

# Planning and Development Control Committee Minutes

Wednesday 14 September 2016

## **PRESENT**

**Committee members:** Councillors Adam Connell (Chair), Iain Cassidy (Vice-Chair), Colin Aherne, Michael Cartwright, Lucy Ivimy, Alex Karmel, Natalia Perez and Viya Nsumbu

## **10. MINUTES**

### **RESOLVED THAT:**

The minutes of the meeting of the Planning and Development Control Committee held on 27 July 2016 be confirmed and signed as an accurate record of the proceedings

## **11. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Wesley Harcourt and Robert Largan.

## **12. DECLARATION OF INTERESTS**

Councillor Adam Connell declared a significant interest in respect of Betchel House, 245 Hammersmith Road, London, Hammersmith Broadway 2016/01289/DET, as his work place pension was managed by the Developer. He considered that this did give rise to a perception of a conflict of interests and, in the circumstances it would not be reasonable to participate in the discussion and vote thereon.

Councillor Viya Nsumbu declared a significant interest in respect of Fulham Police Station, Heckfield Place, London, Town 2016/02774/FUL, as a relative is a pupil at the school. She considered that this did give rise to a perception of a conflict of interests and, in the circumstances it would not be reasonable to participate in the discussion and vote thereon.

### **13. PLANNING APPLICATIONS**

#### **13.1 Land North of Westfield Shopping Centre, Ariel Way, London, Shepherd's Bush Green 2016/02642/RES**

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

The Committee voted on application 2016/02642/RES and the results were as follows:

For:

8

Against:

0

Not Voting:

0

#### **RESOLVED THAT:**

The Lead Director of Planning and Development be authorised to determine the application and grant planning permission subject to the Deed of Variation to the S106 legal agreement and to the condition(s) set out in the officer report.

#### **13.2 Betchel House, 245 Hammersmith Road, London, Hammersmith Broadway 2016/01289/DET**

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

Councillor Adam Connell declared a significant interest in respect of the application, as his work place pension was managed by the Developer. He considered that this did give rise to a perception of a conflict of interests and, in the circumstances it would not be reasonable to participate in the discussion. He left the Committee Room and did not participate in the item.

In the absence of the Chair, the Vice-Chair, Iain Cassidy chaired the item.

The Committee voted on planning application 2016/01289/DET and the results were as follows:

For: 6

Against: 0

Not Voting: 1

#### **RESOLVED THAT:**

The application 2016/01289/DET be approved subject to the conditions set out in the officer report and Addendum.

### **13.3 Fulham Police Station, Heckfield Place, London, Town 2016/02774/FUL**

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

Councillor Viya Nsumbu declared a significant interest in respect of the application, as a relative is a pupil at the school. She considered that this did give rise to a perception of a conflict of interests and, in the circumstances it would not be reasonable to participate in the discussion. She left the Committee Room and did not participate in the item.

The Committee heard a representation in support of the application from the Applicant's Team. Some of the points he raised included the high quality of the design which would reflect nearby buildings, job creation and the creation of a car free zone. Further points raised included there were no amenity issues and that the proposal complied with the Council's Development Plan.

Councillor Karmel proposed that Condition 45 relating to the external sports pitch be amended. This was seconded by Councillor Ivimy. This sought to extend the proposed hours of use from 0:800 – 18:00 to 0:800 to 20:00 so there was increased opportunity for community use of the facility. The Committee agreed to this condition and asked officers to draft the condition as appropriate, if the application was to be approved.

The Committee voted on planning application 2016/02774/FUL and the results were as follows:

For: 6  
Against: 0  
Not Voting: 1

#### **RESOLVED THAT:**

The Lead Director of Planning and Development 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 in the officer report and Addendum and the amendment to Condition 45 as agreed at the meeting.

### **13.4 742 Fulham Road, London, Town 2016/00391/FUL**

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

The Committee voted on application 2016/00391/FUL and the results were as follows:

For:  
8  
Against:  
0  
Not Voting:  
0

**RESOLVED THAT:**

The application 2016/00391/FUL be approved subject to the conditions set out in the report and Addendum.

Meeting started: 7.00 pm  
Meeting ended: 9.15 pm

Chair .....

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**PLANNING AND DEVELOPMENT CONTROL COMMITTEE**  
**Addendum 14.09.2016**

<b>Reg ref:</b>	<b>Address</b>	<b>Ward</b>	<b>Page</b>
<b>2015/05217/RES</b>	<b>Land North Of Westfield Shopping Centre Ariel Way London W12</b>	<b>Shepherds Bush Green</b>	<b>8</b>

Page 11

Replace condition 3 with the following wording:

LIFT IN DUPLEX UNIT - K.40.01

Notwithstanding the information in the approved plan W2-SRA-R1-40-DR-A-08040, passive provision shall be made for the installation of an inclusive and accessible lift, associated equipment and fittings in the adaptable duplex unit K.40.01 to facilitate the vertical movement of a wheelchair occupier from level 40 to 41. If the lift is required by a wheelchair occupant, it must be installed prior to the occupation of the unit.

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 (2016), policy BE1 of the Core Strategy (2011) and policies DM A4 and DM G1 of the Development Management Local Plan (2013).

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Replace condition 4 with the following wording:

RAMP TO DUPLEX UNIT – K.40.01

Notwithstanding the information in the approved plan W2-SRA-R1-40-DR-A-08040, passive provision shall be made for the installation of an accessible ramp which shall provide access from Ariel Walk to the garden of the duplex unit K.40.01. Detailed drawings in plan, section and elevation at a scale of 1:50 of the ramp, including its gradient and width and the provision of boundary treatment and railings shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the accessible unit by a wheelchair occupant. If the ramp is required by a wheelchair occupant, the ramp and associated alterations to the front boundary treatment to the unit must be installed prior to the occupation of the unit in accordance with the approved details.

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 (2016), policy BE1 of the Core Strategy (2011) and policies DM A4 and DM G1 of the Development Management Local Plan (2013).

	<p>Condition 5</p> <p>Line 1: add 'prior to the commencement of the relevant part of the development hereby approved'.</p> <p>Line 6: delete 'prior to the commencement of any part of the development hereby approved'</p>
	<p>Condition 6</p> <p>Line 1: delete 'the development shall not commence until' replace with: 'prior to the commencement of the relevant part of the development'</p>
Page 13	<p>Condition 7</p> <p>Line 1: delete 'any part' replace with: 'relevant part'.</p> <p>Line 2: delete 'to be constructed above level 20'</p>
Page 14	<p>Condition 12</p> <p>Line 1: add 'Save for the details shown on the approved drawings'</p>
Page 23	<p>Para. 2.17, Line 6: remove 'The application is currently pending determination but it is likely that it will be approved before the current application goes to planning committee on 14<sup>th</sup> September.'. Add 'this application was approved on 14/09/2016'.</p>
Page 29	<p>Para. 4.4, last line: remove 'A verbal update on this point will be provided at the planning committee'.</p> <p>Add: 'Since publication of the report, the outstanding issues raised by TfL buses have now been resolved'.</p>
Page 33	<p>Para 5.10, Line 8: add '(approved on 14/09/2016)' after 2016/03604/NMAT.</p> <p>Para 5.13, Line 10: remove 'seeks to vary' replace with 'varied'</p>
Page 51	<p>Para 7.67, Line 5: add 'if it is required by a wheelchair occupant' after unit and delete 'and if necessary removed if the occupier does not require it'.</p> <p>Line 6: delete 'a planning condition will be recommended' replace with 'planning condition 3 is recommended'</p> <p>Para 7.68, Line 8: remove 'below' and replace with 'of this report'.</p>
Page 57	<p>Para 7.103, Line 9: add 'which was approved on 14/09/2016' after deviations.</p>
Page 73	<p>Para 7.195, Line 4: add 'and approved' after submitted</p>
Relevant pages	<p>London Plan reference updated from 2015 to 2016 throughout report.</p>

Page 86 Insert Drawing Nos under description and Condition 2:  
101B; 102E; 103E; 104E; 105E; 106E; 107E; 200D; 201D; 202B; 300E; 301E; 302E;  
303E; 400B; 401B; 402C; 403A; 501B

Page 89 Condition 18, after approved insert 'Demolition Logistics Plan, Demolition  
Management Plan'

Page 98 Add the following air quality conditions

51. Prior to the commencement of the development a revised air quality & air quality neutral assessment shall be submitted to and approved in writing by the Council. The assessment shall include: (a) Dispersion modelling of emissions of NO<sub>2</sub> and PM<sub>10</sub> from vehicles, and combustion plant and (b) impacts to sensitive existing and future receptors, on and off-site from NO<sub>2</sub> and PM<sub>10</sub>. This should be completed in accordance with London Councils' Air Quality and Planning Guidance (2007) and IAQM Land Use Planning and Development Control : Planning for Air Quality (May 2015).

To ensure that occupiers of the development are not adversely affected by air quality, in accordance with London Plan 2011 policy 7.14, Core Strategy 2011 Policy CC4, and Development Management Local Plan 2013 Policy DM H8.

52. Prior to the commencement of the development 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 agreed Air Quality 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 NO<sub>x</sub> emissions standards for the chosen energy plant that are required to reduce the exposure of onsite and local receptors to poor air quality and to help mitigate the development's air pollution impacts, in particular the emissions of NO<sub>x</sub> 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, Band B. The strategy must re-assess air quality neutral as agreed in the Air Quality Assessment in accordance with GLA guidance and identify mitigation measures as appropriate to reduce building emissions to below GLA benchmark levels. D1 calculations must be provided from ground level to inform the height of energy plant chimneys.

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).

53. Prior to the commencement of the development detailed information on the proposed mechanical ventilation system shall be submitted to and approved in writing by the Council. The information submitted shall include details of where

air intakes would be located to avoid areas of NO<sub>2</sub> or PM exceedance. Where applicable, chimney/boiler flues and ventilation extracts must be positioned a suitable distance away from ventilation intakes, balconies, roof gardens, terraces and receptors to reduce exposure to occupants to acceptable levels. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained in good working order. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications and shall be the responsibility of the primary owner of the building.

To ensure that occupiers of the development are not adversely affected by air quality, in accordance with London Plan 2011 policy 7.14, Core Strategy 2011 Policy CC4, and Development Management Local Plan 2013 Policy DM H8.

54. Prior to the commencement of the development evidence must be submitted and approved in writing by the Council, that demonstrate the CHP units, abatement technologies and boilers installed comply with the approved revised agreed Air Quality Assessment and the emissions standards set out within the agreed Low Emission Strategy. The CHP plant shall meet a minimum Band B emissions standard (95mg/Nm<sup>2</sup> (at 5% O<sub>2</sub>)). The submitted evidence must comply with the GLA's Sustainable Design and Construction SPG and include the results of NO<sub>x</sub> emissions testing of the CHP unit by an accredited laboratory. Where any combustion plant does not meet the relevant standard it should not be operated without the fitting of suitable NO<sub>x</sub> abatement equipment or technology (evidence of installation shall be required)

To comply with the requirements of the NPPF, Policies 7.14 a-c of The London Plan (2015) and Policy DM H8 of the Development Management Local Plan (2013).

55. Prior to installation details of the boilers to be provided for space heating and domestic hot water must be submitted to and agreed in writing by the council. The boilers to be provided for space heating and domestic hot water shall have dry NO<sub>x</sub> emissions not exceeding 40 mg/kWh (at 0% O<sub>2</sub>). Where any installations do not meet this emissions standard it should not be operated without the fitting of suitable NO<sub>x</sub> abatement equipment or technology as determined by a specialist to ensure comparable emissions. Following installation, emissions certificates will need to be provided to the council to verify boiler emissions.

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).



56. No development shall commence until a risk assessment based on the Mayor's SPG 'The Control of Dust and Emissions during Construction and Demolition', July 2014 has been undertaken and the identified measures recommended for inclusion into a site specific Construction and Demolition Management Plan (CDMP) that is submitted to an approved in writing by the Council. This CDMP should include an inventory and timetable of dust generating activities; dust and emission control methods for construction traffic and Non Road Mobile Machinery (NRMM). Air quality monitoring of PM<sub>10</sub> should be undertaken where appropriate and used to prevent levels exceeding predetermined Air Quality threshold trigger levels. The assessment should take into account residential receptors onsite and offsite of the development. Developers must ensure that on-site contractors follow best practicable means to minimise dust and emissions at all times.

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).

57. Prior to the commencement of the development details shall be submitted for approval of the Local Planning Authority of all Non-Road Mobile Machinery (NRMM) to be used on the development site. All NRMM should meet as minimum the Stage IIIA emission criteria of Directive 97/68/EC and its subsequent amendments unless it can be demonstrated that Stage IIIA equipment is not available. An inventory of all NRMM must be registered on the NRMM register <https://nrmm.london/user-nrmm/register>. All NRMM should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment.

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).

Page 105 Para 2.7, delete '167' and insert '141'. Also delete '40' and insert '32'

Page 121 Para 3.101, last sentence delete 'conditions' and insert 'a s106 legal agreement'

Page 125 Insert new air quality paragraphs 3.128 to 3.130

#### AIR QUALITY

3.128 The borough is an air quality management area because it does not meet air quality objectives. Policy DM H8 of the Development Management Local Plan 2013 and policy CC4 of the Core Strategy 2011 and policy 7.14 of The London Plan 2011 seek to with reduce the adverse impacts on air quality from developments.

3.129 The proposed development would result in an increase traffic and boiler/plant emissions nitrogen oxide (Nox) and particles (PM10) locally without the employment of a low emission strategy to minimise these.

3.130 'The applicants submitted an air quality assessment with the application. Officers considered that the submitted air quality monitoring and modelled data indicates that levels of nitrogen dioxide may be exceeded at this development. In order to mitigate this a revised air quality assessment is required prior to the commencement of any development. A low emission strategy should be produced to estimate levels of emissions and develop a strategy for minimising pollutant emissions. Further, emissions from vehicles should also be addressed and be based on information from a transport assessment including all vehicle trips generated. An assessment of the air quality impacts of the demolition and construction phases should be undertaken and measures identified to reduce the impact on any nearby sensitive receptors both on and off the site - this may require monitoring. Conditions 51 to 57 would be attached to ensure that these issues are adequately addressed and the development is made acceptable.'

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Para 5.2, insert new sub para (iii) Highways works including: (a) repaving the redundant cross-over in Fulham Road (b) provision of a new cross-over in Heckfield Place and (c) the provision of a raised entry treatment at Heckfield Place, junction with Fulham Road.

Para 4.1, delete 'and Met Police' on fourth line and reinsert after '9 residential units' on fifth line. Also insert £45,100 to replace £XXX.

Para 4.2, insert £140,400 to replace £XXX.

**2016/00391/FUL**

**742 Fulham Road, London, SW6 5SF**

**Town**

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Para 3.21, delete sentence on 7<sup>th</sup> line which starts 'No windows...' and replace with: 'Following an officer site visit, it is considered that the modest rear projection of the proposed extensions when combined with the distance to the neighbouring boundary (3m at first floor level and 4m at second floor level), that the proposed extensions would not result in any harm to the occupiers of No. 744 Fulham Road in terms of loss of outlook' Also delete 8 and replace with 7 in the last sentence.

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Add condition 23:

Prior to commencement of the development hereby approved, a drainage strategy detailing any on and/or off site drainage works shall be submitted to and approved in writing by, the local planning. The scheme shall be implemented in accordance with these approved details prior to the occupation of the development hereby permitted, and shall be thereafter 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 DM H3 of the Development Management Local Plan (2013) and policy 5.13 of The London Plan (2011).

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Para 2.1: The references in brackets to paragraphs in section 4 is incorrect and these should all refer to the paragraph numbers in section 3.