and policy DM G1 of the Development Management Local Plan (2013).

#### 43) LIFETIME HOMES STANDARDS AND MAYORS HOUSING STANDARDS

Prior to the commencement of each phase of development or relevant part thereof (save for the approved enabling works), details of compliance with lifetime homes standards for the residential units and of the provision of 10% of the residential units to wheelchair housing standard or easily capable of being adapted to this standard and details of compliance with the Mayors Housing SPD in terms of unit sizes and dwelling space standards shall be submitted to and approved in writing by the Local Planning Authority. The development shall accord with the details as approved.

To ensure that the development provides for the changing circumstances of occupiers and responds to the needs of people with disabilities, in accordance with policy 3.8 of the London Plan (2011) (including 2013 alterations), policy H4 of the Core Strategy (2011) and policy DM B2 of the Development Management Local Plan (2013) and the Council's "Planning Guidance" Supplementary Planning Document (2013).

#### 44) ADVERTISEMENTS

No advertisements shall be displayed on or within any elevation of the building itself, without details of the advertisements having first been submitted to and agreed in writing by the Council.

In order that any advertisements displayed on the building are assessed in the context of an overall strategy, so as to ensure a satisfactory external appearance and to preserve that integrity of the design of the building, in accordance with policy BE1 of the Core Strategy (2011) and policy DM G8 of the Development Management Local Plan (2013).

#### 45) PLAY AREAS

Prior to the commencement of each relevant phase, a scheme detailing the play equipment, boundary treatments and ground surface treatment of the outdoor play spaces shall be submitted to and approved in writing by the local planning authority. The play equipment will be designed to be fully inclusive to ensure the play areas are accessible to all. The development shall be implemented in accordance with the approved details prior to occupation or use of the relevant phase and shall be permanently retained thereafter.

Reasons: In order to ensure equal life chances for all, and to prevent groups such as blind people and disabled children being excluded from use of public realm and other amenities by designs failing in detail to take specific needs into account, in accordance with policy 3.1 of the London Plan (2011) (including 2013 alterations) policy OS1 of the Core Strategy (2011) and policy DM E2 of the Development Management Local Plan (2013), as well as the Council's 'Planning Guidance' Supplementary Planning Document (2013) and any other relevant best practice guidance including the Councils We Want to Play Too (2012).

#### 46) ENTRANCE DOORS AND THRESHOLDS

The ground floor entrance doors to all the residential buildings, all retail and non-residential units and integral lift/stair cores, hereby approved shall not be less than 1 metre wide and the threshold shall be at the same level as the path fronting the entrance to ensure level access. Details shall be submitted to and approved in writing by the local planning authority showing compliance with this requirement. The development shall be implemented in accordance with the approved plans and permanently retained thereafter.

In order to ensure the development provides ease of access for all users, in accordance with Policy 3.1 and 7.2 of the London Plan (2011) (including 2013 alterations), policy BE1 of the Core Strategy (2011), policy DM G1 of the Development Management Local Plan (2013) and the Council's "Planning Guidance" Supplementary Planning Document (2013).

#### 47) INCLUSIVE ACCESS - PUBLIC REALM

There shall be a minimum of four fully inclusive and accessible integral/external lift cores to facilitate the vertical movement of people from the ground level up to podium



level. The details and location of these areas shall be 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 or use of the relevant phase and shall be permanently retained thereafter.

Reason: In order to ensure the development provides ease of access for all users, in accordance with Policies 3.1 and 7.2 of the London Plan (2011) (including 2013 alterations), policy BE1 of the Core Strategy (2011), policy DM G1 of the Development Management Local Plan (2013) and the Council's "Planning Guidance" Supplementary Planning Document. (2013).

#### 48) INCLUSIVE ACCESS – COMMUNAL GARDENS

The communal garden areas to all private residential courtyards will be inclusively designed to accommodate all disability and mobility impaired user groups including wheelchair users and blue badge holders. The details and location of these areas shall be 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 or use of the relevant phase and shall be permanently retained thereafter.

Reason: In order to ensure the development provides ease of access for all users, in accordance with Policy 3.1 and 7.2 of the London Plan (2011) (including 2013 alterations), policy BE1 of the Core Strategy (2011), policy DM G1 of the Development Management Local Plan (2013) and the Council's "Planning Guidance" Supplementary Planning Document. (2013).

#### 49) PUBLIC REALM – MINIMUM WIDTHS

Notwithstanding the levels of deviation identified in the approved drawings WLD 005 Rev C and WLD 006 REV C, there shall be no reduction in the minimum widths of the public realm.

Reason: To provide sufficiently wide public open spaces and to ensure that the development provides a high quality public realm across the development in accordance with policies 7.1 and 7. 5 and London Plan (2011) (including 2013 alterations), Core Strategy (2011) policy BE1, Development Management Local Plan (2013) Policy DM E1 and DM E2.

#### 50) ENERGY CENTRE

Prior to the commencement of the relevant phase of the development (save for the approved enabling works), details of the design, location and specifications of the energy centre comprising the Combined Heat and Power Plant and associated structures shall be submitted to and approved in writing by the Local Planning Authority. Such plans and specification shall be implemented in accordance with the detail as approved, and shall be permanently retained therefore unless agreed in writing by the local planning authority..

Reason: To ensure that the development is consistent with the Mayor's sustainable design objectives in accordance with Policies 5.1, 5.2, 5.3, 5.5, 5.6, 5.7, 5.8 and 5.9 of the London Plan (2011) (including 2013 alterations) and to ensure that the visual impact of the energy centre is satisfactory in accordance with policy BE1 of the Core Strategy (2011) and DM G1 and DMG7 of the Development Management Local Plan (2013).

## 51) AIRWAVES INTERFERENCE STUDY

There shall be no construction above the first floor to any phase or relevant part thereof (save for the approved enabling works) until the following information has been submitted to the Local Planning Authority:

- The completion of a Base-Line Airwaves Interference Study (the Base-Line Study) to assess airwave reception within/adjacent to Westfield Shopping Centre.
- The implementation of a Scheme of Mitigation Works for the purpose of ensuring nil detriment during the construction for the development identified by the Base-Line Study. Such a Scheme of Mitigation Works shall be first submitted to and approved in writing by the Council.

The development shall be implemented in accordance with the approved details prior to occupation or use of the relevant phase and shall be permanently retained thereafter.

Reason: To ensure that the existing airwaves reception at the adjacent police station is not adversely affected by the proposed development, in accordance with policy 7.13 of The London Plan (2011) (including 2013 alterations), policy BE1 of the Core Strategy (2011) and policy DM G1 and DM G2 of the Development Management Local Plan (2013).

## 52) POST CONSTRUCTION AIRWAVES STUDY

There shall be no occupation of any phase of the development, or relevant part thereof (save for the approved enabling works) until the following information has been submitted to the Local Planning Authority:

- The completion of a Post-Construction Airwaves Study (the Post-Construction Study) to ensure nil detriment to airwaves reception attributable to the development.
- The implementation of a Scheme of Mitigation Works for the purpose of ensuring nil detriment to the airwave reception attributable to the development identified by the Post-Construction Study. Such a Scheme of Mitigation Works shall be first submitted to and approved in writing by the Council.

Reason: To ensure that the existing airwaves reception within/adjacent to the site is not adversely affected by the proposed development, in accordance with policy 7.13 of The London Plan (2011) (including 2013 alterations), policy BE1 of the Core Strategy (2011) and policy DM G1 and DM G2 of the Development Management Local Plan (2013).

## 53) TEMPORARY LAND USES OR STRUCTURES

Details of any temporary land uses or structures including sales/marketing suites within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant phases of the development. Any interim structures, uses and buildings shall be implemented in accordance with the approved details, for a specified time period set out in the details and shall be discontinued/revised once the temporary period has expired.

Reason: To ensure that any temporary uses/structures do not create un-neighbourly impacts in accordance with Policy BE1 of the Core Strategy (2011) and Policy DMG7 of the Development Management Local Plan (2013).

#### 54) CODE FOR SUSTAINABLE HOMES

The residential units hereby approved shall achieve a at least Code for Sustainable Homes Level 4 (or any such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that at least Code Level 4 has been achieved.

Reason: 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 (2011) (including 2013 alterations) and Policy CC1 of the Core Strategy (2011) and policy DM H1 and DM H2 of the Development Management Local Plan (2013)

#### 55) BREEAM

Prior to the commencement of the use of any non-residential component of the development, a BREEAM assessment report shall be submitted to the BRE (with a copy of the report provided to the Local Planning Authority) demonstrating that the building(s) would achieve at least 'Very Good' BREEAM rating. The applicant shall submit to the Council confirmation in the form of a post-construction BREEAM Certification showing compliance with the minimum BREEAM Rating required by this condition.

Reason: 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 (2011) (including 2013 alterations) and Policy CC1 of the Core Strategy (2011) and policy DM H1 and DM H2 of the Development Management Local Plan (2013).

#### 56) CYCLE PARKING

Prior to the commencement the relevant phase of development or part thereof, details of secure cycle storage for that phase or part thereof shall be submitted to and approved in writing by the Council. Development shall accord with the details as approved, and the cycle parking provision shall be retained thereafter.

Reason: To ensure the suitable provision of cycle parking within the development to meet the needs of future site occupiers and users, in accordance with policies 6.9 and 6.13 of the London Plan (2011) (including 2013 alterations) and policy T1 of the Core Strategy (2011), policies DM J2 and DM J5 of the Development Management Local Plan (2013) and the Council's "Planning Guidance" Supplementary Planning Document (2013).

#### 57) FIRE HYDRANTS

Prior to the occupation or use of the relevant phase(s) of development the applicant shall install additional fire hydrants in accordance with London Fire Brigade letter dated 25<sup>th</sup> February 2014 and attached marked up plan WLD 014.

Reason: To ensure compliance with fire safety requirements in accordance with policy B1 of the Core Strategy (2011).

## 58) REMEDIATION METHOD STATEMENT

Unless the Council 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 Council. 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.

To ensure that no acceptable risks are caused to humans, controlled waters of the wider environment during and following the development works, in accordance with policies DMH4, DMH6, and DMH7 of the Development Management Policies Local Plan (2013), policy CC4 of the Core Strategy (2011), and policy 5.21 of the London Plan (2011) (including 2013 alterations).

## 59) VERIFICATION REPORT

Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until the approved remediation 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 Council. 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 Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. Any required remediation shall be detailed in an amendment to the remediation statement and verification for 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.

To ensure that no acceptable risks are caused to humans controlled waters of the wider environment during and following the development works, in accordance with policies DMH4, DMH6, and DMH7 of the Development Management Policies Local Plan (2013), policy CC4 of the Core Strategy (2011), and policy 5.21 of the London Plan (2011) (including 2013 alterations).

## 60) ONWARD LONG TERM MONITORING

Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until an onward long-term monitoring methodology report is submitted to and approved in writing by the Council where further monitoring is required past the completion of development works to verify the success of the remediation undertaken. A verification report of those monitoring works shall then be submitted to and approved in writing by the Council

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.

To ensure that no acceptable risks are caused to humans controlled waters of the wider environment during and following the development works, in accordance with policies DMH4, DMH6, and DMH7 of the Development Management Policies Local Plan (2013), policy CC4 of the Core Strategy (2011), and policy 5.21 of the London Plan (2011) (including 2013 alterations).

#### 61) WORKS IN PROXIMITY TO LONDON UNDERGROUND INFRASTRUCTURE

Any works forming part of the development hereby permitted that are within thirty meters (in any direction) of London Underground infrastructure shall not be commenced until the related detailed design and method statement have been submitted to and approved in writing by the local planning authority (in consultation with London Underground Limited).

These detailed design and method statements shall:

- a) provide details on all works proposed within the area described above including, without limitation details of any proposed loadings on London Underground structure which are at shallow depth in places;
- b) accommodate the location of the existing London Underground structures and tunnels;
- c) control and mitigate ground movement arising from the construction; and
- d) mitigate the effects of noise and vibration arising from the adjoining operations.

The development shall thereafter be carried out in all respects in accordance with the approved details.

Reason: To ensure that the development does not impact on existing London Underground transport infrastructure in accordance with London Plan (2011) (including 2013 alterations) Table 6.1 and “Land for Industry and Transport” Supplementary Planning Guidance 2012.

#### 62) WORKS IN PROXIMITY TO H JUNCTION

No part of the development on, over, under or adjacent to Transport for London infrastructure shall be commenced unless and until details of design, demolition, construction and maintenance have been submitted to and approved in writing by the local planning authority in consultation with Transport for London to demonstrate there is no unacceptable risk to the safe operation or maintenance of the Transport for London Road Network or the safety of highways users in accordance with Transport for London Guidance Notes SMT/GN03/10 and SMT/GN/08/14 and the requirements of the Department for Transport’s BD2 standards.

The development shall be carried out in accordance with the approved details.



Reason: To safeguard the Transport for London Network and protect highways users, in accordance with London Plan (2011) (including 2013 alterations) Table 6.1 and “Land for Industry and Transport” Supplementary Planning Guidance 2012.

#### 63) PRIVATE ROAD LAYOUT, DESIGN AND SAFETY AUDIT

Prior to the commencement of each relevant phase of development (save for the enabling works) the applicant shall submit to and have approved in writing by the Local Planning Authority (in consultation with TfL) details of the design, layout, materials and stage 2 safety audit of the new private road layout, including taxi/valet parking area. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure appropriate road design and safety in accordance with policy T1 of the Core Strategy (2011) and policy DM J6 of the Development Management Local Plan (2013).

#### 64) VERTICAL CLEARANCE

The vertical clearance of any new private road where buses will operate, should be a minimum of 6 metres.

Reason: In the interest of highway safety in accordance with policy T1 of the Core Strategy (2011) and policy DM J6 of the Development Management Local Plan (2013).

#### 65) PUBLIC SPACE MANAGEMENT

Prior to the commencement of the development (save for the enabling works), details of the management of the public spaces throughout the development, including the maintenance of a 24 hour access to the “public room” shall be submitted to and approved in writing by the local planning authority and maintained permanently thereafter in accordance with the approved plans.

Reason: To ensure suitable public access through the site at all times in accordance with Core Strategy (2011) policy T1 and BE1 and Local Development Management Plan (2013) policy DMJ5 and DMG1.

#### 66) BUS PRIORITY LANE

Prior to the commencement of development (save for the enabling works) details of a scheme for a bus priority lane on Arial Way shall be submitted to and approved in writing by the local planning authority, in consultation with TfL, and permanently retained in accordance with the approved details.

Reason: To ensure the free flow of traffic and reduce potential delays to bus journey times in accordance with policy T1 of the Core Strategy (2011).

#### 67) LEFT HAND TURN ENTRY

Prior to the commencement of development (save for the enabling works) details of a scheme for left hand turn entry only to the Anchor Store car park from Arial Way, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with TfL, and permanently retained in accordance with the approved plans.

Reason: To ensure the free flow of traffic and reduce potential delays to bus journey times in accordance with policy T1 of the Core Strategy (2011).

#### 68) VEHICLE DYNAMICS ASSESSMENT

Prior to the commencement of the development (save for the enabling works) a Vehicle Dynamics Assessment (VDA) carried out by an appropriately qualified and experienced person and details of holistic Hostile Vehicle Mitigation (HVM) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the commercial areas of the development are protected appropriately from vehicle impact events in accordance with policy 7.3 of the London Plan (2011) (including 2013 alterations), policy BE1 of the Core Strategy (2011) and policy DM G1 of the Development Management Local Plan (2013).

#### 69) WIND/MICROCLIMATE

Prior to the commencement of each phase of development (save for the enabling works) details of the mitigation measures for that phase relating to wind/micro-climate impacts to entrances, pedestrian thoroughfares and external amenity spaces and any proposed balconies/roof terraces for that phase, shall be 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 or use of the relevant phase and shall be permanently retained thereafter.

Reason: In order to ensure a comfortable pedestrian and external amenity environment for users of the development in accordance with policy 7.6 and 7.7 of the London Plan (2011) (including 2013 alterations) and policy BE1 of the Core Strategy (2011) and policy DM G2 of the Development Management Local Plan (2013).

#### 70) CONSTRUCTION LOGISTICS AND MANAGEMENT PLAN

Prior to the commencement of the development, a Construction Logistics Management Plan (CLMP) shall be submitted to and approved in writing by the Council, in consultation with TfL.

The CLMP shall be prepared in accordance with TfL's 'Construction Logistics Plan – Guidance for Developers' document and at a minimum shall include details of :

- a) proposed access routes for construction traffic;
- b) permitted hours of access for construction;
- c) proposed on-site management measures to ensure that movement of vehicles in and out of the site is safe (and in forward gear);
- d) using freight operators who can demonstrate their commitment to best practice
- e) consolidating deliveries so fewer journeys are needed;
- f) using more sustainable delivery methods;
- g) cycle safety measures to be implemented during construction

Approved details shall be implemented throughout the project period.

Reason: To ensure that no unacceptable adverse effect on the amenity of surrounding occupiers in accordance with policies 5.18, 5.19, 5.20, 5.21 and 5.22 of the London Plan (2011) (including 2013 alterations), policy CC4 of the Core Strategy (2011) and policies DM G1, DM H5, DM H8, DM H9, DM H10 of the Development Management Local Plan (2013).

#### 71) DELIVERY AND SERVICING PLAN

Prior to the commencement of the development (save for the enabling works) a Delivery and Servicing Plan shall be submitted to and approved in writing by the Local Planning Authority. Details shall include times and frequency of deliveries and collections, vehicle movements, silent reversing methods, location of loading bays, quiet loading/unloading measures, etc. Thereafter the scheme shall be carried out in accordance with the approved details.

Reason: To ensure that servicing and deliveries are carried out without any significant impact on the flow of traffic and the local highway network and to prevent harm to the amenities of surrounding occupiers by reason of noise disturbance, in accordance with policy 6.11 of the London Plan (2011) (including 2013 alterations) and policy DM H9, DM H10 and DM H11 of the Development Management Local Plan (2013).

#### 72) PUBLIC ROOM

All reserved matters applications relating to Plot A shall include:

- detailed drawings in plan, section and elevation at a scale of not less than 1:20 of internal elevations to the public room including link bridges,
- details of internal materials including material samples relating to the internal elevations, floorscape and roofscape of the public room including the link bridges,
- details of signage, lighting, street furniture, mechanical ventilation, plant and servicing within the public room,
- detailed drawings of the layout of an unobstructed pedestrian route through the public room between Ariel Walk, Silver Street and Ariel Way.
- 

No development shall commence until such details have been submitted to and approved in writing by the Council. The development shall be implemented in accordance with the approved details prior to occupation or use and thereafter permanently retained. No alterations or additions to the approved details shall take place without the prior written agreement of the Council.

Reason: To ensure a satisfactory appearance to the public realm where it is enclosed by the atrium and to secure an unobstructed and well designed east-west pedestrian route through the atrium, in accordance with policy 7.1 and 7.5 of the London Plan (2011) (including 2013 alterations), policy BE1 of the Core Strategy (2011), policy DM G1 and DM G4 of the Development Management Local Plan (2013) and the objectives of the White City Opportunity Area Planning Framework.

#### 73) SETBACKS

Notwithstanding the Parameters Plans hereby approved the upper floors above the 8 storey datum level to blocks C5 and C6 shall be set back by 2 metres from the parapet

edge on all sides; the upper floors above the 8 storey datum level to block B2 shall be set back by 2 metres from the parapet edge on the Silver Street elevation and the upper floors above the 8 storey datum level to block C2 shall be set back from the west elevation of the floor below by 5 metres at intervals of two storeys.

Reason: To ensure a satisfactory external appearance, in accordance with policy 7.1 and 7.5 of the London Plan (2011) (including 2013 alterations), policy BE1 of the Core Strategy (2011) and policy DM G1 and DM G4 of the Development Management Local Plan (2013).

#### 74) BREAK IN BLOCK D

Notwithstanding the Parameters Plans hereby approved the 10 storey maximum and 12 storey maximum elements of Plot D shall be separated at the north east corner of the plot by an 8 metre break for a minimum of four storeys beneath the parapet level of the tallest building on the Plot.

Reason: To ensure a satisfactory external appearance, in accordance with policy 7.1 and 7.5 of the London Plan (2011) (including 2013 alterations), policy BE1 of the Core Strategy (2011) and policy DM G1 and DM G4 of the Development Management Local Plan (2013).

#### INFORMATIVES:

##### Materials

In order to comply with Condition 7 (Materials), the applicant is advised to use a qualified Structural Blast Engineer (SBD) to produce a report detailing the required standard of blast resistant external and internal glazing as well as any non glazed facades on both residential and commercial elements to be installed on the development. The report should also provide the required standard of the floor slabs above and below parking areas including loading areas to help mitigate a progressive structural collapse should an event occur in those areas.

##### Transport for London Surface

The applicant is advised to contact Transport for London Surface in advance of commencing any design in particular with regard to: demolition; excavation; construction methods; security; boundary treatment; safety barriers; landscaping and lighting.

TMA approval for the changes to the road layout will be required for this development

The developer/applicant must ensure that their proposal, both during construction and after completion of works on site, does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings

- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

#### Permitted hours for building work

Construction and demolition works and associated activities at the development, audible beyond the boundary of the site should not be carried out other than between the hours of 0800 - 1800hrs Mondays to Fridays and 0800 - 1300hrs on Saturdays and at no other times, including Sundays and Public/Bank Holidays, unless otherwise agreed with the Environmental Health Officer.

#### Notification to neighbours of demolition/ building works

At least 21 days prior to the commencement of any site works, all occupiers surrounding the site should be notified in writing of the nature and duration of works to be undertaken. The name and contact details of a person responsible for the site works should be made available for enquiries and complaints for the entire duration of the works and updates of work should be provided regularly. Any complaints should be properly addressed as quickly as possible.

#### Dust

Best Practicable Means (BPM) should be used in controlling dust emissions, in accordance with the Best Practice Guidance by the GLA 2006 for The Control of Dust and Emissions from Construction and Demolition.

#### Dark smoke and nuisance

No waste materials should be burnt on site of the development hereby approved.

Noise and Vibration from demolition, piling, concrete crushing, drilling, excavating, etc.

Best Practicable Means (BPM) should be used, including low vibration methods and silenced equipment and machinery, in accordance with the Approved Codes of Practice of BS5228:2009 for noise and vibration control on construction and open sites.

#### Demolition of a structure greater than 50m<sup>3</sup>

Under Section 80 of the Building Act 1984, the Council should be given a minimum of 6 weeks notice of intention to carry out any works of demolition of the whole or part of a building. A notice of intended demolition should be submitted to the London Borough of Hammersmith and Fulham, Environmental Quality Team, Hammersmith Town Hall Extension, King Street, Hammersmith W6 9JU or email [Environmental.Quality@lbhf.gov.uk](mailto:Environmental.Quality@lbhf.gov.uk).

#### Asbestos

Where works involve materials containing asbestos, specialist licensed contractors and carriers should be employed for the safe handling and disposal of asbestos materials.



## Concrete crushing

Concrete crushing requires a permit under the Environmental Permitting (England and Wales) Regulations 2010. Please contact the Council's Environmental Quality team Transport and Technical Services, on email [environmental.quality@lbhf.gov.uk](mailto:environmental.quality@lbhf.gov.uk) or Tel. 020 8753 3454.

## Consent under Control of Pollution Act 1974

For larger developments - an application for consent under S.61 Control of Pollution Act 1974 (Control of Noise and Vibration at Construction Sites) may be recommended.

## Considerate Constructors Scheme

Membership of The Considerate Contractors Scheme is encouraged

## Justification for Approving the Application

- 1) Principle of Development/Regeneration: The comprehensive mixed use redevelopment of the site including new retail, residential, leisure and community floorspace is in accordance with national, regional and local planning policies which are designed to maximise the development potential of brownfield sites to help to meet local and strategic housing needs and improve the vitality and viability of town centres. The proposed development is generally in accordance with Strategic Policy C and Strategic Policy WCOA of the Core Strategy as the implementation of the development would contribute to the regeneration of the area, improve the vitality and viability of Shepherds Bush Metropolitan Town Centre, improve employment opportunities and promote sustainable economic growth. The application has demonstrated that the profile of the retail floorspace forming part of the proposed development cannot be accommodated within the existing Town Centre and can only be accommodated on land to the north of Westfield London. The size, profile and location of the proposed retail floorspace is considered to be acceptable and would not compromise the vitality or viability of the existing centre, or of surrounding centres. The redevelopment of this site would enhance links to the northern part of the White City Opportunity Area and would provide for a transition from the town centre and retail uses to residential, community and leisure uses. The proposed development is considered to be an appropriate use within the White City Opportunity Area which is highly accessible by public transport. The proposed development is therefore considered to be acceptable and would be in accordance with policies 2.13, 2.15, 3.3, 3.4 of the London Plan (2011) (including 2013 alterations) and Strategic Policies WCOA, WCOA1, B, C, LE1 and H1 of the Core Strategy (2011) and policies DM A1, DM C1, DM D1 and DM D2 of the Development Management Local Plan (2013).
- 2) Housing: The proposed development would contribute towards providing much needed additional housing, in accordance with London Plan policies 3.3B, 3.3D and 3.3E and would help the borough meet its housing targets in accordance with Table 3.1 of the London Plan (2011) (including 2013 alterations). Strategic Policy H1 of the Core Strategy (2011) promotes the development of new housing within the Strategic Sites. Within the White City Opportunity Area an indicative housing target of 5,000 homes is proposed across the plan period. The site is also defined within the draft White City Opportunity Area Planning Framework as an

area for residential intensification. The density of the development provided falls comfortably within the parameters expressed by the London Plan for sites in a Central location with a PTAL rating of 4 - 6. The principle and density of residential development proposed is considered to be acceptable and would be in accordance with London Plan (2011) (including 2013 alterations) Policies 3.3 and 3.4 and Core Strategy (2011) Strategic Policies H1, H3, A and WCOA1. The proposed development is considered to comprise an appropriate mix of dwelling sizes and would therefore be acceptable, in accordance with policy 3.8 of the London Plan (2011) (including 2013 alterations) and policy H4 of the Core Strategy (2011). In the context of these policies and having regard to the Viability Assessment, the provisions of the section 106 agreement requiring development viability to be reviewed at future stages during implementation, the individual circumstances of the site and the planning and regeneration benefits arising it is considered that the proposed provision of affordable housing would be the maximum reasonable amount, which the development can support at this time, and is acceptable in accordance with London Plan (2011) (including 2013 alterations) Policies 3.8, 3.10, 3.11 and 3.12 and Core Strategy (2011) Policies H1 and H2 and policies DM A1, DM A2, DM A3, DM A4 and DM A9 of the Development Management Local Plan (2013).

- 3) **Design:** The proposed development would be a high quality development which would make a positive contribution to the character and appearance of the White City Opportunity Area. The proposed development relates well to the setting and surroundings and responds to the varying conditions to the east and west of the site. The scale and mass of the proposed development as defined by the outline parameters is considered to be appropriate. The location of tall buildings adjacent to the A3220 is supported by Core Strategy Strategic Policy WCOA. The tall buildings have an important role and function in reinforcing the local townscape. The southern tower in particular acts as a key urban marker signalling the strengthened east west pedestrian link whilst the northern tower acts as an important gateway building to the Shepherd's Bush Town Centre. Although the proposed development would be visible and would have an impact on views from within the Borough and Royal Borough of Kensington and Chelsea the impact is not one of significant harm. As such, it is considered that the proposed development would positively contribute to the skyline of this part of White City. The proposed development is therefore considered to be acceptable and would be in accordance with policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7 and 7.8 of the London Plan (2011) (including 2013 alterations) and policies BE1, WCOA, WCOA1, BE1 of the Core Strategy (2011) and DM G1, DM G2, DM G6 and DM G7 of the Development Management Local Plan (2013).
- 4) **Residential Amenity:** The proposed development would have a negligible impact upon the amenities of adjoining occupiers in terms of light, outlook, privacy, overshadowing and no adverse impacts on air quality or noise. In this regard the development would respect the principles of good neighbourliness. High quality living conditions would be provided, with all units benefiting from good levels of daylight/sunlight, outlook and privacy. The proposed development is therefore considered to be acceptable and would be in accordance with policies 3.5, 3.6, 3.8, 7.3, 7.6, 7.7, 7.14 and 7.15 of the London Plan (2011) (including 2013 alterations), policies H3 and CC4 of the Core Strategy (2011) and policies DM A9, DM G1, DM H8, DM H9 and DM H10 of the Development Management Local Plan (2013).

- 5) The overall traffic impact of the proposed development across all three peak periods (weekday am, weekday pm and Saturday), including in the Sensitivity Test, is generally, in accordance with what was allowed for to/from this zone under Scenario B as defined by the White City Opportunity Area Planning Framework. (Three scenarios of housing and employment growth for the White City Opportunity Area were defined by the GLA in a development capacity study in December 2009. Scenario B was considered to be an acceptable level of development and is 6,300 additional homes and 8,400 additional jobs at White City). Scenario B is considered acceptable in terms of traffic impact, subject to appropriate mitigation measures. A planning obligation will require detailed traffic modelling and car parking management strategies post consent to ensure that the instances where the impacts exceed those outlined in Scenario B can be minimised. It therefore follows that the proposed development is acceptable. Acceptable provision will be made for cycle parking, subject to future reviews which would increase capacity as required. The level of car parking is considered to be acceptable subject to the provisions of the s106 agreement that require a car park management plan (for the retail component) and would be in accordance with the standards set by the Development Plan. The proposed development would enhance pedestrian linkages to the north-south and west-east of the site and represent a significant benefit to the wider White City Opportunity Area. The site is highly accessible and is well served by public transport. Any impacts arising from the development will be mitigated by conditions and s106 obligations to contribute towards sustainable transport infrastructure measures within the White City Opportunity Area and prevent undue increase in on-street parking pressures in surrounding roads. In addition, a car park management, servicing, road safety and travel planning initiatives would be implemented in and around the site to mitigate against potential transport impacts. The proposed development is therefore considered acceptable in accordance with policies 6.1, 6.3, 6.9, 6.10, 6.11, 6.13, of the London Plan (2011) (including 2013 alterations), policy T1 of the Core Strategy (2011) and policies DM J1, DM J2, DM J3, DM J4 and DM J5 of the Development Management Local Plan (2013).
- 6) Sustainability: The proposed development has been designed to meet Level 4 of the Code for Sustainable Homes and a BREEAM rating of Very Good. The proposed development would contain a decentralised energy centre which would provide the heating requirements for the whole development through Gas fired CHP units with back up Gas Boilers and cooling requirements from Absorption Chillers with back up Electric Water Cooled Chillers. The use of renewable energy to supplement the provision of gas fired CHP units would be achieved through the use of PV cells. This would result in a significant reduction of CO2 emissions beyond the Building Regulations 2010 compliant level. The proposed development is therefore considered to be acceptable and would be in accordance 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 (2011) (including 2013 alterations), policies CC1 and H3 of the Core Strategy (2011) and policies DM H1 and DM H2 of the Development Management Local Plan (2013).
- 7) Flood Risk: A Flood Risk Assessment (FRA) has been submitted and has considered risks of flooding to the site and adequate preventative measures have been identified. The development would therefore be acceptable in accordance with Policies 5.12 and 5.13 of the London Plan (2011) (including 2013 alterations)

and policies DM H3 and DM H4 of the Development Management Local Plan (2013).

- 8) Environmental Impacts: All Environmental Impacts have been assessed with regards to Planning and Land Use, Socio-Economics, Archaeology, Townscape, Heritage and Visual Impact, Transport and Access, Air Quality, Noise and Vibration, Ground Conditions, Water Resources, Hydrology and Flood Risk, Ecology, Sunlight Daylight and Overshadowing, Wind, Telecommunications, Waste, Cumulative Effects set out in the Environmental Statement in accordance with the EIA Regulations 2011 . The Environmental Statement and their 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.
- 9) Legal Agreement: The application proposes that the impacts arising from the proposed development are mitigated by way of a comprehensive package of planning obligations to fund improvements that are necessary as a consequence of the increased use arising from the population yield from the development and additional new land uses. The financial contributions will go towards the enhanced provision of education, health, employment, community facilities, accessibility and sustainable transport, highways (including pedestrian and cycle routes) and the public realm .The proposed development would therefore mitigate external impacts and would accord with London Plan (2011) and Revised Early Minor Alteration (2013) policy 8.2, Core Strategy (2011) Policies CF1, WCOA and WCOA1 and the White City Opportunity Area Planning Framework (2013).

### **Officer Report**

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

#### **All Background Papers held by case officer named above:**

Application form received: 28th November 2013

Drawing No's: see above

#### **Policy Documents:**

The London Plan (2011) (including 2013 alterations)

Core Strategy (2011)

The Development Management Local Plan (2013)

#### **Consultation Comments:**

Comments from:  
Greater London Authority  
English Heritage

Dated:  
15. 01. 2014  
14. 01. 2014

English Heritage - GLAAS	17. 12. 2013
TfL	24. 12. 2013
Environment Agency	20. 12. 2013
Natural England	10. 12. 2013
Metropolitan Police	05. 02. 2014
London Fire Brigade	25. 02. 2014
Thames Water	19. 12. 2013
Network Rail	30. 12. 2013
BAA	05. 02. 2014
NATS	21. 02. 2014
CTSA	06. 02. 2014
HSE	06. 02. 2014
LB Ealing	07. 03. 2014

### **Neighbour Comments:**

Letters from:	Dated:
Ocado	03. 12. 2013
Find Invest Grow (FIG) 16 Silver Road	21. 12. 2013
Dorset Shepherds Bush Hotel	20. 02. 2014
West Hotel & Spa	28. 02. 2014
The Hammersmith Society	23. 12. 2013
Hammersmith and Fulham Historic Buildings Group	06. 01. 2014
122 Freston Road	06. 01. 2014
43 Eardley Crescent	11. 12. 2013
West London Business	25. 02. 2014
Bush Hall	28. 02. 2014
Hammersmith and Fulham Chamber of Commerce	10. 02. 2014
Spearhead	28. 02. 2014

## **1.0 Background**

### **Site Description**

- 1.1 The Application Site is located within the administrative area of the London Borough of Hammersmith and Fulham and comprises an area of approximately 7.64 hectares. The site is located to the north of the existing Westfield London Shopping Centre. The north and north-western boundary of the site is formed by the Hammersmith and City Railway Line and Viaduct, while the London Overground railway line and the West Cross Route (A3220) form the eastern boundary. To the west is Wood Lane (the A219) and to the south is the existing Westfield shopping centre (Westfield London).
- 1.2 The Site includes the entirety of the White City Industrial Estate which comprises a number of single storey industrial buildings currently in use for a range of industrial and warehouse uses falling within Use Classes B1, B2 and B8. Vehicular access to the industrial estates is provided via Silver Road and Relay Road from Ariel Way. To the west of the estate facing onto but set back from Wood Lane is Network House, a seven storey office block.



- 1.3 To the south of Ariel Way and immediately to the north of Westfield London are the various vehicular access roads which serve the visitors car park and servicing areas of Westfield London. The main vehicular access to the site is provided from the West Cross Route to the east and Wood Lane to the west, via Ariel Way.
- 1.4 Within the southern extent of the Application Site, a section of the existing shopping centre, amounting to approximately 11,304sqm (GEA), is also included within the red line boundary. The inclusion of this area would facilitate the physical linking of the new development to the existing shopping centre.
- 1.5 The Dimco Buildings are located immediately to the east of Wood Lane and south of Ariel Way. These buildings house a bus layover and substation that serves the London Underground. The Dimco Buildings are Grade II listed. The red line boundary excludes the White City Bus Station and the listed DIMCO buildings. As such, these buildings do not form part of the application. This is one of the key changes to the application site boundary compared to that of the 2012 planning permission (2011/02940/OUT).
- 1.6 The extensive road network serving the existing shopping centre and bus layover facilities mean that much of the Site is currently inaccessible to pedestrians. The Site acts as barrier to connectivity with limited accessibility within the Site and to the wider area at present.
- 1.7 The current Public Transport Accessibility Level (PTAL) rating of the Site ranges between 5 and 6 (Very Good – Excellent), indicating high public transport accessibility.
- 1.8 In its current form, the Site is under-utilised given its location and PTAL rating. This is recognised through its designation as part of the White City Opportunity Area which sets out the aspirations of the Council and Greater London Authority for the regeneration and redevelopment of the area.

### **The Surrounding Area**

- 1.9 The Site falls within a larger parcel of land sandwiched between Wood Lane (the A219) to the west, the Westway (A40) to the north, the West Cross Route (the A3220) and railway lines to the east and Shepherds Bush Green to the south. This area contains a range of small and large commercial and industrial buildings alongside individual office blocks and privately owned plots. The predominant buildings include the existing Westfield Shopping Centre, the White City Industrial Estate, the M&S Mock Shop Distribution Depot, the former Unigate Dairy Crest site and the Imperial College office buildings.
- 1.10 The West Cross Route (A3220) is a dual carriage way connecting the Westway (A40) and Holland Park Roundabout. It set at an elevated level for much of its length, therefore acting as a major physical barrier between the areas either side of it.
- 1.11 The area immediately to the east of the West Cross Route is largely occupied by office buildings. Three office buildings – the Yellow Building occupied by the Head Quarter offices of Monsoon Accessorize Ltd; the White Building, head

office of Talk-Talk and the Studio Building – lie opposite the Site across from the West Cross Route and connected to it via the existing H junction. These buildings are large scale and define the urban context of the immediate area, which is particularly relevant to the development site.

- 1.12 To the west of the Site, Wood Lane (A219) provides a linkage between the Westway to the north and Uxbridge Road to the south. Wood Lane varies in terms of its character and scale along its length. There is a mix of commercial and residential buildings which includes the Grade II Listed BBC Television Centre. Wood Lane Conservation Area lies directly to the north and west of the Site. Designated in 1991, the conservation area is centred on the BBC Television Centre with the boundary cast wide in order to protect the landmark BBC building from any insensitive development nearby. The BBC Television Centre was listed in 2009.
- 1.13 Wood Lane Underground Station comprises an entirely new station built on the Hammersmith and City line viaduct as part of the original Westfield London development proposals which is located directly to the north-west corner of the Site. Wood Lane station is served by the Hammersmith and City Line. This station provides a major transport link that serves the existing Westfield Shopping Centre. It would serve the application site alongside other nearby developments that are being brought forward within White City.
- 1.14 The Site is in close proximity to White City Underground Station located approximately 280m further to the north which is served by the Central Line. Shepherds Bush Underground Station is located approximately 455m to the south of the Site and is served by the Central Line. The station itself was rebuilt with a new relocated entrance with escalators as part of the development of the existing Westfield London Shopping Centre. In addition, as part of the original Westfield London development, an integrated bus station interchange and London Overground station served by the London Overground and Southern train services were constructed adjacent to Shepherds Bush Underground Station.

### **Development within the Surrounding Area**

#### *BBC Television Centre*

- 1.15 The most significant development in close proximity to the site is the hybrid application for redevelopment of the former BBC Television Centre site (ref: 2013/02355/COMB) made jointly by BBC and Stanhope Plc.
- 1.16 The proposed redevelopment encompasses eight distinct plots, comprising:
  - 120,744sqm (GEA) residential use (between 1015 and 1025 units);
  - 6,182sqm (GEA) B1 floorspace;
  - 1,363sqm (GEA) flexible A1, A2, A3, B1, D1, D2 floorspace
  - 2,490sqm (GEA) C1 floorspace;
  - 573 car spaces; and
  - 1960 cycle spaces.

- 1.17 The application includes a tall building of 25 storeys on Plot G, which lies directly to the west of Wood Lane. It is anticipated that works will begin on site in 2015.
- 1.18 On 19th December 2013, the LBHF Planning Applications Committee (PAC) resolved to grant planning permission, subject to the completion of a s106 agreement and any subsequent direction from the Mayor of London.

#### *Former Dairy Crest Site*

- 1.19 On 12 March 2013, LBHF PAC resolved to grant outline planning permission for the Helical and Aviva Investors' application for the comprehensive redevelopment of the former Dairy Crest site off Wood Lane. The proposals comprised the demolition of all existing buildings on site and the development of up to 1,150 new homes, 19,623sqm of office accommodation and 2,320sqm of retail floorspace. Permission was also granted for a 32 storey tower 118.90m AOD), comprising 30 residential floors. This site lies to the south of the Westway and to the north of the site owned by St James which is located immediately to the north of the application site beyond the viaduct. Permission is currently pending, with the s106 agreement yet to be signed. As set out below, the site has since been sold to Imperial College London who have indicated that they will bring forward proposals for an alternative masterplan for the Dairy Crest site.

#### *Imperial West*

- 1.20 In November 2010, LBHF granted permission for the redevelopment of part of the Imperial College Campus at Woodlands (Phase 1) (ref. 2010/02218/FUL). The development comprises 4 interconnected buildings ranging from 3 to 10 storeys containing 607 self contained flats for post graduate students, nine 3-bed flats for academics (C3) and 120sqm of Class D1 floorspace. This development has been completed and occupied since September 2012.
- 1.21 A hybrid planning application was subsequently granted in July 2012 (ref. 2011/04016/COMB) the remainder of the Woodlands site (Phase 2). The development comprises the section of six buildings around a public square ranging in height from 3 to 35 storeys. Detailed/Full planning approval was granted for buildings C, D and F and Outline consent for buildings A, E and G (with scale and appearance reserved). Full Approval was also granted for the Masterplan including on-site landscaping, access and layout. The application has been varied by way of a s73 application (2013/02525/VAR).
- 1.22 In August 2013, Imperial College completed the purchase of the former Dairy Crest site, increasing its land holdings to a total of 22.75 acres across one contiguous site. It is anticipated that a revised planning application for the site may come forward at a later date.

#### *Shepherds Bush Market*

- 1.23 Beyond the immediate surrounding area the most significant planning permission is the redevelopment of the Shepherds Bush Market (ref: 2011/02930/OUT) granted permission in March 2012, comprising 212 residential units, a maximum floorspace of 6,000sqm of retail (A1) use, and up to 4000sqm of Café/Restaurant (A3/A5) use.

- 1.24 Planning applications or proposals for other sites within the WCOA are likely to come forward during the consideration of this application. The most important of these in terms of understanding the cumulative effects of the development will be the Berkeley Group's proposals for a residential-led development of the M&S site.

## **Planning History**

### *White City Industrial Estate Planning History*

- 1.25 The planning records for the White City Industrial Estate, which forms the bulk of the Site, show various approvals since the early 1980s for minor operations and alterations, including the replacement of doors and windows, installation of ventilation ducts and air conditioning units, installation of signage, alterations to elevations, and small scale change of use. These applications are not considered to be of relevance to this proposal.
- 1.26 Planning permission was granted on 8th May 1997 for the "Use of the estate for Class B1, B2 and B8 purposes" (ref. 97/00131). Conditions attached to the planning permission prevent the use of the buildings for Class B1a Offices.

### *Westfield London Planning History*

- 1.27 On 29th March 1996, the initial planning permission (Ref: 1993/01830/OUT) was granted for the creation of what is now the Westfield London Shopping Centre. This included the land to the south of Ariel Way to provide the access and servicing roads to the shopping centre. The application included the creation of the shopping centre in addition to leisure facilities, residential accommodation, workshops and a multi-storey car park. In July 2000, planning permission (Ref: 1998/02457/FUL) was granted to vary the condition controlling A3 floorspace in the outline consent. This was further varied by an application (Ref: 2004/01824/VAR) in June 2004 to allow mezzanine floorspace.
- 1.28 A further outline planning permission was granted in December 2002 (Ref: 2000/01642/OUT) for the southwest corner retail extension which delivered additional retail floorspace, community facilities and an art gallery.
- 1.29 In May 2013, planning permission was granted (Ref. 2013/01074/FUL) for the extension of the existing shopping centre at roof level (north east corner) to comprise 3,092sqm (GIA) retail floorspace (Use Class A1) and 7,249 sqm (GIA) leisure space (Use Class D2). This floor space is currently under construction. (Kidzania and M&S)
- 1.30 Subsequently planning permission (Ref: 2013/01768/FUL) was granted in July 2013 for a further extension of the existing shopping centre at roof level to comprise additional office floorspace (1,490sqm) (Class B1) (Net-a-Porter Offices).

### *Westfield London – Project Star I (2012 "The Extant Permission")*

- 1.31 In March 2012, outline planning permission (Ref: 2011/02940/OUT) was granted for the comprehensive redevelopment of the area to the north of the existing shopping centre. This consent permitted a mix of uses across a number of distinct building “blocks”, which together would comprise a large scale extension to the existing shopping centre. In summary, the outline permission was granted for the construction of six new blocks of up to 20 storeys to provide:
- Up to 50,855 sqm (GIA) Class A1 floorspace;
  - Up to 5,070 sqm (GIA) Class A3/A4/A5 floorspace;
  - Up to 540 sqm (GIA) Class B1 floorspace;
  - Up to 1,520 sqm (GIA) Class D1 floorspace;
  - Up to 1,758 sqm (GIA) Class D2 floorspace; and
  - Up to 1,522 residential units.
- 1.32 The 2012 permission covered a wider application site boundary than the current application, including the Dimco Building and the bus station. As a consequence, two blocks from the 2012 Permission (Blocks E and F) are not included in the current Application Proposals.
- 1.33 The Extant Permission extends across seven development plots (including a ‘plinth’ plot), positioned to provide new pedestrian streets, connectivity from east to west and north to south together with a green space to provide a connection with the wider White City Green proposed to the north of the viaduct. The key elements of the permitted scheme, block by block, are set out in Table 1 below.



Table 1

<b>Block</b>	<b>Description</b>	<b>Height/Massing</b>	<b>Uses along Public Realm Frontages</b>
A	Within the centre of the southern part of the Site, forming a connection to and extension of, the existing retail centre.	6 – 11 storeys; 38 – 50 m AOD	Flexible / Predominantly A and D Uses.
B	Within the centre of the northern part of the site.	6 – 11 storeys; 38 – 50 m AOD	Flexible / Predominantly A and D Uses.
C	Along the eastern part of the site.	6 – 20 storeys; 16 – 75.5 m AOD	Flexible / Predominantly C3 Use.
D	Along the west of the northern part of the site.	2 – 10 storeys; 16 – 44m AOD	Predominantly A and D Uses.
E	In the centre of the western part of the site.	8 storeys; 38 m AOD	Predominantly A and D Uses.
F	In the south-western part of the site.	4 – 5 storeys; 23 – 26 m AOD	Flexible.

- 1.34 Since the granting of the Extant Permission in March 2012, the Applicant has progressed discussions with a key anchor tenant for the proposed development. This has necessitated a number of design amendments to the scheme, which is the basis of seeking a new outline planning permission.

## **Development Proposals - Current Application**

1.35 Outline planning permission is sought for the comprehensive redevelopment and regeneration of the site to create a town centre mixed use retail and residential led extension to the existing Westfield London shopping centre together with the provision of leisure and community facilities, extensive areas of public realm, and improved pedestrian routes through the site to allow connections to the wider White City Opportunity Area (WCOA), the Royal Borough of Kensington and Chelsea to the east and the immediate surrounding area.

1.36 This application (Ref: 2013/05115/OUT) seeks the following:

*Outline Planning Application (all matters reserved) for the comprehensive redevelopment of the site comprising a mixed use scheme to include demolition of existing buildings and associated structures, the closure and alteration of highways, engineering works and construction of new buildings (ranging from 2 - 23 storeys) and structures (including podium) up to 87.975m (AOD) to provide up to 61,840sqm (GEA) (net increase) retail use (A1) including an anchor department store; up to 8,170sqm (GEA) restaurant and café use (A3 - A5); up to 2065sqm (GEA) office use (B1); up to 1,600sqm (GEA) community/health/cultural use (D1); up to 3500sqm (GEA) leisure use (D2); and up to 1,347 residential units (up to 127,216sqm (GEA)) (C3); plus creation of a basement, an energy centre together with ancillary and associated development, new pedestrian routes and open spaces, cycle parking, car and motorcycle parking and vehicular access and servicing facilities.*

1.37 The Parameters Report submitted with the Application sets out a detailed description and explanation of the constituent parts of the development for which permission is sought, including the parameters that will apply to and inform subsequent applications for reserved matters and other approvals required under the planning permission.

1.38 The mix of uses and maximum quantum of development is set out in the table below:

Table 2

Uses	Maximum Quantum (GEA)
Retail (Use Class A1)	73,144 sqm
<i>Demolition of Retail (Use Class A1)</i>	<i>11,304 sqm</i>
Net increase in Retail (Use Class A1)	61,840 sqm
Retail (Use Classes A3-A5)	8,170 sqm
Residential (Use Class C3)	127,216 sqm / up to 1,347 residential units
Community/Health/Cultural Use (Use Class D1)	1,600 sqm
Offices (Use Class B1)	2,065 sqm
Leisure (Use Class D2)	3,500 sqm
Car Parking	1,936 spaces (608 residential, 1,328 non-residential)
<b>Total Maximum Floorspace</b>	<b>215,695 sqm</b>

Note: Excludes service yard, car park and service corridors and circulation, rooftop and other plant areas, open and amenity space, service areas and circulation space.

Note \*This figure reflects the fact that the application is for the development of 73,144sqm GEA of retail floorspace. The application also proposes the demolition of 11,304sqm GEA of existing retail floorspace, Therefore the uplift in retail floorspace is 61,840sqm GEA. No allowance for demolition was made in the 2012 permission as the previous area to link with the existing centre was unknown. Therefore the previous floorspace figures were all additional retail floorspace.

- 1.39 Since the granting of the 2012 permission, plans for the extension of Westfield London Shopping Centre have been developed and refined. The Applicant has been working closely with a key anchor tenant and this has led to changes in the design of the scheme to meet the tenant's operational requirements. These changes include an increase in the size of the proposed department store and alterations to its siting. This has affected the neighbouring blocks as well as the disposition of uses across the Site. A decision has also been taken to focus residential development away from the department store and retail extension.
- 1.40 The Application Site boundary has reduced in size. The Site now excludes the area surrounding the Dimco Building and the bus station, and the area adjacent to the Wood Lane elevation of the shopping centre. As such, the application site area excludes two blocks of development (E and F) which were permitted in the Extant Permission. The applicant envisages that proposals for this area will be brought forward in due course, and the Application Proposals have sought to ensure that any such proposals can be integrated fully in the future.
- 1.41 To facilitate the proposals, the existing road network in the eastern part of the Site would be 'decked' over to create a 'plinth' level. The decking would allow existing vehicular and servicing access routes to remain (in a reconfigured

layout), in order to serve the existing shopping centre, bus station and to also serve the new development.

- 1.42 The retail and residential elements of the Application would be complemented by the provision of dedicated below plinth car parks. The applicant has indicated that the new car park is required specifically in the north of the Site (within block B) to serve the additional retail element of the development. The additional retail includes the provision of an anchor store which is proposed to the north of the site in block A. The Applicant has stated in the transport parking statement that the Anchor Store Operators have commercial requirements for car parking to be proximate to the store. Hence, the retail car park would be located underneath the anchor store in Block A. The detailed design and layout of the car parking areas would be subject to reserved matters and the management of it subject to a car park management plan. Residential parking would be provided below block C while additional rooftop parking for the commercial uses is also proposed. Further details of parking are set out in subsequent sections of this report.
- 1.43 The proposals would entail the creation of a new network of streets of varying typologies intended to increase permeability through the Site itself and between the Site and the rest of the WCOA to the north, and the wider surrounding area including the Royal Borough of Kensington & Chelsea. The proposals provide a new east-west link to be known as “Ariel Walk”. The pedestrian path would lead from the West-Cross Route in the east into “Ariel Square” in the south-eastern corner of the site, through the site onto either Ariel Way or a new public square “Relay Square” before reaching Wood Lane to the west. A secondary route running north-south between block A/B and C would be known as “Silver Street” has been realigned compared to the previous scheme and would now meet perpendicular to the Viaduct giving a further link to the “White City Green” pedestrian path and park. There is further potential to deliver a new east to west connection at the north eastern corner of the site (over the West London Line and West Cross Route to RBKC), although such a linkage is not proposed in the development.
- 1.44 The development has been designed in blocks which fit into the overall wider Masterplan for the whole site. Blocks A, B, C and K are interconnected as they form the podium which extends over the modified road network to the north of the shopping centre. Block D is free standing to the north-west corner of the site.
- 1.45 Although the application is for outline planning permission, the current submission provides the opportunity to set development principles within a comprehensive Masterplan. The resulting framework proposed in this application would guide detailed applications for specific buildings and blocks and is intended to set high standards of design in order to secure a sustainable future for the site and the wider area.

### **Format of the Application**

- 1.46 This Application for outline planning permission seeks to establish the principles for the redevelopment of the Site including the amount, scale, massing and mix of uses, and the means of vehicular access. All matters will be subject to reserved matters applications at a later date, to be brought forward in accordance with parameters set through this outline application.



- 1.47 To this end, a series of Parameter Plans are submitted for approval as part of this Application for outline planning permission. These plans should be read together with the accompanying Parameters Report, also submitted for approval. The Parameters Report sets the controls on the quantum of floorspace by different uses as well as the number of residential units, as set out in Table 4.1 of the Planning Statement and Table 1 of the Parameters Report. Together, these elements define the scope and extent of the proposed development.
- 1.48 In the event that planning permission is granted, conditions will be imposed requiring the reserved matters applications to be in accordance with the Parameter Plans and relevant paragraphs of the Parameters Report (particularly the floorspace and unit number controls). Relevant paragraphs and appendices of the Parameters Report can either be used directly to frame conditions, or the principles set down can be distilled as necessary.
- 1.49 It should be noted that means of access is a reserved matter because access within the Site is not fixed (other than by reference to parameters). However, the principal means of vehicular access from the A3220 via the existing H junction access and from Wood Lane via Ariel Way is offered for determination as part of the Application. These points of access are fixed and are not subject to deviation.
- 1.50 The Parameters Plans prepared by Allies and Morrison Architects are as follows:
- WLD 001: Existing Site 684\_07\_001 Rev A
  - WLD 002: Planning Application Area 684\_07\_002 Rev A
  - WLD 003: Existing Site Levels 684\_07\_003 Rev A
  - WLD 004: Demolition 684\_07\_004 Rev A
  - WLD 005: Development Plots Ground 684\_07\_005 Rev C
  - WLD 006: Development Plots Plinth 684\_07\_006 Rev C
  - WLD 007: Proposed Site Levels 684\_07\_007 Rev A
  - WLD 008: Building Lines 684\_07\_008 Rev A
  - WLD 009: Maximum Building Heights 684\_07\_009 Rev A
  - WLD 010: Minimum Elevational Height 684\_07\_010 Rev A
  - WLD 011: Ground Floor Uses Along Public Realm 684\_07\_011 Rev A
  - WLD 012: Landscaping 684\_07\_012 Rev A
  - WLD 013: Basements 684\_07\_013 Rev A
  - WLD 014: Access 684\_07\_014 Rev A
  - WLD 015: Green and Brown Roofs 684\_07\_015 Rev A
- 1.51 If planning permission is granted, these parameter plans will constitute “approved” rather than “indicative” drawings which will guide the submission of future reserved matters applications.
- 1.52 The illustrative design is set out within the Design and Access Statement submitted as part of the Application and shows one way in which the development could be brought forward within the parameters set. The form of the Application, whilst allowing control over subsequent reserved matters, also allows for a degree of flexibility in the final design so that the scheme can evolve over time to take account of relevant factors including possible changes to the surrounding built environment and market conditions.



1.53 Whilst all matters are reserved the following details have been provided in the Parameter Plans (which should be read in conjunction with the Parameters Report and each plan read together with its key):

- Parameter Plan WLD 001 Rev A – Existing Site

The plan shows the Site within the masterplan context of the White City Opportunity Area, including the GLA's and LBHF's aspirations for the development of the wider area. The plan also identifies listed buildings in the immediate vicinity, along with the boundary of the Wood Lane Conservation Area.

- Parameter Plan WLD 002 Rev A – Planning Application Area

The plan shows the planning application boundary based on Ordnance Survey Mapping. The plan also shows the adjacent site in the ownership of the applicant.

- Parameter Plan WLD 003 Rev A – Existing Site Levels

The plan shows the Site ground levels in metres AOD at the edges of the red line boundary to the Site, in accordance with a detailed survey undertaken in 2011.

- Parameter Plan WLD 004 Rev A – Demolition

The plan shows the extent of proposed demolition within the site boundary.

- Parameter Plan WLD 005 Rev C – Development Plots: Ground

The plan identifies the development plots at ground floor level and the boundaries within which new buildings and structures are proposed to be developed. This in turn defines the pedestrian routes and public open spaces within the Site. Plot P signifies the area underneath the plinth. The plan has been amended (Rev B) and the yellow line adjacent to DIMCO introduced to provide a plot boundary deviation of 0/-5m.

- Parameter Plan WLD 006 Rev C – Development Plots: Plinth

The plan identifies the development plots at plinth level. It shows the boundaries within which new buildings and structures will be developed. The dark green line notes a plot boundary deviation of +/- 5m. The plan has been amended (Rev B) and the yellow line adjacent to DIMCO introduced to provide a plot boundary deviation of 0/-5m.

- Parameter Plan WLD 007 Rev A – Proposed Site Levels

The plan shows the proposed maximum finished site levels in metres AOD at the edges of the red line boundary to the Site and the limits of deviation which relate to these (+/- 0.5m).

- Parameter Plan WLD 008 Rev A – Building Lines

The plan identifies the building lines at upper levels. This plan should be read in conjunction with Parameter Plan WLD 009 which sets the maximum height and number of storeys of buildings within development plots and WLD 005 which sets the minimum widths of public realm. The block building lines have a deviation of +/- 5.0m however the minimum width of public realm and pedestrian spaces is secured by the measurements shown on Parameter Plan WLD 005.

- Parameter Plan WLD 009 Rev A – Maximum Building Heights

The plan sets out the maximum heights of the built form within each of the development plots. All levels are shown in metres Above Ordnance Survey Datum Levels (AOD). The maximum height allows for external plant and equipment, window/façade cleaning, man-safe roof access equipment etc to be accommodated within the maximum height set. Maximum storeys are shown in parenthesis and this results in storey heights which reflect the fact that the plinth level is higher than ground. The plan also shows that the energy centre flue will extend to a maximum AOD of 87.975m.

- Parameter Plan WLD 010 Rev A – Minimum Elevational Height

Minimum façade heights are set to achieve a reasonable minimum vertical scale and density of urban enclosure as well as consistency of façade heights along streets. The plan identifies the minimum façade heights above the finished public realm levels along each of the development plot boundaries. The annotation dictates that this façade height will be achieved for at least 80% of the façade length and this allows for individual articulation to evolve as the detailed design comes forward at reserved matters stage.

- Parameter Plan WLD 011 Rev A – Ground Floor Uses Along Public Realm

The plan identifies predominant ground floor uses along each of the principal street elevations. The plan illustrates the mixed use character of the site and sets the principles for ensuring active street frontages. Along Silver Street and Ariel Walk any permitted uses are shown. This allows flexibility in delivery of the land uses along these frontages to ensure that a mix of ground floor uses is delivered. The amount of floorspace by each use is controlled by the maximum floor areas set out in the area schedule at Table 1 of this report. The Design Codes include clauses setting out the principles for the arrangement of uses against the public realm and their disposition.

- Parameter Plan WLD 012 Rev A – Landscaping

The plan shows the anticipated landscaping for the areas within the development plots and the public realm. The plan illustrates the provision of areas of soft landscaping along the northern extent of the Site (White City Green) and the eastern extent (Marathon Way). The plan also shows an area of soft landscaping along Silver Street. In total, soft landscaping within the public realm will comprise 3,414sqm. Private and communal landscaped spaces will be provided within blocks C and D, totalling 4,855sqm. The plan also identifies areas of hard

landscaping within the public realm. The plan also identifies area for green and brown roofs totalling 5,893sqm.

- Parameter Plan WLD 013 Rev A – Basements

The plan identifies the areas within the Site where basements can be constructed, and identifies the maximum depth of construction for these basements. The plan does not include localised areas of piling which may exceed these levels (piling, lift pits, etc). The plan also identifies the indicative location of existing below grade rail tunnels to confirm that excavation will not take place in these areas. The dark green line on the plan identifies that the horizontal extent of excavated areas is subject to deviation (+/- 10m from drawn position) from the plot boundary above and sets a limit of deviation in relation to the identified rail tunnels (3m from tunnel extents). The plan also shows the indicative routing of potential service/parking access tunnels within the application boundary.

- Parameter Plan WLD 014 Rev A – Access

This plan shows the proposed vehicular and cycle access and circulation routes into and within the Site. The points of vehicular access into the Site are fixed and not subject to deviation. The fixed points of access are via the existing access points at the junction of Wood Lane and Ariel Way and the existing H junction from the West Cross Route. The vehicular access routes shown do not intend to fix the siting of the routes but to show that a route in this location will be provided (with the exception of existing routes). The plan confirms that the existing vehicular access routes into the Site and to the existing Westfield London car park and servicing area will be retained as will the vehicular routes in relation to the existing bus station (blue lines). A cycle accessible route is also shown running along Marathon Way and White City Green, and into Relay Square. The points of access do not intend to fix the siting of the routes shown but rather show that a route will be provided. With the exception of plot P, no vehicular or cycle routes will pass through a development plot.

- Parameter Plan WLD 015 Rev A – Green and Brown Roofs

This plan shows the location of green and brown roofs, as well as the maximum AOD of the plinth level public realm which is subject to a deviation of +/- 1m, and proposed site levels. A minimum of 5,893sqm of green and brown roofs will be provided across the Site.

1.54 In addition, a range of technical documents have been submitted to support the application. A comprehensive list of the submitted documents is set out below. These submissions have been informed by and reflect extensive discussion with the Council during the pre-application process, as well as by the Council's Local Planning Application Requirements (April 2008).

- Planning Statement
- Design and Access Statement (the "DAS")
- Design Codes (the "DC's") (Buildings, Public Realm and Courtyards) (November 2013) and Amended Design Codes

- Environmental Statement (the “ES”) (Including Townscape, Heritage and Visual Impact Assessment) and Addendum TVIA
- Retail Statement and Addendum
- Affordable Housing Statement
- Sustainability Report
- Energy and Utilities Strategy
- BREEAM Pre-Assessment Report
- Code for Sustainable Homes Pre-Assessment Report
- Historic Environment Report
- Landscape and Public Realm Strategy
- Statement of Community Engagement

- Design and Access Statement (the “DAS”)

1.55 The DAS, prepared by Allies and Morrison, sets out the urban design and contextual analysis and the illustrative masterplan for the Site which has informed the Parameters Plans. It contains information on how a detailed scheme might be brought forward through the reserved matters within the parameters as set down in the Parameters Report and Parameters Plans.

- Design Codes (the “DCs”)

1.56 The application is supported by seven Design Codes which set out the design principles in general, relevant to each of the 5 building plots and to the Public Realm. The DCs distil the analysis, principles and vision set out in the DAS and Landscape and Public Realm Strategy (LPRS). The DCs will provide guidance on the future form, use and appearance of the Public Realm and of the building blocks on a block by block basis, and can provide the basis for conditions to be applied to control subsequent reserved matters in relation to appearance. The level of control varies between the DCs, with more controls provided on the taller elements within Block C. The Design Codes prepared by Allies and Morrison are as follows:

- General Design Code;
- Plot A Design Code;
- Plot B Design Code;
- Plot C Design Code;
- Plot D Design Code;
- Plot K Design Code; and
- Public Realm Design Code (prepared by Townshends).

In response to the GLA seeking clarification and updates to the Design Codes the applicant submitted an

- Addendum 'Westfield London Development Design Codes November 2013 Rev. 1 March 2014'
- Environmental Statement (the “ES”)

1.57 The Environmental Statement (ES) presents the results of the Environmental Impact Assessment (EIA) process, identifying the likely significant environmental

impacts of the scheme and, where appropriate, proposed mitigation measures. The ES, which has been prepared by Environ, comprises the following:

- Volume 1: Non-Technical Summary ('NTS')
- Volume 2: ES Main Report, which includes:
  - Preface
  - Chapter 1: Introduction (including Site Description)
  - Chapter 2: EIA Process and Methodology
  - Chapter 3: Alternatives and Design Evolution
  - Chapter 4: Proposed Development Description
  - Chapter 5: Demolition and Construction Environmental Management
  - Chapter 6: Planning and Land Use
  - Chapter 7: Socio Economics
  - Chapter 8: Archaeology
  - Chapter 9: Transport and Access
  - Chapter 10: Air Quality
  - Chapter 11: Noise and Vibration
  - Chapter 12: Ground Conditions
  - Chapter 13: Water Resources, Hydrology and Flood Risk
  - Chapter 14: Ecology
  - Chapter 15: Daylight, Sunlight and Overshadowing
  - Chapter 16: Wind
  - Chapter 17: Telecommunications
  - Chapter 18: Waste
  - Chapter 19: Cumulative Effects
  - Chapter 20: Summary of Residual Effects
- Volume 3: Townscape, Heritage and Visual Impact Assessment; (TVIA Addendum Ref: UK11-10177 Issue F March 2014)
- Volume 4a: Technical Appendices (Part 1 and 2); and
- Volume 4b: Transport Assessment, including Travel Plan, Construction Logistics Plan and Deliveries and Servicing Plan and Appendices A – I; J – L; M – AC.

## **2.0 PUBLICITY AND CONSULTATIONS**

- 2.1 The application was advertised by way of site notices (posted 06/12/2013) and press notices (published 06/12/2013). The application has been advertised as being:

A Major Development;

- Accompanied by Environmental Impact Assessment;
- Development which may affect the setting, or character and appearance of a Grade II listed building;
- Development that adjoins a conservation area.

- 2.2 Surrounding neighbours have been notified of the proposal by way of letter (3199 letters sent). The deadline for receiving comments on the planning application was extended beyond the 21 day statutory consultation period until 07/01/2014 to make allowances for the Christmas holiday period.



## *Consultation Responses – Statutory/External Consultees*

- 2.3 The Greater London Authority (GLA) has issued a Stage I report which supports the principle of development, density, mix of land uses and overall layout. GLA Officers support the design, scale, height and massing of the buildings. The GLA have requested further information to support the level/type of retail use, level of affordable housing and housing mix, confirmation of doorstep play space for a number of residential blocks, clarification of the density calculations, level of car parking, trip generation and inclusive access, impact on bus journey times and provision of pedestrian/cycle routes. Further work on climate change mitigation/energy provision has been sought and the GLA continue to seek greater commitment from the applicant to provide an east-west link across the West-cross route/West London Line. The GLA have advised that the public thorough-fare running east-west through the site should be open in order to provide a clear and legible route through the area. The applicant has provided further supporting information to address these issues. Principal objections to the lack of large private housing units remain along with the under provision of affordable housing. Section 106 contributions to be sought towards social and environmental infrastructure in the WCOAPF.
- 2.4 Transport for London (TfL) submitted observations to the development proposals to assist the preparation of the GLA Stage 1 report. Further information relating to access and highways layout, parking and car park management, buses and journey times, walking and cycling routes has been requested. The applicant has provided further supporting information to address these issues. Section 106 contributions sought towards highways and transportation improvements are sought.
- 2.5 English Heritage (EH) initially raised objection to the proximity of the western wall of the development to the eastern side of the Dimco building. EH raised concern that “Plot A has the potential to harm [Dimco’s] setting by encroaching too closely upon the eastern flank wall of the larger of the two sheds” and recommended that this element be pulled back to allow greater appreciation of the listed building. In response to these concerns the applicant has submitted amended parameters plans (WLD 005 Rev B and WLD 006 Rev B) which alter the deviation distance from +/- 5m to 0/-5m adjacent to the eastern wall of the Dimco building. This deviation now accords with that in the consented scheme. English Heritage made no objection to the 2012 application and no other issues were raised by them in relation to this scheme. English Heritage has confirmed that following the submission of the amended plans the proposed scheme is considered to be acceptable.
- 2.6 English Heritage Greater London Archaeological Advisory Service (GLAAS) raise no objections. It is recommended that a condition is imposed which states that no development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation.
- 2.7 Environment Agency (EA) raised an objection to the scheme on the basis of the information submitted in relation to surface water run-off and drainage strategy. The Environment Agency requested that the applicant demonstrate how surface water run-off could be attenuated and requested that the Drainage Strategy be

amended to include an appropriate allowance for climate change. An updated Drainage Strategy (Flood Risk Assessment (FRA) 'Westfield London Phase 2, Enabling Works Drainage Strategy, 032493, 29th January 2014, Revision 04, by Buro Happold) has been submitted to both the Council and the Environment Agency. The EA confirmed in their letter dated 11<sup>th</sup> February 2014 that the submitted FRA now satisfactorily outlines the surface water management scheme for the site and have withdrawn their previous objection.

- 2.8 Natural England raise no objection to the application. Based on the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.
- 2.9 Thames Water (TW) recommend a condition that no impact piling shall take place until a piling method statement has been submitted to and approved in writing by the local planning authority in consultation with the relevant water or sewerage undertaker. TW raise concern that the existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. A planning condition is recommended which requires the developer to undertake Impact Studies of the existing water supply infrastructure (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point to ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand. TW also raise concern regarding the inability of the existing waste water infrastructure to accommodate the needs of this application. In the event the LPA is minded to approve the application it is recommended that a "Grampian Style" condition be imposed requiring the submission and approval of a drainage strategy detailing any on and or off site drainage works (in consultation with the sewerage undertaker). Furthermore, no foul or surface water from the site will be accepted into the public system until the drainage works referred to in the strategy have been completed.
- 2.10 BAA Airports raise no objection to proposals subject to height restriction (ie: No building above 150m AOD)
- 2.11 Network Rail raise no objections to the proposal but includes comments that the developer must ensure that their proposal both during construction and after completion of works on site does not affect Network Rail land or infrastructure. These comments will be dealt with by way of condition(s) and or informative(s).
- 2.12 Crime Prevention Officer raises no objections to principle of development. Development would need to comply with Secure by Design principles which would be subject to a standard planning condition and further work around this developed at the reserved matters stage.
- 2.13 London Fire Brigade raise no objections to proposals subject to the provision of two additional fire hydrants to be installed in the recommended locations. It is recommended that existing fire hydrants in the area are renewed and enhanced.
- 2.14 Health and Safety Executive (HSE) no objection.

2.15 Disability Forum have raised a number of detailed observations following a presentation to the forum on 26/02/2014, where the scheme was discussed. The main points raised were as follows:

- No decision in principle made at outline stage that prevents accessible and inclusive design being achieved throughout development at reserved matters stage.
- Condition Design Codes enable achieve accessible and inclusive design throughout development.
- Space allocated for the number of housing units approved at outline stage complies with or exceeds minimum space standards in London Plan.
- Space allocated for the number of housing units approved at outline stage complies with or exceeds design standards in London Housing Design Guide and LBHF policies and detailed guidance.
- Wheelchair housing distributed across all tenures.
- Wheelchair housing distributed on all floors not just ground floor.
- Total space allocated for required number of blue badge parking bays complies with BS 8300: 2009.
- Height of basement car park to be at least 2.6m excluding cabling to accommodate high topped vehicles using BB parking bays (BS8300:2009 para 4.3)
- Space available in car parks for scooter storage and scooter charging points.
- Space available for on street parking for visitors, carers and visiting blue badge holders.
- Space available for Changing Places toilet in Westfield 2.
- Space available for second Shop mobility facility if management strategy unable to deliver accessible and inclusive Shop mobility service for people arriving by public transport.
- Proposals for bus park under residential housing cores do not contribute to poor air quality for residents.
- Condition for servicing delivery plan to deal with possible conflict of refuse collection from restaurants with pedestrian space in the same road.
- DF Planning Group consulted on reserved matters applications prior to submission.
- Disability Forum Planning Group expects the applicant in reserved matters applications to deal with issues identified in DBA response dated 3 February 2014 relating to previous 2012 DF and GLA advice

#### *Consultation Responses - Community Consultees*

2.16 As a result of the consultation process, 5 letters of objection and 7 letters of support were received.

2.17 The Hammersmith Society commented that “there would be some benefits to the revised scheme, including the less rigid layout of the plinth-level pedestrian routes and the presence of active frontages at ground level facing north”. They raise several concerns including: the scale and bulk of development along the West Cross Route creating a “curtain wall effect” and the height will result in a precedence for future development in the area; quality of living environment (particularly in relation to noise and air quality) of lower floor residential properties

long the West Cross Route; the northern 23-storey tower creating shade for the much of the day over the eastern section of the White City Green.

- 2.18 Hammersmith and Fulham Historic Buildings Group commented that as the site is redeveloped it will become increasingly important to add something of a different age, design and scale to the area. The Dimco site should be a focal point and a point of contrast within the development. Great care should be taken with respect to their visibility and surroundings. Also raise concerns regarding the height of the tower blocks and setting an unwelcome precedent across the borough.
- 2.19 Ocado raised concerns about the construction period and wants to ensure the ongoing operation of the business during that time particularly in relation to traffic and access to and from the site, noise, dust and vibration.
- 2.20 Find Invest Grow (FIG) initially raised concerns on the basis that the proposal would result in job losses across the site. FIG have since withdrawn their objection stating that they had received incorrect information from a third party regarding the proposed development.
- 2.21 LB Ealing raise no objection to the development stating “the potential impact of the Westfield proposal is not considered to be so significant to warrant a formal objection on retail grounds”. The borough does however seek for the developer to commit (through the legal agreement) to promoting access to job and training opportunities more widely to residents in surrounding boroughs rather than just to residents of LBHF.
- 2.22 Local Residents raised the following objections: concern regarding interruption to pedestrian access particularly between the north of Freston Road and Westfield; concern regarding increased levels of noise and pollution as well as increased traffic congestion.
- 2.23 Local Residents and Businesses including nearby hotels, Bush Hall, West London Business, Spearhead and the Hammersmith and Fulham Chamber of Commerce provided the following points in support of the scheme: Investment in jobs and services is welcomed; Support provision of new residential and retail uses; Opportunity to improve Shepherd’s Bush Railway Station by providing new accesses into the shopping centre and increasing station capacity, increased footfall to local shops and services, major transport improvements, catalyst for further investment and development in the north of the borough, connect development to the centre, new residents and customers to Shepherds Bush, creation of jobs for local people. The creation of a new residential quarter, benefits to the local area and the wider West London area.
- 2.24 All relevant and material comments were taken into account in the officers’ assessment of the planning application as presented in Section 3 of the committee report.”

### 3.0 PLANNING CONSIDERATIONS

#### **Planning Policy Framework**

- 3.1 The following regeneration policies set the planning policy background for which the application has been considered against.
- 3.2 The London Plan (2011) (including 2013 alterations) and Core Strategy (2011) along with the Development Management Local Plan (2013) have been adopted for development control purposes and comprise the development plan for the Borough. The development plan policies form the primary basis against which officers have assessed the application along with other material planning considerations including relevant supplementary planning guidance and documents.
- 3.3 The local planning policies are set out in the Local Development Framework: Core Strategy (2011) and the Development Management Local Plan (2013). The Council's regeneration strategy is set out within Chapter 7 in the Local Development Framework Core Strategy (Adopted October 2011). The site forms the southern part of Strategic Site WCOA1 (White City East), designated within the Core Strategy which also comprises BBC Television Centre, AVIVA/Helical Bar owned Dairy Crest Site, M&S Mock Shop and Imperial College. The Westfield site is envisaged to comprise a mixture of uses which include residential alongside town centre uses (such as major leisure, retail and community uses).
- 3.4 An examination of the key development principles and development plan requirements coupled with an assessment on the compliance of the proposed land uses is set out in preceding sections of this report.
- 3.5 The existing Westfield shopping centre, including the land to the north, is also located within the wider regeneration area as defined within the White City Opportunity Area Planning Framework (WCOAPF) which was formally adopted in October 2013. This document builds upon the Core Strategy Regeneration policies and promotes the regeneration of the wider White City area. The WCOAPF encompasses an overarching strategy for urban design, land use, housing, transport, social and environmental and provides policy guidance for developers and landowners in order to ensure a comprehensive approach is taken in the redevelopment of the area. The SPD identifies a number of strategic sites where the majority of new development should be focussed. This includes the application site.

#### *Strategic and Regional Policy: London Plan (2011) (with 2013 alterations)*

- 3.6 Turning to adopted regional policy, the strategic significance of securing regeneration of the White City area is recognised by its classification as an Opportunity Area in the London Plan policy 2.13 (Opportunity Areas and Intensification Areas) and Map 2.4. The adopted 2011 London Plan established that opportunity areas have capacity to typically provide at least 5,000 new jobs and 2,500 new homes. However, the adopted Core Strategy Strategic Policy A envisages that there is an indicative capacity in the White City Opportunity Area for between 10,000 new jobs and 5,000 new homes. It is considered that the



Core Strategy targets are in accordance with the London Plan Opportunity Area Policy 2.13 and also reflected within the OAPF.

- 3.7 According to London Plan Policy 2.13, developments within Opportunity Areas will be expected to optimise residential and non-residential densities, to provide necessary social and other infrastructure, to sustain growth and to contain a mix of uses where appropriate. Policy 3.4 promotes development which optimises the use of land for housing. This reflects the national planning guidance set out in the NPPF which encourages a more efficient use of land and bringing back underused and previously developed land into beneficial use. The proposed development is considered to respond to the thrust of these policies.

### **A Case for Regeneration**

- 3.8 The Core Strategy (2011) states that a comprehensive approach to regeneration will be adopted in the Borough by focusing and encouraging major regeneration and growth in the five regeneration areas in LBHF (Strategic Policy A). In Regeneration Areas, the Council aims to tackle the physical nature of places thereby making them better places to live and work. Regeneration is necessary to address high levels of multiple deprivation and achieve decent neighbourhoods.
- 3.9 It is the Council's core objective (explained in the Core Strategy) to complement physical change with social and economic regeneration, and improve life chances through improved education, health, safety and access to employment and better homes. The regeneration areas including White City represent an opportunity for significant new sustainable place making and will provide the focus for new development in the borough.
- 3.10 White City is in need of regeneration and the application site presents a unique opportunity to contribute towards securing benefits for the wider area through access to jobs, better local facilities, better and more suitable housing, and improved environmental conditions. Underpinning the regeneration objectives is the need to rebalance housing types across the area in order to create a more sustainable, mixed and balanced community which will contribute towards reducing levels of social deprivation.
- 3.11 Officers recognise that the applicant has significantly contributed to enhancing Shepherd's Bush Town Centre following the development of the original Westfield Centre and the accompanying transport infrastructure improvements. The regeneration benefits of the proposed development include housing delivery, increased employment opportunities, enhancing connectivity across the White City OA and the provision of enhanced public realm. These benefits are explained in more detail below.

#### *Access, Connections and Linkages*

- 3.12 The existing Westfield shopping centre provided a catalyst for various improvements to access, and linkages within the area and to the rest of London. The development transformed public transport facilities in the area with a new railway station, one major Underground station rebuild, one entirely new

Underground station, two new bus stations, a road bridge, and new pedestrian routes.

- 3.13 The proposed development, given its size and location constitutes a key site, strategically important to the OAPF area as a whole. As the application site falls within Westfield's ownership, there is a unique opportunity to connect the shopping centre and town centre with the wider Opportunity Area to the north through the Hammersmith and City line viaduct to land both to the south and north of the A40 (Westway).
- 3.14 The development site being located toward the south of the OAPF presents an opportunity to put in place potential linkages around the existing shopping centre thereby enabling connection with the Town Centre to the south and the Opportunity Area to the north. The proposed development would also provide linkages to the east and west through the site and potentially beyond thus further improving the accessibility and permeability through the area. Enabling connections and linkages through the White City area is a key Core Strategy urban design objective (set out in the justification to policy WCOA and in addition to the OAPF Urban Design Chapter).
- 3.15 Notwithstanding the opportunities presented by the development, it is recognised that the existing road network on Ariel Way and the changes in ground level inherited on the application site currently presents a physical barrier to regeneration of the area. Coupled with the complexity of the infrastructure below the ground (underground rail lines, sewers and energy systems), officers acknowledge that the southern part of the site is heavily constrained. For the above reasons, a more complex engineering solution is required to work with the existing site constraints in order to achieve the Council's broader aspirations to improve connectivity and linkages to the rest of the Opportunity Area and surrounding areas. As such, the applicant has proposed an extensive decked area to overcome this constraint. There is a slight variation in the extent of the decked/podium area from the extant planning permission with the deck moving westwards towards Plot D. However, the principle of the deck is still considered to be appropriate subject to the detailed design.
- 3.16 The decking over of the road network including Ariel Way to the north of the existing shopping centre would enable the creation of a more human environment. Rather than being confronted with a busy road network, people accessing the site from the east would be able to enter into a pedestrian landscape with Ariel Square as the initial arrival point. From there clear, legible and active routes would lead onwards through the new Ariel Walk, right through to Wood Lane and the Underground Station, along the way linking to other new public spaces within the development such as Silver Street, Relay Square and White City Green.
- 3.17 Currently the Ariel Way bridge over the railway and West Cross Route brings pedestrians to the only corner of the shopping centre with no public entrance. The proposed changes will give direct access into and through the heart of the extended town centre. This is particularly important for the residents of Edward Woods estate – the only part of Hammersmith and Fulham on the other side of the dual carriageway. They would for the first time be properly integrated with the town centre, White City and the rest of the borough.

- 3.18 In addition to the east-west connections described above, the proposed development also seeks to open up the site with north-south connections. Currently there are three barriers cutting the rest of the White City Opportunity Area off from the activity of the town centre. There is the northern flank of Westfield which lacks pedestrian access points, there are the access roads around Ariel Way and the current industrial estate, and thirdly the Hammersmith and City Line viaduct.
- 3.19 The proposed development would help break down these barriers, opening up the northern side of Westfield, extending the town centre to face out to the north, and integrating White City with Shepherds Bush in line with the WCOA planning policy aspirations. The development decks over the access roads, creating pedestrian linkages north-south through Silver Street and Relay Square.
- 3.20 The Westfield proposals also guarantee the delivery of White City Green south of the viaduct. There is an aspiration to open up of the arches under the railway viaduct, embedding this within open space which will make what is now a barrier into a destination in its own right in future.
- 3.21 Currently the only access to the central and northern parts of the White City Opportunity Area is provided from the town centre and walking along the A219 Wood Lane. The proposed development has the capacity to support a new central and eastern walk directly from the town centre, from the shopping centre and residential parts enhancing north and southbound pedestrian movements. Aspirations to bridge and deck over the existing central line cutting (outside of the site boundary) would also open up connections with Wood Lane and the surrounding proposed developments, transform the public realm in this area and create a new space along this route.

### *Environment*

- 3.22 Officers recognise that the proposed development would also bring a number of environmental benefits to the site and wider area. Firstly, there would be more than 40,000sqm of open space on the completed site. This includes hard landscaped public space (Relay Square, Ariel Walk and Silver Street), the park alongside the Hammersmith and City Line viaduct, a new square (Ariel Square) by the crossing to Kensington and Chelsea, secluded private courtyards for use by the residents, and playable space for children and young people.
- 3.23 The site currently has limited public space of value, being dominated by Ariel Way and the industrial units to the north. The public realm would be designed to a high quality to ensure that it provides a major new resource that would benefit existing residents in the area, the new residents in the development itself, and visitors to the town centre.
- 3.24 Secondly, it is considered that there would be improved animation and security. The combination of the new through routes, as well as new commercial and residential uses on the site, means that the spaces in the proposed development would be well-used, safe and attractive at different times of day.

- 3.25 Thirdly, these effects have the potential to spill over beyond the site, improving the environment of Wood Lane, and linking to the new routes that will be created in neighbouring developments, such as the connections through the former BBC Television Centre site to Hammersmith Park.

#### *Housing Provision*

- 3.26 Hammersmith and Fulham comes third highest in the UK in terms of housing “unaffordability”, measured by the ratio of medium incomes to house prices. Providing new opportunities for home ownership is a priority for the council, and key to that is increasing the supply of housing including a percentage of affordable housing.
- 3.27 The opportunities for this are limited in a borough with so many existing built-up neighbourhoods and conservation areas, but the key development lands at White City represent one of the biggest “uninhabited” areas in the borough. This area, forming part of the White City Opportunity Area, is one of the biggest opportunities to meet demand for new homes in Hammersmith and Fulham.
- 3.28 The proposed development would help deliver on this opportunity, creating a high quality and attractive new residential community of around 1,350 homes, giving up to 2,300 people the chance remain in the borough. It also helps the community grow and become more balanced.
- 3.29 Shepherds Bush Green Ward is currently 38% social housing, while Wormholt and White City ward to the north is over 50% social housing. The local housing estates are an essential core to the local community, and the proposals would bring forward at least 162 new affordable homes for local residents. This enables local people to be re-housed in more suitable accommodation, unlocking opportunities to rejuvenate existing estates. High concentrations of social housing are associated with problems of deprivation, and by adding to the community with a new more balanced mix of tenures the development will help alleviate this over-concentration.

#### *Employment Provision*

- 3.30 While this is an outline planning application, the employment generating parts of the scheme are in the first development phase, with the jobs delivered early on. The Environmental Statement sets out that the new employment space in the development (primarily retail, but also food, leisure, office and community) will accommodate more than 3,500 jobs. This conventional job density calculation is measured in “workspaces”, but because Westfield is open for nearly 80 hours a week, each workspace in reality will be filled by more than two full time equivalent jobs, with employees working various combinations of shifts.
- 3.31 Therefore 3,500 workspaces will translate into more than double full time equivalent jobs in the new development. The actual headcount is likely to be much higher still because of part-time working. There is anticipated to be an additional 880 full time equivalent jobs in construction. Furthermore, if indirect employment generation, stimulated locally through “multiplier” effects, is factored in, the maximum total employment generation arising from the proposed development could amount to up to 7,775 new jobs.

- 3.32 This is in addition to the normal vacancies expected from the existing Westfield London centre – with 8,000 jobs already, and retail employment turnover of 20%-30% a year, this would mean around 2,000 vacancies a year in the existing centre. Kidzania, which is currently under construction, is a new leisure facility within the existing Westfield London centre. This new leisure attraction, along with the expansion of the Marks and Spencer's unit will create an additional 500 jobs when they open next year.
- 3.33 The application site, in light industrial use accommodates approximately 410 jobs. The principle for the loss of employment use has been established in part, through the extant planning permission. However, it is considered that the loss of employment use is also permitted under Core Strategy (2011) policy LE1 which designates the site for mixed uses including residential, leisure, commercial and community uses. As discussed above the development would provide significant opportunity for the Borough to deliver additional retail, leisure and office sector jobs for local residents. The loss of 410 B1/B8 jobs is considered to be significantly outweighed by the potential of the proposed development to generate up to 7,775 jobs, a net increase of 7,374 jobs. While the existing employment will be lost from the site, given the availability of other industrial spaces in London it is likely that most of the businesses would relocate rather than cease trading. Notwithstanding the net gain in jobs, it is considered that the applicant has the responsibility to assist the relocation of the local firms, as required by London Plan policy 4.4. A condition is recommended that states that prior to any development taking place a relocation plan should be submitted to the council detailing how the relocation of the existing businesses will be managed. This would be necessary to ensure that industrial employment and activities are not lost through the redevelopment process and would be in line with the London Plan (2011) policy 4.4 on the management of industrial land and premises.
- 3.34 Overall there would be a significant net increase in employment as a result of the proposed new uses.
- 3.35 A large majority of the employment generated on site will be retail jobs. Retail employment provides many opportunities that are suitable for people without high level qualifications, including entry level employment for young people which is particularly important given the current high rates of youth unemployment. The employee survey found one in four people working in Westfield London had previously been unemployed. Retail also provides many flexible and part-time opportunities that are suitable for those returning to work after having a family.
- 3.36 Partly for these reasons, retail as a sector has a particularly good track record in giving employment to disadvantaged groups. The benefits of this in regeneration are summed up in this report published by the GLA:

*"The retail sector is a particularly effective sector in terms of offering a wide range of workers a route into the labour market. This includes groups that otherwise are disadvantaged in the labour market such as the young, women (including those with dependent children), and ethnic minorities. This means that the retail sector can play a very important role in addressing some of London's*



*most pressing problems of worklessness and the regeneration of deprived areas.” – GLA Economics, Retail and the Labour Market, 2006*

- 3.37 Retail not only provides this entry point into employment, but also has excellent routes for training and progression. It is not only one of the UK's largest employment sectors, but also one of the biggest employers of trainees and apprentices. The successful retail chains are known for their well-structured programmes, with good opportunities for fast track routes into management. The direct employment benefits of the development therefore, are considered to be potentially significant.
- 3.38 Westfield is one of the world's largest operators of shopping centres, with experience across the UK of working with local authorities on issues such as construction apprenticeships, retail training, jobs brokerage, and local recruitment. Westfield was one of the first signatories (in 2007) of the London Living Wage initiative. It also now offers electrical apprenticeships through its facilities management contractors, most material suppliers are local (eg. plumbing, electrical, decor) and Westfield London has a policy of seeking local suppliers for new contracts. The centre's waste management contractor sources its workforce locally too.
- 3.39 Officers have engaged with the applicant to ensure that appropriate s106 controls are put in place to ensure new jobs and training initiatives are accessible to local people, particularly those living in White City and the surrounding area. The Section 106 Agreement accompanying the previous outline planning consent (2011/02940/OUT) included a set of detailed provisions that bound the applicant to work collaboratively with LBHF in fostering a partnership whereby employment training, skills development, traineeships, apprenticeships, job fairs and workshops are more actively promoted to local people. The same level of commitment will be secured as part of this application. Officers have sought to ensure a commitment from the developer in the employment and training obligations secured for the current application is at least the same as the extant s106 associated with the existing Westfield shopping centre development. The applicant will be required to enhance the existing Work Zone facilities provided at the Shepherd's Bush Library on Wood Lane for example this could be achieved by providing further space within the development to increase visibility of the facility. The details of the enhanced Work Zone scheme could be detailed in the employment and training facility that would be secured through the s106.
- 3.40 The applicant will also be required to develop an employment and training strategy with the Borough whereby equal employment opportunities to a range of jobs (including entry level and management level positions) are to be actively advertised and promoted to all local residents at the earliest opportunity, including those hardest to reach. Through the Section 106 agreement, the LPA will require the developer to prepare and submit an employment and training strategy to the Council for approval. The Section 106 agreement would include a review mechanism where the provisions of the strategy are appraised in order to assess the successes and failings of the strategy and identify where improvements are necessary. The strategy would need to consider amongst other matters, impacts on the equalities groups to ensure all people have access to jobs.

### *The “Anchor Store Effect”*

- 3.41 The Core Strategy (Strategic Policies C and WCOA) highlights the potential to extend the town centre northwards to accommodate major retail that cannot be located elsewhere. The proposed development proposes in effect “an extension” to the Shepherd’s Bush town centre boundaries which would result in the provision of a significant amount of new Mall-based retail uses including the provision of a well-known nationwide Anchor Store tenant. The location of the development is considered the only location in the borough able to attract a store of this scale and profile.
- 3.42 The applicant contends that a full-line high profile anchor department store is an unrivalled draw, with the power to strengthen the town centre and the shops it attracts in a way that perhaps no other retailer could. Officers recognise that the “Anchor Store effect” could potentially benefit the town centre itself but also the wider area, bringing the prestige of one of Britain’s most trusted and respected brands to White City and Shepherds Bush.
- 3.43 The applicant has indicated that the proposed high profile Anchor Store tenant is particularly well geared-up to engage in local employment initiatives. The applicant confirms that the proposed Anchor Store operator is known for their comprehensive and structured training to encourage progression right from entry-level school-leavers through to management. The applicant confirms that up to three years before opening they begin working in the local community, liaising with schools, councils, skills academies and Jobcentre Plus, joining forums and engaging with the community. After opening this continues with active involvement in the local business community including many Town Centre Management initiatives and Business Improvement Districts.
- 3.44 Partners working at the anchor department store are supported in training, as well as wider initiatives such as the leisure learning subsidy to encourage outside interests, subsidised clubs and leisure activities.
- 3.45 The proposed Anchor Store Operator also has its own established programmes of community involvement. They work closely with Business in the Community and have an excellent track record on charitable sponsorship and donations, as well as supporting staff who give their time to charity. The proposed anchor department stores own charity, the Golden Jubilee Trust, arranges secondments of staff for up to six months to local charities.
- 3.46 Overall, therefore, the benefits of a new department store, compared to small retailers, could include:
- Profile and prestige for White City and Shepherds Bush
  - Attracting the footfall to support high employment densities
  - Very well developed employment programmes, training and career paths
  - A track record of substantial engagement with the community
  - High levels of local employment
- 3.47 In summary, it is considered that the current development proposals provide a unique opportunity for the Council to realise a number of key aspirations for the White City area and beyond. In addition to enabling improved connections and

linkages to the surrounding area, the development presents an opportunity to secure long term employment for people living in the Borough, including those residing in the White City Estate. The proposals have the potential to generate up to 880 full time jobs during the construction phase of the development and up to 3500 full time jobs, within retail, leisure and office sectors, during the operational phase of the development. Given the nature of the retail and leisure sectors (which requires long hours and shift working) each job created would potentially require two full time employees. Furthermore, if indirect employment generation is factored in, the maximum total employment generation arising from the proposed development could amount to 7,775 new jobs.

### **Land Uses**

- 3.48 The proposed floorspace schedule of land uses are set out in section 1.36 to 1.38 and Table 2 of this report. This maximum quantum of floorspace has been tested by the ES and the schedule of areas establishes the maximum quantum of floorspace that can be accommodated on the site. The development makes provision for Classes A1, A3 and A5 (retail and food/drink) uses, Class B1 (offices), Class D1 (community), Class D2 (leisure) uses and Class C3 (residential) uses located across the site. Sections 1.40 -1.45 of the report explains the potential locations of the land uses within each block/plot.
- 3.49 The arrangement of uses at street and upper levels is defined by the Parameter Plans which are submitted for approval. However, the Parameter Plans, primarily at the public realm level, allow for some flexibility with regards to the specific location of individual uses. For example, northern façade of block A and K, the western façade of block A and B and the eastern and southern façade of block D could comprise uses within Class A (Retail) or D (Community). Furthermore, the eastern facades of Block A and B and the western façade of block C could comprise any permitted uses and the Northern Class Uses at the public realm level. This degree of flexibility is required to ensure the development can adapt to economic and social circumstances at the relevant time. Officers are content that the Parameter Plans provide the Council with sufficient control regarding the disposition of uses across the site and that the arrangement of those uses as currently defined by the Parameter Plans will ensure activation at street level. Through the imposition of a condition, each reserved matters application will be required to comply with the Parameter Plans.
- 3.50 Core Strategy Policy WCOA sets out the land uses that are envisaged for the OAPF area. Strategic Site WCOA1 states that major leisure activities and major retail that cannot be located within the town centre may be appropriate north of Westfield on the edge of the existing town centre boundary. It is specifically noted that there is potential to consider a northwards extension of the town centre which the application proposals would deliver.

#### *Retail and Commercial Uses*

- 3.51 A new outline planning application is being progressed, instead of the extant permission, due to the significant changes that were required in part, due to the need to accommodate the commercial requirements of the anchor store. This store will become a fifth 'anchor' store to the WL development. The operational requirements of anchor store have resulted in changes to the layout of the

proposed extension, and an uplift in the total amount of class A1 retail floorspace to be accommodated in the extension. However, this will be partly offset by some demolition of existing units in order to facilitate the linkages between the existing centre and the proposed extension (no allowance for demolition was made in the approved application).

3.52 The new application proposes the following maximum quanta of floorspace:

Retail (Use Class A1): 73,144 sq.m GEA (less demolition of 11,304 sq.m GEA, net additional 61,840 sq.m GEA);  
Retail (Use Class A3-A5): 8,170 sq.m GEA;  
Residential (Use Class C3): up to 1,347 units;  
Use Class D1: up to 1,600 sq.m GEA;  
Use Class B1: up to 2,065 sq.m GEA;  
Leisure (Use Class D2): up to 3,500 sq.m GEA

Table 4.2 of the Planning Statement (reproduced as Table 2.4 of the RS) suggests that of the net additional 61,840 sq.m gross, the floorspace split will be as follows:

- Anchor (John Lewis): 22,026 sq.m gross / 14,316 sq.m net sales;
- MSU's (assumed comparison goods retail): 35,217 sq.m gross / 26,413 sq.m net sales;
- Kiosks: 589 sq.m gross / net;
- Convenience goods retail: 4,008 sq.m gross / 2,552 sq.m net.

3.53 The total net sales area of the revised scheme is therefore 43,870 sq.m net, compared to 34,533 sq.m under the permitted application. The increase in net retail sales is approximately 9,337 sq.m.

3.54 The applicant states that it is not appropriate to directly compare the net sales floorspace figures between the permitted and proposed schemes and instead refer to the 'Gross Lettable Area' between the two developments. Table 2.3 of the Retail Statement identifies that the uplift in GLA is 9,523 sq.m, comprising of an increase of 5,058 sq.m GLA in the size of the anchor store, an increase of 5,638 sq.m GLA in other retail units, 589 sq.m in the kiosks, and a decrease of 1,762 sq.m in convenience goods floorspace.

3.55 The A1 retail floorspace of the planning application will include an anchor store (Class A1) which has been tested with an indicative floorspace of 22,026sqm (GIA). This will comprise a high-end department store. The principle of 14,316sqm of retail floor space within the anchor store was established by the extant planning permission. This application proposes an additional 7710sqm Anchor Store (gross) retail floorspace.

3.56 Anchor stores have the ability to create a significant number of jobs and attract additional expenditure within their catchment area. Officers acknowledge the potential regeneration benefits this anchor store would have on the town centre and the wider area. It could also create a key marker building and major land use adjacent to the potential White City Green (as proposed in the WCOAPF). This could increase the exposure and prominence of the northern part of the application site which is currently isolated from the area beyond the viaduct. The

application proposals would create physical links between the existing centre, the application site and land to the north. This enhancement in pedestrian connectivity would benefit the entire OA.

- 3.57 The Regeneration Statement submitted in support of the application identifies the regenerative effects to White City, Shepherd's Bush and LBHF that would arise from the provision of an Anchor Department Store and in particular –the high profile retailer proposed. It is considered that the delivery of such benefits would accord with the Council's regeneration policies, including the thrust of the land use policies in the OAPF.,
- 3.58 The applicant has cited in their retail assessment, planning statement and Viability Appraisal that to attract the anchor department store, additional mall style retail units are required in order to make the development financially viable. The proposals include the potential for larger retail units to be included in the mall extension which is connected by an atrium link to the Anchor Store. The new retail outlets could either provide floorspace for new retailers who are looking to occupy space within the new centre extension or for existing Westfield tenants looking to expand their existing stores to larger premises.
- 3.59 In terms of assessing the appropriateness of the retail offer proposed in the application, Core Strategy (2011) Policy WCOA is relevant alongside The London Plan (2011) (with 2013 alterations) policy 4.7 "Retail and Town Centre Development" and the NPPF.
- 3.60 The strategic policy identifies the site to the north of Westfield as having potential for town centre expansion involving provision of town centre uses, including a major leisure use. Strategic Policy C of Strategic Policy WCOA of the Core Strategy (2011) states that:
- "Major leisure activities and major retail that cannot be located within the town centre may be appropriate north of Westfield on the edge of the existing town centre boundary".*
- 3.61 The additional land uses proposed in the application make this provision in response to the policy direction. The supporting justification to the policy notes that the current evidence base (need, impact, sequential test) for moving the town centre boundary has not yet been formally scrutinised or assessed (in policy terms). However, the application, is essentially for an extension to the town centre, on the edge of the designated Town Centre boundary. The applicant is therefore required to demonstrate through a sequential assessment that the proposed retail and leisure uses are appropriate outside of the town centre and will complement the existing town centre in terms of enhancing the range of town centre uses in accordance with policy WCOA.
- 3.62 In terms of the sequential approach, the applicant's retail assessment concludes that there are no other suitable sites within Shepherd's Bush Town Centre for the scale and profile of the retail uses proposed. This includes the proposals for a large anchor/department store and a new food store (albeit a smaller food store than what was considered in the previous Retail Statement in the extant permission). The Council's Independent retail consultants advise that it is unlikely that there are sites in Shepherd's Bush which are suitable, available and viable



for development of the scale proposed. Therefore, in respect of the sequential approach, the application is considered acceptable. The conclusions reflect those within the extant planning permission.

- 3.63 Officers also acknowledge the thrust of the WCOA policy justification which states that the Council's aspirations are for town centre uses. The Core strategy policy indicates Shepherd's Bush Market and the W12 centre as being appropriate for retail expansion and improvement. Officers have noted the advice of the independent retail consultants whom advise that the development will result in further enhancement of Shepherd's Bush, further cementing Westfield London as part of Shepherd's Bush metropolitan town centre as a major shopping destination serving West London and beyond, more akin to that of a sub-regional centre. The proposals would enhance the mid-upper end retail floorspace which leaves potential for the expansion of lower-mid end retail floorspace within Shepherd's Bush.
- 3.64 In terms of impact on adjoining centres, the application has been considered against the NPPF. The retail statement and addendum to the retail statement consider the impacts of the development upon all relevant centres in the catchment area in West London. These include Ealing Town Centre and well as Kensington High Street and Kings Road. Although the applicant's retail statement identifies some diversion of trade, officers are advised by the Council's appointed retail consultants that the extent of the impact is not considered to be significant. The health checks of these town centres undertaken in the RA have been verified by the Council's independent retail advisors who conclude that they are trading generally healthily.
- 3.65 The application has been assessed with the impacts of committed developments in the catchment area by basing its assessment on the Council's own retail study and then assessing the application floorspace. Therefore, the assessment tests the cumulative effect on centres such as Ealing, Hammersmith, Kingston High Street and the Kings Road at a test year of 2023 which factors in all developments including those at Battersea Power Station and Brent Cross and other relevant examples. The Council's own retail consultants, have assessed the applicants Retail Statement and have advised that the impact is not considered to be significant although there are questions over the assumptions of trade draw which have not been fully addressed. by the applicant.
- 3.66 With the likely increase in the residential population of new developments such as in the Earl's Court Regeneration Area, it will be necessary to demonstrate that the quantum of retail floorspace being brought forward in such areas is only meeting the local needs of the existing and proposed residential population. The existing hierarchy of centres such as Kensington High Street, the King's Road and Shepherd's Bush will continue to serve higher order shopping needs.
- 3.67 Officers have been advised by the independent retail advisors that the applicant has satisfied the sequential approach and that there is no clear evidence of significant adverse impact in accordance with the NPPF. Furthermore, the positive benefits relating to regeneration gains that include making a vital connection and linkage between the town centre and the OAPF area to the north, increased employment provision, additional sustainable mix of housing (including affordable) and provision of complementary community and leisure uses are

considered to outweigh any negative impacts that may arise as a result of retail expansion in this location. Those negative impacts may comprise some, albeit limited trade diversion, the potential reclassification of the centre (to an International Shopping Centre) and potential impacts on planned developments. Further clarification has also been sought by the Council's Consultants with regards to the comparison and convenience impact assumptions, trade draw (including the role of the Anchor tenant) and the comparison commitments. The applicant has submitted an addendum to the retail assessment which explores these matters further. The Council's consultants have advised that they are satisfied the broad approach to assessing retail impact which has been undertaken by the applicant, which is considered to largely reflect the PPS4 Planning Guidance (which at the time of preparation of the original RS was extant). Although, there remains an out-standing concern with regards to the justification provided for the different patterns of trade draw for this application, on balance, it is considered that the impacts identified are likely to be reasonable and would not be expected to constitute significant adverse impacts on any existing centre

- 3.68 In conclusion, the proposed level of retail floorspace (including the additional retail above the consented amount) is considered to be justified under the provisions of adopted development plan policies and the national and local planning policy framework. It is considered that the proposals would enhance the overall retail offer of Westfield London that would compliment Shepherd's Bush Town Centre. The positive benefits of the development listed above are considered to outweigh the limited negative retail impacts which may occur. Therefore, the proposals on balance, are considered to be in accordance with relevant planning policies of the London Plan (2011) (with 2013 alterations) and the Core Strategy (2011), and the NPPF.

#### *Leisure, Community and Office Uses*

- 3.69 The outline application proposes active street frontages to the main streets to provide a vibrant environment with a variety of uses throughout the environment. Flexible ground floor uses (within Classes A1/A3/A5/B1/C3/D1/D2 are proposed on Silver Street. Classes A1/A3/A5/D1/D2 are proposed on Relay Square, Ariel Way, Ariel Walk and White City Green as set out in Parameters Plan WLD 011 Rev A.
- 3.70 The application proposes a maximum of 1600sqm Class D1 (community) use and 3500sqm (leisure) use which contributes to the mix of uses across the development. In addition to the retail, community and leisure uses there is for up to 2065sqm of Class B1 (office). The range of uses proposed are considered to be compatible with the aspirations set out in the Core Strategy and OAPF as they have the potential to positively contribute towards a sustainable mix of uses in the town centre and OAPF area.
- 3.71 The ES has tested the maximum level of floorspace prescribed in the floorspace schedule set out in Table 2 this report and the disposition of uses as defined in the parameters plans. This approach allows for the maximum extent of the leisure and community floorspace (as defined by the floorspace schedule) to form part of future reserved matters applications whilst maintaining compliance with the ES.

- 3.72 The Design Codes to all Blocks contain coding related to the provision of non-residential uses on the ground floors which face the public realm. The coding is intended to ensure mixed ground floor uses on Silver Street, Wood Lane (Block D) and Ariel Way (in addition to occasional residential uses). It is considered that the principle of applying flexible and adaptable land uses in these locations is acceptable given the need to respond to the social and economic circumstances at the time of implementation. Given the length of construction period, it is considered that flexibility is essential to allow the development to adapt to the changing economic and social climate whilst ensuring a minimum amount of mixed uses on the ground floors.
- 3.73 In light of OAPF and Core Strategy requirements to deliver a sustainable mix of town centre uses (specifically designated on the Westfield land) including necessary community uses, it is considered that the Council have the opportunity in the outline application to secure a significant amount of community and leisure use. The WCOAPF states that “The availability of development land north of Westfield and the BBC’s departure from Television Centre provides opportunities to introduce additional leisure and entertainment facilities that would attract customers from a wide area and reinforce the strength of the leisure and entertainment offer in the area. The OAPF does not prescribe what sort of leisure facilities would be appropriate but they should be of wide public interest, such as ten-pin bowling or ice skating”. It is considered necessary to ensure there is an incentive to deliver the community and leisure uses prior to occupation and/or completion of the significant part of the development which comprises plots A, B, C and K.
- 3.74 To ensure that the Class D1 (Community) and Class D2 (Leisure) uses are provided at an appropriate phase before the development is fully occupied a condition is recommended which secures a minimum level of provision. As the application is in outline form the precise location and operational requirements of the community and leisure uses cannot to be confirmed until the reserved matters stage. Therefore, it is vital that early phases of the development do not prevent the community and leisure uses from being implemented in later phases. The condition is also recommended to ensure the location and layout of the community and leisure floorspace are submitted to the Council prior to the commencement of each relevant phase of development.
- 3.75 It is considered condition 2 “in accordance with approved plans” would negate the need to impose further conditions permitting particular land uses within each street as future applications would need to comply with the specific parameter plans which sets out the uses for each street (at lower floors/ground floor level). The reserved matters submissions will also need to demonstrate compliance with the relevant design code relating to ground and lower floor commercial accommodation. Therefore, with the above controls in place, sufficient flexibility is afforded to the applicant whilst granting the Council sufficient controls over the land uses within the ground floors to ensure the proposals create a vibrant public realm with a variety of uses.

*Residential Use and New Housing:*

- 3.76 Outline planning permission is sought to provide a maximum of 1,347 residential units across the whole site. The proposed mix of housing is set out in a later section of this report.
- 3.77 The principle of the provision of residential use as part of mixed use development accords with planning policy at all tiers.
- 3.78 At the national level, the National Planning Policy Framework (NPPF) advocates policy that seeks to boost significantly the supply of housing (paragraph 49), and states that “housing applications should be considered in the context of the presumption in favour of sustainable development”.
- 3.79 The London Plan (2011) (with 2013 alterations) policy 3.3 “Increasing Housing Supply” states that there is a pressing need for more homes in London. Policy 3.3B states that an annual average of 32,210 net additional homes should be delivered per annum in London. Within this overall aim, Table 3.1 sets an annual target of 615 net additional dwellings for Hammersmith and Fulham (excluding an increment in provision in the Earls Court West Kensington Opportunity Area).
- 3.80 Policy 3.3D of the London Plan states that boroughs should seek to achieve and exceed the housing targets set out in Table 3.1 of the plan. The proposed development, providing up to 1,347 residential units (over a phased 15 - 17 year development period) which is almost one third (30%) of the total identified housing need for the wider area, will contribute towards meeting the established London Plan and also the Core Strategy housing targets for the borough.
- 3.81 The site falls within the White City Opportunity Area whereby there is identified capacity for at least 5,000 homes. (It should be noted that this figure is also being upwardly revised in the “Draft Further Alterations to the London Plan January 2014” which is currently out to public consultation). This regeneration objective is reinforced by the Core Strategy at Policy WCOA which states that new homes built in White City will be expected to provide a local ladder of affordable housing opportunity. Core Strategy Policy H1 “Housing Supply” also confirms the Council’s objective of the delivery of 5000 new homes within the WCOA.
- 3.82 The adopted WCOAPF is consistent with national, regional and local policy in that the WCOAPF Land Use Strategy (Figure 2.1) promotes mixed use development comprising housing, commercial, creative and academic uses. The Site itself is identified as falling within a future housing area (Figure 2.4).
- 3.83 In light of the adopted policy context established by the NPPF, The London Plan and the Core Strategy, the principle of providing new housing within the development site would accord with the overall policy provisions at all tiers.

### **Residential Density**

- 3.84 The NPPF (paragraph 47) states that in order to boost significantly the supply of housing, local planning authorities should set out their own approach to housing density to reflect local circumstances.
- 3.85 The London Plan Policy 3.4 “Optimising Housing Potential” seeks to ensure that development optimises housing output for different types of locations, taking into

account local context and character, design principles and public transport capacity.

- 3.86 The site has a Public Transport Accessibility Level (PTAL) of between 5 and 6b reflecting its proximity to a broad range of public transport links. In addition, the site is located within and immediately adjacent to a Metropolitan Town Centre.
- 3.87 In accordance with the density matrix contained within the London Plan (Table 3.2), the site falls within the 'Central' Category ('Central' sites are defined in notes to Table 3.2 of the London Plan as 'areas with very dense development, a mix of different uses, large building footprints and typically buildings of four to six storeys, located within 800 metres walking distance of an International, Metropolitan or Major town centre'). Table 3.2 identifies that central sites with a PTAL rating of between 4 and 6 would be appropriate for residential development within the density range of 140 to 450 units per hectare, or 650 to 1100 habitable rooms per hectare.
- 3.88 Importantly however, it is expressly stated that Table 3.2 should not be applied mechanistically when assessing proposals for residential development. The Mayor's Housing SPG (November 2012) provides further guidance on the issue of housing density, stating at paragraph 1.2.4 that "While the density of housing across inner London varies, generally higher levels of public transport accessibility provide scope for higher density development'. It guidance goes on to say that 'higher density housing can be particularly suitable for town centres and as an element of mixed-use developments, where open space and car parking may be limited."
- 3.89 The London Plan also states that higher or lower densities on individual developments may be acceptable where these can be justified by local circumstances.
- 3.90 Similarly, at the local level, Core Strategy Policy H3 (Housing Quality and Density) notes that: "The council will expect all housing development to respect the local setting and context, provide a high quality residential environment, be well design and energy efficient in line with the requirements of the Code for Sustainable Homes, meet satisfactory internal and external space standards and (subject to the size of the scheme) provide a good range of housing types and sizes...Acceptable housing density will be dependent primarily on an assessment of these factors, taking account of London Plan policies and subject to public transport and highway impact and capacity". The policy further notes that: "some high density housing with limited car parking may be appropriate in locations with high levels of public transport accessibility (PTAL 4-6)".
- 3.91 The Development Management Local Plan (2013) Policy DM A2 "Housing Quality and Density" states that: "in assessing the appropriate density of a housing or mixed use scheme that includes housing, the Council will apply the Core Strategy and London Plan policies and guidance relating to residential density".
- 3.92 The WCOAPF supports medium and high density housing as part of mixed use development.



- 3.93 The proposed development seeks up to 1,347 dwellings across the 7.64 hectare site, equating to a residential density of 176 units per hectare (when using the standard calculation method of dividing the total number of units by the total site area). This figure is well within the density range set out within the London Plan, sitting within its lower end.
- 3.94 The revised development proposes a higher residential density at the eastern side of the site compared to the extant scheme because the residential which were located on the roof of the retail under the extant permission have been relocated within block C. However, in light of the location within the White City Opportunity Area and contribution that the scheme is making to place shaping in the area, a high density scheme would be appropriate for this site, reinforced by its high quality design and access to public realm and open space. This accords with the London Plan policy 2.13 on Opportunity Areas which permits development at optimum densities.

### **Housing Mix**

- 3.95 National planning policy contained in the NPPF requires new development to deliver sustainable, inclusive and mixed communities in accessible locations. To achieve mixed communities, the NPPF advises that a variety of housing should be provided in terms of size, type, tenure and price and also a mix of different households such as families with children, single-person households, people with disabilities, service families and older people.
- 3.96 The London Plan (2011) (with 2013 alterations) policy 3.8 (Housing Choice) requires new development to offer a range of housing sizes and types. This policy is complemented by the Mayor's Draft Revised Housing Strategy (2011), which emphasises the delivery of family sized affordable homes.
- 3.97 The 2008 London Strategic Housing Market Assessment (SHMA) shows there is considerable need to increase the stock of family intermediate homes but also indicates that market housing demand requires a higher proportion of smaller (1 and 2 bedroom) properties.
- 3.98 Borough Wide Strategic Policy H4 of the Core Strategy (Meeting Housing Needs) states that: "there should be a mix of housing types and sizes in development schemes, especially increasing the proportion of family accommodation. The precise mix in any development will be subject to the suitability of the site for family housing in terms of site characteristics, the local environment and access to services".
- 3.99 Policy DM A3 of the DM LP (Housing Mix) states that: "all new housing provided as part of new major development should provide a mix housing, including family housing. Developments should aim to meet the following mix subject to viability, locational characteristics and site constraints being considered on a site by site basis as follows:
- Where social rented housing is replacing existing social rented housing the new housing should meet the needs of the relocating tenants;
  - For affordable rented approximately: 1 bedroom: 10% of units; 2 bedrooms: 40% of units; 3 bedrooms: 35% of units; 4+ bedrooms 15% of units;

- For intermediate housing approximately: 1 bedroom: 50%; 2 bedroom: 35%; or more bedrooms : 15% of units; and
- For market housing, a mix of unit sizes including larger family accommodation.

3.100 The WCOAPF supports the unit-mix identified within the Development Management Local Plan, and qualifies this in terms of the objectives of bringing about estate regeneration, allowing existing residents of estates within White City West to move to a home within any of the new developments. The WOCAPF is explicit, however, that while the framework explores the potential for estate regeneration, it does not set out proposals.

3.101 The proposed housing mix is set out in Table 3 below. The proposed development seeks to provide a range of unit sizes responding to both policy aspirations and viability and specific circumstances of the site.

Table 3: Unit Mix by Tenure

	Studio	1 bed	2 bed	3 bed	Total
<b>Market</b>	22	400	731	47	1,200
<b>Intermediate</b>	-	28	17	12	57
<b>Social Rent</b>	-	18	36	36	90
<b>Total</b>	22	446	784	95	1,347

3.102 The mix provides 7% three bed units across all tenures. This allows the provision of family sized dwellings to be concentrated within the affordable housing element of the scheme and meets the requirements for 3 bedroom affordable units as set out in Policy DM A3 of the DM LP. The provision of a higher proportion of 1 and 2 bed market units reflects the findings of the GLA London Strategic Housing Market Assessment. The proposed scheme provides a range of unit sizes and a mix of tenures which on balance is considered to be acceptable and in accordance with relevant planning policy.

### **Affordable Housing**

3.103 The London Plan (2011) (with 2013 amendments) removes the target adopted by the previous version of the London Plan of 50% affordable housing. Policy 3.9 (Mixed and Balanced Communities) states that a more balanced mix of tenures should be sought in all parts of London, particularly in neighbourhoods where social renting predominates and there are concentrations of deprivation.

3.104 In relation to intermediate housing, paragraph 3.61 of the Revised Early Minor Alterations (REMA, October 2013) to the London Plan amends supporting text to Policy 3.10 (Definition of Affordable Housing) to define affordable housing as:

- Social rented housing;
- Affordable rented housing; and
- Intermediate housing.

3.105 The REMA clarifies the definition of each tenure type as follows:

- ‘Social Rented Housing’ – is owned by local authorities or registered providers, for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Mayor. Social rent is lower than affordable rent.
- ‘Affordable Rented Housing’ is that which is let by local authorities or registered providers of social housing and is subject to controls requiring a rent of no more than 80% of the local market rent (including service charges where applicable).
- ‘Intermediate Housing’ - is available for sale or rent at a cost above social rent, but below market levels. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rent. Intermediate housing should be available to households whose annual income is between £18,100 - £66,000 are eligible. This maximum income level is £80,000 for family sized units (more than three) bedrooms.

3.106 For completeness “Market Housing” is defined separately as private housing for rent or sale where the price is set in the open market.

3.107 Policies 3.11 (Affordable Housing Targets) and 3.12 (Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes) of the REMA London Plan (2013) set out the approach to negotiating affordable housing. The policy states that the Mayor will, and boroughs and other relevant agencies and partners should, seek to maximise affordable housing provision. Notwithstanding that it is also recognised that regard should be had to a number of factors, including the need to encourage rather than restrain residential development, and that negotiations should take account of individual site circumstances including development viability.

3.108 Strategic Policy H2 of the Core Strategy (2011) states that 40% of the new housing should be affordable and provide a better overall mix of unit sizes to help alleviate overcrowding in existing accommodation. However, Policies WCOA and WCOA1 of the Core Strategy are more specific to the site and all development within White City. The policy confirms that development of land in White City East should provide a sufficient mix and quantity of social rented housing (approximately 25% of all new housing units) to enable the opportunity for a proportion of existing estate residents to be re-housed in better accommodation. The policy envisages this will contribute towards the creation of a more mixed and sustainable community across the area within which the existing community can thrive as a result.

3.109 Policy H2 of the Core Strategy requires the provision of affordable housing on sites that have the capacity for 10 or more units. As the development site falls within a regeneration area with Council Estates in the vicinity, Policy H2 acknowledges the necessity to provide a small proportion of social housing to enable regeneration of the Estates.

- 3.110 The extant permission included the provision of 162 affordable units (10.6%) of the total residential development on site. The committee report associated with the extant permission notes that:

*“This affordable housing provision falls below the specific targets for White City set out in Core Strategy Policy WCOA and currently would not fall in line with the Council’s broad aspirations to assist the housing estate regeneration in White City. Notwithstanding this, officers are mindful of the London Plan Policy 3.3 in addition to Core Strategy Policy H2 which state that the Councils should have regard for the need to encourage, rather than restrain residential development, when determining planning applications. Furthermore, in accordance with Policy 3.12 of the London Plan and H2 of the Core Strategy, officers have had regard to the financial viability of the development in order to ascertain whether the affordable housing provision is the maximum reasonable amount which could be secured as part of the development...it is accepted that there are a number of abnormal costs associated with the development and this affects the ability of the applicant to deliver the level and type of housing required by affordable housing policies”.*

- 3.111 Under this application, as an initial offer subject to viability, the application proposes 147 units for affordable rented and intermediate housing, representing 10.9% of the total residential development, thereby just exceeding the percentage provision considered acceptable under the extant permission.
- 3.112 In determining the acceptability of both the extant permission and the current application, in relation to Policy H2, WCOA and WCOA1, the Council has had particular regard for the site size and site constraints, financial viability, the individual circumstances of the site, the availability of public subsidy and the need to encourage rather than restrain residential development.
- 3.113 In terms of the split within the affordable housing provision Policy 3.11 (as amended by the REMA) of the London Plan seeks that 60% of the affordable housing on offer be for social and affordable rent and 40% be for intermediate rent or sale.
- 3.114 Part B of Borough Wide Core Strategy Policy H2 (Affordability) states that: “the council would prefer all additional affordable housing to be intermediate and affordable rented housing”. Paragraph 30 of the Inspector’s Report on the examination into the Core Strategy states that: “the absence of a direct reference to the “split” in the H2 policy wording is not a critical flaw that renders it unsound or of general conformity with the [London Plan]. In practice, such considerations will inevitably form part of the detailed assessment of planning proposals for larger new housing schemes to be resolved on a case by case basis according to site specific circumstances. The clear strategic impetus towards the provision and promotion of mixed and balanced communities, as in policies 3.10 and 3.12 [of the London Plan], will also have to be borne in mind, alongside the local context whereby some areas in the borough have concentrations of particular housing types”.
- 3.115 Core Strategy Policy ‘Strategic Site 1 – WCOA – White City East’ sets a target of 40% affordable housing, with approximately 25% of housing to be social rented. This requirement is reiterated in the WCOAPF, which sets a target of 40%

affordable housing and no loss in overall quantity of social rented housing but a better overall mix of unit sizes. It is specified that development east of Wood Lane will be required to provide approximately 25% social rented housing, 15% intermediate housing. This policy – specifically relating to development within White City East, rather than borough wide – is also applicable to the application.

- 3.116 The applicant has submitted a Financial Viability Appraisal (FVA) which seeks to justify the level of affordable housing proposed in the application. As per the Extant Permission, the Financial Viability Appraisal (FVA) has been prepared by Gerald Eve on behalf of the Applicant.
- 3.117 The viability appraisal and assumptions there in propose that 147 units (10.9%) affordable units is the maximum that can be offered to be provided on site. This would include a tenure split of 60% affordable rented and 40% intermediate.
- 3.118 On behalf of the applicant, Gerald Eve (GE) prepared a financial viability assessment (FVA) of the proposed scheme based on an assessment of the developer's return generated by the project, expressed as a percentage of Internal Rate of Return. GE concluded that its assessment indicated that the proposed scheme would generate a return significantly below a competitive developer's return based on IRR.
- 3.119 GE stated that, in order to maximise the level of affordable housing and planning obligations which can be offered, the applicant has taken a commercial view that end values will improve over the time the development is being progressed. This has been presented in the FVA through growth model outputs. GE concluded that, while the profit margin based on the submitted scheme is significantly below an assumed appropriate return, the timelines over which the scheme is to be delivered mean that the applicant believes the scheme will improve in viability.
- 3.120 GE's viability report has been independently scrutinised by Lambert Smith Hampton (LSH), employed on behalf of the Council, who requested further information from the applicant and GE to reach their conclusions. Whilst GE had initially provided a significant amount of evidence to support their FVA, LSH requested more explanation of their methodology and also deviation from assumptions previously agreed with the Council on the previous extant scheme for this site, which was assessed in 2012 by the DVS who acted for the Council. This additional information enabled LSH to consider the consequential impact on the maximum reasonable level of affordable housing and planning obligations that could be provided.
- 3.121 LSH's conclusions were as follows:
- 3.122 GE's viability methodology, is consistent with the RICS GN and best practice. The appraisals have been undertaken on a present day residual basis and a growth basis. Generally the assumptions adopted by GE were reasonable, however, inevitably with masterplan assessments, there are still a number of variables which may vary including:
- The proposed site value may vary depending on negotiations.
  - The private residential sales may vary to reflect a more detailed design.
  - The proposed build costs may be over estimated.



- 3.123 The assumed appropriate return adopted by GE is higher than that considered appropriate for the extant scheme. Given the now known elements of the scheme, previous permission, it is possible the risks associated with this scheme may be offset and therefore the scheme may be deemed viable based on an IRR of 17.5% as agreed on the extant scheme.
- 3.124 To account for potential variations as a result of the detail design within the master plan to be finalised LSH ran a number of sensitivities which demonstrated whether the scheme may be able to achieve an improved viability position with marginal changes to incomes and costs.
- 3.125 Through this sensitivity analysis, LSH concluded that there may be scope for the delivery of additional affordable units; and an improved S.106 contribution package to reflect the mitigation need of this scheme; whilst maintaining an acceptable IRR to the developer to deliver the proposed scheme, particularly given their other interests adjacent to this scheme.
- 3.126 LSH and the Council met with the applicant and GE to discuss the outputs of the analysis, which concluded the scheme, may be able to deliver circa 12% affordable Housing and £20m of S106 contribution, taking into account the uncertainty left in the development assumptions. Following careful consideration, this improvement in affordable quantum and mitigation package was acceptable to the Council as the base position which constitutes the minimum amount of affordable housing to be constructed on the development site.
- 3.127 LSH therefore conclude that the proposed level of affordable housing at 12% (162 units) (95 units affordable rented and 67 units intermediate), together with the level of planning obligations, can be considered the maximum reasonable to be provided at this time. This corresponds to the same quantum of affordable housing units secured within the extant permission. However, in light of the forecasted growth officers have taken the view that additional affordable could be provided further down the line, and as such review mechanisms are necessary.
- 3.128 LSH's analysis, as indicated above, has shown that the scheme has potential to be more viable than proposed by the applicant, but would be unlikely to be able to sustain any further affordable housing and planning obligations to those agreed with the applicant at this time.
- 3.129 Given the remaining flexibility in the scheme, LSH propose that, as with the extant scheme that a number of viability reviews are included in the Section 106 which would enable further consideration of the viability of the scheme as the development crystallises to ensure the maximum level of affordable housing is achieved. LSH would suggest that the review trigger points remain similar to those agreed as part of the extant scheme.
- 3.130 In light of the advice from LSH and taking into account the provisions in the extant consent, officers consider that the s106 should include review points with a cap on the overall affordable housing percentage. The extant scheme has a cap of 16% which equated to 250 units. LSH suggest that this cap is maintained at 16% (215 units) for the first review to allow for the recovery of anticipated infrastructure costs early on in this scheme, but increase to 18.4% (250 units) for subsequent reviews. This means the proposed scheme, with less overall no. of

residential units than the extant scheme could potentially achieve the same upper limit as the extant scheme of 250 affordable units, subject to the development viability extending beyond an agreed threshold/hurdle rate. .

- 3.131 In conclusion, the proposed development would contribute towards providing much needed additional housing, in accordance with London Plan policies 3.3B, 3.3D and 3.3E and would help the borough meet its housing targets in accordance with Table 3.1 of the London Plan (2011) (including 2013 alterations). Strategic Policy H1 of the Core Strategy (2011) promotes the development of new housing within the Strategic Sites. Within the White City Opportunity Area an indicative housing target of 5,000 homes is proposed across the plan period. The site is also defined within the draft White City Opportunity Area Planning Framework as an area for residential intensification. In the context of these policies and having regard to the Viability Assessment, the provisions of the s106 agreement requiring development viability to be reviewed at future stages during implementation, the individual circumstances of the site and the planning and regeneration benefits arising it is considered that the provision of affordable housing would be the maximum reasonable amount, which the development can support, and is acceptable in accordance with London Plan (2011) (including 2013 alterations) Policies 3.8, 3.10, 3.11 and 3.12 and Core Strategy (2011) Policies H1 and H2 and policies DM A1, DM A2, DM A3, DM A4 and DM A9 of the Development Management Local Plan (2013).

### **Design and Appearance**

- 3.132 The application has been considered on the basis of the London Plan (2011) (including 2013 alterations) design policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7 and 7.8 which promote high quality design of buildings, open spaces and children's play areas. Local planning policies include the Core Strategy (2011) policy BE1 and Development Management Local Plan (2013) policies DM E1, E2, E4, G1, G2, G3 and G7 and SPD Design Policies 47, 48, 49, 60, 61, 62 and 63.
- 3.133 The adopted Core Strategy policies WCOA and WCOA1 provide strategic design guidance which have been considered in the assessment of the current application. The White City Opportunity Area Planning Framework also provides further generic guidance on development within the White City Opportunity Area, relevant to the Westfield Site which reinforces the aspirations set out in the Core Strategy and London Plan.
- 3.134 The intention of the application is to establish a broad design framework for which the various parcels of land will come forward for development in the future. The outline proposals therefore, comprise a set of parameter plans which set the maximum (and minimum) building envelope for the various blocks. The parameters plans (and supplementary Parameters Report) are reinforced through the design guidance set out within design code documents for the public realm, buildings and the communal courtyards to the residential development. Officers have worked closely with the masterplan architects (Allies and Morrison) to ensure that the design codes will positively influence the potential designs of the blocks and buildings in the future.
- 3.135 Although the details of external appearance, layout, access, landscaping and scale of the proposed development are reserved, the outline application contains

sufficient detail to establish an acceptable framework with supporting design principles to guide future detailed applications. The illustrative masterplan provides one demonstration of how, by following the design codes the resulting development could appear.

### **Masterplan and layout**

- 3.136 Outline planning permission (2011/02940/OUT) has previously been granted for the redevelopment of a larger site area for mixed uses including a department store, an extension to the existing shopping centre and residential units. The current application is for planning permission for redevelopment incorporating revisions to the heights, massing and layout of the redevelopment within the application site area.
- 3.137 The application site includes part of the Westfield Shopping Centre and the land to the north of it including Network House and an industrial estate. The site is located within the White City Opportunity Area and adjacent to the Wood Lane Conservation Area which is situated to the north of the Hammersmith and City Line viaduct. To the south is the Grade II listed DIMCO building which consists of two sheds used for bus layover and a substation. To the north west is the Grade II listed former BBC Television Centre and to the west of the existing Westfield Shopping Centre on Wood Lane is a Grade II listed Pillar Box. The White City Bus Station and Dimco building are not included within the application site and the bus station would not be relocated in the current proposals.
- 3.138 The site has been divided into five development plots for the purposes of the Outline application. Plot boundaries have been set out in the Parameters Plans with limits of deviation of +5m/-5m to allow for future flexibility of development plot footprints, however following concerns raised by English Heritage the Parameters Plans WLD 005 AND WLD 006 have been amended so that the western plot boundary to Plot P would have a limit of deviation of minus 5m only in order to provide a fixed minimum separation distance between the development plot and the eastern elevation of the listed DIMCO building.
- 3.139 Marathon Way and White City Green would form the main routes around the eastern and northern boundaries of the site respectively and are at grade with Wood Lane and are likely to form shared surfaces. Wood Lane would form the far western boundary of the site and Ariel Way would continue to run east-west across the site beneath a new plinth aligned with the raised ground floor of the existing Westfield Shopping Centre. Relay Square would form a new route at ground level linking Ariel Way and White City Green. At plinth level Ariel Walk would form an upper level east-west pedestrian route and Silver Street would form an upper level north-south pedestrian route through the development site, both would be accessible by lifts and stairs from ground level.
- 3.140 The WCOAPF outlines the need to improve east-west connections through the WCOA. Ariel Walk would provide the main east-west connection across the site. Where the east-west route intersects the shopping centre extension, an enclosed atrium is formed. This creates a public space at the junction of the shopping mall extension in front of the proposed department store. Both Ariel Walk and the atrium would be open to the public 24 hours a day and would form part of the street network of the WCOA. There is a long history of publicly accessible

covered arcades and foyers providing through pedestrian routes across city centres and examples from different periods of architecture can be found in cities including Birmingham, Milan and Naples. The shop fronts would create active frontages to the internal public space which has the potential to become an all weather focal point for the new urban quarter. The illustrative scheme in the Design and Access Statement is indicative of how fully glazed screens at each end of the atrium and a glazed roof could provide a high degree of transparency and allow views through the internal space to the buildings outside. The detailed design and materials of the means of enclosure to the atrium, the internal elevations and floorscape and the internal pedestrian bridges would be controlled through a recommended condition in order to ensure that the atrium would appear as part of the public realm and has a character and appearance distinct from that of the mall extension running north-south from the existing shopping centre. It is considered that the proposal would provide a sufficiently accessible and legible east-west pedestrian link through the WCOA.

- 3.141 Minimum street widths have also been set out in the parameters plans (WLD 005 Rev C and WLD 006 Rev C) to ensure that the widths of streets within the proposed development are protected even if plot boundaries change within the limits of deviation, these include a minimum width of 15.4m across Silver Street widening to 19.7m at the entrance to White City Green. Ariel Walk would have a minimum width of 14.8m including through the enclosed central space linking the department store to the main shopping centre. Condition 2 requires the development to be carried out in accordance with the approved parameter plans and therefore secure these minimum widths. A further condition would also require the maintenance of an unobstructed pedestrian route through the atrium.
  
- 3.142 A narrower area of public realm, a minimum of 4.7m wide leading from the atrium would separate Plot A from the northern side of Plot B. The smaller scale of the pedestrian route has the potential to provide a quieter space lined with retail frontages as an alternative route to Ariel Walk.
  
- 3.143 Relay Square would form a significant new public space at the western end of Ariel Walk, with larger dimensions than in the consented scheme, with a minimum width of 25.2m at the southern end and 33.9m at the northern end as set out in the Parameters Plans. Relay Square has been realigned from the consented scheme to point north west towards the Hammersmith and City Line viaduct in recognition of the likely pedestrian desire lines to the proposed development from Wood Lane and White City Underground stations and follows the Council's resolution to grant planning permission for the redevelopment of the former BBC TV Centre which includes a substantial area of public open space in the existing forecourt. Subject to public access through the viaduct arches being obtained and the implementation of the first phase of White City Green involving rafting over the Central Line tracks this would enable the creation of a direct pedestrian connection from Relay Square to the former BBC TV Centre through a chain of connected public spaces, avoiding the need for pedestrians to take the longer route under the railway bridge at Wood Lane.
  
- 3.144 The Parameters Plan also set out the minimum width of the other major parts of the public realm including Marathon Way forming a north-south route alongside the West London Line on the eastern boundary of the site, which would have a

minimum width of 13.8m for most of its length, an increase from 12m in the consented scheme.

- 3.145 The minimum width of the section of White City Green within the application site (on the south side of the Hammersmith and City Line viaduct), which would be predominantly soft landscaped, would range from 22m to 24.7m.
- 3.146 Ariel Square in the south east corner of the site would form the gateway to the development for pedestrians crossing the West Cross Route from RBKC as well as for rail passengers using the proposed northern entrance to Shepherds Bush Overground Station (secured through the s106 obligations) and would provide the setting for one of the proposed tall buildings.
- 3.147 The provisional layout of plot C makes passive provision for an east to west bridge link over the West Cross Route and the West London rail line to Bard Road (in RBKC). The bridge is outlined as a key OAPF aspiration which would serve the new development at the Westfield site and the residents and businesses to the east of the site within Royal Borough of Kensington and Chelsea. Officers at LBHF, RBKC and GLA see this link as important to the wider area. As the bridge would need to rely on the land owner(s) on the opposite side (in RBKC) to make provision for the bridge to be laid out, it cannot be fully secured through the s106 or as part of this outline application. It would however, be reasonable and necessary to ensure that the s106 should require the applicant to demonstrate how they have used reasonable endeavours to deliver the above as part of plot C. At the very minimum, the detailed design of plot C should plan for the bridge link and identify it on the plans.
- 3.148 The indicative phasing plan in the Design and Access Statement envisages that Plot A would be completed first, followed by Plots B and K. Plot C would be built out over time from south to north, ensuring that the buildings around Ariel Square including the southern tower are completed in a co-ordinated manner. Finally Plot D would be built out. The submission of a detailed phasing plan will be required by a recommended condition.

### **Plinth Buildings (Plots A, B, C and K)**

- 3.149 The building heights of all plots have been designed to acknowledge the scale and height of the adjoining buildings, and special characteristics of the site. The largest part of the development in terms of area comprises Plots A, B and C which contain the plinth buildings with block A bridging over Ariel Way.

#### **Plot A**

- 3.150 Plot A would consist of four separate elements, each with their own characteristics and uses:
- 3.151 Block A1 (max height 48.20m AOD) would be an extension to the existing shopping centre mall with a central walkway on two levels flanked by retail units leading into the existing shopping centre.
- 3.152 Car parking would be provided on the upper levels of block A1 accessed from a ramp to the H junction on the West Cross route at the rear of Plot K. The



illustrative scheme envisages a roof or other structure such as sails over the upper level of car parking to screen views from taller buildings.

- 3.153 Block A1 would have an elevation to Ariel Walk and a longer western elevation to the rear of the listed DIMCO building. That part of the western elevation between Ariel Walk and Ariel Way would have an active ground floor use adjacent to the steps leading up to atrium.
- 3.154 Block A2 (52.725m AOD) would be an island block for retail use with elevations to Ariel Walk and the atrium.
- 3.155 Block A3 (43.05 AOD) would be the department store occupying five floors, creating a focal point for the new urban quarter with elevations to Relay Square, White City Green, Silver Street and the atrium. The illustrative scheme shows a building to be appreciated in the round from the surrounding streets and public spaces with active frontages on all sides. The building would have a separate and distinct appearance from the extension to the shopping mall and have a civic architecture appropriate to its significance.
- 3.156 An enclosed atrium described by the development team as 'the public room' would link Blocks A1, A2 and A3 at the heart of the development. The development team's intention is to create a space that is an extension of the public realm rather than of the shopping mall. The illustrative scheme shows an example of how a lightweight glazed enclosure would allow views through, into and out of the space.
- 3.157 The three internal elevations of the Blocks A1, A2 and A3 have the potential to contribute different orders of architecture to the atrium in accordance with their role, for instance it is anticipated that Block A3 the department store would present an ordered elevation worthy of a building of civic status to the internal space. It is intended that the commercial appearance of the existing shopping mall interiors will not extend into the atrium and that the elevations of the three blocks within the atrium will be a continuation of their exterior elevations in the manner of traditional shopping arcades. It is envisaged in the illustrative scheme that the upper levels of the three blocks would be linked with the upper level of the mall extension by a pedestrian bridge link through the atrium. Given the importance of this element of the public realm at the centre of the scheme, details of the internal elevations, bridge links, floorscape, roofscape, servicing, signage and materials of the atrium would be required by a condition in order to ensure that the original design intent is followed through at reserved matters stage.
- 3.158 The Design Code for Buildings address the particular issues associated with Plot A including the elevational design of the department store building, the need to form a sensitive backdrop to the listed DIMCO building and the design of the atrium space.

#### Plot B

- 3.159 Plot B directly abuts the east side of the island block in Plot A. It would present elevations to Silver Street and Ariel Walk, 8 storeys (52.725m AOD) high plus three upper floors setback from the longest elevation of the Plot facing east

towards Silver Street. In the illustrative proposal the block would act as a laminate block with residential units on the upper floors and active commercial uses on the ground floor.

### Plot C

- 3.160 The plinth level buildings of Plot C form a perimeter block around a communal courtyard larger than the size of a professional football pitch. The blocks on the north and west sides of the perimeter block (C6 and C5 respectively) would comprise a datum line of 8 storeys to parapet height with an additional two to three storeys of upper floors setback on all sides. The setbacks have been designed to ensure that there is adequate sense of space within the central courtyards and to ensure the public realm is sufficiently enclosed on the main streets. Block C5 would have a maximum height of 52.725m AOD and Block C6 would have a maximum height of 46.275m AOD.
- 3.161 The southern block within Plot C (C2) would have a maximum height of eight storeys (43.05m AOD) and would not have any setback floors above it in order to allow greater sunlight penetration to the communal courtyard. The elevation heights and position of the set backs have also been carefully designed to ensure the development would not appear excessive in scale when viewed from the across the proposed White City Green or from within the BBC TV Centre site.
- 3.162 Plot C contains two tall buildings of 23 storeys (84.975m AOD), one each on the north-eastern and south-eastern corners of the perimeter block. These buildings would act as local landmarks emphasising the eastern entrance into the Opportunity Area from RBKC and the new and improved physical connections between the two Boroughs. The buildings would be up to 23 storeys which is of a similar scale to the Edward Woods Estate buildings located on the eastern side of the West Cross Route. Further details on the tall buildings are discussed in the Tall Buildings section below. Both buildings would be for residential use and would have active ground floor frontages.
- 3.163 An eastern range (C2) linking the two tall buildings would run parallel to the West London Line, with a central block of 14 storeys (55.95m AOD) and two blocks of 12 storeys (49.5m AOD), linked by 11 storey (46.275m AOD) link blocks. The eastern range would present a continuous elevation to the West Cross Route and the illustrative scheme demonstrates how relief can be provided by articulation in the façade and the variety of parapet heights. The building line on the courtyard elevation would be stepped with a series of projecting wings and recessed link blocks. Setbacks would be provided to the courtyard elevation of all blocks in the eastern range to ensure that the upper floors above the consistent 8 storey datum are viewed as subservient elements and do not dominate views from within the communal courtyard. A double height entrance portal through block C5 would lead from Silver Street into the communal courtyard and allow views through to the greenery within. Access would be for residents only.
- 3.164 All the blocks within Plot C would be residential in use above ground floor level. The ground floors to Silver Street and Ariel Walk would have active uses whilst those fronting White City Green and Marathon Way would have residential accommodation.

- 3.165 The reserved matters submissions for the layout and scale would ensure the Council have the ability to determine the acceptability of building scale, alignment and courtyard configuration at that stage. The reserved matters permits the Council to assess the applications against the relevant adopted planning policy at the time of assessment and to refuse such applications if the resulting design or environments would be substandard.
- 3.166 The Design Code for Buildings document includes guidance which will assist future designers to prepare an acceptable architectural composition with defined ground floor facades, lower floor planes and the set back floors. The design codes for Plots A, B and C are considered to comprise acceptable design guidance which would aid designers develop schemes within a clear framework intended to deliver quality design at reserved matters stage.

#### Plot K

- 3.167 In the south-east corner of the site lies Plot K, which occupies a linear plot fronting Ariel Walk. It would comprise of a part 8 storey (43.05m AOD), part 14 storey (62.4m AOD) block with the taller element facing Ariel Square and would address the scale of the tall building on the opposite side of the square in the south east corner of Plot C. Its scale would form an appropriate transition between the scale of the 23 storey building on the north side of Ariel Square and the datum of the blocks within the wider development site. The building would provide a marker to signify the entrance to the development from RBKC and the significance of the new public space. The ground floor of Plot A would have active frontages to Ariel Walk and Ariel Square and the Parameters Plans specify that these would be occupied by retail or community (use class D1) uses. Above ground floor level the block would be wholly residential in use. To the rear of Plot K ramps are proposed to link the H Junction on the West Cross Route to the upper parking levels above the retail floorspace in Plot A. In the illustrative scheme these are enclosed to disguise their presence. Furthermore the southern elevation of Plot K is envisaged to take the form of a perforated screen to allow light to the residential units without exposing future residents to views of the traffic. The Design Code for Buildings document addresses the particular features of Plot K including the need for dual aspect units.

#### Plot D

- 3.168 Plot D comprises a five sided plot of land with elevations facing the Hammersmith and City line viaduct to the north, Relay Square to the east and Ariel Way to the south. Given the plot is immediately adjacent to Wood Lane Underground station and White City Bus Station, plot D constitutes a key nodal part of the development. Plot D comprises a part 2, part 10, part 12 storey building which contains predominantly commercial uses at ground floor level and residential accommodation on the upper floors. The maximum heights would be 15m AOD for the two storey element, 42.8m AOD for the 10 storey element and 49.25m AOD for the 12 storey element. In the illustrative scheme the two storey base would incorporate a double height arcade between Wood Lane and Relay Square creating a clear pedestrian route towards the entrance to the extended shopping centre. The ten storey element would run parallel to the railway viaduct and the twelve storey element would present its longest façade north eastwards

to Relay Square emphasising the importance of the new public space and that of the proposed pedestrian route to Wood Lane and White City Green under the viaduct. The Design Code for Buildings addresses the particular site characteristics of Plot D and requires a break between the two taller blocks which would avoid a continuous massing in views from the north from the proposed White City Green and from along Wood Lane. The scale and massing of the block is considered to be an appropriate response to the significance of the plot at the frontage of the site and its dual role in addressing both Wood Lane and Relay Square

- 3.169 The proposed building on plot D would be adjacent to a potential new station entrance at Wood Lane Underground Station. Although the new station entrance would not form part of this application, or the reserved matters submission, its inclusion is considered to be fundamental to the Masterplan. As such, officers consider that reasonable steps should be pursued (secured through the s106 agreement) to ensure the new station entrance can be delivered.
- 3.170 The proposals would not preclude the new station entrance from being built and officers are mindful of not missing the opportunity to secure this enhancement from taking place as the area develops. This enhancement would considerably improve the legibility of the area and would direct visitors more directly towards the shopping centre improving the pedestrian environment.
- 3.171 As Wood Lane Station falls outside the application site boundary, the new opening can only be delivered through a section 106 agreement, at the appropriate phase. In light of the phasing strategy, it is recommended that a s106 clause be included whereby the applicant would use reasonable endeavours to agree to part fund the provision of the station entrance to be delivered. The commitment to demonstrate reasonable endeavours would be required upon submission of the reserved matters for plot D. The provision of the entrance is considered to make the overall development acceptable and in accordance with the urban design strategy set out in the OAPF.

## **Materials**

- 3.172 The application does not offer materials for consideration at this stage. The design codes provide guidance on suitable materials for all plots, including the tall buildings in order to ensure the LPA have sufficient standards to measure future proposals against.
- 3.173 The design codes recognise that each location requires appropriate architectural treatment in terms of the façade characteristics, materials, interface with public realm and the overall role within the masterplan. For example, the western elevation of plot A is identified as requiring special consideration due to the proximity to the DIMCO listed building. Again, the materials suggested imply a lightness and simplicity within an ordered elevation would be an appropriate response, in order to sympathetically relate to the listed building.
- 3.174 The articulation and materiality of the tall buildings have been given additional consideration in the Design Code for Buildings, due to the importance of delivering a building of the highest quality. The Design Code suggests the use of stone pilasters and two storey high bays separated by expressed floor slabs in a

contrasting colour. Officers are satisfied that the material guidelines go as far as possible to direct the future designs, without predetermining the resultant design.

- 3.175 In summary, it is considered that the above design coding provides an acceptable guide to assess materials to ensure that future designs would deliver high quality buildings. The future materials included in the designs of the various buildings would also need to comply with the relevant planning policies at the time of submission. Notwithstanding this, it is recommended that condition 7 is imposed to enable to authority to approve all samples of materials. Therefore, the design codes, reserved matters applications and conditions would enable the LPA to maintain sufficient control over the materials in order to secure a high quality urban environment in accordance with Core Strategy (2011) policy BE1 and policies 7.1 and 7.6 of the London Plan (2011) (including 2013 alterations).

### **Design development and reviews**

- 3.176 The applications have been submitted following extensive pre-application discussions with Officers. The proposals have been through a number of iterations at pre-application stage with the most significant changes comprising a reduction in height of the proposed building on Plot D and the introduction of a tall building in the north-east corner of Plot C.
- 3.177 The proposals were reviewed by the Council's Design Review Panel on 26<sup>th</sup> November 2013. The comments from the Panel were generally positive and it considered that the main issues for the development team to address were that the atrium should form an engaging and attractive part of the public realm, that the idea of a piazza in Relay Square was an excellent move, that TfL should take the opportunity to find new uses for the Hammersmith and City viaduct arches, that the quality of the landscaping along Marathon Way was very important, that the department store building was the central element in the scheme and polite in its context and that the Design Codes should address hard and soft landscaping and quality of detailing to individual buildings. The applicants have sought to incorporate these comments in the submitted application.

### **Tall Buildings**

- 3.178 A detailed analysis of the relevant policy considerations for tall buildings is provided within the Townscape, Heritage and Visual Impact Assessment that accompanies this outline planning application (ES Volume 3). The main considerations are summarised below:
- 3.179 The London Plan (2011) (with 2013 alterations) policy 7.7 (Location and Design of Tall Buildings) sets out those circumstances where tall buildings may be appropriate and sets out the criteria for assessing applications for tall buildings. It is stated that tall and large buildings should:
- a. generally be limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport;
  - b. only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building;
  - c. relate well to the form, proportion, composition, scale and character of



- surrounding buildings, urban grain and public realm (including landscape features), particularly at street level;
  - d. individually or as a group, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London;
  - e. incorporate the highest standards of architecture and materials, including sustainable design and construction practices;
  - f. have ground floor activities that provide a positive relationship to the surrounding streets;
  - g. contribute to improving the permeability of the site and wider area, where possible;
  - h. incorporate publicly accessible areas on the upper floors, where appropriate;
  - i. make a significant contribution to local regeneration.
- 3.180 Strategic Policy WCOA of the Core Strategy notes that the Council will expect most new development to be low to medium rise, although it is noted that: “a limited number of tall buildings of exceptionally good design may be acceptable, in particular, close to the A40 and A3220 and in any other areas identified in the White City OA planning framework tall buildings strategy”.
- 3.181 Policy BE1 of the Core Strategy refers to the Built Environment and states that proposals for tall buildings will need to respect the existing townscape context, demonstrate tangible urban design benefits, and be consistent with the Council’s wider regeneration objectives.
- 3.182 Furthermore, it is noted that any buildings that are visible from the Royal Borough of Kensington and Chelsea should have regard to that borough’s Core Strategy policy CL2 which states that tall buildings should be of very high design quality and be compatible with the scale, rhythm, mass, bulk and character of its context.
- 3.183 The Development Management Local Plan (2013) builds on the borough’s tall building policy with the introduction of Policy GM2 (Tall Buildings). This policy sets a number of criteria for determining the acceptability of tall buildings, stating that any proposal will need to demonstrate that it:
- a) Has an acceptable relationship to the surrounding townscape context in terms of scale, streetscape and built form;
  - b) Has an acceptable impact on the skyline, and views from and to open spaces, the riverside and waterways and other locally important views and prospects;
  - c) Has an acceptable impact in terms of the setting of, and views to and from, heritage assets;
  - d) Is supported by appropriate transport infrastructure;
  - e) Is of the highest architectural quality with an appropriate scale, form and silhouette;
  - f) Has an appropriate design at the base of the tall building and provides ground floor activity;
  - g) Interacts positively to the public realm and contributes to the permeability of the area;
  - h) Is of a sustainable design and construction where energy use is minimised and the design allows for adaptation of the space;

- i) Does not have a detrimental impact on the local environment in terms of microclimate, overshadowing, light spillage and vehicle movements; and
  - j) It respects the principles of accessible and inclusive design.
- 3.184 The potential location of tall buildings is considered in Chapter 3 of the WCOAPF. It notes that tall buildings are generally defined as those: “that are substantially taller than their surroundings, cause a significant change to the skyline or are larger than the threshold sizes set for the referral of planning applications to the Mayor”. The OAPF provides guidance on the possible general locations for tall buildings. It is explicitly stated (paragraph 3.140) that the purpose of the indicative plan is not to ‘definitively propose or prescribe the height of buildings in particular locations where tall buildings may be acceptable subject to a full appraisal at the time when a planning application is made, particularly with regard to precise location, height, design and impact”.
- 3.185 The WCOAPF (Paragraph 3.141) recognises that “Well-designed tall buildings can make positive contributions to townscape and can play a valuable role in place shaping. They can provide variety and interest, articulate a point of significance for the wider area, such as deliberately framed views and vistas, highlighting regeneration areas and help with way-finding through identifying landmarks”. Figure 3.56 (Building Heights in the Indicative Masterplan) identifies where taller buildings could contribute to the overall legibility of the wider area. The Site is identified within the Masterplan as being suitable for buildings of 11-15 storeys, with a single block of 16-20 storeys adjacent to the West Cross Route.
- 3.186 The English Heritage/CABE guidance note on tall buildings identifies the advantages that they can have in terms of making a positive contribution to the image and identity of areas, serving as beacons of regeneration and stimulating further investment as well as the issues associated with tall buildings built in the past. It stresses the need for high quality design with good public realm and for tall building proposals to address their context. It also requires the impact on Conservation Areas and listed buildings and their settings to be fully addressed.
- 3.187 The consented scheme included a tall tower in the south-eastern corner of Plot C. This application, as set out in paragraph 7.129 of the Planning Statement and Parameter plan WLD 009, includes two towers. One of the towers would be in the same location as the consented scheme and the other at the north-eastern corner of Plot C. Each would be twenty three storeys (84.975 AOD) above ground level and twenty one storeys above the top of the base (plinth). The energy centre flue rising from the roof of the southern tower would reach 87.975 AOD. They would be connected by the lower linear block that runs parallel with the West Cross Route which would have heights alternating between eleven and twelve storeys with a central block of fourteen storeys. Block C is proposed in outline with approval sought (as with the rest of the plots), for its height and mass. As the application is in outline form, the detailed architecture of the tower has not been developed. However, the applicant has provided an illustrative example of the tall buildings where the design codes have been followed and this gives greater assurances that a high quality design can be achieved from future submissions. In order to provide the Council with comfort regarding the design quality of this block and its taller elements, more detailed information in relation to its design has been provided within the Design and Access Statement. In

addition, detailed information is provided with regard to the taller elements within the “Design Code - Buildings” in order to provide clarity regarding the design principles in relation to the building and ensure quality of design and appearance. The illustrative scheme demonstrates the potential for two towers with concave elevations addressing the new public spaces at Ariel Square and White City Green.

- 3.188 The northern tower would form a marker at the northern end of White City Green at the point where a proposed pedestrian link would bridge the West Cross Route into RBKC. The tower would also be seen as a counterpoint to the 25 storey building in the scheme for the redevelopment of the former BBC TV Centre and would form a termination point in views across the proposed White City Green on the north side of the Hammersmith and City Line viaduct. The southern tower would form a marker signifying the entrance to the site and the WCOA, particularly in views from RBKC on the opposite side of the West Cross Route where there is a substantial residential hinterland that would be served by the retail activities and employment opportunities at the extended shopping centre. By marking the alignment of the east-west route the southern tower would help to define the east-west route between the two Boroughs and thereby assist in the provision of improved connections as required by the WCOAPF. The two buildings would be of a scale commensurate with the width of the West Cross Route and would be appropriate to the significance of the site within the WCOA.
- 3.189 In the south-east corner of the site lies Plot K, which occupies a linear plot fronting Ariel Walk. It would comprise of a part 8 storey (43.05m AOD), part 14 storey (62.4m AOD) block with the taller element facing Ariel Square and would address the scale of the tall building on the opposite side of the square in the south east corner of Plot C. It would also form a marker in views from within RBKC on the opposite side of the West Cross Route, aiding legibility along the east-west pedestrian route connecting the two Boroughs and signing the entrance to the development and the wider WCOA. Its scale would form an appropriate transition between the scale of the 23 storey building on the north side of Ariel Square and the datum of the blocks within the wider development site.
- 3.190 To the north-west corner of the site lies Plot D which comprises a five sided plot of land with elevations facing the railway viaduct and White City Green to the north, Relay Square to the east, Ariel Way to the south and Wood Lane to the west. Given the plot is immediately adjacent to Wood Lane Underground station and White City Bus Station, plot D constitutes a key nodal part of the development. Furthermore, the plot is opposite the listed Television Centre site and will provide a focal point for the development in views from Wood Lane and beyond. Plot D comprises a part 10 storey (42.9 AOD) and part 12 storey (49.25 AOD) building including a double height colonnade at ground floor facing Ariel Way. The height of this building provides a transition in scale between the anchor store and the tall building proposed as part of the consented BBC Television Centre development and would present its narrowest elevation to Wood Lane. The building line above podium level is set back to create a large courtyard facing south, thereby creating relief in the streetscene opposite the listed DIMCO building. The scale and massing of the block is considered to be an appropriate response to the significance of the plot location at the frontage of the site

adjacent to Wood Lane and Wood Lane station and appropriate to the scale of the new public space that would be created at Relay Square.

- 3.191 The Design Code for Buildings document provides specific guidance on materials, facade treatment, roof level articulation, architectural composition and orientation. It also sets out the clear aim to distinguish the lower ground floor level with the upper floors and concluding top floor/roof line. The coding document envisages (but does not duly restrict) a tall building with calm facades, with the southern tower fronting Ariel Walk and the northern tower fronting White City Green. The code recommends that the building must have a positive active engagement with the immediate context at ground level as is illustrated in the indicative scheme. It also includes coding to ensure the fenestration is appropriately arranged, and ordered to enable acceptable articulation and a distinction between characteristics of each elevation. Officers conclude that the above guidance goes over and above the level of design detail that would be necessary for an outline proposal. Therefore, the additional design coding in addition to the parameters plans which limit the location, position, building footprint and height will give officers the assurances needed to ensure tall buildings of the highest quality at reserved matters phase.
- 3.192 It is agreed across all the relevant policy that the site is a suitable location for tall buildings, in particular alongside the A3220. The site is located in close proximity to transport links with a correspondingly high PTAL rating as well as being part of an area identified for regeneration and intensification within the London Plan, Core Strategy and WCOA.
- 3.193 The location of the taller elements has been considered in depth through the design evolution, set out within the Design and Access Statement. The urban design analysis which demonstrates that the proposal will meet the criteria set out in the London Plan is included within the DAS and the Townscape, Heritage and Visual Impact Assessment contained within Volume 3 of the ES. The Townscape, Heritage and Visual Impact Assessment concludes that the scale and massing of the whole development, including the taller elements, is suited to the Site and its context and will represent a significant improvement in townscape and urban design terms compared to the existing situation and Officers concur with this view.
- 3.194 The GLA in their Stage I response state that “the additional tall building on the north-eastern corner will adopt the same design principles as the previously consented tall building on the south-eastern corner of block C, and the new building forms an elegant counterpoint to the latter building. The nature of the design principles which informed the tall building design has resulted in each tower having slight variation in its elevations, in response to the specific context of its own site. The towers are therefore similar and are read as a pair, but with distinctions that create variety and interest in the skyline.”
- 3.195 In summary, the DAS and the Design Code for Buildings document give Officers sufficient comfort that exceptionally good design can be achieved through the reserved matters. The general location, size and massing of the tall buildings is acceptable and accords with relevant planning policy and the Council’s regeneration objectives.

### **Impact on Townscape and Heritage Assets**

- 3.196 The NPPF sets out the national planning objectives to deliver sustainable development, protect/conservate our heritage assets and contribute to our knowledge and understanding of the past.
- 3.197 LBHF's Core Strategy (2011) Policy BE1, DM Local Plan Policies DM G2, DM G6, DM G7 and Planning Guidance SPD Design Policies 48, 49, 60, 61, 62 and 63 are relevant in the assessment of the current planning application. In addition, London Plan (2011) (including 2013 alterations) policies 7.4 Local Character, 7.7 Tall Buildings and 7.8 Heritage Assets and Archaeology are also relevant.
- 3.198 To assess the impact on surrounding areas, the Environmental Statement (ES) includes a comprehensive Townscape, Conservation and Visual Impact Assessment (TVIA). The technical consultants have produced a number of verified views from the surrounding area (and wider area where appropriate) within which, the development proposals are superimposed in the background. The images are then verified through scientific equipment to provide an accurate depiction of the overall scale and extent of the development. Officers have closely scrutinised the methodology adopted by the technical consultants and have found the methods to be sound. It is therefore considered that the townscape assessment would constitute an accurate and correct appraisal of the proposed buildings in context, which is consistent with other ES Townscape Studies and accords with the established best practice for such assessments (within Environmental Statements).
- 3.199 The TVIA has assessed a total of 31 views of the proposed development from an agreed sample of representative locations inside and outside Conservation Areas in both LBHF and RBKC. These were chosen in consultation with Officers from LBHF and RBKC and followed site visits and a comprehensive desk based assessment. The significance of views from LBHF and RBKC and the impact of the development on the setting of heritage assets in LBHF and RBKC including Conservation Areas, listed buildings and English Heritage Registered Parks and Gardens has been assessed in the ES.
- 3.200 The cumulative effects of the proposal, when considered with other developments within the WCOA which are either consented or which have a resolution to grant planning permission subject to a legal agreement being concluded, have been considered within the TVIA. The sites included within the cumulative assessment include Dairy Crest, Imperial West, the former BBC TV Centre and Plots E and F of the previously consented outline scheme on the land north of Westfield. View 2 in the TVIA has been updated since the application was submitted at the request of Officers in order to show the cumulative effect of the scheme at the former BBC TV Centre site, which has resolution to grant planning permission subject to a legal agreement.
- 3.201 In its existing state, the Site offers little that is positive to the local townscape, the setting of heritage assets or views within the wider area. The architectural quality of the buildings on the Site is low and much of the Site is occupied by an unsightly network of roads. In urban design terms, a lack of built form leads to weak definition of Wood Lane to the east and the West Cross Route to the west of the Site, and the network of roads impedes pedestrian movement across the



Site. The TVIA concludes that the Proposed Development would represent a significant improvement in townscape and urban design terms compared to the existing situation, and would form an appropriate response to its location.

- 3.202 Officers note that all the assessed impacts on the views modelled in the TVIA fell between neutral and moderate beneficial on the sliding scale from major adverse to major beneficial, with neutral being defined as not visible.
- 3.203 In relation to the cumulative effects of developments within the WCOA, some buildings within the schemes would be seen together in a limited number of views, particularly from the north. In some cases there would be little visual relationship between them. In others, they would appear broadly comparable in scale and form and would appear coherently together in the overall townscape. None of the 31 views tested in the TVIA were considered to be harmed by the cumulative effect of the developments modelled.
- 3.204 The Proposed Development would be consistent with national, regional and local policy on design and townscape, including in terms of its appropriate scale relative to its context, its definition of the public realm, and the neutral or beneficial effect it has on the setting of heritage assets. The increased permeability and connectivity that would be delivered by the Proposed Development, and the flexible block approach that it takes to development of the Site, are consistent with the White City Opportunity Area Planning Framework. The two towers in Plot C and the 14 storey building in Plot K mark a key entrances to the Site and the WCOA, improving legibility, and subject to the quality of materials, siting and articulation have the potential to be elegantly proportioned, as envisaged in the Design Code for Buildings, in line with the London Plan and CABE/ EH Guidance on Tall Buildings.
- 3.205 Officers agree with the conclusion in the Townscape and Visual Assessment in the ES which concludes that the development has the potential to have a beneficial overall effect on the townscape character area. The development is considered to have a coherent massing, in addition to delivering urban design benefits including increased permeability across the Site and local area, and improved definition of streets and routes. Subject to the detailed design of the buildings, materiality and layout and compliance with the design framework set in the outline planning application, it is considered that the proposals would have a beneficial or neutral effect on other townscape character areas.
- 3.206 The Proposed Development would be beneficial in views in which it is most prominent, particularly from Wood Lane through its introduction of appropriately scaled built form and its definition of internal and external routes. It would have a neutral or beneficial effect on the setting of heritage assets in the local and wider area.
- 3.207 The overall massing of the Proposed Development is appropriate for the surrounding context of large scale buildings, including the Westfield London Shopping Centre and the former BBC TV Centre. The manner in which the massing varies across the Site provides a successful response to context; the tallest elements are located adjacent to the West Cross Route within Plot C and Plot K, while lower elements are located adjacent to the Hammersmith and City line viaduct and Wood Lane. The 'bookend' provided by the tall building in the

north east corner of Plot C would be mirrored at the other end of the proposed White City Green by the proposed 25 storey tower on Wood Lane at the former BBC Television Centre and this pairing would be effective in longer views from Wood Lane. The department store building in Plot A would create relief in the townscape between the height of these two tall buildings within the Opportunity Area, avoiding an excessive sense of enclosure to Wood Lane and allowing sunlight to penetrate the proposed site of White City Green.

- 3.208 The Proposed Development would have a number of significant urban design benefits. It would define routes around its perimeter and in particular would strengthen the definition of Wood Lane through the location of the blocks on Plots D and would help to animate this part of the street. The block on Plot C would help to define the edge of the West Cross Route. The Proposed Development would improve permeability across the Site, and in the wider area, through the provision of dedicated pedestrian routes aligned east-west and north-south. The tower at the south-eastern corner of Plot C would help to mark the entrance to the Ariel Way east-west route across the Site, improving legibility.
- 3.209 The greatest visibility of the Proposed Development would be in short range views from Wood Lane, and to a lesser extent in views from the roads immediately east of the West Cross Route. The Proposed Development would be a beneficial addition to such views, providing a coherent development which strengthens the definition of surrounding roads and internal routes within the Site.
- 3.210 The scale and location of the Proposed Development, and the nature of development in surrounding areas, are such that there would be limited or no visibility of the Proposed Development in many medium to long range views from street locations. In views from open spaces to the south of the Site there is no visibility or very minor visibility of the Proposed Development. The Proposed Development is visible in some views from open spaces to the north such as Kensal Green Cemetery and Wormwood Scrubs Park, where it appears in a manner consistent with the existing character of such views. The Proposed Development would have a neutral effect with regard to View 22 from the Grade I listed English Heritage Registered Park and Garden at Kensal Green Cemetery and would not be visible in View 21 from within the Grade II listed Registered Park and Garden at Holland Park.
- 3.211 In terms of listed buildings, the Proposed Development would improve the setting of the adjacent Dimco building (View 7); what is currently an incoherent and ill-defined setting would be replaced with a better defined setting in which the development on Plots A and D focus views towards the gable ends of the building and provide a coherent backdrop. Subject to detailed design, the Proposed Development would have a beneficial effect on the setting of the listed former BBC TV Centre (View 25) providing a coherent development in views from the forecourt across the proposed White City Green with the towers in Plot C providing visual interest on the skyline. The Proposed Development would have a neutral effect on all other listed buildings and buildings of merit within the wider area and would not be seen in significant views towards these other listed buildings or Buildings of Merit, or would be seen to a very minor extent and in a manner consistent with their existing setting.

3.212 The Proposed Development would be visible in some views from the Wood Lane Conservation Area, and in some cases to a significant extent. In such views, it would appear as a coherent development in the background of the views. In View 2 from Wood Lane outside White City Station the Proposed Development would not detract from the setting of the former BBC TV Centre and would allow the proposed 25 storey replacement tall building to be seen as a singular elegant structure in the streetscene of greater height denoting the significance of the Television Centre site. Subject to consideration of the detailed design, it would have a beneficial effect on the Conservation Area's setting.

## **Public Realm, Amenity Space and Children's Play Spaces**

### **Play Space**

3.213 The London Plan (2011) (with 2013 alterations) policy 3.6 "Children and Young People's Play and Informal Recreation Facilities) states that housing developments should make provision for play and informal recreation space based upon the expected child population to be generated by the scheme.

3.214 GLA Guidance Supplementary Planning Guidance 'Shaping Neighbourhoods: Play and Informal Recreation' (September 2012) provides a series of criterion and standards, linked to child yield, to inform the level and type of play provision required to support new development. The benchmark standard advised by the guidance amounts to a minimum of 10 sq m of play space provision per child. Play space provision for children under 5 is to be provided on site, within 400m for those aged 5-11 and within 800m for those aged 12 and over.

3.215 Core Strategy (2011) policy OS1 seeks children's play provision in new developments. Development Management Local Plan (2013) Policy DM E1 states that any new major development will require accessible and inclusive new open space, particularly in regeneration areas, while Policy DM E2 states that new residential development will be required to provide inclusive communal play space, the scale and provision of which will be in proportion to the scale and nature of the proposed development or alternatively an off-site contribution where it cannot be provided on site.

3.216 The WCOAPF notes that open spaces and play areas must be useable, well related to buildings and users, be safe, secure and capable of being well maintained.

3.217 The Landscape and Public Realm Strategy confirms the location of existing open space provision within the vicinity of the site. There are four parks within 1320m of the site. The parks include:

- Area 1 - Wormholt Park / approx distance from development: 1320m - Play area suitable for teenagers, facilities include: ball courts and seating areas.
- Area 2 - Hammersmith Park / approx distance from development: 890m - High quality and extensive playground and playable space suitable for 5-11 year olds and teenagers. Facilities include equipped areas, playable landforms, natural play and water features. A planned new football centre is proposed on the sports pitches at the north western part of the Park..

- Area 3 - Shepherd's Bush Common / approx distance from development: 620m - Has just undergone an extensive improvement scheme. Extensive children's play areas for 0-5 year olds. Skateboard area suitable 5-11 year olds and teenagers.
- Area 4 - Avondale Park / approx distance from development: 520m - Play areas suitable for 5-11 year olds and teenagers, facilities include tennis courts.

3.218 The Parameters Plans show significant new areas of public open space that would be provided within the site, each with their own character, including White City Green on the south side of the Hammersmith and City Line viaduct which would be a predominantly soft landscaped space which would have the potential to be integrated with the wider White City Green on the north side of the viaduct envisaged in the WCOAPF. Relay Square would form a predominantly hard landscaped public space, is likely to experience significant footfall and would have the potential to hold public events and markets. Marathon Way and Silver Street would serve predominantly residential parts of the development and would incorporate areas of soft landscaping into the public realm. The illustrative scheme includes a landscaped buffer to the West London Line along the east side of Marathon Way and planting zones down the centre of Silver Street. Play space would be provided throughout the public realm areas.

3.219 In the illustrative scheme private courtyards would provide communal amenity space in Plots C and D. Plot C would be served by a large courtyard at plinth level, capable of being divided into different character areas. Officers consider that this would be an improvement on the consented scheme since Plot C would be provided with one large space instead of three smaller spaces which would be better proportioned to the scale of the surrounding buildings and would benefit from higher levels of sunlight penetration. Plot D would be served by a rooftop amenity space at second floor level. Play space would be provided in both communal amenity spaces. The illustrative scheme also envisages the provision of balconies to apartments to provide private amenity space and the Design Codes for buildings elaborate on the principles for their design. The total area of amenity space to be provided is set out in the Parameters Plan. Separate Design Codes have been prepared for the public realm and the courtyards.

3.220 The arboricultural report identifies a number of poor quality trees to be removed. The street trees in Wood Lane would not be affected. Details of replacement tree planting would be required by condition 10. Details of landscaping and play space would be provided at reserved matters. A combination of the design coding and planning conditions will ensure that the public realm including the internal courtyard spaces will be designed to a high quality and be fully inclusive and accessible to all users.

3.221 The play space strategy for the site is set out in the Landscape and Public Realm Strategy prepared by Townshend Landscape Architects in support of the Application. The aim is to create a public realm that is child friendly and inclusive to all, with play space threaded throughout the development in line with London Plan aspirations to ensure that all children have safe access to good quality, well designed secure and stimulated play and informal recreation provision.

3.222 The amount of play space required across different age groups has been calculated in accordance with the Mayor's SPG discussed above, and is set out in the Table below.

Table 4: Play space Provision by Age Group

<b>Play Space Type</b>	<b>Area Required</b>	<b>Area Provided</b>
Doorstep Playable Space (0-4 year olds)	1,130 sqm	1,956 sqm
Local and Neighbourhood playable space (5 – 11 year olds)	610 sqm	748 sqm
Youth Space (12+)	390 sqm	784 sqm

3.223 Applying the benchmark set out in the GLA SPG for Children and Young People's play space the proposal would generate a requirement for 2130sq of play space. Of that, 1130 sqm will be required to be doorstep play for 0-4 year olds. However, the scheme is proposing to provide up to 1956sqm of doorstep playable area which greatly exceeds the benchmark standard requirements. The table confirms that the play space requirement will be exceeded for all age groups in accordance with the relevant planning policies.

#### Private and Communal Amenity Space

3.224 The Mayor's Housing SPG (2012) sets out a requirement for a minimum of 5sqm of private outdoor space that should be provided for 1 – 2 person dwellings and an additional 1 sq m for each additional occupant (standard 4.10.1).

3.225 At the local level, Core Strategy (2011) Policy H3 (Housing Quality and Density) requires that all housing provides a high quality residential environment with satisfactory external space. Development Management Local Plan (2013) Policy DM A2 (Housing Quality and Density) states that: "ground level family housing should have access to private gardens/amenity space and family housing on upper floors should have access to a balcony and/or terrace, subject to acceptable amenity and design considerations, or to shared amenity space and to children's play space".

3.226 Reflecting this, the WCOAPF sets out a requirement for a variety of small parks, squares and gardens, which provide communal, semi-private and private amenity space. Homes must be carefully designed and laid out to have satisfactory access to open space.

3.227 The provision of private and communal amenity space is discussed in detail within the Design and Access Statement and Landscape and Public Realm Strategy submitted in support of the Application. The development will provide various forms of private and community amenity space totalling 4,855 sqm.

3.228 The development on its completion would provide a range of public spaces and communal amenity areas which, subject to the detailed design, would result in a high quality public realm of benefit to visitors and residents within the development.

3.229 The landscape strategy confirms that the proposal will deliver a range of interconnecting and complementary public spaces including the White City



Green south of the Viaduct, Relay Square, Silver Street, Ariel Square and Marathon Way. A combination of the design coding and planning conditions will ensure that the public realm, including the internal courtyard spaces, will be designed to a high quality and be fully inclusive and accessible to all users.

- 3.230 Although the Dimco Piazza and bus interchange do not form part of this application, the Landscape and Public Realm Strategy provides a vision for future development and design of this area which is intended to complement the surrounding public spaces.
- 3.231 The private and community amenity space to be provided on completion of the development, is considered to provide an acceptable quality and quantum in order to serve the needs of the development.
- 3.232 Officers previously raised concern about the absence of strategic and local public realm coming forward earlier in the development programme which would be accentuated if the planned White City Green to the north of the Hammersmith and City Line Viaduct does not come forward. The circumstances have changed since the previous application, whereby the land to the north (on the M&S Mock Shop site) has been acquired by developers who have notified the Council of their intention to redevelop the land for housing and open space. As such, officers consider that strategic and local open space may come forward earlier than previously expected. Nonetheless, the revised development scheme proposes a large internal square within Plot C which will be implemented in phases and may take a considerable time to be completed. Therefore, that an interim space should be delivered (on plot D) prior to plot C being occupied, or in the event that White City Green does not come forward in a timely manner. Although plot D is expected to remain in use for some time, once vacated, it is considered that the plot should be cleared and made available for a temporary public open space use. Officers will explore mechanisms in the s106 to secure this provision which has the support of GLA officers.
- 3.233 On the basis that the interim space comes forward at an appropriate time, and from the indicative illustrations of the public spaces in the development, it is considered that the proposal makes appropriate provision of external space to comprise a high quality public realm in accordance with policies 3.6 of the London Plan (2011) (including 2013 alterations) and Core Strategy (2011) policies OS1, along with Development Management Local Plan (2013) policies DM E1 and DM E2.

### **Standard and Quality of Accommodation**

- 3.234 The London Plan (2011) (including 2013 alterations), policy 3.5 requires new residential development to provide a high quality of internal living environment. Table 3.3 of this policy specifies unit sizes for new development. Policy 3.8 of the requires new residential development to be built to lifetime homes standards, with 10% of units designed to be wheelchair accessible or easily adaptable to this standard. Policy 7.3 advises that new development should seek to create safe, secure and appropriately accessible environments.
- 3.235 The Mayor's Housing Supplementary Planning Guidance (2012) provides further detail on the Housing Policies in the London Plan, providing guidance on quality

and design including minimum room and unit sizes, amenity and children's play spaces standards, accessibility and security.

- 3.236 The Core Strategy (2011) policy H3 requires new residential development to provide high quality living conditions for future occupiers, while the DM Local Plan (2013), policy DM A2 sets out that all new housing must be of a high quality design and must be designed to have adequate internal space in accordance with London Plan policies. Policy DM A4 of the DMLP reflects the London Plan requirement that 10% of new residential units are designed to be suitable for occupation by wheelchair users and that all new homes are designed to Lifetime Homes standards.
- 3.237 The Mayor's Housing SPG and LBHF Planning Guidance SPD Housing Policy 8 seek to avoid dwellings that have all their habitable room windows facing exclusively in a northerly direction.
- 3.238 While this application is in outline the applicant has provided a range of indicative flat layouts for the different plots, although the detailed design of residential dwellings will be submitted as reserved matters. Indicative flat layouts illustrate the potential for some dual-aspect flats and creative approaches to parts of the site which face more hostile environments, such as the units which face the West Cross Route and the main vehicular access from the H-junction. The final design solution will be subject to compliance with the design codes and a number of recommended conditions.

#### Block B

- 3.239 For the most part, Plot B will share with Plots C and K a common datum of ten storeys above ground level and seven storeys above the base before setting back to create a top. This approach establishes a cohesive scale for Ariel Walk and Silver Street, maximizes the penetration of sunlight and daylight into habitable rooms. All units within Plot B will be single aspect east facing however the eastern elevation is faceted in plan to maximize the penetration of sunlight into residential units and to increase its visual interest when viewed diagonally from Silver Street.

#### Block C

##### *The Northern and Southern Blocks*

- 3.240 The layout of the northern and southern blocks are rectangular in plan but are more complex in cross section. All residential units can be dual-aspect. As the units rise through the height of the building, they are single-storey on one side and two-storey on the other, interlocking around a central corridor on alternate floors. This arrangement ensures that every unit has one floor that is dual aspect and some rooms facing south over the courtyard.

##### *The Western Block*

- 3.241 The layout of the western block consists of two parallelograms, cranked and separated at the centre to form the main entrance to the courtyard and to establish the eastern edge of the Public Realm at Silver Street. The crank in the

block helps to maximize the penetration of sunlight into residential units that face the landscaped courtyard, especially on their lower floors. The units facing east have balconies projecting into the courtyard whereas the windows of the units face west adopt an undulating profile, which means that both aspects can enjoy views and sunlight for longer than just the earlier or later parts of the day. The top of this block is set back from all sides of the block below and all the units that it contains are dual-aspect.

#### *The Eastern Block*

- 3.242 The layout of the eastern block is the most articulated one on the Plot. The side of the building facing the landscaped courtyard extends and recedes rhythmically to maximize the exposure of its frontage to views of Notting Hill to the east and the landscaped courtyard to the west, to increase the penetration of sunlight and to augment its visual interest when viewed diagonally from vehicles travelling along the West Cross Route.
- 3.243 The GLA requested further details of the units which would be located directly adjacent to the West Cross Route. The applicant confirmed that the scheme contained in the application is illustrative and to this end the number of units with elevations facing the west cross route corridor is indicative only. The illustrative plans show that approximately 297 would be adjacent to the eastern boundary of the site nearest the West Cross Route. Of this total, 64 would be dual aspect, also having garden facing elevations and around 40 are shown to be corner units on the towers and thus have windows which also face either north or south. The remaining two thirds (approximately 197 units) would be single aspect but east facing and therefore benefit from good levels of morning sunlight/daylight and also at the upper floors good outlook towards London.
- 3.244 In detail, the block is laid out as a terrace of clusters of residential units, seven on the lower floors but fewer on the upper ones, grouped around cores of vertical circulation. On the lower floors, four of the units are dual-aspect, either filling the block from east to west or being located at a corner and facing south and west or west and north. The remaining three units are single-aspect, either overlooking the courtyard to the west or the enjoying views of Notting Hill to the east. The latter type is protected from the adverse effects of the West Cross Route by winter gardens. Upper levels follow a similar pattern but progressively reduce in size as the building steps back. The clusters at the northern and southern ends of the block are different to those in the middle of it. They contain between six and eight units per floor, which are grouped around cores of vertical circulation. They rise higher than the middle part of the block so that at least half of their units can be dual-aspect. They are equipped with balconies and winter gardens to enhance the amenity of the units.

#### *Block D*

- 3.245 The upper floors rise from the base as two elements, reminiscent of London's mansion blocks, of which one has its northern edge aligned with the northern boundary of the site and forms an "L" shape in plan. Most residential units are planned as dual-aspect to maximize views from them and the penetration of sunlight into them. The indicative plans show some single aspect units however

further improvements to the floor plan layouts will be investigated at the reserved matters stage.

#### Block K

- 3.246 The block is laid out as a simple bar running parallel to the building line of the southern block of Plot C before cranking where Ariel Walk meets the elevated, eastern end of the H-junction. It performs a number of important roles in the Masterplan. A careful arrangement of the residential units creates a visual and acoustic buffer between Ariel Way, and the ramp from the H-junction to the car parks on top of Plot A. The residential units are dual-aspect duplexes, entered from external walkways on the southern side of the block, that will be shielded from the view of the system of ramps that springs from the H-junction and Ariel Way to serve the multi-storey car park on top of Plot A by perforate screens. Windows to dog-leg stairs inside the units abutting the walkways draw sunlight from these screens into the living rooms on the northern side of the block.
- 3.247 Overall the quality of living accommodation provided within each block is deemed be acceptable and in accordance with relevant policy. Where weaknesses in the design exist, these will be given special consideration at detailed design stages, to ensure the number of single aspect units and number of units per core are minimised. An example of how this may be achieved would be increasing the floor to ceiling heights. The Mayors Housing SPD states: "In habitable rooms, ceiling heights will be expected to be at least 2.5m. A minimum floor to ceiling height of 2.6m is considered desirable in habitable rooms and taller ceiling heights are encouraged in ground floor dwellings" The maximum building height parameters make allowance for residential floor-to-floor heights of 3225 mm. On the basis of a 525 mm floor build up (which is likely to be achievable in habitable rooms, floor to ceiling heights of 2.7m would be possible.
- 3.248 The applicant has set out in the parameters report that all residential dwellings will be designed to meet Lifetime Homes standards, and will be able to achieve the minimum unit size standards and dwelling space standards as well as external amenity space standards set out within the Housing SPG. This is secured through the approval of the parameters report and a separate condition of consent.

#### **Amenity**

- 3.249 The Environmental Statement includes a comprehensive sunlight, daylight and overshadowing assessment (in line with the BRE Guidelines) to consider the potential impacts of the proposed development upon adjacent residential properties and whether the effect of the proposed development would cause harm to the amenity of occupiers. It is recognised in the BRE Guidelines that a noticeable reduction in sunlight or daylight would occur if the tests demonstrate 20% (or more) reduction from the existing level of daylight or sunlight. In this case, the most relevant test is considered to be the Vertical Sky Component, which measures the amount of daylight received to a window.
- 3.250 The report concludes that there would remain good levels of sunlight and daylight to the existing residential windows at the closest sensitive receptors

which comprise residential properties on 63-67 Wood Lane, 87-101 Wood Lane and Hunt Close, once the proposed buildings had been erected. The sunlight and day-lighting analysis conclude that resulting levels would not be reduced to a noticeable degree. The very worst case scenarios do not exceed the 20% (advocated in the BRE) which constitutes a noticeable reduction in sunlight and daylight.

- 3.251 The day-lighting analysis included an assessment of the average daylight factor (ADF) levels forecasted for the proposed new residential units within the development. As the application is in outline form, the detailed design and internal layout of the buildings, has not yet been developed. Therefore, the ES considered a worst case internal layout scenario in the assessment of the potential impacts on the proposed new residential units.
- 3.252 The analysis concluded that the majority of windows to the new residential units would receive good levels of daylight in accordance with the BRE Guideline Standards. It predicted that only four habitable rooms out of the 1347 units proposes, are likely to have daylight levels that fall below the BRE Guideline Standards. Impacts on these windows would be mitigated at the detailed design stage by developing an improved layout/floor plan or by siting balconies more carefully. Such detail would come forward at reserved matters stage.
- 3.253 With regards to overshadowing, the shadow path analysis of the maximum (worst case) development envelope demonstrates that the development would not result in the adverse overshadowing of the majority of amenity areas in the internal courtyard spaces of the blocks. Three communal amenity areas are likely to fall below the BRE Guidelines, if the development is implemented to its maximum parameters. Reserved matters submissions would allow the LPA to exercise control over the openness and quality of the amenity spaces, and it is therefore considered that overshadowing of these areas can be addressed at the detailed design stage. Furthermore, BRE is only a guide and the quality of residential accommodation would meet all other standards and the overall acceptable quality of accommodation can be secured by way of conditions and design codes at the reserved matters stage.
- 3.254 The WCOAFP sets out an aspiration for a new public open space to the north of the site (north of the Viaduct), outside of the application site boundary. This future park is known as White City Green. In terms of overshadowing of that potential future public amenity space, the transient overshadowing images provided in the ES demonstrate that the area north of the viaduct would pass the BRE Guidelines. From 11am onwards the transient images from 21<sup>st</sup> March show little or no overshadowing and therefore full compliance can be achieved for any design coming forward within the parameter plan envelope.
- 3.255 In summary, the sunlight, daylight and overshadowing analysis confirm that the potential impacts and likely effects of the development on residential amenity would not be significant or constitute any material harm
- 3.256 The nearest part of the development to residential properties would be the western flank of block D and the eastern flank of Block C. The parameters plans would ensure that the proposed windows would be no closer than 25m from the windows of the nearest residential properties. Planning Guidance SPD Housing



Policy 8 recommends that directly adjacent habitable room windows should not fall under 18m, to ensure that privacy of occupiers in all properties are safeguarded. In this instance the distance between the development and the existing properties would significantly exceed the minimum distances, passing the appropriate SPD standard to judge impact on privacy levels. The tall buildings on the eastern side of the application site would also comfortably exceed the minimum SPD privacy standard in terms of its relationship with the residential properties in Hunt Close.

- 3.257 In summary, the development is not considered to reduce privacy levels or outlook from adjoining residential properties. The proposed development would comply with standard policy BE1 of the Core Strategy (2011) and the Planning Guidance SPD Housing Policy 8.

### **Access**

- 3.258 The application has been considered in light of the London Plan policy 7.2 "Access for All" as well as the Councils local planning policies including Development Management Local Plan (2013) policy DM J4 and Planning Guidance Supplementary Planning Document (SPD) Design Policy 1 "Inclusive Design" and Transport Policy 22 "Access for All".
- 3.259 The proposed detailed layout of the residential accommodation has not been confirmed in this outline submission. The provision of wheelchair accessible units can be secured by imposing a condition which would require 10% of the total number of residential units to be designed to wheelchair housing standards or easily adaptable to be comply with this standard. The wheelchair units are also to be secured via a s106 agreement which stipulates that the units will be marketed for wheelchair users for a minimum period of six months.
- 3.260 A further condition is recommended which requires each reserved matters submission to demonstrate how the proposals comply with the Council's Access for All policy within the Planning Guidance SPD, or any other relevant design guide (which sets out Access Guidance) at the time of submission.
- 3.261 Given the length of the construction period and the phased approach to development of land, it is considered the scheme should be monitored to ensure the access meets inclusivity standards set by the GLA and LBHF. To fulfil this, officers recommend that an Inclusive Access Management Plan (IAMP) is secured through the section 106 agreement. In addition, it is recommended that a Local Access Group is set up to ensure each phase of development is inclusive and accessible, and can be continually measured against the relevant access standards at the time of review. The local access group could be comprised of members from LBHF, the GLA, H&F Disability Forum, the developer, the anchor store tenant and other major operators.
- 3.262 A further condition is recommended to secure level access to the main entrances to the residential flats, offices, leisure, community and retail units. Access to the external lifts outside the podium should also be level. The design codes set out specific guidance on the detailed design of the external lifts and integral staircases which would negate the need to impose a specific condition. However,

the condition is necessary to direct the location and number of lifts to the podium level in accordance with the parameters plans.

- 3.263 In terms of parking, policy 6.13 “Parking” of the London Plan (2011) (with 2013 alterations) requires that sufficient provision is made for disabled people in terms of parking, in line with Table 6.2. Development Management Local Plan (2013) Policy DM J4 outlines the requirement to ensure provision for disabled people and states that development must facilitate ease of access and parking by providing ‘blue badge’ parking bays. The proposed level of retail/leisure disabled parking is in line with the *‘Study into the Provision of Existing Designated Disabled Person Parking Bays in Off-Street Car Parks in the UK, October 2009’* and the total retail/leisure disabled parking provision will be 271 of 5,320 spaces, which is slightly over 5%. This complies with SPD Transport Policy 9 and is considered to be acceptable. The CPMP secured through s106 will require disabled parking provision to be monitored and reviewed on a regular basis and amended to meet demand. The proposed disabled parking provision for the residential car park is 61 spaces (10%), which complies with SPD Transport Policy 10 and London Plan (2011) standards. The applicant confirms that these spaces are located close to the main entrances to ensure safe and convenient access for users. The car parking areas shall be designed at the detailed reserved matters stage and will be subject to a Car Park Management Strategy which is to be secured by s106.
- 3.264 In terms of the residential uses proposes, the Car Park Management Strategy will need to factor in review mechanisms in order to ensure that in the event a new residential occupier who carries a blue badge parking permit, they would be entitled to secure an accessible parking space with their flat. This can be secured via the s106 agreement to ensure the needs of wheelchair and disable residents can be fully met throughout the development.
- 3.265 A condition is also recommended to ensure that the communal landscaped areas are fully accessible to disabled residents and visitors (including wheelchair users) and that there is a level threshold to these spaces. A number of conditions would ensure that all landscaped areas for each reserved matters phase of the development would be inclusive and accessible. These should include full details of the design, natural lighting and location of landscaped gardens and pathways to show how these will be attractive, durable, adaptable and accessible to all.
- 3.266 To ensure equality of opportunity for all, the design of the play areas and equipment within them should not preclude disabled users. To ensure that the play areas make appropriate provision for inclusive play equipment, a condition is recommended which requires the play areas as far as possible and practical to be designed in accordance with best practice guidance (including the Council’s guidance document “We Want to Play Too” (2012) for inclusion of disabled and blue badge holder visitors.
- 3.267 Subject to the conditions proposed, including those which direct the reserved matters submissions, the accessibility provision in the development would comply with London Plan (2011) (including 2013 alterations) and the Core Strategy (2011) Policies and the Council’s Planning Guidance SPD policy “Inclusive Access” and “Access for All”.

## **Transport and Parking**

- 3.268 The Application is submitted in outline with all matters reserved. Means of access is a reserved matter because access within the Site is not fixed (other than by reference to parameters). However, the principal means of vehicular access from the A3220 via the existing junction access and from Wood Lane via Ariel Way is offered for determination as part of the application. These specific points of access into and out of the Site are fixed and are not subject to deviation.
- 3.269 The proposed development has been assessed against the relevant transportation policies within the London Plan 2011 (with 2013 alterations) including policies 6.1, 6.3, 6.9, 6.10, 6.11 and 6.13, alongside the National Planning Policy Framework (NPPF), the Core Strategy (2011) policy T1 and Development Management Local Plan (DMLP) (2013) policy J1 to J6 in addition to the Planning Guidance Supplementary Planning Document (SPD). Also, the site is located within the White City Opportunity Area for which a planning framework (WCOAPF) is in place.
- 3.270 The site has a Public Transport Accessibility Level (PTAL) score ranging from 5 to 6a using Transport for London's (TfL's) methodology which confirms that the site has a high level of public transport accessibility. It is predominantly within Controlled Parking Zone (CPZ) O, which operates restricted parking Monday to Saturday 9:00am – 5:00pm.

### **Background OAPF Transport Studies**

- 3.271 Transport for London (TfL) has undertaken significant analysis using a suite of strategic models including a demand forecasting model (LTS), Highway assignment model (SATURN) and Public Transport Assignment model (Railplan) and a local highway simulation model (VISSIM). This is known as the Strategic Transport Study and provides the transport evidence base for the White City OAPF.
- 3.272 The results are consistent with conclusions of other aspects of the evidence and the OAPF currently includes a long term development scenario with a proposed quantum of around 6,300 additional homes and around 8,400 jobs. Using the London Transport Study (LTS) demand model, it is estimated that there will be around 14% growth of highway trips in 2031 in the PM peak without development resulting in delay at a number of local junctions. It is estimated that the OAPF will generate an additional 800-1000 trips in the PM peak hour.
- 3.273 The modelling results show that the development will affect the key junctions and routes in the White City area. Junctions along Shepherd's Bush Green, Uxbridge Road, Bloemfontein Road, Wood Lane, West Cross Route, Holland Park Road and the A40 would be under increased pressure. These junctions are already operating close to capacity and would be under further pressure from general traffic growth. The already heavily used Wood Lane, Ariel Way, and Bloemfontein Road that form the immediate access to the OA sites would have limited capacity to support the additional development trips. The modelled results also highlight that within the White City study area, the development traffic would lead to a 4% reduction in average speeds without additional mitigation. For the

wider modelled area covering LBHF, the development traffic would reduce average speeds by a similar level of 4%.

- 3.274 The additional traffic will also cause strategic traffic diversions over a wide area. This has the effect of reducing the local increases in traffic associated with the new development in the local area as longer distance traffic avoids the more congested local area and moves onto other routes outside of the immediate study area. To assess the scale of this strategic diversion, the 800 to 1000 new development trips added by the development will displace around 300 strategic trips to other routes outside of the study area.
- 3.275 Alternative approaches to mitigate the traffic impact by reducing development quantum has marginal improvements to the traffic condition. The road network is already heavily used during the evening and weekends, any further developments would contribute additional demand onto the road network and this would not be in the interests of meeting wider outcomes for London. Committed transport investments such as Crossrail provide much needed capacity on the Underground services. Some 3% of travel demand from the OA developments has been shifted to sustainable modes through promotion of greater walking and cycling initiatives in the OA.
- 3.276 Recent developments in the White City area with the opening of the Westfield shopping mall in October 2008 and the new Shepherd's Bush station have changed travel patterns and increased demand by the Overground. Current observation highlighted that West London Line patronage is close to or exceeds capacity in the peak hour. A series of transport measures that would be required to support the development in OAPF Scenario B have been identified as part of the strategic transport study. On the basis that the funded and committed public transport investment is delivered, particularly Underground upgrades and Crossrail, a package of local measures have been identified. These will need to be delivered and funded by development within the OAPF. This package aims to provide the support required to maximise public transport, walking and cycling.
- 3.277 The delivery mechanism for these has been considered within a White City Development Infrastructure Funding Study (DIFS). These include:
- Interventions to support the development, such as enhanced bus services, pedestrian and cycle linkages, as well as junction improvements
  - Measures to encourage shift to sustainable travel choices such as enhancements to public transport, walking and cycling, to minimise the highway impacts.
  - Stringent parking standards including a proposed 0.2-0.4 spaces per residential unit for housing development Commercial car parking spaces to be reduced by 25% across all uses by relevant apportionment of GFA whilst still maintaining the London Plan parking standards.
  - Additional capacity measures on the West London Line, including platform lengthening and station congestion measures to allow longer trains to serve the stations as observed data has highlighted that the West London Line is operating at capacity. Other local mitigation schemes may also be needed to support specific development proposals and will be assessed as part of the individual planning applications.

3.278 TfL support the principle of achieving the proposed Scenario B levels in the OAPF. However, concerns have been raised about the potential for the development to exceed the forecasted traffic levels (as envisaged by Scenario B). As such, given these concerns, TfL propose a longer term piece of work to be undertaken in collaboration with the landowners, the boroughs, through the existing Sub Regional Transport Panels to identify wider measures to address the highway impacts arising from projected growth in West London, which includes full development of OAPF Scenario B. The exact scope of work would need to be discussed, shaped and agreed over the coming months. Initial thoughts are that it would include a number of phases to identify objectives, consider challenges and gaps, and then identify specific measures. These could be considered through an agreed objective led assessment, which takes account of objectives from the Mayors Transport Strategy as well as key local objectives. Measures to be considered would need to include all possible options that could address the gaps on all modes of transport.

#### Current Planning Application

3.279 In relation to the current application under assessment, a transport assessment (TA), Addendum Transport Assessment (ATA) and Parking Technical Report have been submitted in support of the application. The TA is required to assess the impact of new developments on the Borough's highways and public transport infrastructure.

#### Access and Layout

##### *Pedestrian Access*

3.280 There are proposed to be three north-south pedestrian routes through the site. Relay Square and Marathon Way will be at grade and Silver Street at podium level. It is the intention of the applicant, the Council, TfL, GLA and the landowner to the north that these north-south routes connect with links through the Hammersmith and City line viaduct to the north.

3.281 Two east-west pedestrian routes are proposed through the site. White City Green will follow the northern edge of the site at grade. Ariel Way, will begin at grade to the west to connect with Wood Lane and rise to podium level as it moves east to connect with the junction of the A3220 West Cross Route (H-Junction). Steps and elevators will be provided to assist movement between ground level and podium level. Pedestrians and cyclists will continue to cross the H-Junction by way of two controlled crossings at grade. The improved connectivity between Wood Lane and the H-Junction will be a significant improvement on the existing situation due to it being safer, more inviting and direct. 24/7 access on this route will be secured via the s106 agreement.

##### *Cyclist Access*

3.282 A new cycle route is proposed to be introduced through Relay Square, along White City Green and along Marathon Way. Cycle provision will also be provided on the proposed new road layout along Ariel Way at grade to connect into the existing cycle route along the Eastern Access Road. The cycle provision along



the Eastern Access Road will need to be improved and will be secured by s106 agreement.

#### *Vehicle Access*

- 3.283 The proposed development aims to improve the access arrangements to the shopping centre, the site, and allow for more efficient through-movement on Ariel Way between Wood Lane and the West Cross Route. The existing signal controlled roundabout on Ariel Way will be replaced with a series of priority junctions, a roundabout and a signal controlled junction on the Eastern Access Road. Bus priority measures will also be introduced in the westbound direction and secured via a recommended condition of consent.
- 3.284 The proposed 820 space retail/leisure car park below the anchor store of the proposed retail/leisure extension will be accessed to the north of Ariel Way via a left in only junction. This car park will connect to the basement of the main car park via a two-way tunnel. Access to the proposed 508 space rooftop car park will be via a signal controlled junction on the Eastern Access Road. The access arrangements for the existing car park will be amended to prioritise access and egress via the H-Junction (A3320 West Cross Route). Access to the existing car park from Wood Lane will be via the existing valet parking entrance on the Eastern Access Road, and access to the existing Level 10 basement will be via the tunnel connecting to the new retail/leisure car park below the proposed retail/leisure extension. The maximum increase in retail/leisure car parking spaces will be 820 due to 508 spaces from the existing car park being taken out of use. This will be controlled through a Retail/Leisure Car Park Management Plan secured by legal agreement. As such, the net increase in car parking provision will be the same as the previously consented (2012 extant) scheme.
- 3.285 Access to the residential car park, which comprises 608 car parking spaces, and the service road serving the residential development, will be via a roundabout at the eastern end of Ariel Way. A taxi/valet parking area will also be provided off Ariel Way, on the northern side between the access to the White City Bus Station and the proposed entrance to the retail/leisure car park.
- 3.286 Silver Road, Relay Road and the majority of Ariel Way, which are public highway, are proposed to be stopped up under Section 247 of the Town and Country Planning Act. A separate application to do this has been submitted for this purpose. Should this be successful these roads will cease to be public highway once they are physically removed or amended, to allow this development to take place. 24/7 access for all modes on the new private road layout will be secured via a s106 agreement.
- 3.287 The vertical clearance of the podium over the new private road layout should be at least 6 metres and will be secured via condition. A Stage 2 Road Safety Audit and the final design, layout and materials are to be approved by the Council in consultation with TfL. This will be secured via a planning condition. Overall, the proposed access arrangements proposed for the scheme are acceptable, subject to conditions and s106 obligations.

### White City Bus Station

- 3.288 The development does not propose relocating White City Bus Station, and it does not propose any alterations except the proposed amendments to access via Ariel Way. The proposed amendments to Ariel Way will simplify access arrangements for buses to White City Bus Station as access will be via a priority junction instead of the signal controlled roundabout.
- 3.289 The proposed development provides space for layover facilities (under Block C) which may allow these to be relocated from their current location adjacent to and inside the DIMCO buildings, if the bus station relocation is brought forward in the future.
- 3.290 The applicant has produced drawings which illustrate the potential layout of the bus layover. It is accepted that with further development the proposals may enable the relocation of the bus standing under the development. Separating the passenger facility from the layover area by a section of general traffic road inherently brings operational difficulties and risk of disruption to the bus network. Given the wider benefits TfL is not opposed to this in principle, provided suitable protection for bus movements and bus stop locations are provided. The applicant and TfL should now work together to agree and bring forward, via a separate planning application in the future, the form and design of the bus layover and bus stops, together with the urban realm which supports them to ensure an attractive, useable space is created.
- 3.291 The effect of the bus station and layover remaining in their current locations and the alternative of both being potentially relocated have been modelled by building a local VISSIM model (cordoned from TfL's wider VISSIM model used to inform the White City Transport Study). The modelling includes road layouts that incorporate westbound bus priority on Ariel Way and restrict the access to the proposed retail/leisure car park from Ariel Way to left in only. The modelling results demonstrate that the proposed amendments to Ariel Way will result in an overall improvement in the performance of the network in this location, which will primarily benefit buses travelling between the Southern Interchange and White City Bus Station. A +30% Sensitivity Test demonstrates that the proposed amendments can accommodate a significant increase in traffic demand without any adverse impact on the operation of the highway network along Ariel Way, and no detrimental effect on bus journey times. However, without these amendments bus journey times are predicted to increase significantly. Further work on a layout that incorporates bus priority and the modelling to support this layout will therefore be required in support of any reserved matters application.

### Car Parking

#### *Retail/Leisure Car Parking*

- 3.292 A new 820 space retail/leisure car park is proposed below the anchor store and a new rooftop car park above the proposed retail/leisure extension of 508 spaces. However, this will only result in a net increase in retail/leisure car parking spaces of 820 due to 508 spaces from the existing car park being restricted from use. This will be controlled through a Car Park Management Plan secured by the section 106 agreement. The additional 820 parking spaces is the same level of

parking approved under the extent permission, granted in 2012. The justification for the proposed level of additional retail/leisure car parking is commercially led in order to meet the requirements of the proposed anchor store operator and to spread the car parking areas more evenly across the site in order to more adequately service the upper level retail and leisure uses.

- 3.293 A comprehensive parking assessment has been provided which shows that the existing car park operates well within capacity on both a week day and weekends. It should be noted that the capacity of the existing car park is capped at 3,500 except for peak periods, where this increases to 4,500. This arrangement is set out in the existing s106 agreement for the shopping centre development, as is the charging structure.
- 3.294 Due to the withdrawal of 508 car parking spaces, the capacity of the existing car park will be capped at 2,992 spaces except for peak periods, where this could be increased to 3,992. The capacity of the new retail/leisure car parks will be managed in a similar way to the existing car park, with parking capacity reduced outside of peak periods. The new retail/leisure car parks will have a capacity of 1,328 spaces during peak periods, reducing to 1,108 spaces outside of peak periods. Therefore, the total retail/leisure car parking provision will be capped at 4,100 spaced except for peak periods, where this could be increased to 5,320. This is to be included in the Retail/Leisure Car Park Management Plan (CPMP), which will be secured by s106 agreement. The Retail/Leisure CPMP is to also set out how the car parks will operate and any additional controls that will be put in place to manage peak movement on the network, the control/supply of the reservoir of parking, charging regime, VMS, PGS, marshals, and mechanisms for ongoing monitoring and review.
- 3.295 The analysis of the existing car park demonstrates that the number of car trips to and from the shopping centre is not a function of the number of car parking spaces provided. Outside of peak periods, such as Christmas and Easter, the maximum average level of accumulation on a weekday is approximately 50%, and the maximum average level of accumulation on a weekend is approximately 68%.
- 3.296 Outside of peak periods the car park does not fill to capacity because, despite the availability of car parking spaces, people are choosing to travel to the shopping centre by alternative modes, which are more attractive and more convenient. This is reflected in the mode split recorded during the latest exit survey of customers completed by Westfield in September 2011, as summarised below.

Table 5:

<b>Travel Mode</b>	<b>September 2011</b>
Car	12%
Motorcycle	1%
Taxi	1%
Rail	13%
Bus	25%
Underground	25%
Walk	21%
Other	2%
<b>TOTAL</b>	<b>100%</b>

- 3.297 Of the 820 additional retail/leisure car parking spaces, 46 will be designated for disabled parking. This provision will complement the 225 disabled parking bays in the existing car park. The proposed level of retail/leisure disabled parking is in line with the *'Study into the Provision of Existing Designated Disabled Person Parking Bays in Off-Street Car Parks in the UK, October 2009'* and the total retail/leisure disabled parking provision will be 271 of 5,320 spaces, which is slightly over 5%. This complies with SPD Transport Policy 9 and is considered to be acceptable. The CPMP secured through s106 will require disabled parking provision to be monitored and reviewed on a regular basis and amended to meet demand.
- 3.298 Both active and passive electric vehicle charging points are proposed to be provided at London Plan (2011) standards. The application proposes 133 active electric vehicle charging spaces (10%) and 133 passive electric vehicle charging spaces (10%), of the total level of retail/leisure and other uses car parking. Furthermore, 133 non-residential motorcycle parking spaces are to be provided, which complies with SPD Transport Policy 11.

#### *Residential Car Parking*

- 3.299 The residential provision of 539 car parking spaces represents a ratio of 0.4, which is at the upper end of the range allowed by the WCOAPF. The restriction of use of the further 69 residential car parking spaces for the two residential blocks that do not form part of this application (i.e. relate to blocks E and F of the extant permission which are expected to be brought forward by a new planning application in the future) will be controlled through a Residential Car Park Management Plan secured through the s106 agreement.
- 3.300 The proposed disabled parking provision for the residential car park is 61 spaces (10%), which complies with SPD Transport Policy 10 and London Plan (2011) standards. 61 residential motorcycle parking spaces are to be provided, which complies with SPD Transport Policy 11. Both active and passive electric vehicle charging points are proposed to be provided at London Plan (2011) standards. This is 122 (20%) active spaces and 122 (20%) passive spaces for residents.
- 3.301 Five car club spaces are proposed to be provided, which is supported by a market operators assessment of demand. The location and operation of these spaces will be subject to further details at reserved matters stage and secured via the s106 legal agreement. The demand and use of car club spaces will be monitored as part of the Travel Plan, and the number of spaces could be adjusted in the future to suit demand.
- 3.302 Detailed designs of all proposed car parking will be submitted for approval at the reserved matters stage.
- 3.303 The application states that the Shop mobility service that operates from the existing shopping centre is proposed to be extended to meet anticipated demand in the new retail section of the development. The Shop mobility service will either be located close to the most suitable shopping centre entrance, (on the route from public transport links) or the service will deliver scooters to the relevant entrance to reduce walking distances for people who are mobility impaired. Further details will be brought forward at the reserved matters stage.

3.304 All residential dwellings will be subject to a s106 agreement which prohibits residents acquiring an on street car parking permit. The car free agreements will ensure that following the habitation of the dwellings on-street parking stress will not be detrimentally affected. Furthermore, the s106 will require that the applicant funds a review of Controlled Parking Zones O, G & CC following occupation of the whole development and also funds amendments that are identified following the review.

#### *Cycle Parking*

3.305 A total of 1,598 cycle parking spaces are proposed to be provided as part of the proposed development. This includes 1,476 residential cycle parking spaces and 122 retail/leisure cycle parking spaces.

3.306 The provision of 1,476 residential cycle parking spaces accords with DMLP Policy - DM J5 and the London Plan (2011) and as such is deemed acceptable, subject to the detail of the locations and design of parking stands which will be brought forward at the reserved matters stage.

3.307 The provision of 122 retail/leisure cycle parking spaces is below DMLP Policy - DM J5 and the London Plan (2011) standards. The applicant has justified this by providing evidence of underutilisation of the existing cycle parking facilities. An audit of existing cycle parking at the shopping centre and a review of the usage and availability of the newly installed London Cycle Hire Scheme docking stations identified the existing take up of cycle parking at less than 50%. The data does suggest an overall overprovision however it does highlight some areas in which demand outstrips capacity. It should also be noted that cycle access into the OA is difficult at present. The council and TfL are currently considering a number of schemes to overcome this, including new links across the West Cross Route and a new segregated cycle route along the Westway. As such, cyclist numbers in the area are anticipated to increase.

3.308 In terms of cycle parking provision, location is considered to be as important as total numbers, and in this instance providing the proposed number of cycle parking spaces in appropriate locations is considered the most practical and sensible approach. In this way cycle parking is provided in a way that meets demand, and avoids cluttering the street scene with the installation of unnecessary cycle parking in inappropriate locations. It has been agreed that this approach is acceptable as a starting point. The proposed quantum, locations and form of cycle parking is subject to condition.

3.309 A review mechanism is to be factored into the Travel Plan to be secured through the s106 which would ensure cycle provision is increased should demand increase. The review mechanism will also monitor the cycle stores where demand is high and the future proofing for additional capacity factored into the design. Furthermore, through the Travel Plan, a review of the cycle facilities for staff at the existing Westfield development will be required to be carried out to ensure it is sufficient to cater for the increase in staff.



## Trip Generation

3.310 The impact of the proposed development has been predicted by estimating the trips for each use. The residential methodology calculates a per unit multi-modal trip rate. The retail/leisure methodology calculates a proportional uplift in trip attraction in relation to the uplift in floor area. A trip rate and mode split has been derived from the TRAVL database for the office land use. The community use is considered ancillary to the site and not a trip attractor in its own right. It is therefore expected that any additional trips to/from the community use will be local and undertaken on foot. The methodology was developed following extensive consultation with highway officers at the Council and TfL, and agreed as acceptable and robust.

3.311 In order to assess the relative traffic impact of the development proposals, the applicant has estimated the number of multi-modal trips that will be generated by the proposed development and compared this with that generated by the consented use on the site.

### **Net Change in Multi-Modal Trips between Consented Use and Proposed Use**

Travel Mode	AM Peak			PM Peak			Saturday Peak		
	In	Out	Total	In	Out	Total	In	Out	Total
Car Driver	6	-6	0	30	34	64	60	36	96
Car Passenger	-1	-6	-7	-4	2	-2	3	2	5
Motorcycle	-1	-2	-3	1	2	3	4	2	6
Cycle	0	-2	-2	2	3	5	5	4	9
Taxi	0	0	0	0	1	1	1	1	2
Bus	15	-16	-1	62	73	135	126	75	201
Rail	14	-9	6	32	45	77	66	39	105
Underground	16	-24	-8	59	75	134	125	75	200
Walk	13	-24	-11	27	44	71	78	35	113
Other	-1	-2	-3	1	2	3	4	2	6
<b>TOTAL</b>	61	-91	-30	209	280	489	472	271	743

## Road Impact

3.312 The predicted traffic attraction/generation as a result of the development is 118 two-way vehicular trips in the morning peak, 403 two-way trips in the evening peak and 549 two-way trips in the Saturday peak. This is an increase over the consented use of 64 two-way trips in the evening peak and 96 two-way trips in the Saturday peak.

3.313 The traffic predicted to be generated by the proposed development in the weekday morning and evening peaks is in accordance with what was allowed for to/from this zone under Scenario B within the VISSIM model developed by TfL, which informed the White City Opportunity Area Transport Study. There should be a reduction of 239 two-way trips in the morning peak, a reduction of 6 two-way trips in the evening peak but there will be an increase of 132 two-way trips in the Saturday peak. Notwithstanding the general compliance, there are forecasted instances that result in a traffic increase over Scenario B levels in the Saturday peak which is when the highway network is most congested. TfL and LBHF Transport Officers have stated that it is critical that sufficient funding is secured from the development for further detailed traffic modelling and car parking management strategies post consent to ensure that the instances where the

impacts exceed those outlined in Scenario B can be minimised. It is also recommended that off-site highway and junction improvements are secured by way of the s106 to improve network capacity and other transport infrastructure improvements to encourage further shift to more sustainable modes.

3.314 The applicant has modelled the increase in traffic generated by the development by building a local VISSIM model, which has been cordoned from TfL's wider VISSIM model used to inform the White City Transport Study. This extends from the Wood Lane/Ariel Way Junction in the west, to West Cross Route/Ariel Way Junction (H-Junction) in the east. Four versions of this local model were built:

- Version A – Planning submission.
- Version B – Planning submission, amended to include westbound bus priority on Ariel Way and left in only to the retail/leisure car park to the north of Ariel Way.
- Version C – Possible relocation of White City Bus Station.
- Version D – Possible relocation of White City Bus Station, amended to include westbound bus priority on Ariel Way and left in only to the retail/leisure car park to the north of Ariel Way.

3.315 Two scenarios have been tested through the model in the morning, evening and Saturday peak periods:

- Transport Assessment traffic flows.
- 30% increase in Transport Assessment traffic flows.

3.316 The key journey times through the network are the bus journey times between the Southern Interchange and the White City Bus Station. In addition, through route journey times between the West Cross Route and Wood Lane have also been measured, and in Version C and Version D of the model, journey times between the relocated bus stops and the relocated layover facilities.

3.317 The modelling results demonstrate that the planning submission highway layout results in an increase in journey time for buses. However, the proposed amendments to the planning submission layout of Ariel Way (involving the bus priority lane and left turn entry only) will result in an overall improvement of the performance of the network in this location.

3.318 The modelling results demonstrate that the proposed amendments to Ariel Way will result in an overall improvement of the performance of the network in this location, which will benefit buses travelling between the Southern Interchange and White City Bus Station, in both its existing and potential location. The +30% Sensitivity Test demonstrates that the proposed amendments can accommodate a significant increase in traffic demand without any adverse impact on the operation of the highway network, and no detrimental effect on bus journey times.

3.319 It is considered that the road layouts, with the bus station in its current location (Version B) and with bus station and the bus layover moved to their potential future proposed location (Version D) must both incorporate the westbound bus priority on Ariel Way and restrict the access to the proposed retail/leisure car park from Ariel Way to left in only.

- 3.320 The modelling results demonstrate that queue lengths remain relatively stable in all versions of the models, including with the +30% Sensitivity Test. The most significant queuing is recorded on Wood Lane, on the northbound and southbound approach to Ariel Way, reflecting the level of queuing that currently occurs.
- 3.321 Wider highways modelling has also been submitted with the planning application which predicts a general deterioration of highway conditions across and beyond the White City OA as a result of both background growth and development traffic, in particular at weekends given the level of anticipated trip generation. Further work must therefore be undertaken by the applicant with TfL and the council to update this model. This should result in agreed, detailed traffic management and mitigation strategies with supporting modelling. Preliminary consideration of these strategies, detailed further below, suggest that further work on Variable Message Signing (VMS) and car park management will be required. Traffic management strategies to protect Shepherds Bush town centre and the Transport for London Road Network (TLRN) may also result in traffic congestion increasing elsewhere in the borough. The implementation of these will be a requirement of the Traffic Management Act (TMA) approvals process should consent be granted. It has been agreed that the geographical scope of this work is the same as is covered by the existing VISSIM model. The requirement for this work will be secured via a planning obligation.
- 3.322 The applicant has submitted an indicative VMS strategy to direct Westfield Shopping Centre traffic to the most appropriate route, particularly from the A40 via West Cross Route rather than Wood Lane. The applicant intends to provide appropriate signage to and from Westfield London on the local highway network (Ariel Way, West Cross Route, Wood Lane) and upon exit from the car parks, but this signage could be extended further, to include the A40. The s106 will require a detailed VMS strategy and commitment to funding its installation which primarily aims to sign traffic to the West Cross Route away from Wood Lane.
- 3.323 Funding will be secured through the s106 to contribute to the off-site highway and junction improvements identified as essential mitigation in the White City Development Infrastructure Funding Study (DIFS). This is to mitigate the increase in trips over the consented use in the evening and Saturday peak and most importantly because there will be an increase over Scenario B levels in the Saturday peak.
- 3.324 The conditions of TfL's support are a series of demand management and local highway capacity improvements that are set out below and within the heads of terms. It is considered that this potential traffic management and mitigation would be in addition to what has been identified and is required by the White City Transport Study. It could include the following:
- Detailed VMS strategy to encourage vehicles to access Westfield via the A40 and A3220 rather than by alternative routes (particularly Wood Lane).
  - Review of signal arrangements (timings/bus priority) on Goldhawk Road, Uxbridge Road, Shepherd's Bush Road and Holland Park Roundabout to understand the viability of 'gating' traffic away from Shepherd's Bush Green. Shepherd's Bush Green is the critical node in the local network, and maintaining

the circulation of vehicles on this is vital to maintaining network performance and reliable bus journey times.

- Improvement of bus priority measures and pedestrian/cyclist infrastructure on Shepherds Bush Green.
- TfL's proposed A40 cycle route is proposed to terminate at Wood Lane, which is likely to increase its importance as a cycle route and increase cycle flows.

#### Bus Impact

- 3.325 It is predicted that the development will generate 257 two-way bus trips in the morning peak, 807 two-way trips in the evening peak and 1078 two-way trips in the Saturday peak. This is a slight reduction over the consented use in the morning peak, an increase of 135 two-way trips in the evening peak and 201 two-way trips in the Saturday peak.
- 3.326 The analysis undertaken by the applicant indicates that the maximum increase in bus passengers per service is 1.8 additional passengers on Service 207 arriving at White City Bus Station in the evening peak hour. This level of increase in bus passengers is not considered a material change in demand, and it is expected that the level of increase predicted can be accommodated and that this number of additional bus trips will not be perceptible on any bus service.
- 3.327 The analysis in this transport assessment demonstrates that there will be a small increase in the effect of the proposed development when compared to the effect of the consented scheme. Therefore a financial contribution of at least the same level as secured in the extant permission will be sought towards improved/additional bus services.

#### Underground Impact

- 3.328 The development is predicted to generate 363 two-way trips in the morning peak, 841 two-way trips in the evening peak and 1068 two-way trips in the Saturday peak. This is a slight reduction over the consented use in the morning peak, an increase of 134 two-way trips in the evening peak and 200 two-way trips in the Saturday peak. These trips will be distributed across the Central Line via Shepherd's Bush Station and White City Station and the Hammersmith & City Line via Wood Lane Station. Additional capacity will be available on the Central Line once Crossrail is operational, therefore it is expected that the additional trips generated from this and other development in the White City Opportunity Area can be incorporated within network capacity.

#### Rail Impact

- 3.329 The impact of the development on rail is predicted to be 164 two-way trips in the morning peak, 436 two-way trips in the evening peak and 560 two-way trips in the Saturday peak. This is a slight increase over the consented use in the morning peak, an increase of 77 two-way trips in the evening peak and 105 two-way trips in the Saturday peak. These trips will access the Overground network at Shepherd's Bush Rail Station.

- 3.330 The WCOAPF DIFS requires extensions to the Shepherd's Bush Rail Station platforms to facilitate eight-carriage trains serving the station and also for the reconfiguration or extension of the ticket hall and a second entrance at the north end of the station to relieve pressure on the main entry/exit. The analysis in the transport assessment for this application predicts that the impact of the proposed development would be similar to the effect of the consented scheme and therefore it would be appropriate to seek the same contribution for the proposed development as secured in the extant permission for the purpose of platform lengthening and station improvements at Shepherd's Bush Rail Station.

#### Cycling Impact

- 3.331 The development is predicted to generate 22 two-way cycle trips in the morning peak, 36 two-way trips in the evening peak and 43 two-way trips in the Saturday peak. This is a slight decrease in two-way trips compared to the consented use in the morning peak and a slight increase of two-way trips in the evening and Saturday peak. The draft Retail/Leisure and Residential Travel Plans have identified a number of measures to increase cycle mode share. Furthermore, the proposed changes to the road network of this site and adjacent sites in the White City Opportunity Area should make cycling in the area a more convenient and desirable travel choice.
- 3.332 A Cycle Environment Review System (CERS) audit has been submitted by the applicant, which concluded that all of the links and junctions assessed recorded a neutral rating, the interchanges assessed received a neutral or good rating, and all the cycle parking assessed received a neutral or good rating.
- 3.333 Detailed designs of proposed cycling infrastructure will be required to be submitted as part of reserved matters applications. A Stage 2 Road Safety Audit and the final design, layout and materials will also be required and will be secured by way of condition.
- 3.334 One of the key transport and urban design objectives (set out in OAPF the Core Strategy) would be to improve linkages with the wider area in order to overcome the physical barriers to movement throughout the area. The pedestrian and cycle bridge proposed across the West Cross Route, which is supported by the Council, RBKC, GLA and TfL, is seen as important in opening up the site to non-car modes. A clause within the s106 will seek to have this piece of infrastructure developed. Accordingly land should be safeguarded on the application site, and discussions with Network Rail, who own part of the land that would be required for implementation of the bridge, should continue. The applicant has agreed to use reasonable endeavours to assist the delivery of this bridge.

#### Pedestrian Impact

- 3.335 The development is predicted to generate 399 two-way walk trips in the morning peak, 1122 two-way trips in the evening peak and 1374 two-way trips in the Saturday peak. This is a slight decrease in two-way trips compared to the consented use in the morning peak and an increase of 71 two-way trips in the evening peak and an increase of 113 two-way trips in the Saturday peak. The



draft Retail/Leisure and Residential Travel Plans have also identified a number of measures to increase walk mode share.

- 3.336 A Pedestrian Environment Review System (PERS) audit has been carried out by the applicant for the main pedestrian routes surrounding the site. The majority of the links in the study area perform well, with 25 of the links rated as 'good', 12 rated as 'average' and none rated as 'poor'. The majority of the crossings in the study area also perform well, with 47 rated as 'good', 4 rated as 'average' and none rated as 'poor'.
- 3.337 A Pedestrian Comfort Level (PCL) assessment has been carried out by the applicant for the site and the main pedestrian routes surrounding the site. The PCL footway links assessment demonstrates that no link assessed will change from an acceptable comfort level to an unacceptable level, as set out in the PCL Guidance. The PCL pedestrian crossing assessment demonstrates that only one crossing, (Wood Lane/Uxbridge Road - North), will change from a recommended level to a level of increasing discomfort, and this is only in one area, 'spaces for people to pass'. No other crossings changed from an acceptable level to an unacceptable level, as set out in the PCL Guidance.
- 3.338 The proposed development will provide new pedestrian routes through the site, from north to south and east to west. It will also provide pedestrians with a traffic free route across Ariel Way at podium level, connecting the site with the existing shopping centre, Shepherd's Bush Metropolitan Town Centre, and the remainder of the White City Opportunity Area.
- 3.339 A s106 obligation will be placed on any consent requiring 24/7 access through parts of the shopping centre extension in order to ensure the proposed east-west pedestrian route at podium level can continue to be used at night. Pedestrian facilities and access along Ariel Way under the podium level should be provided. Although it is accepted that the majority of pedestrians will choose to walk at podium level some travelling through the area, and in particular residents of the proposed residential units in the north-east corner of the site, may see Ariel Way as a more direct route. As such, although it would not need to cater for significant levels of demand, a continuous pedestrian route along Ariel Way should be provided. There are ongoing discussions between the applicant, TfL and the landowner to the north of the site in relation to the opening up of arches within the Hammersmith and City line viaduct.
- 3.340 Funding towards pedestrian improvements in the WCOAPF can be secured from the s106 contribution. Some of this could be required to fund the pedestrian and cycle bridge proposed across the West Cross Route which the applicant has committed to provide reasonable endeavours to assist the approval/delivery process in the s106.

#### Taxis

- 3.341 The proposed development is predicted to result in an additional taxi demand of 1 movement in the morning peak, 9 taxi movements in the evening peak, and 13 taxi movements in the Saturday peak.

3.342 A taxi/valet parking area is proposed off Ariel Way, on the northern side between the access to the White City Bus Station and the proposed entrance to the retail/leisure car park. The assumptions that have been modelled in terms of the taxi/valet parking area are considered robust. In addition, the Sensitivity Test, which assumes a 30% increase in all trips, demonstrates the taxi/valet area operates satisfactorily and can cater for an exceptional increase in demand. The taxi/valet parking area should be able to accommodate a minimum of 8 taxis and also provide a drop off bay for private hire vehicles. The detailed design will be brought forward at the reserved matters stage and secured via condition on this application.

#### Parking Impact

3.343 All residential dwellings will be subject to a s106 agreement which prohibits residents acquiring an on-street car parking permit. The car free agreements will ensure that following the habitation of the dwellings, on-street parking stress should not be detrimentally affected.

3.344 The car parking analysis undertaken by the applicant demonstrates that overall parking demand at the shopping centre will increase as a result of the proposed extension. The additional car trips to and from the proposed extension will increase demand, but also of significance is the increased length of stay of existing customers. Dwell time in the car park will increase, reducing the turnover of spaces within the car park, and therefore reducing the effective capacity of the car park.

3.345 The capacity of the existing car park will be capped at 2,992 except for peak periods, where this could be increased to 3,992. The capacity of the new retail/leisure car parks will be managed in a similar way to the existing car park, with parking capacity reduced outside of peak periods. The new retail/leisure car parks will have a capacity of 1,328 spaces during peak periods, reducing to 1,108 spaces outside of peak periods. The total retail/leisure car parking provision will be capped at 4,100 except for peak periods, where this could be increased to 5,320.

3.346 The predicted peak accumulation on a non-peak period day is 3,024, which equates to an occupancy rate of 74%, based on a capacity of 4,100 car parking spaces. The predicted peak accumulation on peak period day is 5,446, which equates to an occupancy rate of 102%, based on a capacity of 5,320 car parking spaces. On a non-peak period day the proposed level of parking provision will be able to accommodate the predicted level of parking demand, demonstrating it will have the required flexibility to accommodate any variations in demand. On a peak period day, restricting the level of parking provision to 5,320 spaces, will constrain supply below the predicted level of demand. A consequence of this would be that people adapt their behaviour to their environment, which would lead to a further shift towards sustainable modes of transport, particularly because of the excellent public transport accessibility of this location and the further improvements proposed and funded by developments in the White City Opportunity Area.

3.347 Due to the excellent public transport accessibility and the level of parking proposed, it is expected that there will be minimal spill of vehicles into the

surrounding area. The site is within CPZ O, which operates restricted parking Monday to Saturday 9:00am - 5:00pm. To mitigate against any impact that may arise, the applicant will be expected to fund a review of CPZs O, G & CC following occupation of the whole development, and any changes proposed resulting from this.

- 3.348 A detailed design of the proposed car park will be required via a recommended condition. The design should be consistent with Council's Access for All Supplementary Planning Document and Institution of Structural Engineers Design recommendations for multi-storey and underground car parks (Fourth edition) March 2011. Furthermore, the detailed design will need to show tracking to indicate that all parking spaces are easily accessible and that access throughout the car park is easily achieved.

#### Servicing

- 3.349 Two new retail/leisure service yards are proposed. The first will be provided below the northern section of the retail/leisure extension (Block A). Access to this service yard will be from Ariel Way, via a priority junction. The second will be provided below the southern section of the retail/leisure extension, adjacent to the existing shopping centre and accessed via the access road to White City Bus Station and the existing service yard.
- 3.350 The residential service area will be located close to Block C (the eastern most residential block), and accessed via the access road to the residential car park.
- 3.351 The applicant has provided swept path analyses of the proposed service yard arrangements, which are satisfactory.
- 3.352 Block A and Block B contain the retail elements of the proposed development. The retail element of Block A is located at podium level above Ariel Way and is an extension of the existing shopping centre. The retail element of Block B is also at podium level east of Block A and north Ariel Way/Ariel Walk.
- 3.353 The new retail elements in Block A will be accessible from two of the service yards in the existing Westfield London centre, the western service yard adjacent to the bus station and the north eastern service yard under Marks and Spencer. The applicant states that there is spare capacity within the existing service yards to accommodate the additional retail servicing requirements of Block A.
- 3.354 The new service yard on the ground floor level of Block B will accommodate all the deliveries associated with Block B and will also supplement the existing service yards in accommodating deliveries to some of the retail element of Block A. A service route from this new service yard to the core at the northwest corner of Block A will be provided to allow delivery access to the western half of Block A.
- 3.355 It is considered that the combination of the existing and additional service yards will provide the appropriate quantum of delivery bays to accommodate the deliveries associated with the retail element of the development.
- 3.356 A framework Delivery and Servicing Plan has been submitted. This will need to be expanded and finalised for the proposed development for thorough

assessment at the reserved matters stage and is secured via a recommended condition and/or s106. This is to include details of how each building will be serviced (including levels, vehicles, size, procedures, location etc.).

- 3.357 A Waste Management Plan will be provided at the reserved matters stage and is secured via a recommended condition. The applicant must provide for refuse and recycling, consistent with the requirements for storage of refuse and recyclables in the Planning Guidance Supplementary Planning Document.

#### Construction Traffic

- 3.358 A framework Construction Logistics Management Plan (CLMP) has been submitted with the transport assessment. A full Construction Logistics Management Plan (CLMP) is to be secured via recommended condition. The CLMP will seek to minimise the impact of construction traffic on nearby roads and restrict construction trips to off peak hours only.
- 3.359 A separate enabling works application has been submitted by the applicant. The description of this application is *'....demolition of existing buildings and associated structures, the closure and temporary diversion of highways, construction of temporary highways, excavation and construction of a tunnel to support structures to connect to the existing Westfield London Shopping Centre basement, utilities diversions and other associated works.'*
- 3.360 The proposed enabling works will last for approximately 12 months and they will be phased to help minimise disruption to the transport networks. Throughout the enabling works an east-west pedestrian and cycle route will be maintained between West Cross Route and Wood Lane, and the only disruption to public transport services will be the routing of buses between White City Bus Station and Shepherds Bus Station, which will be mitigated and managed appropriately.

#### Travel Plan

- 3.361 Draft Retail/Leisure and Residential Travel Plans have been submitted alongside the transport assessment.
- 3.362 The proposed interim targets are considered to be satisfactory, however should be subject to review following the completion of the initial monitoring surveys, which will be undertaken within three months of occupation.
- 3.363 If the travel plan targets are not being achieved, it will be the responsibility of the Travel Plan Coordinators (TPCs) to consult and agree with the Council appropriate remedial measures to ensure that future targets can be achieved.
- 3.364 The proposed marketing and promotion of the travel plans to the various users is considered acceptable. Furthermore, the applicant has committed to funding the implementation of the travel plans and the promotion of sustainable travel measures. The travel plans will be secured via the s106 agreement.
- 3.365 A draft framework updated retail travel plan and draft residential travel plan have been submitted alongside the TA, which is considered to be acceptable in principle. However, Officers are mindful that the obligations placed on the first

Westfield travel plan were not fully met. Therefore, it is suggested that both travel plans are revised to include a high level commitment and a realistic and appropriate mechanism for delivery and review.

- 3.366 In summary, the overall traffic impact of the proposed development across all three peak periods (weekday am, weekday pm and Saturday), including in the Sensitivity Test, is generally, in accordance with what was allowed for to/from this zone under Scenario B as defined by the White City Opportunity Area Planning Framework. Scenario B is considered acceptable in terms of traffic impact, subject to appropriate mitigation measures. A planning obligation will require detailed traffic modelling and car parking management strategies post consent to ensure that the instances where the impacts exceed those outlined in Scenario B can be minimised. It therefore follows that the proposed development is acceptable. Acceptable provision will be made for cycle parking, subject to future reviews which would increase capacity as required. The level of car parking is considered to be acceptable subject to the provisions of the s106 agreement that require a car park management plan (for the retail component) and would be in accordance with the standards set by the Development Plan. The proposed development would enhance pedestrian linkages to the north-south and west-east of the site and represent a significant benefit to the wider White City Opportunity Area. The site is highly accessible and is well served by public transport. Any impacts arising from the development will be mitigated by conditions and s106 provision to contribute towards sustainable transport infrastructure measures within the White City Opportunity Area and prevent undue increase in on-street parking pressures in surrounding roads. In addition, a car park management, servicing, road safety and travel planning initiatives would be implemented in and around the site to mitigate against potential issues. The proposed development is therefore considered acceptable in accordance with policies 6.1, 6.3, 6.9, 6.10, 6.11, 6.13, of the London Plan (2011) (including 2013 alterations), policy T1 of the Core Strategy (2011) and policies DM J1, DM J2, DM J3, DM J4 and DM J5 of the Development Management Local Plan (2013).

### **Archaeology**

- 3.367 In consideration of the archaeological impacts of the development, the ES has had regard to The National Planning Policy Framework (NPPF), The London Plan (2011) (with 2013 amendments) policy 7.18 "Heritage Assets and Archaeology"; Core Strategy (2011) Policy BE1 "Built Environment" and Development Management Local Plan (2013) policy DM G7 "Heritage and Conservation". A full consideration of these policies is set out in the relevant Archaeological Assessment included in the ES as well as the Historic Environment Statement.
- 3.368 The Archaeology section of the ES sets out the assessment of the potential impacts and likely effects of the proposed development on buried heritage (archaeological) assets within or immediately around the site. The assessment was carried out in accordance with the standards specified by the Institute for Archaeologists, Department of Communities and Local Government, English Heritage and the Greater London Archaeological Advisory Service.



- 3.369 The site contains no nationally designated (protected) heritage assets, such as scheduled monuments. In addition, the site does not lie within an Archaeological Priority Area as defined by the LBHF.
- 3.370 Any archaeological remains within the site are likely to be fragmentary due to past land use, in particular brick earth extraction, and development from the late 19th onwards which will have caused widespread and localised truncation. The main archaeological potential is for building and evidence of activity of later post-medieval date, which is considered to be of low to medium significance. No heritage assets of very high significance are anticipated that might merit permanent preservation on the site.
- 3.371 The potential impact of the proposed development on any archaeological remains that may be within the site would be from substructure works, including the construction of the extensive basement area, piling and ground works. Such works have the potential to remove any surviving archaeological deposits on the site.
- 3.372 The likely environmental effects of the proposed development on any assets would be mitigated by a suitable programme of archaeological investigation to form preservation by record secured as part of a planning condition. In addition, a watching brief would be maintained during geotechnical and site investigation works.
- 3.373 The archaeological arm of English Heritage, the Greater London Archaeological Advisory Service (GLAAS) are satisfied with the information submitted in support of the application and recommend approval subject to condition. The condition will require that the applicant secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation, in order to more fully characterise the underlying topography and to determine the potential for archaeological and historic remains to be present. Accordingly, officers would thereby recommend that these works be secured by means of a planning condition which has been included within the accompanying Enabling Works application (ref: 2013/05350/FUL). The development subject to this application could not be commenced without the Enabling Works being implemented first. As such, there is certainty that all necessary relevant archaeological investigative work will be carried out without the need to attach the condition to the main application.

### **Ground Conditions**

- 3.374 Given the site's industrial history, potentially contaminative land uses are understood to have taken place on-site (past and present) and in the surrounding area. In order to ensure that no unacceptable risks are caused to humans, controlled waters and the wider environment. A separate application (ref: 2013/05350/FUL) has been submitted for the enabling works including demolition and ground works. That application, in the event consent is granted, would contain conditions relating to ground contamination and remediation. There would be two relevant conditions placed on this outline consent which relate to post investigation and remediation works.

- 3.375 Given that the development programme extends over a period of many years, it is considered necessary to add a further condition which requires the submission of an onward long-term monitoring methodology report. This on-going monitoring report would verify the results of any remediation work undertaken within each phase of the development.
- 3.376 This is in accordance with policy 5.21 of The London Plan (2011) (with 2013 amendments), policy CC4 of the Core Strategy (2011), and policy DM H7 of the Development Management Local Plan (2013).

### **Flood Risk**

- 3.377 The Water Resources, Hydrology and Flood Risk chapter of the ES considers the potential impacts and likely effects of the proposed development on water quality and hydrology in the study area (defined as that within a 1km radius of the site).
- 3.378 In terms of National Planning Policy on flood risk the NPPF essentially reflects only minor changes in comparison with previous guidance (PPS25) on flooding. The NPPF states that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test.
- 3.379 The London Plan (2011) (with 2013 Alterations) includes the following water-related policies: Policy 5.3 “Sustainable Design and Construction”, 5.11 “Green Roofs and Development Site Environs”, 5.12 “Flood Risk Management”, 5.13 “Sustainable Drainage”, 5.14 “Water Quality and Sewerage Infrastructure”, and Policy 5.15 “Water Use and Supplies”. The Mayor’s Sustainable Design and Construction Supplementary Planning Guidance (2006) and (Consultation Draft 2013) provides additional information to support the implementation of the London Plan including sections on water and water pollution and flooding.
- 3.380 Local planning policy includes Core Strategy (2011) policy CC2 “Water and Flooding” states that the Council will expect all development to minimise current and future flood risk and the adverse effects of flooding on people. Policy CC4 “Protecting and Enhancing Environmental Quality” states that “The council will support measures to protect and enhance the environmental quality of the borough including harmful emissions to...water”.
- 3.381 Development Management Local Plan (2013) policy DM H3 “Reducing Water Use and the Risk of Flooding” and DM H4 “Water Quality”. The policy states that all new build development application shall be supported by a Flood Risk Assessment (FRA) and all development in the borough will be required to incorporate Sustainable Drainage Systems (SUDS). Developments are expected to achieve at least 50% attenuation and where possible 100% attenuation.
- 3.382 Other documents such as the White City Opportunity Area Planning Framework (WCOAPF) (2013), Planning Guidance Supplementary Planning Document (SPD) (2013) and the Kensington and Chelsea, Hammersmith and Fulham

Strategic Flood Risk Assessment (2008) also provide guidance in respect to water and flood risk.

- 3.383 The ES includes an assessment of water resources and flood risk including a review of baseline information, a Flood Risk Assessment (FRA), Local Topography and a Preliminary Risk Assessment. The assessment also considered the possible effects on water quality and hydrology likely to arise during development works (demolition and construction) and once the proposed development is complete.
- 3.384 The proposed development is located in Flood Zone 1 which means the site is at low risk of fluvial and tidal flooding. In addition, the ground water flooding has not been identified as being of concern to the development or surrounding area.
- 3.385 The applicant has committed to meeting the same level of attenuation as achieved under the 2012 consent, a reduction of the runoff rate by 73%. The applicant is encouraged to investigate options at detailed design stage to further increase the reduction in runoff to achieve the WCOAPF aspirations of 100% attenuation. This will be included as an informative and followed up as part of the reserved matters applications.
- 3.386 The Environment Agency initially raised an objection to the scheme on the basis that the FRA Drainage Strategy did not adequately demonstrate that the storage volume required to attenuate surface water run-off from the critical 1 in 100 change in any year storm event could be provided, factoring in allowance for climate change. A revised Drainage Strategy was subsequently submitted. The Environment Agency have confirmed that they are satisfied with the updated documentation and have withdrawn their objection. Notwithstanding this, a condition is recommended seeking full details of measures to reduce surface water to a maximum 614L/s. Additional surface runoff would be mitigated through Sustainable Urban Drainage Systems (SuDs) to reduce peak discharge level. The LPA will also secure the full details of the SuDs and other attenuation methods (such as green and brown roofs) as planning conditions, in order to ensure control over the level of surface water discharge, in line with Environment Agency guidance.
- 3.387 In terms of accessibility of the development to water infrastructure, Thames Water have requested that a full drainage strategy be submitted to the local authority for approval in addition to conditions requiring a piling method statement and drainage systems. These items are covered by a number of recommended conditions.
- 3.388 Subject to the above planning conditions the development would comply with Policies 5.11, 5.12, 5.13, 5.14 and 5.15 of the London Plan (2011) (with 2013 Alterations), policies CC2 and CC4 of the Core Strategy (2011) and Development Management Local Plan (2013) policy H2 and H4 with regards to flood risk, surface water drainage, drainage and water infrastructure.

### **Noise and Vibration**

- 3.389 The Environmental Statement (ES) Chapter 11 presents an assessment of the likely significant impacts of the proposed development with respect to noise and

vibration on surrounding properties, during construction and during the operation/occupation of the proposed development

- 3.390 National legislation and policy includes the Control of Pollution Act, 1974 and the Noise Policy Statement for England 2010. The NPPF replaces the previous PPG24, and states that “the planning system should contribute to and enhance the natural and local environment by: preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability”. The policy goes on to state that “Planning policies and decisions should aim to: avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
- 3.391 The London Plan (2011) (with 2013 alterations) policy 7.15 “Reducing Noise and enhancing Soundscapes” aims to minimise noise in the city by minimising the existing and potential adverse impacts of noise on, from, within, or in the vicinity of proposed developments and separating new noise sensitive development from major noise sources wherever practicable.
- 3.392 Local planning policy includes the Core Strategy (2011) policy CC4 “Protecting and Enhancing Environmental Quality” and Development Management Local Plan (2013) policy DM H9 “Noise and Vibration Sensitive Development”.
- 3.393 The assessment was based on a series of environmental noise measurements undertaken at the Site, predicted traffic flows, noise modelling and noise predictions carried out to identify any noise impacts that are likely as a result of the construction and operation of the Proposed Development. The locations and methodologies were agreed in principle with LBHF’s Environmental Health Department.
- 3.394 Across the site the existing noise environment is dominated by a number of different sources including:
- Road traffic on the surrounding road network;
  - Train movements on the London Underground lines to the west and north of the Proposed Development site and Overground lines to the east;
  - Aircraft associated with Heathrow Airport;
  - Breakout of noise from the existing Westfield Shopping Centre; and
  - Mechanical service plant on nearby buildings.
- 3.395 Depending on location around the site, the ES noted that the existing average noise levels during the day range from 55-97.6dB and between 40.8-90.1dB at night time.
- 3.396 Noise levels from the demolition and construction of the Proposed Development were predicted at noise-sensitive properties in the vicinity of the Site and on-site and the impact of the noise assessed. Given the busy urban setting of the site and close proximity to busy road sources, 75dB LAeq, T has been selected as the target criteria to control the impact of noise during construction.

- 3.397 During construction, the ES recommends that a number of mitigation measures are proposed including effective co-ordination of construction operations and early communications with surrounding and on-site receptors. The ES recommends that all works carried out are in accordance with Best Practice Means as stipulated in the Control of Pollution Act 1974 and BS5228. A full explanation of proposed measures would be incorporated into a Construction Environmental Management Plan (CEMP) as recommended by the ES. The submission and approval of the CEMP would be required by condition. Furthermore, noise monitoring would be carried out during any particularly noisy phases of work close to the site boundary. These measures would be included in the CEMP.
- 3.398 With the proposed mitigation measures incorporated into the demolition and construction design process, noise levels are predicted to remain comfortably within the maximum target noise levels (75 dB) set for all works and receptor locations resulting in no identified need for additional mitigation and a residual effect of temporary Negligible to Minor Adverse. It is also noted in the ES that no construction works are planned outside of the hours of 0800 to 1800 Monday to Friday and 0800 to 1300 Saturdays, resulting in the majority of works being undertaken during periods of the week when dwellings are more likely to be unoccupied, thus minimising the magnitude and degree of impact.
- 3.399 Given the distance between the site and the nearest sensitive receptors the ES concludes that there is a very low potential for perceptible levels of vibration at receptor locations, during piling operations, resulting in no identified need for mitigation and a residual effect of temporary Negligible. The likelihood of vibration resulting in cosmetic building damage would require levels of vibration in excess of vibration levels that may result in complaints. Consequently, the likelihood of cosmetic building damage due to piling vibration is of negligible significance. However, localised vibration monitoring will be undertaken during the early stages of any excavating or piling activities carried out close to the site boundary, such that the situation can be additively managed in accordance with the CEMP.
- 3.400 Given the levels of existing traffic on the existing roads surrounding the Site, the ES forecasts that the level of additional traffic during the demolition and construction works would present no discernable effect and would be absorbed within the typical periodic variations in HGV traffic along adjacent routes, with No Effect at off-site receptors.
- 3.401 The impact of background noise on the Proposed Development have been based on the worst case Future 2031 Baseline with Proposed Development and Cumulative Development scenario traffic flows and the recorded results of the noise measurement survey undertaken, in order to robustly ensure that a level of façade treatment is provided that future-proofs occupants of the Proposed Development from the likely future levels of noise.
- 3.402 In the context of the now repealed, but still referenced PPG24, the ES confirms that the predicted noise levels at discrete, worst affected areas within the Proposed Development facades would fall within noise exposure category D. The locations where these readings were taken are closest to the railway and West Cross Route. The majority of the development is primarily within noise



exposure categories C and B. The ES suggests that these noise levels are not unexpectedly high for an inner-urban site. Accordingly, the ES recommends that standard thermal double glazing could be used along all facades with the exception of those identified as requiring higher acoustic performance. It is recommended that a condition requiring, details for possible façade treatments, which when implemented, will ensure internal noise levels within the criteria achieve a minimum “good” rating within BS8233, be submitted at the reserved matters stage. At the lower levels, adjacent to the eastern boundary, a 3.8m high wall is proposed in order to screen this area from the railway line and West Cross Route beyond. The ES reports that this would result in a residual effect of Negligible significance.

- 3.403 In relation to the private amenity spaces to be provided on site, private balcony spaces in identified high noise areas could be used as winter gardens or as open balconies in order to meet the target noise levels in these spaces. The ES concludes that this would result in Negligible to Minor Adverse effects.
- 3.404 Communal amenity spaces are proposed at the plinth levels of Plots C and D, as well as at ground level at White City Green. The target noise level for amenity space is expected to be achieved at Plot C and within the majority of the White City Green amenity area, resulting in negligible effect. The target noise level would be marginally exceeded at Plot D, resulting in a Minor Adverse effect. However, as neither of these spaces are designated as private amenity spaces, the overall impact is reduced to Negligible. An imperceptible exceedance of the target noise level is predicted at the eastern end of the White City Green amenity area. Therefore, the ES recommends no further mitigation measures are considered necessary to control noise in this area.
- 3.405 In relation to mechanical plant the ES sets out target noise criteria for all static and building services plant. LBHF dictates that items of building services plant associated with all new developments will be designed to give a cumulative noise rating level of 10dB below the current prevailing background noise level at a distance of 1m from the nearest residential facades. Providing that the rating noise levels from the building services plant do not exceed the stated noise criteria, which would be secured by way of planning conditions, the impact of noise from such sources is predicted to have no significant adverse impact on existing and future sensitive receptors, resulting in a Negligible effect.
- 3.406 The ES concludes that through the use of appropriate design measures such as glazing specifications and façade insulation design, ambient noise affecting the proposed residential areas will be controlled to ensure that the site is suitable for the proposed use. Late night deliveries and operation from the proposed commercial and retail premises will be controlled via conditions setting out hours of operation and a Servicing and Deliveries Management Plan to ensure that there would be no undue disturbances to adjacent residential occupiers within the development. With such mitigation measures in place, it is considered that the noise impacts from the commercial/retail uses and operations upon the closest residential units proposed in the development would be satisfactorily addressed, in accordance with the ES conclusions.
- 3.407 In summary, the ES reports that except for the short term adverse impacts during construction and demolition phase, the development would create negligible

impacts upon existing sensitive receptors, in terms of noise and vibration subject to the implementation of appropriate mitigation measures.

## **Air Quality**

- 3.408 The Environmental Statement (ES) Chapter 10: Air Quality, provides an assessment of the potential impacts on local air quality from dust generation during demolition and construction works and from road traffic during both the demolition and construction works and operational phase of the proposed development. In addition, air emissions associated with the heating and power plant (i.e. boiler emissions) attributed to the proposed development once operational are considered in isolation and in combination with the road traffic emissions attributable to the proposed development.
- 3.409 In terms of planning policy, the NPPF requires the planning system to prevent development from contributing to, or bring unacceptable risk from elevated levels of air pollution. The London Plan (2011) (with 2013 alterations) policy 7.14 “Improving Air Quality” states that development proposals should “minimise increased exposure to existing poor air quality and make provision to address local problems of air quality (particularly in the Air Quality Management Areas (AQMAs). Development should also promote sustainable design and construction to reduce emissions from demolition and construction.
- 3.410 The Core Strategy (2011) policy CC4 “Protection and Enhancing Environmental Quality” states that “the Council will support measures to protect and enhance the environmental quality of the borough including harmful emissions to land, air and water and the remediation of contaminated land. Policy DM H8 “Air Quality” of the Development Management Local Plan (2013) supports the Core Strategy policy stating that: “The Council will seek to reduce the potential adverse air quality impacts of new major development by: requiring all major developments to provide air quality assessment; requiring mitigation measures to be implemented to reduce emissions, particularly nitrogen oxides and small particles, where assessments show that developments could cause a significant worsening of local air quality; requiring mitigation measures that reduce exposure to acceptable levels where developments are proposed that could result in the occupants being particularly affected by poor air quality”.
- 3.411 The ES impact assessment focuses on two pollutants, namely, nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub>) as these pollutants have known or suspected deleterious effects upon human health, and because historically, relatively high concentrations have been recorded within and downwind of urban areas.
- 3.412 The entirety of LBHF was designated an Air Quality Management Area (AQMA) in 2000, due to exceedences of the nitrogen dioxide and particulate matter objectives. The ES confirms that background nitrogen dioxide concentrations are typical of urban centre concentrations in the LBHF. The Proposed Development is located within the AQMA and would result in the introduction of new residential exposure and an increase in pollutant concentrations. On completion of the proposed development, the ES concludes that the air quality impacts that would arise, would be due to the increase in vehicle movements along the adjacent road network and from emissions associated with CHPs within the energy centre. This is discussed in greater detail below.

- 3.413 During construction and demolition works, the ES confirms that there is the potential for emissions of dust arising from the Site that could result in loss of amenity impacts at nearby properties. Typically, impacts are restricted to within 100 m of the Site boundary. The nearest sensitive receptors are residential and open space located to the east and west. These properties would be susceptible to temporary dust impacts during demolition and construction works. Additionally, as the Development would be built in phases, residential properties built in the earlier phases of the Development would be sensitive to temporary impacts during the construction of the latter phases.
- 3.414 Based on criteria set out in the IAQM, the construction works would result in adverse dust and air quality impacts in the absence of appropriate mitigation. With the implementation of suitable mitigation measures, which would be set out within the Site's CEMP and Construction Method Statements to be agreed with LBHF, it is anticipated that dust and air quality effects could be mitigated to temporary Slight Adverse effects during the construction phase with Negligible effects from all other construction activity. Conditions are recommended accordingly.
- 3.415 The ES predictive modelling indicates that the Proposed Development once it is operational, would have a Negligible effect on pollutant concentrations at off-site receptors (this is based on the significance criteria set out in EPUK planning and air quality guidance). At on-site ground level receptors the air quality effect of the Proposed operational Development is predicted to be Slight Adverse at the majority of receptor locations. As such, it is recommended that a range of planning conditions are imposed which require the detailed design of the development to mitigate the impacts and that would improve the air quality levels at the most affected locations.
- 3.416 At the majority of receptor locations air quality is predicted to meet the air quality objectives and a slight exceedence of the annual mean NO<sub>2</sub> objective is predicted at three on-site receptor locations. The contour maps provided in the ES paint a more detailed picture and show that a large proportion of the site will exceed the Government's air quality annual mean objective for NO<sub>2</sub>. Therefore in accordance with the London Council's air quality guidance and Policy DM H8 of the Development Management Local Plan (2013), mitigation measures will be required on site to reduce emissions and to reduce the exposure of future residents and site users to poor air quality. A low emissions strategy is recommended to ensure that the above objective of reducing exposure to poor air quality can be achieved throughout the implementation of the development. This can be secured by way of a planning Condition which is recommended accordingly.
- 3.417 There are aspects of the ES modelling that require clarification, specifically with regards to the dispersion modelling of the energy centre stack emissions and the concentrations of NO<sub>2</sub> that will be experienced at the different heights of the Proposed Development. Predicted concentrations of NO<sub>2</sub>, based on emissions from the chosen CHP plant need to be calculated for different heights to ensure that any balconies or roof terraces/gardens near the energy centre stack are safe for residents to use. This needs to be done before the detailed design stage of

the development to allow for any design changes to be made. Conditions are recommended accordingly.

- 3.418 An Air Quality Neutral assessment (carried out in line with the latest Draft Sustainable Design and Construction SPD issued by the GLA), has indicated that the Proposed Development would comfortably meet the transport emissions benchmark for NO<sub>x</sub> and PM<sub>10</sub>, but would exceed the building emissions benchmark for NO<sub>x</sub> due to emissions from the CHP. The choice of CHP is currently provisional and further assessment of the impact from the chosen CHP plant will be required before any detailed designs of the development are submitted. During the detailed design and selection phase, the Applicant would aspire to reduce emissions further. Such a commitment would be secured by way of a planning condition which requires the applicant to submit a low emission strategy, alongside the other detailed design conditions.

### **Wind/ Microclimate**

- 3.419 The London Plan (2011) (including 2013 alterations) policy 7.6 requires that new development does not cause unacceptable harm to the amenity of surrounding land and buildings, including through microclimate impacts. Policy 7.7 requires that the area surrounding tall buildings is not detrimentally affected in terms of microclimate and wind turbulence.
- 3.420 The application is supported by a detailed assessment of the resulting wind microclimate as part of the ES. Meteorological data for the site indicates that the prevailing wind direction through the year is from the south-west quadrant. There is a secondary prevailing wind from the north-east during the spring.
- 3.421 The assessment used the Lawson Comfort Criteria. Given the outline nature of the application and absence of detailed layout and landscaping information, a robust assessment was undertaken in the ES with no landscaping or mitigation measures included providing a worst case scenario outcome.
- 2.422 During the windiest season, the predicted wind conditions within and around the completed development at ground level would be suitable for sitting, standing/entrance use and leisure walking. Consequently, all public thoroughfares within and around the site would be suitable for their desired use.
- 2.423 The majority of entrances would be suitable for standing/entrance use during the windiest season. One entrance to the retail mall from Relay Square (along the western façade of plot A) would be one category windier than desired, i.e. minor adverse effect. The Design Codes include a commitment to ensure there would be localised screening or recessing of entrances where necessary.
- 3.424 Most the external amenity areas within the site at ground, plinth and roof level would be suitable for sitting during the summer season. The northern end of Silver Street, the central part of Ariel Square and the central courtyard of plot C, where pedestrian may sit for longer periods of time, would be one category windier than desired i.e. minor adverse effect. This could be mitigated by localised screening and soft planting to be brought forward at the reserved matters stage but secured through a condition of consent.

- 3.425 Therefore with suitable mitigation measures in place, conditions at all locations around the site are expected to be suitable for their desired pedestrian usage and therefore are considered to be of a negligible effect.
- 3.426 The detailed design of elevations including provision of balconies will also come forward at the detailed design phase. Further assessment of the impact of wind/microclimate on these facades will be required at that time and will be secured via a condition of consent.
- 3.427 The proposals are considered to be compliant with London Plan policies regarding wind as there will be no adverse impact on the wind microclimate as a result of the proposed development.

## **Waste**

- 3.428 The NPPF does not contain specific waste policies as these are contained within the National Waste Management Plan (WMP) for England, published 12 December 2013. Policy 5.16 of the London Plan (2011) (including 2013 alterations) states that the Mayor will aim to achieve a zero biodegradable or recyclable waste to landfill by 2031 by minimising waste and encouraging the reuse of (and reduction in) the use of materials and waste.
- 3.429 The Core Strategy (2011) policy CC3, Development Management Local Plan Policy DM H5 and SPD Sustainability Policies 3, 4, 7, 8, 9 and 10 sets out the Councils Waste Management guidance, requiring development to incorporate suitable facilities for the storage and collection of segregated waste. The WCOAPF (2013) requires that the redevelopment of the OA must deliver sustainable waste collection and management systems taking into account industry best practice.
- 3.430 The application is supported by a detailed assessment identifying site waste generation during demolition, construction and operation.
- 3.431 During demolition and construction phases waste will be recycled and re-used where feasible. It is anticipated that the demolition and excavation of existing buildings at the site would result in 172,819m<sup>3</sup> of excavation waste and 890 tonnes of steel reinforcement, frame and metals. Of the 11,438m<sup>3</sup> of concrete elements, approximately 7500m<sup>3</sup> will be reused on site. The construction phase of the proposed development is likely to result in an additional 31,591m<sup>3</sup> of waste. Therefore, based upon the 98 month construction period (after an initial 10 months of enabling period) an average of 322m<sup>3</sup> of waste would be generated per month. A recommended condition requiring the submission and approval of a construction environmental management plan (CEMP) will ensure waste streams during construction are managed appropriately and opportunities for waste minimisation, reuse and recycling are maximised.
- 3.432 The proposed development, once operational, could produce up to 1521m<sup>3</sup> of waste per week from all sources (residential, shopping centre, office, restaurant, entertainment and leisure). A recommended condition will require full details of waste and recycling facility provision, location and collection.



- 3.433 The proposed arrangements are considered acceptable and in accordance with Policy 5.16 of the London Plan, Core Strategy Policy CC3, DM LP Policy DM H5 and relevant SPD policies.

### **Ecology/ Biodiversity**

- 3.434 The London Plan (2011) (including 2013 alterations) policy 7.19 seeks the enhancement of London wide biodiversity and states that development proposals, where possible, should make a positive contribution to the protection, enhancement, creation and management of biodiversity. Core Strategy (2011) Policy OS1 states that the Council's objective to protect and enhance biodiversity in the Borough. Policy DM E1 of the DM Local Plan (2013) sets out the objective the enhance existing open space and Policy DM E3 of the DM DPD requires developments to protect and enhance the nature conservation interests. Key SPD Sustainability Policies also provide guidance in relation to ecology and biodiversity.
- 3.435 The site being in light industrial use and covered predominantly by buildings and hardstanding provides very little natural or semi-natural habitat. There are no parts of the site that are designated for their nature conservation value. The proposed development, which is to include a large variety of trees and shrub species, extensive areas of green space including green and brown roofs, and landscaping, will establish significantly greater landscaped and potential habitat areas thus resulting in a vastly greater ecological value than the existing site and therefore result in a permanent significant beneficial impact on species and habitat at site level. The landscaping is proposed to comprise predominantly native species or species of known benefit to wildlife. The exact specifications will be secured through a condition requiring the submission of detailed landscape plans.
- 3.436 Overall, it is considered that the proposed development would enhance the ecological value of the site in compliance with London Plan policy 7.19, Core Strategy policy OS1 and Development Management Local Plan policies DME1 and DME3.

### **Telecommunications**

- 3.437 The NPPF paragraph 44 states that "Local planning authorities...should ensure that: they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and telecommunications services" London Plan (2011) (including 2013 alterations) policy 7.7 states that tall buildings "...should not affect their surroundings adversely in terms...[of]...telecommunication interference".
- 3.438 Based on the technical analysis carried out and summarised within the ES it is considered unlikely that the proposed development would cause any interference to digital terrestrial television reception, digital terrestrial television services, digital satellite TV services, cabled television services, broadcast radio service, or upon activities at BBC Worldwide Stage 6, and BBC Studios and Post Production Stages 1 and 3.

3.439 Notwithstanding this conditions of consent will require details to be submitted to and approved in writing by the council showing the measures proposed to ensure that television interference which might be identified, is remediated in a satisfactory manner. On this basis, the development is deemed to be in accordance with the relevant policies with the London Plan and the NPPF.

### **Energy and Sustainability**

3.440 At the heart of the NPPF is “the presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision making”. The application proposes new residential uses alongside employment generating uses which include offices, retail, restaurant, community uses and leisure thus reducing the need to travel. The development is located within an inner location in an urban area in Central London where people can access services on foot, bicycle or public transport and do not have to rely on access by car. The development is considered to satisfy sustainable objectives of promoting the more efficient use of land, of reducing the need to travel and ensuring good access to services.

3.441 The NPPF, section 10, contains the Government’s policy on climate change. Paragraph 96 states that: “in determining planning applications, local planning authorities should expect new development to:

- Comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the application, having regard to the type of development involved and its design, that this is not feasible or viable; and
- Take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption”.

3.442 Chapter 5 of the London Plan considers climate change. Policies 5.1 and 5.2 of the London Plan focus specifically on how to mitigate climate change, and the carbon dioxide emissions reduction targets that are necessary across London to achieve this. Developments are required to make the fullest contribution to tackling climate change by minimising carbon dioxide emissions (be lean); adopting sustainable design and construction measures and prioritising decentralised energy (be clean), including renewables (be green).

3.443 Policy 5.2 requires an overall reduction in carbon emissions over minimum building regulation levels following the energy hierarchy. Policy 5.2 - development proposals to make the fullest contribution to minimising carbon dioxide emissions. This is achieved through applying the following hierarchy:

Be Lean: Use less energy.

Be Clean: Supply energy efficiently.

Be Green: Use renewable energy.

3.444 Policy 5.5 of the London Plan seeks to ensure that all Development Plan Documents (DPDs) identify and safeguard existing heating and cooling networks and maximise the opportunities for providing new networks that are supplied by decentralised energy. The Mayor and boroughs will also work to identify and

establish network opportunities to ensure delivery of networks and to maximise potential for existing development to connect to them. Decentralised energy in development proposals is addressed through policy 5.6 in the London Plan which requires all development proposals to evaluate the feasibility of Combined Heat and Power (CHP) systems.

- 3.445 London Plan Policy 5.7 further states that major developments should provide a reduction in expected carbon dioxide emissions through the use of on-site renewable energy generation, where feasible. The London Plan incorporates policy to encourage future adaptation to climate change, with paragraph 5.46 stating that 'all developments should make the fullest contribution to London's adaptation to climate change'. The following London Plan policies promote and support the most effective adaptation to climate change, including minimising overheating and contribution to heat island effects (Policy 5.9); minimising solar gain in summer (Policy 5.9); contributing to reducing flood risk including applying principles of sustainable urban drainage (Policy 5.12 (of the Revised Early Minor Alterations to the London Plan 2013) and Policy 5.13); minimising water use (Policy 5.15); and protecting and enhancing green infrastructure (Policy 5.10).
- 3.446 Policy 5.3 seeks to ensure future developments meet the highest standards of sustainable design and construction. Policy 5.10 promotes and supports urban greening and advises that development proposals should integrate green infrastructure from the beginning of the design process to contribute to urban greening.
- 3.447 The London Plan sets a target of 60% (below 1990 levels) reduction in London's carbon dioxide emissions by 2025 (Policy 5.1). Energy use in new development should be reduced by appropriate siting, design, landscaping and energy efficiencies within the building. Where possible, new development should link to existing decentralised energy systems and update these systems. Energy Assessments will be required to demonstrate the reduction in carbon emissions achieved by the proposed development. New development also needs to maximise the amount of energy generated from renewable sources, including measures to help minimise water use.
- 3.448 The Mayor's Energy Strategy also provides a framework for energy policies within the London Plan. It states that delivery involves the combined approach of: Reducing London's contribution to climate change by minimising emissions of CO<sub>2</sub> from all sectors through energy efficiency, CHP/CCHP, renewable energy and hydrogen. Helping to eliminate fuel poverty by giving Londoners, particularly the most vulnerable group's access to affordable warmth; Contributing to London's economy by increasing job opportunities, delivering sustainable energy and improving London's housing and other building stock.
- 3.449 Sustainable Design and Construction – The London Plan Supplementary Planning Guidance (2006) also provides detailed guidance and preferred standards for achieving sustainable design and construction.
- 3.450 The Core Strategy (2011) policy CC1 relates to reducing carbon emissions and resource use and adapting to climate change impacts. It requires development to make the fullest possible contribution to the mitigation of and adaption to climate change. It states that the Council will tackle climate change by: Reducing carbon

emissions from the redevelopment or reuse of buildings, by ensuring developments minimise their energy use, make use of energy from efficient sources and use renewable energy where feasible; maximising the provision of decentralised energy networks and integrating the use of renewable energy in the proposed regeneration areas; meeting London Plan targets for reducing carbon emissions from new development; promoting the efficient use of land and buildings and patterns of land use that reduce the need to travel by car; safeguarding existing heating and cooling networks in the borough; and; requiring developments to be designed and constructed to take account of the increasing risks of flooding, drought and heat waves. Policy H3 requires all housing development to be in line with the Code for Sustainable Homes.

3.451 The Development Management Local Plan (2013) also sets out the Council's approach to tackling and adapting to climate change and other environmental matters. Policy DM H1 states that the Council will require the implementation of energy conservation measures which includes implementing the London Plan sustainable policies and requiring energy assessments for all major development to demonstrate and quantify how the proposed energy efficiency measures will reduce the expected energy demand and CO2 emissions. Policy DM H2 states that the Council will require the implementation of sustainable design and construction measures to ensure new developments incorporate sustainable measures such as making the most effective use of resources such as water and aggregates, sourcing building materials sustainably, reducing pollution and waster, recycling and conserving the natural environment.

3.452 The White City Opportunity Area Planning Framework (WCOOAPF) also refers to sustainability strategies which include:

- Addressing the shortfall of electrical capacity at White City;
- Addressing energy demand through the Energy Hierarchy (Be Lean, Be Clean, Be Green) and move towards zero carbon development over the life of the plan;
- Establishing a decentralised energy network that serves new development within the OA and potentially beyond with low carbon heat;
- Designing buildings to minimise energy use with energy efficient design
- Incorporating appropriate and complimentary renewable energy sources.

3.453 A Sustainability Statement has been submitted with the application, as have Code for Sustainable Homes and BREEAM pre-assessments, outlining the expected sustainability performance of the new development.

### Energy

3.454 A detailed Energy Strategy has been submitted outlining the proposed sustainable energy measures to be integrated in the development (see below for detailed comments). These will be supported by the use of building materials with low environmental impacts where possible, use of water efficient appliances such as WCs, showers and basins, implementation of measures to reduce noise and pollution, use of sustainable drainage measures to manage surface water flows, increasing areas of open space and improving biodiversity levels, managing waste and promoting recycling. Sustainable construction practices will be used during the project by complying with the Considerate Constructors

Scheme. The Code for Sustainable Homes pre-assessment shows that the residential dwellings will meet level 4. The commercial elements of the scheme will be targeting the “Very Good” BREEAM rating.

- 3.455 It is recommended that a condition requiring that the post-construction BREEAM/CSH assessments to show compliance with the required sustainability targets be submitted to the council for approval, for each relevant phase, or part thereof.
- 3.456 However, notwithstanding the various energy efficient measures which would be incorporated, it is considered that there is scope to incorporate further design measures to increase the sustainability rating of both the housing and the commercial units. In addition to the recommended planning conditions described above, a s106 clause will require the developer to use reasonable endeavours to meet at least Code for Sustainable Homes “Level 4” and at least a BREEAM rating of “Very Good”.
- 3.457 A detailed Energy Strategy has been submitted with the application. This sets out the proposed sustainable energy and carbon reduction measures to be implemented on the site. As part of the Energy Strategy, an assessment of baseline energy use and associated CO<sub>2</sub> emissions for the new development has been calculated to show its expected performance if designed and built to comply with the minimum requirements of the 2010 Building Regulations (Part L).
- 3.458 Cudd Bentley on behalf of the applicant has considered different options for decentralised energy generation including connections to existing CCHP/CHP distribution networks, CHP powered by renewable energy and gas fired CCHP/CHP. The use of a decentralised energy centre utilising gas fired CHP would lead to an energy saving of 2,582,124 kWhr/annum (a 13.88% saving) and a carbon saving of 705 tonnes of CO<sub>2</sub> per annum (9.77%). In terms of other systems and options considered, Cudd Bentley has considered biofuel boilers, wind turbines, ground source heat pumps, solar water heating, air sources heat pumps and photo voltaic (PV) panels. It is concluded that as the use of PV panels does not conflict with the CHP solution, their use to provide some renewable energy is recommended. It is estimated that a total active area of around 1,500 sqm of PV may be achievable, resulting in a reduction in CO<sub>2</sub> emissions from the development of approximately 1.16%.
- 3.459 The proposed Energy Centre will be located in a building at ground floor level north of Ariel Way near the H junction. The roof of the centre will be used as part of the podium slab. The energy centre is proposed to serve the development, providing the primary source of heating and cooling required throughout the development (including the shopping malls, the anchor store, the leisure and community uses, the non-mall based retail units and the residential units) from a central point. The energy centre has an area of 1000 sqm and it is envisaged that it will be located within the centre of development, necessitating only relatively short pipework routes to serve the retail and residential elements.
- 3.460 It is envisaged that the plant within the energy centre will consist of the following, although the precise makeup and loads may change as the detailed design is refined:



- CHP generators;
- Top-up boilers;
- Absorption chillers;
- Electric chillers; and
- Heat rejection blast coolers.

3.461 The combination of passive energy efficiency measures, the Combined Heat and Power (CHP) plant with gas fired boilers and solar photo-voltaic arrays make up 15.96% of the carbon reduction. Although this falls short of the Mayors aspiration for a 40% CO<sub>2</sub> reduction over Building Regulations Part L 2010 (London Plan Policy 5.2 which came into effect from the 1 October 2013), the GLA have confirmed that they are satisfied with the proposals commitment to a 1000sq.m energy centre and that the confirmation of route safeguarding for pipework is welcomed. Furthermore, this being at an outline stage there are limits to how much detail on CHP sizing and potential measures to achieve further carbon reductions can be incorporated. Therefore, conditions are recommended to ensure these issues are properly addressed at the reserved matters stage.

3.462 The photo-voltaic arrays will be located on a total area measuring 1500sqm of available roofspace on all buildings. The provision of photo voltaic arrays will need to be detailed within each phase of the development. These would be acceptable subject to their number and design. Conditions are recommended to ensure the satisfactory implementation of renewable energy measures to achieve the desired CO<sub>2</sub> emissions. Officers have sought to ensure that the developer is committed to designing a CHP/Energy Centre which has the ability, in the future, to connect to a White City District Heating Network. Officers consider that it is necessary that Westfield is tied into this commitment through the Section 106 agreement.

### Sustainability

3.463 The proposed development exceeds the relevant targets and demonstrates good practice in relation to the following Mayor's essential standards:

- 100% of the development is on previously developed land (E1.1)
- The density of 176 units per hectare is within the range set out within the London Plan density matrix (E1.2)
- The development follows the principles of good design (E3.1)
- The energy strategy demonstrates that there will be a reduction in predicted carbon emissions and energy use including the use of CHP (E3.2)
- The residential element of the development has been designed to accord with the Mayors housing guidelines including Lifetime Homes Standards (E4.1)
- The design of the development has incorporated brown roofs and passive design measures that reduce the thermal loads on the building (E4.2)
- Facilities for bicycles and electric vehicles will be provided (E4.3)
- An energy demand assessment has been prepared (E5.1)
- Reduction of carbon emissions through on-site generation of renewable energy (E5.2/5.3)
- Outdoor lighting would be energy efficient minimising light lost to the sky (E5.4)
- Carbon emissions from the total energy needs (heat, cooling and power) are reduced by at least 10% by the on-site generation of renewable energy (E5.6)

- >50% of time from FSC (or a CPET) and balance from temperate sources (E6.2)
- Average water use is forecast to equal 105 litres / per person per day in line with Code for Sustainable Homes Level 4 (E7.1)
- 100% of new build properties will have a water meter (E7.2)
- Ensuring no loss of biodiversity and access to nature (E16.1)
- Reduction in areas of deficiency in access to nature (E16.2)
- A Site Waste Management Plan would be implemented during demolition and construction works (E17.1)
- A commitment has been made to specify recycled and secondary aggregate for greater than 25% (by weight or volume) of the total high-grade aggregate specified for the Proposed Development (E17.3)
- On site recycling facilities for >35% of household waste (E17.4)

3.464 In addition, the Applicant commits to investigate three further essential standards which are to be confirmed at the detailed design stage:

- Ensuring that no insulation materials would be used where they contain
- substances that contribute to stratospheric ozone depletion or have Global Warming Potential (E6.4)
- A commitment to minimise the use of new aggregates (E6.7)
- To investigate the availability of low NOx CHP generators (E9.1).

3.465 The proposed development exceeds the relevant targets and demonstrates that good practice in relation to the following Mayor's preferred standards:

- 5,893 sq m of roof space will be green and brown roofs enhancing biodiversity together with 1,500 sq m of photovoltaic cells (P2.2)
- Provision of a decentralised energy centre that would provide heating and cooling to the whole development (P5.3)
- Lighting, heating and cooling controls should enable services to operate efficiently under different loadings and allow for localised control (P5.5)
- Through passive and energy efficiency measures, CHP and photovoltaic's an energy saving of 17.64% can be achieved (P5.6)
- Sourcing 90% of structural timber from FSC (or a CPET) and a balance from temperate sources (P6.2)
- A commitment has been made to specify recycled and secondary aggregate for greater than 25% (by weight or volume) of the total high-grade aggregate (P6.8)
- The proposed development has been designed to minimise emissions through the use of low NOx gas boilers, encouraging cycling and the preparation of a Travel Plan (P9.3)
- A net gain in biodiversity and access to nature (P16.1)
- Provide facilities to recycle 70% of commercial and industrial waste by 2020 (P17.5)
- The Waste Management Strategy would run in conjunction with the existing strategy and waste storage facilities would be located in proximity to the cores of each of the residential blocks.

3.466 In addition, the Applicant commits to investigate the following further preferred standards:

- The residential element would comply with the minimum Code for Sustainable Homes standards and the retail element would comply with the BREEAM requirement to minimise the building's quantified life cycle impact (P6.1)
- >90% of structural timber from FSC 9or a CPET) and balance from temperate sources (P6.2)
- No peat or natural weathered limestone will be used in buildings or landscaping (P6.3)
- A commitment is made to investigate sources of materials within 35 miles of the Site at a later date when development materials specifications (P6.6)
- Investigate use of grey water for non-potable uses (P7.3)
- Specification of low waste fabrication techniques (P17.2)
- To provide on site recycling facilities for >60% of household waste by 2015 (P17.4)

3.467 On this basis, the proposal is deemed to be in line with the intent of the relevant sustainability policies contained within the London Plan (2011) (including 2013 alterations), The Core Strategy (2011) and The Development Management Local Plan (2013).

### **Crime Prevention**

3.468 The London Plan (2011) (with 2013 alterations) policy 7.3 states that "Boroughs and others should seek to create safe, secure and appropriately accessible environments where crime and disorder, and the fear of crime do not undermine quality of life or community cohesion. Development should reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating".

3.469 The Core Strategy sets out the council's spatial vision which is to create a borough of opportunity for all. One of the key priorities in delivering this vision is tackling crime and anti-social behaviour. Policy BE1 states that development throughout the borough should "be designed to enhance community safety and minimise the opportunities for crime". Within the Development Management Local Plan (2013) part G "Design and Conservation" Strategic Objective 12 is to "Promote the safety and security of those who live, work and visit Hammersmith and Fulham".

3.470 Further guidance is outlined in the best practice guide - Secured by Design Being inherently linked to the governments planning objective of creating secure, quality places where people wish to live and work, Secured by Design has been cited as a key model in the Office of Deputy Prime Minister's guide '*Safer Places - The Planning System & Crime Prevention*' and the Home Office's '*Crime Reduction Strategy 2008-11*'.

3.471 The proposed plans aim to set out a development framework at this stage whereby the combination of land uses are arranged in an acceptable way to ensure future design is not compromised, in terms of meeting secure by design criteria. The applicant plans to meet the requirements of Secured by Design and would need to demonstrate compliance at the detailed design stage. Therefore, a condition is recommended to ensure the Council have full control in securing adequate compliance with the principles of Secured by Design.

3.472 While it is considered that the proposed development would not in itself justify the provision of additional policing facilities, the cumulative effect of all developments in the OAPF area could potentially place a strain on the existing capacity of police services including holding facilities and therefore, as part of the OAPF the development would be expected to contribute towards additional infrastructure works where necessary. This could be secured through pooling monies in the OAPF s106 contribution towards social and physical infrastructure in the area. The s106 section in this report confirms the level of financial contributions that are sought from the developer.

### **Equalities Considerations**

3.473 This planning application is required to be in accordance with the Development Plan, which comprises the London Plan (2011) (with 2013 alterations), the Hammersmith and Fulham Core Strategy (2011) and the Hammersmith and Fulham Development Management Local Plan (2013), unless material considerations indicate otherwise. Overall, the Equality Impact Analysis concludes that the scheme would not be designed in such a way to exclude or have any significant detrimental impact on any groups in society and therefore it is considered that the proposed development would not contravene the Equality Act (2010).

3.474 Section 149 of the Equality Act requires the Council to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. This means that the Council must have regard for the impact of the development on protected groups when exercising its functions, and case law establishes that this must be proportionate and relevant. Out of the three tests outlined above the later two tests are of most importance but regard has been had to all three.

3.475 In accordance with the provisions of the Equality Act (2010), the Council is required to have due regard for the potential of all phases of the proposal to affect the various needs of protected 'characteristics' and groups. Consistent with these objectives, for example, the proposal would provide extensive areas of public realm, play space (with inclusive play equipment) and an internal shopping environment that would be accessible by all user groups, including those with mobility impairments such as wheelchair users or the visually impaired. Additional on-going commitment to equalities are built in to the s106 agreement which enables the Council in partnership with the applicant, GLA and local access groups to set up a Strategic Access Group to review the development against up-to-date accessibility standards and guidance. All units would be built to Lifetime Homes standards, 10% of units would be designed to be readily adaptable to full wheelchair housing standard and lift access is provided throughout the buildings.

3.476 In conclusion it is considered that LBHF has complied with section 149 of the Equality Act and has had due regard to provision of the Equality Impact of the proposed development in its consideration of this application.

## **Planning Obligations and Infrastructure Requirements**

- 3.477 The London Plan (2011) (with 2013 alterations) policy 8.2 recognises the role of planning obligations in mitigating the effects of development and provides guidance of the priorities for obligations in the context of overall scheme viability. Policy CF1 of the Hammersmith and Fulham Core Strategy (2011) requires that new development makes contributions towards or provides for the resulting increased demand for community facilities.
- 3.478 Both retail and residential development of the scale proposed would inevitably place additional demand on the existing social and physical infrastructure of the surrounding area. Infrastructure impacts could not reasonably be expected to be absorbed within the site, and these would be met externally, generally within the surrounding area. These externalities relate to demands on both social/community facilities and physical/environmental infrastructure arising from demand relating to the population yielded by the development.
- 3.479 Section 106 of the Town and Country Planning Act provides the ability to address externalities arising from development that would otherwise render a development unacceptable, by means of commitments set out by the applicant and if necessary the Local Authority and any other concerned party, in a legal agreement. The underlying principle of the enabling legislation is to maximise sustainable development through the best allocation of resources.
- 3.480 The former guidance on planning obligations of Circular 05/2005 has now been captured within Section 122 of the Community Infrastructure Levy regulations. Reg. 122 requires that a planning obligation is:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development
- 3.481 In this case, the site is within a designated regeneration area that has been the subject of extensive research to determine the development capacity of the area and the scale and nature of social and physical infrastructure necessary to enable multiple sites to be brought forward for development over a 20-30 year timeframe.
- 3.482 The regeneration area research referred to as the White City Delivery Infrastructure Funding study (DIFs) (May 2013) prioritises the infrastructure needs to four categories; (1) Critical Enabling, (2) Essential Mitigation, (3) Policy High Priority and (4) Desirable. All development in the area will be expected to contribute towards the four categories, with particular emphasis on delivering the critical enabling and essential mitigation measures. Some developments will have more direct infrastructure needs. For example, Westfield will be expected to generate a significant number of retail trips which would impact on the capacity of local highways network and public transport modes. The development would therefore require a significant range of highways infrastructure in addition to public transport enhancements to absorb the capacity of development.
- 3.483 Given the high levels of existing congestion and under capacity of the current highways network to absorb traffic, the number of large, industrial brownfield



sites that are expected to come forward in the near future within the White City Opportunity Area will place significant cumulative strain on infrastructure and on the area as a whole. Without the investment in the area that is now envisaged and supported by the backgrounds studies, the Hammersmith and Fulham Core Strategy (2011) objectives for the White City Opportunity Area could not be realised and the area could not accommodate extensive further development.

- 3.484 A total section 106 contribution of £20m has been negotiated with the applicant to address the resulting impact of the proposed development on the social and physical infrastructure of the White City Opportunity Area including Shepherd's Bush Town Centre. This equates to the same level as the extant scheme which proposed less retail floorspace and additional residential units. It is considered that the scale of impact of both schemes would have a similar impact on the surrounding area. In summary, this amount is considered to be reasonable in the context of the overall infrastructure required for the development of the regeneration area whilst enabling the delivery of a significant amount of new affordable housing and necessary public realm, community facilities and employment opportunities.
- 3.485 While the priority for expenditure has been identified as being to improve the transport network of the area, the specific projects and timing of them is subject to a range of factors. For example, the proposed retail expansion would directly link to the existing shopping centre that would result in a significant number of retail visitors arriving and departing the site via public transport. Whilst major strategic planned transport infrastructure projects such as Crossrail and High Speed Rail, may ease the pressure on nearby Network Rail and London Underground stations, it would not go far enough to ease the congestion on all routes, including localised trips such as rail journeys to/from Shepherd's Bush Overground station. Hence, it is considered that the proposed extension to the Shepherd's Bush Overground station platform lengthening including the additional operational requirements to extend the ticket hall and provision of a new northern entrance would be an immediate project that needs to be facilitated. This would help facilitate the impending change to eight carriage trains on this route and the development will directly impact upon the capacity of this station to absorb the additional volume of passengers, particularly for the retail use. This remains an important piece of transport infrastructure which is required to mitigate the impact of the development.
- 3.486 Accordingly, while specific allocation of funding is proposed for a number of proposed works, the majority of the funding is proposed to be available for projects as defined necessary by the emerging White City Opportunity Area Planning Framework and as project feasibility timing dictates.
- 3.487 The proposed legal agreement would also incorporate the following heads of terms:
- Affordable housing comprising provision of a minimum of 162 affordable units (12%) (tenure split 95 units affordable rent and 67 units intermediate), with a series of further reviews of the development viability which would potentially to deliver up to 215 units (16%) at the first/second review and 250 units (18.6%) at the final review dependent on developer viability and the future availability of public subsidy/funding;

- Contribution of £20 million towards the full cost of social and physical infrastructure interventions and enhancements, including but not limited to transport, health and education, public realm including White City Green and the bridge and deck area over the Central Line, community facilities in connection with the White City Opportunity Area to address the resulting impact of the proposed development’;
- Restriction preventing occupiers from being eligible for on-street car parking permits;
- Provision and marketing of (10%) of residential units that are adaptable to wheelchair accessible standard;
- Provision of an interim public open space located on plot D upon the expiry and subsequent vacancy of Network House and Ocado buildings;
- Inclusive Access Management Plan;
- Commitment to assist the LPA set up a Local Access Group;
- Fund pedestrian and cycling accessibility improvements around the site;
- Fund a review of CPZs O, G & CC following occupation of the whole development, and any changes needed to be made to them up to £300,000;
- Maintenance of access at all times on ground and podium level pedestrian route between Wood Lane and the H-Junction;
- Cycle parking review mechanism with provision to increase supply should demand increase and proposed locations for potential increase in cycle parking;
- Provision of access at all times for all modes on the new private road layout between Wood Lane and West Cross Route;
- Contribution to funding the updated 2014 WCOA VISSIM model and for this to be completed and audited by TfL prior to the commencement of the relevant part of the development;
- VMS strategy and commitment to fund its installation. To be approved by the Council in consultation with TfL;
- Fund platform lengthening and station improvements at Shepherd’s Bush Rail Station £3,900,000;
- Off-site highway and junction improvements at least £1,000,000;
- Bus capacity improvements £450,000;

- Provision of five car club spaces within the basement car park prior to occupation;
- Retail/Leisure car parking management plan. To be approved by the Council in consultation with TfL;
- Residential car parking management plan. To be approved by the Council in consultation with TfL
- Details of a car parking charging scheme;
- Details of the car parking reservoir;
- 133 active electric vehicle charging spaces (10%) and 133 passive electric vehicle charging spaces (10%), of the total level of retail/leisure car parking;
- 122 active electric vehicle charging spaces (20%) and 122 passive electric vehicle charging spaces (20%), of the total level of residential car parking;
- Retail/leisure Travel Plan and a financial contribution of £4,500 for monitoring;
- Residential Travel Plan and a financial contribution of £4,500 for monitoring;
- Provision of Delivery and Servicing Plan;
- Provision of West Bound Bus Lane on Ariel Way;
- Provision of left hand turn entry only access to the anchor store car park;
- Commitment to local labour scheme (ie: enhanced Work Zone facilities);
- Commitment to provision of apprenticeships on the site, including construction roles;
- Commitment to meet at least Code 4 (Code for Sustainable Homes) for residential use and at least BREEAM rating of Very Good for the non-residential uses, and reasonable endeavours to exceed these ratings;
- Commitment to use reasonable endeavours to assist forming a connection to the wider White City District Energy Network;
- Requirement to use reasonable endeavours to facilitate the opening up of arches within the Hammersmith and City line viaduct to the north and south of the site;
- Requirement to demonstrate reasonable endeavours in assisting the delivery of the east to west bridge (on submission of the plot C reserved matters application);

- Requirement to demonstrate reasonable endeavours to assist the delivery of a southern entrance to Wood Lane Station (on submission of the plot D reserved matters application);
- Provide details to Council and TfL of any London Cycle Hire docking stations that need to be suspended and/or relocated and wholly fund any amendments;
- Commitment to meet the costs of the Council's Legal, Professional and Monitoring;
- Commitment to meet costs of the review of the financial viability appraisal by LSH and the Environmental Statement by Treweek Environmental Consultants, which shall be in addition to the £20m the applicant has committed to the social and physical infrastructure of the White City OAPF area.

3.488 The phasing plan would be as follows:

<b>Payment Amount</b>	<b>Due</b>
£5,500,000:	On commencement of the retail component within plots A and B
£450,000	On practical completion of the retail component within plots A and B
£14,050,000	At appropriate stages in the implementation of plots C, D, dependent on developer viability

3.489 The proposal is therefore considered to address the external impacts that would arise from the development and would ensure that the development of this site made a suitable contribution to the White City OAPF infrastructure requirements.

3.490 Section 278 to cover all necessary highways works. The current application has been submitted in addition to a stopping up application which authorises the de-adopting of the local on-site highways. Such work will be carried out by the Local Planning Authority at the expense of the applicant.

3.491 The Mayor of London's CIL came into effect on 1 April 2012. This is a material consideration to which regard must be had when determining the application. Officers and the applicant have estimated a Mayoral CIL levy of approximately £9m (subject to a formal CIL Liability being calculated upon any final grant of planning permission, and indexation).

## **4.0 Conclusions and Recommendations**

4.1 It is considered that the proposal constitutes an appropriate response to this regeneration site and there will be a number of substantial regeneration benefits. The development is considered to be broadly in accordance with National Planning Policy Framework (NPPF) (2012), the London Plan (2011) (including 2013 alterations), the Core Strategy (2011), the Development Management Local Plan (2013). Officers consider that the development would enhance the built

environment in this part of the White City Opportunity Area and enable the delivery of much needed housing. It would be a high quality development which would sit well beside the proposals being brought forward in the wider area.

- 4.2 The proposals are considered acceptable subject to the proposed conditions and section 106 obligations secured to mitigate the development. Officers have given serious consideration to all the representations received when assessing the proposal against the relevant national, regional and local planning policies and guidance. For the reasons detailed in this report officers' conclude that the proposal is acceptable in accordance with the relevant policies including nature and density of the land uses proposed; the housing provision; design and impact on heritage assets; impact on surrounding amenity; highways; access for all; energy and environmental impact and equalities. On the basis of securing the recommended planning obligations and conditions, the proposal is considered to represent sustainable and high quality regeneration within this part of the borough.
- 4.3 Therefore, officer recommendation is that subject to there being no contrary direction from the Mayor for London or the Secretary of State, that the Committee resolve that the Executive Director of Transport and Technical Services be authorised to determine the application and grant outline planning permission upon the completion of a satisfactory legal agreement and subject to the planning conditions.