

Planning and Development Control Committee

Agenda

Tuesday 2 February 2021

6.30 pm

Online - Virtual Meeting

MEMBERSHIP

Administration:	Opposition
Councillor Rachel Leighton (Chair) Councillor Rebecca Harvey (Vice-Chair) Councillor Colin Aherne Councillor Wesley Harcourt Councillor Natalia Perez Councillor Asif Siddique	Councillor Alex Karmel Councillor Matt Thorley

CONTACT OFFICER: Charles Francis
Committee Co-ordinator
Governance and Scrutiny
Tel 07776 672945
E-mail: charles.francis@lbhf.gov.uk

THIS MEETING WILL BE HELD REMOTELY

It will be streamed via YouTube on: <https://youtu.be/6KTVCVem5tU>

For details on how to register to speak at the meeting, please see overleaf.

Deadline to register to speak is 4pm on Thursday 28 January 2021

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

Date Issued: 25/01/21

PUBLIC SPEAKING AT PLANNING AND DEVELOPMENT CONTROL COMMITTEE (PROTOCOL)

Registering to speak

Only the applicant or their agent and people who have commented on the application as part of the planning department consultation process in support or against will be permitted to speak at the virtual meeting.

You must be registered to speak before addressing the committee. To register please send – your name, address, phone number, the application you wish to speak on, whether you are speaking for or against, and whether you are the applicant or an agent – to: speakingatplanning@lbhf.gov.uk by **4pm on Thursday 28 January 2021**.

Speaking at remote meetings

Remote meetings will take place through Zoom. Zoom is available on a wide range of devices and is free to use.

You can download Zoom here: <https://zoom.us/>.

After you register to speak at a remote meeting, a member of the Governance team will be in touch with guidance on joining and participating in remote meetings.

To ensure that your comments are still considered if you lose connection to the remote meeting please submit your intended remarks (either in full or a summary) to speakingatplanning@lbhf.gov.uk at least one day before the meeting. Your written comments will be circulated to the committee prior to the meeting.

How long is provided for speakers?

Those speaking in support or against an application will be allowed three minutes each. Where more than one person wishes to speak for or against an application, a total of five minutes will be allocated to those speaking for and those speaking against. The speakers will need to decide whether to appoint a spokesperson or split the time between them. The Vice-Chair will say when the speaking time is almost finished to allow time to round up.

The speakers cannot question councillors, officers or other speakers and must limit their comments to planning related issues.

Watching remote meetings

You can watch remote Planning meetings on YouTube. All of our remote meetings are streamed live and recorded so you can watch them as they happen or later on.

You can find links to the YouTube livestream for each meeting on the agenda, on our website, or you can go to directly to the Council's YouTube channel:

<https://www.youtube.com/user/hammersmithandfulham>

YouTube is available on a wide range of browsers and devices including phones, tablets, laptops, desktop computers, smart TVs. You can find information about how to watch YouTube on different devices on their help pages:

<https://support.google.com/youtube/>

Planning and Development Control Committee Agenda

2 February 2021

<u>Item</u>		<u>Pages</u>
1. APOLOGIES FOR ABSENCE		
2. ROLL-CALL AND DECLARATION OF INTERESTS		
	At the start of the meeting the Chair will carry out a roll-call of committee members to confirm attendance. Members will also have an opportunity to declare any interests.	
	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.	
	At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a disclosable pecuniary interest or other significant interest may also make representations, give evidence or answer questions about the matter. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken.	
	Where Members of the public are not allowed to be in attendance and 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.	
	Councillors are not obliged to withdraw from the meeting where a dispensation to that effect has been obtained from the Standards Committee.	
3. MINUTES		5 - 7
	To approve as an accurate record, and the Chair to sign, the minutes of the meeting of the Committee held on 12 January 2021.	

4. **101 - 103 SHEPHERD'S BUSH ROAD, LONDON, W6 7LR, ADDISON, 2020/02545/FUL** 8 - 27
5. **ROYAL GUEST HOUSE 2, 105 SHEPHERD'S BUSH ROAD, LONDON, W6 7LP, ADDISON, 2020/02546/FUL** 28 - 46
6. **WALPOLE COURT, BLYTHE ROAD, LONDON, W14 0PG, AVONMORE AND BROOK GREEN, 2020/02695/FUL** 47 - 58
7. **ON THE PAVEMENT ON CEDARNE ROAD OUTSIDE 547 - 551 FULHAM ROAD, LONDON, SW6 1ES, PARSONS GREEN AND WALHAM, 2020/00045/FR3** 59 - 68
8. **SITE OF FORMER CYCLOTRON BUILDING AND LAND ADJACENT, HAMMERSMITH HOSPITAL, DU CANE ROAD, LONDON, W12 0NN; LAND AT LINFORD CHRISTIE STADIUM, ARTILLERY WAY, DU CANE ROAD, LONDON W12 0DF; LAND AT BURLINGTON DANES ACADEMY, WOOD LANE, LONDON, W12 0HR, COLLEGE PARK AND OLD OAK, 2020/01455/VAR** 69 - 92

**London Borough of Hammersmith & Fulham
Planning and Development Control Committee
Minutes**



Tuesday 12 January 2021

APOLOGIES FOR ABSENCE

There were no apologies for absence.

ROLL CALL AND DECLARATION OF INTERESTS

PRESENT: Councillors Colin Aherne, Wesley Harcourt, Rebecca Harvey, Alex Karmel, Rachel Leighton (Chair), Natalia Perez, Asif Siddique and Matt Thorley

MINUTES OF THE MEETING HELD ON 8 DECEMBER 2020.

The minutes of the meeting held on 8 December 2020 were agreed.

ITEM 4 - WALHAM GREEN COURT, WATERFORD ROAD, LONDON, PARSONS GREEN AND WALHAM, 2020/02525/ADV

This item was withdrawn from the agenda by officers following a request from the applicant

ITEM 5 - ARK SWIFT PRIMARY ACADEMY, AUSTRALIA ROAD, WHITE CITY ESTATE, LONDON W12 7PT, WORMHOLT AND WHITE CITY, 2020/02786/VAPO

Please see the Addendum attached to the minutes which amended the report.

The Committee voted on the recommendations for application 2020/02786/VAPO as follows:

Officer Recommendation 1

For:

8

Against:

0

Not Voting:

0

Officer Recommendation 2

For:

8

Against:

0

Not Voting:

0

RESOLVED THAT:

Planning Application 2020/02786/VAPO be approved, subject to:

1. That the Chief Planning Officer be authorised to vary the s106 agreement attached to the original planning permission (ref: 2017/04800/FUL) dated 13 February 2019 and variation permission (ref: 2020/00596/VAR) dated 30 June 2020.
2. That the Chief Planning Officer, after consultation with the Head of Law and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed Heads of Terms of the legal agreement and any such changes shall be within their discretion.

ITEM 6 - LAND AT 35 BOSCOMBE ROAD, W12, ASKEW, CONFIRMATION OF TREE PRESERVATION ORDER T420/08/20

Please see the Addendum attached to the minutes which amended the report.

The Committee voted on the recommendation for tree preservation order T420/08/20 as follows:

Officer Recommendation:

For:

8

Against:

0

Not Voting:

0

RESOLVED THAT:

1. That the Tree Preservation Order T420/08/20 be confirmed without modification.

Meeting started: 6:30 pm
6:48 pm

Chair

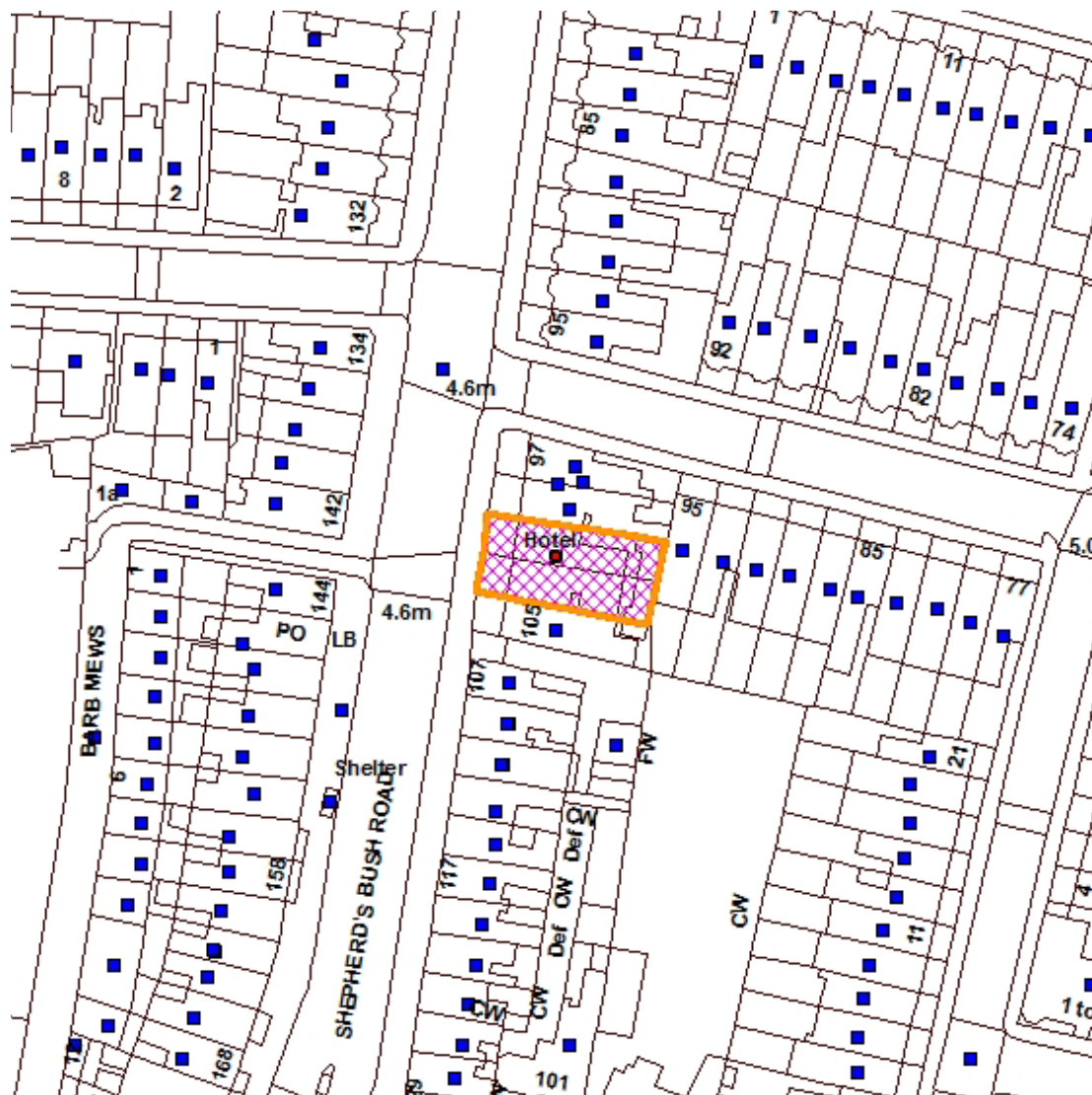
Contact officer: Charles Francis
Committee Co-ordinator
Governance and Scrutiny
Tel 07776 672945
E-mail: charles.francis@lbhf.gov.uk

Agenda Item 4

Ward: Addison

Site Address:

101 - 103 Shepherd's Bush Road London W6 7LR



© Crown Copyright. All Rights Reserved. London Borough Hammersmith and Fulham LA100019223 (2013).

For identification purposes only - do not scale.

Reg. No:
2020/02545/FUL

Case Officer:
Richard Kealey

Date Valid:
02.11.2020

Conservation Area:
Constraint Name: Lakeside/Sinclair/Blythe Road
Conservation Area - Number 36

Committee Date:
02.02.2021

Applicant:

St Mungos

C/O Agent: Mike Spurgeon Peacock and Smith London EC1Y 0UP

Description:

Change of use of existing hotel (Class C1), to hostel accommodation (Class Sui Generis), on a temporary basis until November 2023 and provision of internal link to 105 Shepherd's Bush Road (existing hotel) to combine the two properties in connection with concurrent planning application 2020/02546/FUL for temporary use as hostel accommodation.

Drg Nos: 101-103 Shepherds Bush Road Good Neighbours Plan. Planning Statement dated 30th of September 2020. Flood Risk Assessment. 1982/2/11 (Rev.A), 1982/2/12, 1982/2/13, 1982/2/14.

Application Type:

Full Detailed Planning Application

Officer Recommendation:

- 1) That the Committee resolve that the Chief Planning Officer be authorised to grant permission subject to the conditions listed below;
- 2) That the Committee resolve that the Chief Planning Officer, after consultation with the Head of Law and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

Conditions:

- 1) The temporary use of the site as a hostel, hereby approved is permitted for a limited period only until 30th of November 2023, after which the use shall be discontinued. The site shall be made good to its original condition.

In the interests of proper planning and to ensure that the use does not have a significant impact upon the existing amenities of neighbouring residents, in accordance with Policies CC11, CC13, DC1, DC8 and HO11 of the Local Plan (2018).

- 2) The development hereby permitted shall be built in complete accordance with the drawings hereby approved.

In the interests of proper planning and to ensure that the use does not have a significant impact upon the existing amenities of neighbouring residents, in accordance with Policies CC11, CC13, DC1, DC8 and HO11 of the Local Plan (2018).

- 3) At the end of the temporary change of use period, the site shall revert to its original use as a Guest House (Class use C1). All operations as a hostel (Sui Generis) shall cease.

In the interests of proper planning and to ensure that the use does not have a significant impact upon the existing amenities of neighbouring residents, in accordance with Policies CC11, CC13, DC1, DC4, DC8 and HO11 of the Local Plan (2018).

- 4) The temporary change of use hereby permitted shall be operated in line with the information outlined in the Good Neighbours Plan (management plan) hereby approved.

In the interests of proper planning and to ensure that the use does not have a significant impact upon the existing amenities of neighbouring residents, in accordance with Policies CC11, CC13, DC1, DC8 and HO11 of the Local Plan (2018).

- 5) The development shall be carried out in accordance with the details contained within the Flood Risk Assessment submitted with this application. All flood prevention and mitigation measures should be installed in accordance with the approved details prior to the occupation of the development.

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 CC2 and CC3 of the Local Plan (2018).

- 6) The temporary change of use hereby approved shall only be used as a hostel facility falling within Class Sui Generis of the Town & Country Planning (Use Classes) Order 1987 (as amended). The resulting converted property shall not be used as housing in multiple occupation falling within Class C4 or as self-contained residential uses within Class C3 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 (As amended 2017).

The use of the property as either house in multiple occupation or self-contained units rather than as a hostel would raise materially different planning considerations that the Council would wish to consider at that time, in accordance with Policies DC1, HO1, HO2, HO4, HO5, HO11, HO8 of the Local Plan (2018).

- 7) Prior to the use of the development as a hostel provision should be made for the storage of eight bicycles, in the form of the dedicated cycle storage area at ground floor level in the front garden of 101 Shepherd's Bush Road. Thereafter the provision for cycle storage shall be so maintained for the life of the development.

To ensure satisfactory provision for cycle storage and thereby encourage sustainable and active modes of transport, in accordance with Policy T3 of the Local Plan (2018).

- 8) Prior to the occupation of the newly proposed used, a Travel Plan Statement to reduce dependency on the private car, which shall include clear and unambiguous objectives and modal split targets, together with a time-bound programme of

implementation, monitoring and regular review and improvement; and be based on the particulars contained within the approved framework produced in support of this application, shall be submitted to and approved in writing by the Local Planning Authority and thereafter operated.

To ensure satisfactory provision for sustainable travel arrangements and thereby encourage sustainable and active modes of transport, in accordance with Policy T3 of the Local Plan (2018).

Justification for Approving the Application:

- 1) It is considered that the proposal would not have a significant effect on the residential amenity of nearby occupiers and would not be harmful to the conservation area. In this respect the proposal complies with Policies CC3, CC11, CC13, CF1, CF2, DC1, DC8, HO4, HO7, HO8, E2, T2 and T3 of the Hammersmith and Fulham Local Plan (2018) and London Plan (2016) Policies 3.1, 3.2, 5.1, 5.12, 5.13, 5.14, 5.15, 5.16, 6.1, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4, 7.6, 7.14 and 7.15.

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

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

Application form received: 6th October 2020
Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2019
The London Plan 2016
LBHF - Local Plan 2018
LBHF – Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments from:	Dated:
Thames Water - Development Control	11.11.20

Neighbour Comments:

Letters from:	Dated:
17 Melrose Gardens London W6 7RN	15.12.20
22 STERNDAL ROAD LONDON W140HS	30.11.20
8 Cromwell Grove London W6 7RG	16.12.20
7 Melrose Gardens London W6 7RN	23.11.20
41 Cromwell Grove London W6 7RQ	16.12.20
10, Dewhurst Road London W140ET	23.11.20
winkworth 129 shepherds bush road London w6 7lp	23.11.20
18 Melrose Terrace London W6 7rl	29.11.20
16 Melrose Terrace London W6 7RL	29.11.20

24 westwick garden London W14 0bu	01.12.20
5 Lena Gardens Lena Gardens London W6 7PY	02.12.20
40 Batoum Gardens London W6 7QD	29.11.20
31 Melrose gardena London W67RN	29.11.20
26 melrose gardens london W6 7RW	23.11.20
99 Brook Green London W6 7BD	28.11.20
18 Melrose Terrace LONDON W67RL	29.11.20
1 Batoum Gardens London W6 7QB	29.11.20
15 Dunsany Road London W14 0JP	27.11.20
15 Dunsany Road London W14 0JP	02.12.20
96 Brook Green London W6 7 BD	29.11.20
20 Lena Gardens London W6 7PZ	22.12.20
100 Brook Green London W6 7BD	23.11.20
29 MELROSE GARDENS, LONDON W6 7RN	23.11.20
NAG	21.11.20
77 Sterndale Road London W14 0HX	28.11.20
31 Melrose gardens London W67RN	29.11.20
61 Rowan Road London W6 7DT	30.11.20
97 - 99 Shepherds Bush Road Hammersmith London W6 7LP	19.11.20
97 - 99 Shepherds Bush Road Hammersmith London W6 7LP	20.11.20
80 Brook Green LONDON W6 7BE	30.11.20
80 Brook Green LONDON W6 7BE	30.11.20
95 Sterndale Road London W14 0HX	01.12.20
19 Dunsany Road London W14 0JP	02.12.20
5 Phoenix Lodge Mansions Brook Green Hammersmith W67BG	20.11.20
27 St Stephens avenue London W12 8JB	23.11.20
3 Netherwood Road Flat 2 London W14 0BL	27.11.20
40 Batoum Gardens London w6 7qd	29.11.20
Batoum gardens London W6	29.11.20
87 Sterndale Road London W14 0HX	30.11.20
106 Addison Gardens London W14 0DS	16.12.20
33 Batoum Gardens Flat A London W6 7QB	04.12.20
Minford Gardens 40 London W14 0AN	25.11.20
99 Brook Green London W6 7BD	27.11.20
5 Holley road London W3 7tr	29.11.20
13 Dunsany Road London W14 0JP	24.11.20
30 Poplar Grove london w6 7re	25.11.20
89 Sterndale Road London W14 0HX	30.11.20
137 Sulgrave Road London W67PX	17.12.20
13 MELROSE GARDENS LONDON W6 7RN	17.12.20
13 MELROSE GARDENS LONDON W6 7RN	17.12.20
44 Batoum Gardens London W6 7QD	02.12.20
56 Netherwood Road London W14 0BG	16.12.20
129 Shepherds Bush Road Hammersmith w6 7lp	23.11.20
94 Brook Green London London W6 7BD	18.12.20
1 Dewhurst Road London W14 0ET	24.01.21
11 Dunsany Road London W14 0JP	01.12.20
2 Dewhurst road london w140et	20.11.20
9 Dunsany Road London W140JP	24.11.20
10 Dewhurst Rd. London W140ET	23.11.20
20 Dewhurst Road London W14 0ET	16.12.20
27 Melrose Gardens London W6 7RN	26.11.20

5 Dewhurst Road London W14 0ET
40 Woodstock Grove London W12 8LG

26.11.20
28.11.20

1.0 SITE DESCRIPTION

- 1.1 The site consists of an existing hotel located on the eastern side of Shepherds Bush Road. The site contains a four storey, mid-terrace property located within the Lakeside/Sinclair/Blythe Road Conservation Area.
- 1.2 The site is located outside the perimeters of both Shepherds Bush and Hammersmith town centres. It is located within the Environment Agency flood risk zones 2/3.
- 1.3 The immediate character and appearance of the area along Shepherds Bush Road is a mixture of commercial uses at ground floor with accommodation at upper levels. The area also contains a number of small hotels/guest houses.
- 1.4 The site has a Public Transport Accessibility Level (PTAL) of 6a (excellent). Shepherds Bush Road is classified as London Distributor Road and the site is within Controlled Parking Zone C. A nearby bus stop serves bus routes 72, 220, 283, 295 and N72 which provide links to East Acton, Ladbroke Grove, Willesden Junction, Hammersmith, Wandsworth and Clapham Junction.
- 1.5 The Hammersmith stations are 0.4miles/8 minutes away which afford access to TfL Hammersmith & City, Circle, District and Piccadilly underground lines. Kensington (Olympia) station is 0.6miles/12 minutes away which affords access to TfL Overground and Southern Rail services. Goldhawk Road is also 0.5miles/10 minutes away which is also served by TfL Hammersmith & City and Circle lines.

2.0 RELEVANT PLANNING HISTORY

- 2.1 2020/02545/FUL - 101 - 103 Shepherd's Bush Road - Change of use of existing hotel (Class C1), to hostel accommodation (Class Sui Generis), on a temporary basis from December 2020 to November 2023 and provision of internal link to 105 Shepherd's Bush Road (existing hotel) to combine the two properties in connection with concurrent planning application 2020/02546/FUL for temporary use as hostel accommodation - Pending consideration
- 2.2 2020/00604/DET - Submission of details of Condition 11; Condition 12; Condition 13; Condition 14; Condition 15; and Condition 16 of planning permission reference: 2019/00994/FUL dated 30th August 2019 - Granted
- 2.3 2019/00994/FUL - Change of use from a hotel (Class C1) into a large House in Multiple Occupation (Sui Generis) comprising 12no. bedrooms - Granted - not implemented
- 2.4 2010/03193/FUL - Change of use from office (Class B1) to a hotel use (Class C1); installation of 8 nos bicycle spaces to front of property; and the erection of a refuse store to rear of property - Granted

- 2.5 2009/00018/FUL - Erection of a single storey rear extension, to the side of the existing back addition - Granted
- 2.6 1983/02064/FUL - Erection of single storey rear extensions at first and second floor levels to provide two enlarged bedrooms to bed and breakfast hotel - Refused
- 2.7 1976/01091/HIST - The erection of a single storey extension to the existing two-storey back addition to accommodate a bathroom and toilet - Granted
- 2.8 1976/00730/HIST - Change of use to form a bed and breakfast hotel together with improvements to the rear extension at first floor level and the addition of a shower and W.C. at ground floor level - Granted
- 2.9 1975/00427/HIST - Use of former Area Health Authority premises as an extension to existing Area Team Social Workers' offices - Granted

3.0 PROPOSAL

- 3.1 The current application is for the change of use of an existing Hotel (Class C1), to hostel accommodation (Class Sui Generis), on a temporary basis until November 2023. In addition to the change of use, it proposes the provision of internal link to 105 Shepherd's Bush Road (existing guest house) to combine the two properties in connection with concurrent planning application 2020/02546/FUL for temporary use as hostel accommodation (also on this agenda).
- 3.2 In support of this application the applications have confirmed existing and proposed floor plans, provided a good neighbours plan (management plan), draft travel plan statement, planning statement and Flood Risk Assessment (FRA).

4.0 PUBLICITY AND CONSULTATIONS

- 4.1 The application was publicised by way of site and press notices. In addition, individual notification letters were also sent to 213 neighbouring properties.
- 4.2 In total 57 residents' responses have been received. 1 supporting the application and 56 objecting. The responses received can be summarised as follows:

Support

- Aware of local objection
- View that many of those unfortunate people who are homeless would like to repair their lives and I hope this hostel will give them a chance
- Do not see loss of hotel rooms as a negative
- Would welcome the times that the hostel opens and closes is staggered so that all the residents do not come and go at the same time

Objection

- Fear of crime
- Ongoing issues around Brook Green / Little Brook Green / Anti-social behaviour in the area

- Already issues of people congregating locally, this will exacerbate this issue
- Should deal with ongoing issues with existing hostels operators
- Drug dealing / substance and alcohol abuse / located nearby an off license
- Large numbers of elderly people and unaccompanied children travelling to several local schools (safeguarding concerns)
- No local consultation prior to submission
- No mitigation for smoking area to the rear / smoke will enter garden, harmful to children / disposal of cigarette butts
- Prevent users scaling wall and entering Dunsany Communal Garden
- No food provisions
- Change character of the conservation area
- Profile of hostel uses are not 'like for like' compared to hotel which made economic contributions
- Will harm local shopping amenities
- Pressure on local shops and services e.g. Tesco, pharmacy, GP's nearby.
- Unsure hostel had been coordinated with NHS to provide specialist services individuals require
- Misleading submitting 2 separate applications / timing of applications given permission is due to start on the 1st of December 2020 which has passed
- Services should be evenly distributed around borough and not concentrated in this area given issues with other hostels in the local area (114-120 Shepherd's Bush Road and 4 Batoum Gardens)
- Pop up hostels ran by St Mungo's elsewhere in the borough during the Covid19 crisis were badly managed
- Visited 229 King Street and noted issues outside hostel there which is also operated by St Mungo's
- Put tourists off staying in the area especially other local hotels
- The 2018 Homeless Link report findings are, 'initiatives form part of a wider shift from large shelters with basic provisions to smaller and/or more specialised services that offer individualised and targeted support'. Therefore, St Mungo's proposal of a forty-room hostel ignores an important and valuable report, even though government advisors are adhering to the report's recommendations.
- Intimidating behaviour from local drug dealer when they were reported
- Too much social housing in the area currently
- Unsure the onsite supervision will be adequate and able to handle any situations that arise
- Don't follow lockdown / social distancing rule
- Smaller facility would be preferred
- 10 years ago the area had problems with people drinking on the street, hostels will help speed up and revert back to this situation
- Simply housing people without providing any form of framework to help with their various addictions does not help anyone long term

4.3 Officer response: All material planning issues raised are considered and addressed in the following assessment. Issues relating to other sites / hostels are not material planning considerations. Likewise, issues relating to crime in the area generally, whilst noted fall outside the remit of this planning application.

4.4 Thames Water were consulted and raised no objections to the proposal.

4.5 Metropolitan Police Design Advisor - Raised no objections to the proposal. Concerns have been raised by local police officers about the impacts of the

proposal on the area. Following discussions with the local police officers, their concerns can be summarised as follows:

- Identified some local hot spots for ASB such as, Brook Green, Little Brook Green, Tesco's and the businesses opposite and next to the Hotel. They also refer to Hammersmith Broadway 'Town Centre' due to the footfall and opportunities to beg. Response: Applicants have commented that their service is not an outreach service, so it would be outside our remit to check all of the local hotspots identified. They will be regularly patrolling in the locality of the application sites (including as far as Little Brook Green and the edge of Brook Green (3 hourly patrols). However, if residents from the service are identified in causing ASB in any of these other areas then we would welcome discussions around this so that we can follow up in accordance with our Responding to Challenging Behaviour Policy (B17). We have not been made aware of any issues involving our residents at the Hammersmith Broadway.
- There is also no mention of enforcing COVID legislation: Response: Applicants have confirmed that in relation to Covid legislation, they do not have any powers to enforce legislation so this would be outside the remit of the service. However, we support our residents to understand the covid legislation and guidance, promote this and ensure that the residents understand the importance of it, supply face masks to residents and follow up with anyone who is not complying with guidance in partnership with other professionals (including colleagues in Public Health where necessary).

4.6 The police have also commented on the Good Neighbours Plan, in relation to: Is there a Code of conduct for guests;

- Response: Yes. There are house rules and licence agreements. Action will always be taken in response to breaches of the house rules, licence agreement or induction. The response taken will be dealt with on a case by case basis in accordance with our 'Responding to Challenging Behaviour' Procedure (B17). Will there be security on site, and will the observation logs be shared with police;
- Response: We will not have security on site but will deal with issues in accordance with our 'Responding to Challenging Behaviour' Procedure (B17). The log is discussed with H&F Council. If their own guests are congregating outside then they should deal with accordingly as per their above code of conduct; what are the regular checks carried out?;
- Response: Staff will always speak to residents in the first instance but may contact the police if behaviour of anyone outside the service is deemed to be too dangerous to intervene. During the day, locality checks involves a route which goes around nearby streets to ensure that nobody is engaged in antisocial behaviour nearby. At night, checks include immediately in front of the building. We would like a contact number for local residents and businesses, as this would again fall to police to act as the go between. We would also welcome those to attend our Ward Panel Meetings;
- Response: We will have a 24 hour 'complaints hotline' based in the service, which will be advertised to local residents and businesses. How many breaches of the conduct/behaviour codes until the punitive measures are actually carried out?
- Response: It depends on the behaviour. As a homelessness organisation our goal is to keep people in accommodation, but this aim must be balanced against any risks posed to other residents, staff or members of the local community. We can carry out immediate evictions in response to serious breaches. What will define the 'locality'

- Response: Locality is used flexibly to allow us to be responsive to issues, but relates to local shops, streets, parks etc close to the service. The log will be used to evidence and highlight issues or potential issues. Where issues relate to our residents, staff will follow up in accordance with B17. Where issues do not relate to our residents, we will make the relevant agencies or services know (e.g. Neighbourhood Wardens, Police, other hotels, other homelessness services). What will the log be used for as this replicates two paragraphs above, in relation to the Breaches B17; What about non indictable crime such as the ASB
- Response: The work we do with our residents is built on good rapport and trust. While we will follow up incidents of ASB or non-indictable crime with clients in accordance with B17, there is not a legal obligation to report this to the police and on balance we feel that we are more likely to support clients away from offending behaviours by not calling the police around low level offences. The above approach is consistent with our Working with the Police Procedure (B18).

5.0 POLICY FRAMEWORK

- 5.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England.
- 5.2 Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act).
- 5.3 In this instance the statutory development plan comprises the London Plan (2016) and the Local Plan (2018). A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application.
- + National Planning Policy Framework (February 2019)
- 5.4 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and was revised in 2019 and is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.
- 5.5 The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
- + London Plan
- 5.6 The London Plan was published in July 2016. It sets out the overall strategic plan for London and a fully integrated economic, environmental, transport and social framework for the development of the Capital over the next 20-25 years. It forms part of the development plan for Hammersmith and Fulham

+ Draft London Plan

5.7 On 29 November 2017, the Greater London Authority published their Draft London Plan. The consultation period ended on 2 March 2018. In August 2018 the Mayor published a revised version of the draft Plan that includes minor suggested changes. Consultation comments relating to the draft Plan have been reviewed by the independent Planning Inspector appointed by the Secretary of State and the Plan's formal Examination in Public (EIP) took place from January to May 2019. The Mayor has considered the Inspectors' recommendations and further recommendations from the SoS and published the 'Publication London Plan' in December 2021. On 21 December 2020 the Mayor issued to the Secretary of State his intention to publish the London Plan. The SoS has indicated that they will respond to this by 1 February 2021. Where a policy in the 'Publication London Plan' has not been queried by the SoS it has significant weight.

+ Local Plan

5.8 The Council adopted the new Local Plan on 28 February 2018. The policies in the Local Plan together with the London Plan make up the statutory development plan for the borough. The Planning Guidance Supplementary Planning Document (SPD) (February 2018) is also a material consideration in determining planning applications. It provides supplementary detail to the policies and is organised around key principles.

6.0 PLANNING ASSESSMENT

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

- o Principle of Land Use
- o Quality of accommodation
- o Design and Appearance (including impact on heritage assets).
- o Residential Amenity (outlook/privacy/noise)
- o Highways and Transportation
- o Environmental Matters

LAND USE

6.2 London Plan Policy 3.1 sets out the Mayor is committed to ensuring equal life chances for all Londoners. This includes addressing the barriers to meeting the needs of particular groups and communities. Policy 3.2 seeks to improve health and address health inequalities.

6.3 Local Plan Policy CF1 seeks to support community facilities and services and is echoed by Local Plan Policy CF2 which supports social infrastructure. Local Plan policy HO7 seeks to encourage and support applications for new special needs and supporting housing. This policy sets out four requirements:

- a. there is an established local need for the facility;
- b. the standard of the facilities are satisfactory and suitable for the intended occupants;
- c. there is a good level of accessibility to public transport and other facilities needed by the residents; and

- d. the impact of the proposed development will not be detrimental to the amenity of the local area or to local services
- 6.4 Local Plan Policy HO8 sets out the acceptability of planning applications for new hostels. They will be considered in relation to the following criteria:
- a. the quality of the accommodation that is proposed or might be lost;
 - b. the impact of the accommodation on the locality; and
 - c. the local need for the proposed or existing HMO or hostel accommodation.
- 6.5 The proposal would provide a 25-bedroom (majority with en-suite facilities) hostel which would be used for a temporary period up until November 2023 to house rough sleepers. The planning statement states, 'It would provide a base of operations for the assessment of the needs of users (clients). The proposed 'H&F Rough Sleeping Assessment Hub', will provide accommodation to rough sleepers from across the Borough, initially for a six week period so that assessment work can be completed and appropriate forms of more permanent accommodation identified'
- 6.6 Information available to the council sets out the need for such facilities. In 2016-17 there were 246 rough sleepers seen in the borough; in 2017-18 that fell to 202; and in 2018-19, the most recent year for which figures are available, it was 171. In 2018, Hammersmith & Fulham became the first local authority to undertake to end all rough sleeping. Additionally, St Mungo's had accommodation in Shepherds Bush market area, but have had to move out. The current proposal would help to reduce the numbers of rough sleepers in the area and provide help and guidance for those looking to move into permanent accommodation.
- 6.7 Given the use proposed is only temporary, no permanent loss of the guest house use would occur. Local Plan Policy E2 sets out primarily hotels should be located within town centres. This site is outside any town centre designation. It is recognised the negative impact the Covid19 pandemic has had on tourism with a drastic reduction in international visiting the UK, a trend seen across Europe. Based on the evidence available to officers and information presented within this application, a clear need for such a facility is recognised. The council's Supplementary Planning Document and Local Plan and London Plan policies support this use. As such, on balance, the principle of the Land Use is judged to be acceptable.

QUALITY OF ACCOMMODATION

- 6.8 As a result of the Covid-19 pandemic, this application has been determined without a site visit. In considering this application, Officers have reviewed site photographs provided by the applicant and are satisfied that this has enabled them to fully assess the proposals. Officers have knowledge of the application premises as a result of a recent application(2019/00994/FUL).
- 6.9 As set out above in section 6.3 in order to meet the needs of people who need care and support, the standard of facilities should be satisfactory and suitable for the intended occupants. Floor plans provided confirm each of the 25 bedrooms would contain its own shower. 5 bedrooms contain a private shower only whilst the other 20 would provide a private bathroom and shower. The rooms without their

own toilet are bedrooms 8, 13, 16, 20 and 23. This is judged as being acceptable as private sleeping and washing facilities are being proposed. Moreover, in line with current social distancing regulations, this would help separate residents and prevent the spread of Covid19.

6.10 Each bedroom contains its own window which would afford natural lighting and provide users with good levels of outlook. The internal link proposed at ground floor level would allow access into 105 Shepherds Bush Road in the event both applications are approved. The primary entrance/exit would be the main doorway of 101-103 Shepherds Bush Road (this application). Given the unique challenges some users may present, staff would have sole access to the entry system affording them control over who can enter and exit the building. This in turn would protect vulnerable residents and help ensure their safeguarding.

+ Internal space standards

6.11 Whilst Local Plan Policy HO4 and HO11 expect all housing development to be of a high-quality design and be designed to have adequate internal space there is not a designated minimum space standard for temporary accommodation. Given only minimal works are being proposed (rather than the building of new development),

6.12 Officers consider that this proposal which provides a range of room sizes from 5.8sqm to 13.6sqm. Note, these figures do not include the floor space of the en-suite facilities. Bedroom 1 is on the ground floor of 101 Shepherds Bush Road and affords wheelchair access including washroom facilities.

6.13 The majority of the 25 bedrooms have a floorspace of at least 6.5sqm. Given the temporary nature of this development and that residents would not normally stay any longer than 6 weeks in the units, on balance, the internal space of the new proposed short-term residential accommodation is judged to be acceptable.

6.14 An office has been placed at the front of 103 Shepherds Bush Room at ground floor level. Furthermore, a meeting room and staff meeting room have been placed to the rear of each property. The stacking between residential accommodation and other uses should also help ensure noise disturbance is reduced. Given Shepherds Bush Road is a busy thoroughfare between Hammersmith and Shepherds Bush town centres, placing the majority of accommodation to the rear of the property would also reduce noise from the highway for the occupants. Likewise, having the office along the front elevation would also allow for passive surveillance to take place to the front of the property which would help to prevent any potential anti-social behaviour.

+ External amenity space

6.15 External amenity space is provided to the front and rear of the units. The front garden would also house 8 cycle spaces. A covered external smoking area was originally proposed however the proposal to cover this area was deleted from the proposal. This space to the rear would help prevent residents solely gathering to the front of the property as raised in objections received. Confirmation was received from the agent that St Mungo's will closely monitor the number of residents using the external smoking area at any one time. Clients of the service will need to obey house rules and appropriate sanctions will be used as required

up to and including exclusion/eviction if there is any breach. The clients have to sign up to behaviour standards and this includes not causing nuisance or disruption to neighbours and community. Several public parks are located nearby including Brook Green and Little Brook Green.

+ Secured by Design

- 6.16 London Plan Policy 7.3 seeks 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. The agent has confirmed all communal areas and corridors are covered by CCTV as requested by the Metropolitan Police Design Officer.

DESIGN AND HERITAGE

- 6.17 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the principal statutory duties which must be considered in the determination of any application affecting listed buildings or conservation areas. It is key to the assessment of these applications that the decision making process is based on the understanding of specific duties in relation to listed buildings and Conservation Areas required by the relevant legislation, particularly the s.72 duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements set out in the NPPF.

- 6.18 s72 of the above Act states in relation to Conservation Areas that:
'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

Paragraph 184 of the NPPF states:

Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 190 of the NPPF states:

Local Planning Authorities should identify and assess the significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 193 of the NPPF states:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 196 of the NPPF states:

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

- 6.19 Case law indicates that following the approach set out in the NPPF will normally be enough to satisfy the statutory tests. However, when carrying out the balancing exercise in paragraphs 195 and 196, it is important to recognise that the statutory provisions require the decision maker to give great weight to the desirability of preserving designated heritage assets and/or their setting.
- 6.20 The application site is located in the Lakeside/Sinclair/Blythe Road Conservation Area. Given that the proposal scheme does not include any external changes to the appearance of the host property, officers assess that the development would not cause any harm to the character, appearance or significance of the Conservation Area. As such, the character and appearance of the Conservation Area would be preserved overall. Officers have assessed the impact of the proposal on the heritage assets and consider that the proposal would accord with s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, Local Plan Policies DC1, DC8.

RESIDENTIAL AMENITY

- 6.21 Local Plan Policy HO11 addresses detailed residential standards and, in seeking high standard of design, seeks to ensure the protection of existing residential amenities; 'including issues such as loss of daylight, sunlight, privacy and outlook'.
- 6.22 In this case there would be no external alterations that would be visible. As such the proposal would not result in loss of daylight, sunlight, privacy and outlook to neighbouring residential properties. The use of the hotel would remain the same, providing short term accommodation and as such any existing issues are unlikely to be exacerbated.
- 6.23 London Plan Policy 7.15 states that development proposals should seek to reduce noise by minimising the existing and potential adverse impacts of noise on, from, within, or in the vicinity of, a development and promoting new technologies and improved practices to reduce noise.
- 6.24 Local Plan Policy CC11 seeks to control the noise and vibration impacts of developments, requiring the location of noise and vibration sensitive development 'in the most appropriate locations'. Local Plan Policy CC13 seeks to control pollution, including noise, and requires proposed developments to show that there will be 'no undue detriment to the general amenities enjoyed by existing surrounding occupiers of their properties'.

- 6.25 NPPF paragraph 170 states that planning decisions should prevent new and existing development from contributing to unacceptable levels of noise pollution. Similarly, Paragraph 180 states that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 6.26 It is not considered the proposal would materially increase localised noise and disturbance to neighbouring residents in the change of use which would largely remain for short term accommodation.
- 6.27 An independent Good Neighbours Plan (management plan) specific to 101-103 Shepherds Bush Road (as well as one for the adjoining site) has been submitted with the application. This confirms that the site would have a visible management presence with a manned reception 24/7. Staff will have sole control over entry and exit to the facility. If both applications are approved, the main entrance will be via 101-103 Shepherds Bush Road only.
- 6.28 People congregating outside of the premises Shepherds Bush Road will be asked to disperse and police will be involved if needed. Staff will also conduct regular building checks throughout a 24-hour period and will be able to challenge any noise nuisance coming from particular rooms on the spot. The checks will include the external perimeter of the hotel throughout the 24 hour period.
- 6.29 Concerns have been raised by local residents that there will be a concentration of these uses in the area. It is accepted that a number of premises have been used in the pandemic to provide emergency accommodation for rough sleepers. Numbers 114 and 120 Shepherds Bush Road had been used earlier on in the current pandemic to provide emergency housing, however, this use of these hotels ended in July and June 2020 respectively. Furthermore, LBHF are currently housing some rough sleepers at nos 75 and 77/79 Shepherds Bush Road. This use will cease and the existing occupiers transferred to the current application sites, if planning permission were to be approved. In this respect the numbers of occupiers would not be increasing over the current levels.
- 6.30 We are also aware that there are 2 other sites in Shepherds Bush Green and Shepherds Bush Road, which provide temporary housing of behalf of the Home Office. These uses would not be impacted by the current applications.
- 6.31 Objections received raised the issue of a lack of community consultation. Given the small scale of this development, community consultation whilst encouraged and welcomed was not mandatory. However, if residents wish to raise issues concerning the operation of the use with St Mungo's, a 24 hotline is available. The management plan states Managers will attend the newly formed monthly multi agency Street Population Action Group meeting as required to discuss any emerging/ on-going issues in the locality. LBHF Community Safety will have management contact information for the services at the hostel. CCTV and other information will be shared as needed when issues are raised. They have access to CCTV footage of potential ASB hotspots at Little Brook Green/ Brook Green as raised in objections received.

- 6.32 The applicants have confirmed that St Mungo's have proposed a large staff team who would be employed to provide intensive support and effective locality management. Staff levels will fluctuate during the day, with between 3 and 10 persons generally. The staff would carry out regular patrols of the local area throughout the day and night and wear high visibility clothing so local residents will be able to identify them. Logs of the results of the patrols are kept and shared with LBHF, and any issues identified will be resolved by St Mungo's with police assistance, where necessary. Staff would be available 24-hours a day to respond to issues and residents would only be able to access the building via a video-controlled door entry system. There would be a minimum of three staff at night and up to ten during the daytime. CCTV coverage on site is 24hr. Staff will monitor CCTV from within the office so can respond to developing situations both inside and outside the buildings before incidents occur. As set out in the Good Neighbour plan, the applicants will carry out regular locality checks to deter and respond to any issues of Anti Social Behaviour in the community. They also confirm that they will respond to any ASB from their clients which has an impact on the local community. St Mungo's have also advised that they have already reached out to other services in the area to create a consistent approach to responding to ASB. and consider that they have the experience and resources to have an overall positive impact on the surrounding area. Furthermore, there will be a 24 hour 'complaints hotline' based in the service, which will be advertised to local residents and businesses to advise if there are issues.
- 6.33 The management plan also states residents will be required to sign up to an agreement which includes 'house rules' detailing obligations including around avoiding noise nuisance, no begging/shop lifting and use /dealing of illicit substances is not permitted. Given the client group, alcohol use is permitted in client rooms. Clients will be brought to the site, rather than turning up unannounced. St Mungo's have policies in place to deal with any of these issues that arise and allow them to deal with the problems in a controlled and fair manner. They have a range of procedures and methodologies to deal with breaches of their policies up to and including notices to quit the accommodation.
- 6.34 With regards to litter, hotel staff will complete regular litter picks at the front of the hotel. Proposed plans confirm refuse will continue to be stored in the rear of 101 Shepherds Bush Road.
- 6.35 With regards to nearby businesses staff will introduce the services in the locality and provide contact details so that proprietors will know who to contact if necessary. They will also offer advice to them on the placement of hand sanitisers to avoid its misuse.
- 6.36 Each room will include a fridge and microwave. The management plan states clients will be supported with referrals to food banks and supermarket vouchers to enable them to purchase supplies in order to preclude recourse to begging or shoplifting. Several shops are located nearby included a large Tesco supermarket with pharmacy along Barb Mews.

HIGHWAYS AND TRANSPORTATION

- 6.37 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 that development should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people.

- 6.38 Policies 6.1, 6.3, 6.9, 6.10, 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 and cycle parking standards.
- 6.39 Local Plan Policy T2 seeks a transport assessment for all development to assess their contribution to traffic generation and impact on congestion particularly on bus routes and on the primary route network. T3 seeks to increase and promote opportunities for cycling and walking.
- 6.40 This application was referred to the council's Highways department. It was judged as having negligible impact on the local transport compared to its existing hotel use. The site is located in PTAL area 6a meaning it has excellent access to public transport according to TfL methodologies.
- 6.41 Upon the request of the council's Highways team the applicant confirmed that no off-street car parking will be provided for staff or clients of the service. A staff travel plan was also submitted which made an assessment on the implications for the highway.
- 6.42 It confirms the site has disabled access to offices and one of the bedrooms makes provision for disabled service users (bedroom 1 on the ground floor of 101 Shepherds Bush Road). Public transport will be encouraged. In exceptional circumstances where staff have to leave work outside of the hours where public transport is not available, St Mungo's would use existing accounts with taxi companies however this would only be in exceptional circumstances. Likewise, if clients are referred when public transport is unavailable a taxi would be used. It is anticipated the majority of trips generated to and from the site will be in the form of sustainable modes of transport. A condition is attached requiring the submission of a more detailed Travel Plan Statement

+ Cycle parking

- 6.43 The management plan confirms staff and visitors who choose to cycle to work are able to secure their bikes in cycle parking areas within the site. Staff also have access to shower facilities if they require these following their journey to the site. The council's Highways team noted a total of 8no. bicycle racks and lockable posts are provided in the front garden of 101 Shepherds Bush Road. These will remain in situ and will be used to provide cycle parking facilities for the staff, clients and/or visitors to the proposed hostel accommodation. A condition is recommended requiring the 8 cycle parking to be installed prior to the use of the hostel.
- 6.44 A condition is recommended that this cycle parking is retained for the lifetime of the development. Likewise, a condition requiring a Travel Plan Statement to reduce dependency on the private car, which shall include clear and unambiguous objectives and modal split targets, together with a time-bound programme of

implementation, monitoring and regular review and improvement; and be based on the particulars contained within the approved framework produced in support of this application, shall be submitted to and approved in writing by the Local Planning Authority and thereafter operated.

+ Refuse storage / Delivery and servicing

6.45 London Plan Policy 5.16 outlines the Mayor's approach to waste management. Local Plan Policy CC7 sets out the Council's Waste Management guidance, requiring development to incorporate suitable facilities for the storage and collection of segregated waste.

6.46 The delivery and servicing associated with the development would continue to be provided in the same way as they are for the existing hotel use and these arrangements are considered to be satisfactory.

ENVIRONMENTAL MATTERS

+ Flood risk

6.47 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'.

6.48 London Plan Policies 5.1, 5.12, 5.13, 5.14 and 5.15 require development to comply with the flood risk assessment and management requirements of national policy.

6.49 Local Plan Policy CC3 requires that development should reduce the use of water and to minimise current and future flood risk. This is supported by Policy CC4

6.50 This application was referred to the council's Environmental Policy team as it is located within the Environmental Agency Flood Risk Zone 2/3. The flood risk assessment (FRA) provided was reviewed and they raised no objection. Local Plan Policy CC3 requires that all developments must include water efficient fittings and appliances, where new facilities are provided. This will be communicated by way of an informative.

6.51 Although not in the breach extent area the FRA states that the occupiers will sign up to the EAs early flood warning system and that managers will be trained on flood evacuation. Whilst this is not required, it is welcomed.

+ Air Quality

6.52 LBHF was designated as an Air Quality Management Area (AQMA) in 2000 for two pollutants - Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀). The main local sources of these pollutants are road traffic and buildings (gas boiler emissions).

6.53 London Plan Policy 7.14 seeks that development proposals minimise pollutant emissions and promote sustainable design and construction to reduce emissions from the demolition and construction of the buildings; not worsen existing poor

quality air quality. Where additional negative air quality impacts from a new development are identified, mitigation measures will be required to ameliorate these impacts. Further the Mayor of London's Air Quality Strategy provides a framework of policy which aims to improve air quality in London.

6.54 Given the scale of this development which is only temporary its unlikely air quality improvements could be secured that would not be overly onerous. The heating of the hostel would remain. As such, on balance is judged to be acceptable.

7.0 CONCLUSION

7.1 In considering planning applications, the Local Planning Authority needs to consider the development plan as a whole and planning applications that accord with the development plan should be approved without delay, unless material considerations indicate otherwise and any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

7.2 In the assessment of the application regard has been given to the NPPF, London Plan, and Local Plan policies as well as guidance. In summary, the proposed development would contribute towards the quantity of the borough's temporary housing stock to house the most at risk residents. The proposed change of use is temporary only. The use is in line with the councils aim to end homelessness and is supported by the figures of rough sleepers outlined in section 6.6 of this report.

7.3 Officers have taken account of all the representations received and in overall conclusion for the reasons detailed in this report, it is considered having regard to the development plan as a whole and all other material considerations that planning permission should be granted subject to conditions.

8.0 RECOMMENDATION

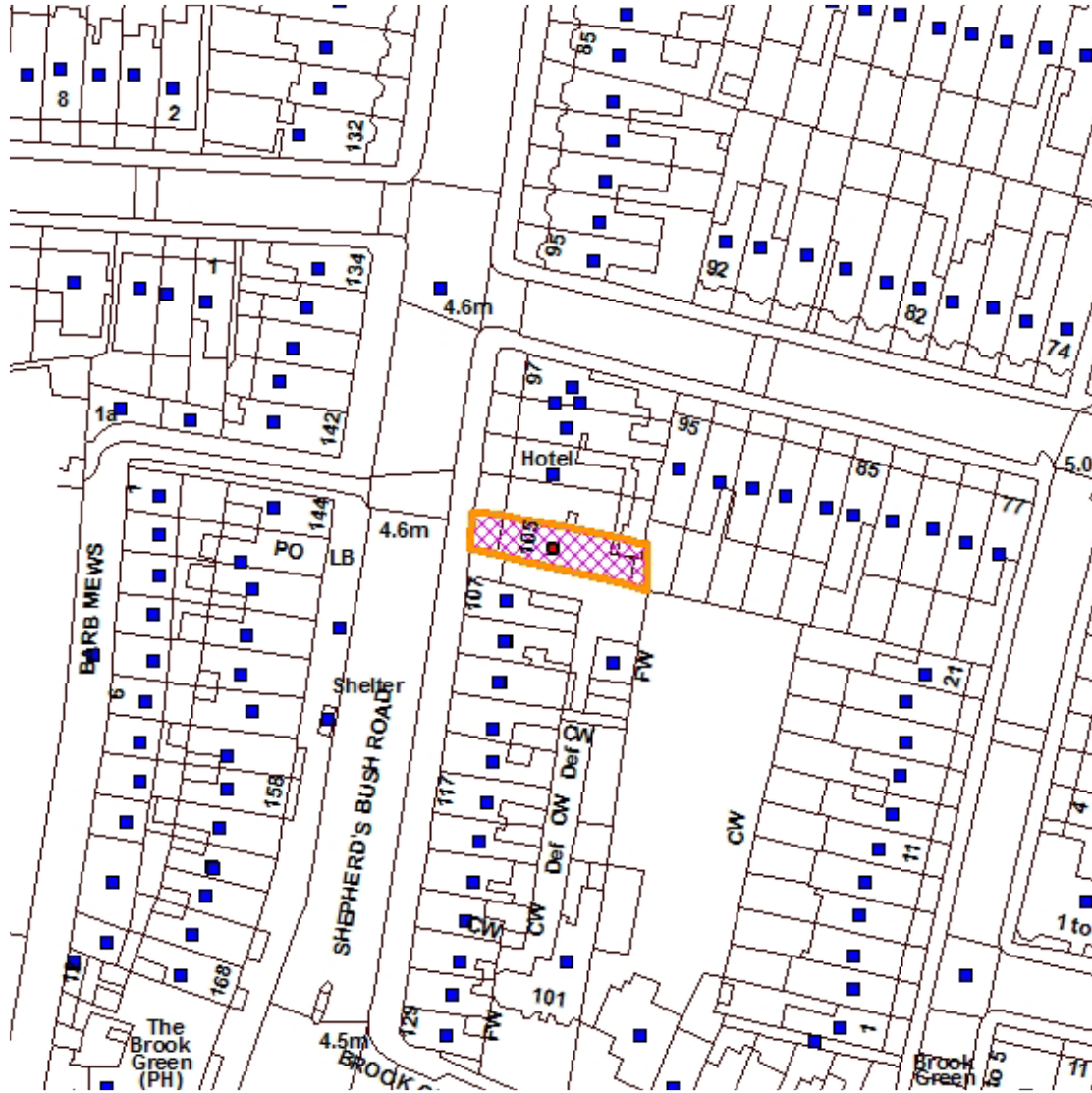
8.1 Grant planning permission subject to conditions.

Agenda Item 5

Ward: Addison

Site Address:

Royal Guest House 2 105 Shepherd's Bush Road London W6 7LP



© Crown Copyright. All Rights Reserved. London Borough Hammersmith and Fulham LA100019223 (2013).

For identification purposes only - do not scale.

Reg. No:
2020/02546/FUL

Case Officer:
Richard Kealey

Date Valid:
02.11.2020

Conservation Area:
Constraint Name: Lakeside/Sinclair/Blythe Road
Conservation Area - Number 36
Constraint Name:
Brook Green Conservation Area - Number 3

Committee Date:
02.02.2021

Applicant:

St Mungos

C/O Agent: Mike Spurgeon Peacock and Smith London EC1Y 0UP

Description:

Change of use of existing guest house (Class C1), to hostel accommodation (Class Sui Generis), on a temporary basis until November 2023 and provision of internal link to 101-103 Shepherd's Bush Road (existing hotel) to combine the two properties in connection with concurrent planning application 2020/02545/FUL for temporary use as hostel accommodation.

Drg Nos: Flood Risk Assessment. Planning Statement dated 30th of September 2020. Proposed floor plans - P0478 (Sheet 4) SABA Hotel 105 Shepherds Bush Road Good Neighbours Plan.

Application Type:

Full Detailed Planning Application

Officer Recommendation:

- 1) That the Committee resolve that the Chief Planning Officer be authorised to grant permission subject to the conditions listed below;
- 2) That the Committee resolve that the Chief Planning Officer, after consultation with the Head of Law and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

Conditions:

- 1) The temporary use of the site as a hostel, hereby approved is permitted for a limited period only until 30th of November 2023, after which the use shall be discontinued. The site shall be made good to its original condition.

In the interests of proper planning and to ensure that the use does not have a significant impact upon the existing amenities of neighbouring residents, in accordance with Policies CC11, CC13, DC1, DC8 and HO11 of the Local Plan (2018).

- 2) The development hereby permitted shall be built in complete accordance with the drawings hereby approved.

In the interests of proper planning and to ensure that the use does not have a significant impact upon the existing amenities of neighbouring residents, in accordance with Policies CC11, CC13, DC1, DC8 and HO11 of the Local Plan (2018).

- 3) At the end of the temporary change of use period, the site shall revert to its original use as a Guest House (Class use C1). All operations as a hostel (Sui Generis) shall cease.

In the interests of proper planning and to ensure that the use does not have a

significant impact upon the existing amenities of neighbouring residents, in accordance with Policies CC11, CC13, DC1, DC4, DC8 and HO11 of the Local Plan (2018).

- 4) The temporary change of use hereby permitted shall be operated in line with the information outlined in the Good Neighbours Plan (management plan) hereby approved.

In the interests of proper planning and to ensure that the use does not have a significant impact upon the existing amenities of neighbouring residents, in accordance with Policies CC11, CC13, DC1, DC8 and HO11 of the Local Plan (2018).

- 5) The development shall be carried out in accordance with the details contained within the Flood Risk Assessment submitted with this application. All flood prevention and mitigation measures should be installed in accordance with the approved details prior to the occupation of the development.

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 CC2 and CC3 of the Local Plan (2018).

- 6) The temporary change of use hereby approved shall only be used as a hostel facility falling within Class Sui Generis of the Town & Country Planning (Use Classes) Order 1987 (as amended). The resulting converted property shall not be used as housing in multiple occupation falling within Class C4 or as self-contained residential uses within Class C3 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 (As amended 2017).

The use of the property as either house in multiple occupation or self-contained units rather than as a hostel would raise materially different planning considerations that the Council would wish to consider at that time, in accordance with Policies DC1, HO1, HO2, HO4, HO5, HO11, HO8 of the Local Plan (2018).

- 7) Prior to the use of the development as a hostel provision should be made for the storage of eight bicycles, in the form of the dedicated cycle storage area at ground floor level in the front garden of 101 Shepherd's Bush Road. Thereafter the provision for cycle storage shall be so maintained for the life of the development.

To ensure satisfactory provision for cycle storage and thereby encourage sustainable and active modes of transport, in accordance with Policy T3 of the Local Plan (2018).

- 8) Prior to the occupation of the newly proposed used, a Travel Plan Statement to reduce dependency on the private car, which shall include clear and unambiguous objectives and modal split targets, together with a time-bound programme of implementation, monitoring and regular review and improvement; and be based on the particulars contained within the approved framework produced in support of this application, shall be submitted to and approved in writing by the Local Planning Authority and thereafter operated.

To ensure satisfactory provision for sustainable travel arrangements and thereby encourage sustainable and active modes of transport, in accordance with Policy T3 of the Local Plan (2018).

Justification for Approving the Application:

- 1) It is considered that the proposal would not have a significant effect on the residential amenity of nearby occupiers and would not be harmful to the conservation area. In this respect the proposal complies with Policies CC3, CC11, CC13, CF1, CF2, DC1, DC8, HO4, HO7, HO8, E2, T2 and T3 of the Hammersmith and Fulham Local Plan (2018) and London Plan (2016) Policies 3.1, 3.2, 5.1, 5.12, 5.13, 5.14, 5.15, 5.16, 6.1, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4, 7.6, 7.14 and 7.15.

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

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

Application form received: 6th October 2020
Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2019
The London Plan 2016
LBHF - Local Plan 2018
LBHF – Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments from:	Dated:
Crime Prevention Design Advisor - Hammersmith	20.11.20
Thames Water - Development Control	11.11.20

Neighbour Comments:

Letters from:	Dated:
17 Melrose Gardens London W6 7RN	15.12.20
138 Shepherds Bush Road Hammersmith London W6 7PB	15.12.20
St Paul's Girls' School London W6 7BS	03.12.20
40 Woodstock Grove London W12 8LG	28.11.20
Flat Second Floor 90 Sterndale Road London W14 0HX	17.12.20
Flat Second Floor 90 Sterndale Road London W14 0HX	17.12.20
13 Dunsany Road London W14 0JP	24.11.20
87 Sterndale Road London W14 0HX	30.11.20
43 Batoum Gardens Brook Green W6 7QB	15.12.20
90 Sterndale Road London W14 0HX	17.12.20
100 Brook Green London W6 7BD	23.11.20
99 Brook Green London W6 7BD	27.11.20
77 Sterndale Road London W14 0HX	28.11.20

1 Batoum Gardens London W6 7QB	29.11.20
15 Dunsany Road London W14 0JP	27.11.20
15 Dunsany Road London W14 0JP	02.12.20
19 Cromwell Grove London W6 7RQ	16.12.20
Minford Gardens 40 London W14 0AN	25.11.20
101 Brook Green London W6 7BD	25.11.20
61 Bolingbroke Road London W14 0AH	28.11.20
46 Dewhurst Road London W14 0ES	28.11.20
94 Brook Green London London W6 7BD	18.12.20
95 Sterndale Road London W14 0HX	01.12.20
26 Melrose Gardens London W67RW	16.12.20
9 Dunsany Road London W140JP	24.11.20
5 Holley road London W3 7tr	29.11.20
20 Dewhurst Road London W14 0ET	16.12.20
106 Addison gardens London W14 0DS	16.12.20
41 Cromwell Grove Hammersmith W6 7RQ	16.12.20
137 Sulgrave Road London W67PX	17.12.20
97 - 99 Shepherds Bush Road Hammersmith London W6 7LP	20.11.20
91 Sterndale rd London W14 0HX	28.11.20
89 Sterndale Road London W14 0HX	30.11.20
19 Dunsany Road London W14 0JP	02.12.20
135 Sulgrave Road London W6 7PX	17.12.20
47 Melrose Gardens London W6 7RN	18.12.20
8 Cromwell Grove London W6 7RG	16.12.20
20 Lena Gardens London W6 7PZ	22.12.20
27 Melrose Gardens London W6 7RN	26.11.20
5 Dewhurst Road London W14 0ET	26.11.20
79 Sterndale Road London W14 0HX	02.12.20
11 Dunsany Road London W14 0JP	01.12.20
30 Poplar Grove London W6 7RE	25.11.20
12 Cromwell Grove LONDON W6 7RG	16.12.20
12 Cromwell Grove LONDON W6 7RG	16.12.20
flat3 7 Fielding Road London W140LL	29.11.20
Batoum gardens London W6	29.11.20
61 Rowan Road London W6 7DT	30.11.20
Caithness Road 41 LONDON W14 0JD	05.12.20
56 Netherwood Road London W14 0BG	16.12.20

1.0 SITE DESCRIPTION

- 1.1 The site consists of an existing guest house located on the eastern side of Shepherds Bush Road. The site contains a four storey, end of terrace property located within the Lakeside/Sinclair/Blythe Road Conservation Area.
- 1.2 The site is located outside the perimeters of both Shepherds Bush and Hammersmith town centres. It is located within the Environment Agency flood risk zones 2/3.
- 1.3 The immediate character and appearance of the area along Shepherds Bush Road is a mixture of commercial uses at ground floor with accommodation at upper levels. The area also contains a number of small hotels/guest houses.

- 1.4 The site has a Public Transport Accessibility Level (PTAL) of 6a (excellent). Shepherds Bush Road is classified as London Distributor Road and the site is within Controlled Parking Zone C. A nearby bus stop serves bus routes 72, 220, 283, 295 and N72 which provide links to East Acton, Ladbroke Grove, Willesden Junction, Hammersmith, Wandsworth and Clapham Junction.
- 1.5 The Hammersmith stations are 0.4miles/8 minutes away which afford access to TfL Hammersmith & City, Circle, District and Piccadilly underground lines. Kensington (Olympia) station is 0.6miles/12 minutes away which affords access to TfL Overground and Southern Rail services. Goldhawk Road is also 0.5miles/10 minutes away which is also served by TfL Hammersmith & City and Circle lines.

2.0 RELEVANT PLANNING HISTORY

- 2.1 2020/02545/FUL - 101 - 103 Shepherd's Bush Road - Change of use of existing hotel (Class C1), to hostel accommodation (Class Sui Generis), on a temporary basis from December 2020 to November 2023 and provision of internal link to 105 Shepherd's Bush Road (existing hotel) to combine the two properties in connection with concurrent planning application 2020/02546/FUL for temporary use as hostel accommodation - Pending consideration
- 2.2 2020/00604/DET - Submission of details of Condition 11; Condition 12; Condition 13; Condition 14; Condition 15; and Condition 16 of planning permission reference: 2019/00994/FUL dated 30th August 2019 - Granted
- 2.3 2019/00994/FUL - Change of use from a hotel (Class C1) into a large House in Multiple Occupation (Sui Generis) comprising 12no. bedrooms - Granted - not implemented
- 2.4 2009/00018/FUL - Erection of a single storey rear extension, to the side of the existing back addition - Granted
- 2.5 1983/02064/FUL - Erection of single storey rear extensions at first and second floor levels to provide two enlarged bedrooms to bed and breakfast hotel - Refused
- 2.6 1976/01091/HIST - The erection of a single storey extension to the existing two-storey back addition to accommodate a bathroom and toilet - Granted
- 2.7 1976/00730/HIST - Change of use to form a bed and breakfast hotel together with improvements to the rear extension at first floor level and the addition of a shower and W.C. at ground floor level - Granted

3.0 PROPOSAL

- 3.1 The current application is for the change of use of an existing guest house (Class C1), to hostel accommodation (Class Sui Generis), for a temporary period until November 2023. In addition to the change of use, it proposes the provision of internal link to 101-103 Shepherd's Bush Road (existing hotel) to combine the two properties in connection with concurrent planning application 2020/02545/FUL for temporary use as hostel accommodation (also reported on this agenda).

3.2 In support of this application the applicants have confirmed existing and proposed floor plans, provided a good neighbours plan (management plan), draft travel plan statement, planning statement and Flood Risk Assessment (FRA).

4.0 PUBLICITY AND CONSULTATIONS

4.1 The application was publicised by way of site and press notices. In addition, individual notification letters were also sent to 195 neighbouring properties.

4.2 In total 47 residents' responses have been received. 4 supporting the application and 43 objecting. The responses received can be summarised as follows:

Support

- Helps the disadvantaged be kept off the streets and supports the scheme
- In particular supportive given the local neighbourhood is of high privilege and affluence
- Previously seen first-hand positive impact organisations like St Mungo's can have helping vulnerable / long-term impact will be positive
- Requested communal areas were provided internally to prevent temporary residents socialising and interacting on the street

Objection

- Fear of crime
- Ongoing issues around Brook Green / Little Brook Green / Anti-social behaviour in the area
- Already issues of people congregating locally, this will exacerbate this issue which is intimidating
- Should deal with ongoing issues with existing hostels operators
- Drug dealing / substance and alcohol abuse / located nearby an off license
- Large numbers of elderly people and unaccompanied children travelling to several local schools (safeguarding concerns)
- No local consultation prior to submission
- No mitigation for smoking area to the rear
- Prevent users scaling wall and entering Dunsany Communal Garden
- No food provisions
- Change character of the conservation area
- Profile of hostel uses are not 'like for like' compared to hotel which made economic contributions
- Will harm local shopping amenities
- Pressure on local shops and services e.g. Tesco, pharmacy, GP's nearby.
- Unsure hostel had been coordinated with NHS to provide specialist services individuals require
- Misleading submitting 2 separate applications
- Pop up hostels ran by St Mungo's elsewhere in the borough during the Covid19 crisis were badly managed
- Visited 229 King Street and noted issues outside hostel there which is also operated by St Mungo's
- Put tourists off staying in the area
- The 2018 Homeless Link report findings are, 'initiatives form part of a wider shift

from large shelters with basic provisions to smaller and/or more specialised services that offer individualised and targeted support'. Therefore, St Mungo's proposal of a forty-room hostel ignores an important and valuable report, even though government advisors are adhering to the report's recommendations.

- 4.3 Officer response: All material planning issues raised are considered and addressed in the following assessment. Other issues relating to other sites / hostels are not material planning considerations. Likewise, issues relating to crime in the area generally, whilst noted fall outside the remit of this planning application.
- 4.4 Thames Water were consulted and raised no objections to the proposal.
- 4.5 Metropolitan Police Design Advisor - Raised no objections to the proposal. Concerns have been raised by local police officers about the impacts of the proposal on the area. Following discussions with the local police officers, their concerns can be summarised as follows:
- Identified some local hot spots for ASB such as, Brook Green, Little Brook Green, Tesco's and the businesses opposite and next to the Hotel. Hey also refer to Hammersmith Broadway 'Town Centre' due to the footfall and opportunities to beg. Response: Applicants have commented that their service is not an outreach service, so it would be outside our remit to check all of the local hotspots identified. They will be regularly patrolling in the locality of the application sites (including as far as Little Brook Green and the edge of Brook Green (3 hourly patrols). However, if residents from the service are identified in causing ASB in any of these other areas then we would welcome discussions around this so that we can follow up in accordance with our Responding to Challenging Behaviour Policy (B17). We have not been made aware of any issues involving our residents at the Hammersmith Broadway.
 - There is also no mention of enforcing COVID legislation: Response: Applicants have confirmed that in relation to Coved legislation, they do not have any powers to enforce legislation so this would be outside the remit of the service. However, we support our residents to understand the covid legislation and guidance, promote this and ensure that the residents understand the importance of it, supply face masks to residents and follow up with anyone who is not complying with guidance in partnership with other professionals (including colleagues in Public Health where necessary).
- 4.6 The police have also commented on the Good Neighbours Plan, in relation to: Is there a Code of conduct for guests;
- Response: Yes. There are house rules and licence agreements. Action will always be taken in response to breaches of the house rules, licence agreement or induction. The response taken will be dealt with on a case by case basis in accordance with our 'Responding to Challenging Behaviour' Procedure (B17). Will there be security on site, and will the observation logs be shared with police;
 - Response: We will not have security on site but will deal with issues in accordance with our 'Responding to Challenging Behaviour' Procedure (B17). The log is discussed with H&F Council. If their own guests are congregating outside then they should deal with accordingly as per their above code of conduct; what are the regular checks carried out?;
 - Response: Staff will always speak to residents in the first instance but may contact the police if behaviour of anyone outside the service is deemed to be too dangerous to intervene. During the day, locality checks involves a route which

goes around nearby streets to ensure that nobody is engaged in antisocial behaviour nearby. At night, checks include immediately in front of the building. We would like a contact number for local residents and businesses, as this would again fall to police to act as the go between. We would also welcome those to attend our Ward Panel Meetings;

- Response: We will have a 24 hour 'complaints hotline' based in the service, which will be advertised to local residents and businesses.
How many breaches of the conduct/behaviour codes until the punitive measures are actually carried out?
- Response: It depends on the behaviour. As a homelessness organisation our goal is to keep people in accommodation, but this aim must be balanced against any risks posed to other residents, staff or members of the local community. We can carry out immediate evictions in response to serious breaches.
What will define the 'locality'?
- Response: Locality is used flexibly to allow us to be responsive to issues, but relates to local shops, streets, parks etc close to the service. The log will be used to evidence and highlight issues or potential issues. Where issues relate to our residents, staff will follow up in accordance with B17. Where issues do not relate to our residents, we will make the relevant agencies or services know (e.g. Neighbourhood Wardens, Police, other hotels, other homelessness services).
What will the log be used for as this replicates two paragraphs above, in relation to the Breaches B17; What about non indictable crime such as the ASB?
- Response: The work we do with our residents is built on good rapport and trust. While we will follow up incidents of ASB or non-indictable crime with clients in accordance with B17, there is not a legal obligation to report this to the police and on balance we feel that we are more likely to support clients away from offending behaviours by not calling the police around low level offences. The above approach is consistent with our Working with the Police Procedure (B18).

5.0 POLICY FRAMEWORK

5.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England.

5.2 Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act).

5.3 In this instance the statutory development plan comprises the London Plan (2016) and the Local Plan (2018). A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application.

+ National Planning Policy Framework (February 2019)

5.4 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and was revised in 2019 and is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.

5.5 The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

+ London Plan

5.6 The London Plan was published in July 2016. It sets out the overall strategic plan for London and a fully integrated economic, environmental, transport and social framework for the development of the Capital over the next 20-25 years. It forms part of the development plan for Hammersmith and Fulham

+ Draft London Plan

5.7 On 29 November 2017, the Greater London Authority published their Draft London Plan. The consultation period ended on 2 March 2018. In August 2018 the Mayor published a revised version of the draft Plan that includes minor suggested changes. Consultation comments relating to the draft Plan have been reviewed by the independent Planning Inspector appointed by the Secretary of State and the Plan's formal Examination in Public (EIP) took place from January to May 2019. The Mayor has considered the Inspectors' recommendations and further recommendations from the SoS and published the 'Publication London Plan' in December 2021. On 21 December 2020 the Mayor issued to the Secretary of State his intention to publish the London Plan. The SoS has indicated that they will respond to this by 1 February 2021. Where a policy in the 'Publication London Plan' has not been queried by the SoS it has significant weight.

+ Local Plan

5.8 The Council adopted the new Local Plan on 28 February 2018. The policies in the Local Plan together with the London Plan make up the statutory development plan for the borough. The Planning Guidance Supplementary Planning Document (SPD) (February 2018) is also a material consideration in determining planning applications. It provides supplementary detail to the policies and is organised around key principles.

6.0 PLANNING ASSESSMENT

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

- o Principle of Land Use
- o Quality of Accommodation
- o Design and Appearance (including impact on heritage assets).
- o Residential Amenity (outlook/privacy/noise)
- o Highways and Transportation
- o Environmental Matters

LAND USE

6.2 London Plan Policy 3.1 sets out the Mayor is committed to ensuring equal life chances for all Londoners. This includes addressing the barriers to meeting the

needs of particular groups and communities. Policy 3.2 seeks to improve health and address health inequalities.

- 6.3 Local Plan Policy CF1 seeks to support community facilities and services and is echoed by Local Plan Policy CF2 which supports social infrastructure. Local Plan policy HO7 seeks to encourage and support applications for new special needs and supporting housing. This policy sets out four requirements:
- a. there is an established local need for the facility;
 - b. the standard of the facilities is satisfactory and suitable for the intended occupants;
 - c. there is a good level of accessibility to public transport and other facilities needed by the residents; and
 - d. the impact of the proposed development will not be detrimental to the amenity of the local area or to local services
- 6.4 Local Plan Policy HO8 sets out the acceptability of planning applications for new hostels. They will be considered in relation to the following criteria:
- a. the quality of the accommodation that is proposed or might be lost;
 - b. the impact of the accommodation on the locality; and
 - c. the local need for the proposed or existing HMO or hostel accommodation.
- 6.5 The proposal would provide a 15-bedroom (with en-suite) hostel which would be used for a temporary period up until November 2023 to house rough sleepers. The planning statement states, 'It would provide a base of operations for the assessment of the needs of users (clients). The proposed 'H&F Rough Sleeping Assessment Hub', will provide accommodation to rough sleepers from across the Borough, initially for a six week period so that assessment work can be completed and appropriate forms of more permanent accommodation identified'.
- 6.6 Information available to the council sets out the need for such facilities. In 2016-17 there were 246 rough sleepers seen in the borough; in 2017-18 that fell to 202; and in 2018-19, the most recent year for which figures are available, it was 171. In 2018, Hammersmith & Fulham became the first local authority to undertake to end all rough sleeping. Additionally, St Mungo's had accommodation in Shepherd's Bush market area, but have had to move out. The current proposal would help to reduce the numbers of rough sleepers in the area and provide help and guidance for those looking to move into permanent accommodation.
- 6.7 Given the use proposed is only temporary, no permanent loss of the guest house use would occur. Local Plan Policy E2 sets out primarily hotels should be located within town centres. This site is outside any town centre designation. It is recognised the negative impact the Covid19 pandemic has had on tourism with a drastic reduction in international visiting the UK, a trend seen across Europe. Based on the evidence available to officers and information presented within this application, a clear need for such a facility is recognised. The council's Supplementary Planning Document and Local Plan and London Plan policies support this use. As such, on balance, the principle of the Land Use is judged to be acceptable.

QUALITY OF ACCOMMODATION

- 6.8 As a result of the Covid-19 pandemic, this application has been determined without a site visit. In considering this application, Officers have reviewed site photographs provided by the applicant and are satisfied that this has enabled them to fully assess the proposals. Officers have knowledge of the application premises as a result of a recent application(2019/00994/FUL).
- 6.9 As set out above in section 6.3 in order to meet the needs of people who need care and support, the standard of facilities should be satisfactory and suitable for the intended occupants. Floor plans provided confirm each of the fifteen bedrooms would contain its own en-suite bathroom with shower. This is judged as being acceptable as private sleeping and washing facilities are being proposed. Moreover, in line with current social distancing regulations, this would help separate residents and prevent the spread of Covid19.
- 6.10 Each bedroom contains its own window which would afford natural lighting and provide users with good levels of outlook. The internal link proposed at ground floor level would allow access into 101-103 Shepherds Bush Road in the event both applications are approved. The primary entrance/exit would be the main doorway of 101-103 Shepherds Bush Road. Given the unique challenges some users may present, staff would have sole access to the entry system affording them control over who can enter and exit the building. This in turn would protect vulnerable residents and help ensure their safeguarding.
- + Internal space standards
- 6.11 Whilst Local Plan Policy HO4 and HO11 expect all housing development to be of a high-quality design and be designed to have adequate internal space there is not a designated minimum space standard for temporary accommodation. Given only minimal works are being proposed (rather than the building of new development),
- 6.12 Officers consider that this proposal which provides a range of room sizes from 4.8sqm to 13.2sqm. Note, these figures do not include the floor space of the en-suite facilities.
- 6.13 Fourteen out of the fifteen bedrooms have a floorspace of at least 6.5sqm. Given the temporary nature of this development and that normally residents would not stay any longer than 6 weeks in the units, it is judged that on balance the internal space of the new proposed short-term residential accommodation is acceptable.
- 6.14 An office and staff room have been proposed to the front of the property at ground and first floors respectively. This represents a separation in terms of stacking between residential accommodation and other uses. This should also help ensure noise disturbance is reduced. Given Shepherds Bush Road is a busy thoroughfare between Hammersmith and Shepherds Bush town centres, placing the majority of accommodation to the rear of the property would also reduce noise from the highway for the occupants. Likewise, having office and the staff rooms along the front elevation would also allow for passive surveillance to take place to the front of the property which would help to prevent any potential anti-social behaviour. There is no scope to provide any internal socialising space for the guests.

+ External amenity space

6.15 No external amenity space has been provided aside from the front garden. An external smoking area is proposed under the concurrent application at numbers 101-103 only. This space would help prevent residents gathering to the front of the property as raised in objections received. Several public parks are located nearby including Brook Green and Little Brook Green.

+ Secured by Design

6.16 London Plan Policy 7.3 seeks 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. The agent has confirmed all communal areas and corridors are covered by CCTV as requested by the Metropolitan Police.

DESIGN AND HERITAGE

6.17 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the principal statutory duties which must be considered in the determination of any application affecting listed buildings or conservation areas. It is key to the assessment of these applications that the decision making process is based on the understanding of specific duties in relation to listed buildings and Conservation Areas required by the relevant legislation, particularly the s.72 duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements set out in the NPPF.

6.18 s72 of the above Act states in relation to Conservation Areas that:
'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

Paragraph 184 of the NPPF states:

Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 190 of the NPPF states:

Local Planning Authorities should identify and assess the significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 193 of the NPPF states:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's

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

Paragraph 196 of the NPPF states:

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

- 6.19 Case law indicates that following the approach set out in the NPPF will normally be enough to satisfy the statutory tests. However, when carrying out the balancing exercise in paragraphs 195 and 196, it is important to recognise that the statutory provisions require the decision maker to give great weight to the desirability of preserving designated heritage assets and/or their setting.
- 6.20 The application site is located in the Lakeside/Sinclair/Blythe Road Conservation Area. Given that the proposal scheme does not include any external changes to the appearance of the host property, officers assess that the development would not cause any harm to the character, appearance or significance of the Conservation Area. As such, the character and appearance of the Conservation Area would be preserved overall. Officers have assessed the impact of the proposal on the heritage assets and consider that the proposal would accord with s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, Local Plan Policies DC1, DC8.

RESIDENTIAL AMENITY

- 6.21 Local Plan Policy HO11 addresses detailed residential standards and, in seeking high standard of design, seeks to ensure the protection of existing residential amenities; 'including issues such as loss of daylight, sunlight, privacy and outlook'.
- 6.22 In this case there would be no external alterations that would be visible. As such the proposal would not result in loss of daylight, sunlight, privacy and outlook to neighbouring residential properties. The use of the hotel would remain the same, providing short term accommodation and as such any existing issues are unlikely to be exacerbated.
- 6.23 London Plan Policy 7.15 states that development proposals should seek to reduce noise by minimising the existing and potential adverse impacts of noise on, from, within, or in the vicinity of, a development and promoting new technologies and improved practices to reduce noise.
- 6.24 Local Plan Policy CC11 seeks to control the noise and vibration impacts of developments, requiring the location of noise and vibration sensitive development 'in the most appropriate locations'. Local Plan Policy CC13 seeks to control pollution, including noise, and requires proposed developments to show that there will be 'no undue detriment to the general amenities enjoyed by existing surrounding occupiers of their properties'.
- 6.25 NPPF paragraph 170 states that planning decisions should prevent new and existing development from contributing to unacceptable levels of noise pollution.

Similarly, Paragraph 180 states that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life.

- 6.26 It is not considered the proposal would materially increase localised noise and disturbance to neighbouring residents in the change of use which would largely remain for short term accommodation.
- 6.27 An independent Good Neighbours Plan (management plan) specific to 101-103 Shepherds Bush Road (as well as one for the adjoining site) has been submitted with the application. This confirms that the site would have a visible management presence with a manned reception 24/7. Staff will have sole control over entry and exit to the facility. If both applications are approved, the main entrance will be via 101-103 Shepherds Bush Road only.
- 6.28 People congregating outside of the premises Shepherds Bush Road will be asked to disperse and police will be involved if needed. Staff will also conduct regular building checks throughout a 24-hour period and will be able to challenge any noise nuisance coming from particular rooms on the spot. The checks will include the external perimeter of the hotel throughout the 24 hour period.
- 6.29 Concerns have been raised by local residents that there will be a concentration of these uses in the area. It is accepted that a number of premises have been used in the pandemic to provide emergency accommodation for rough sleepers. Numbers 114 and 120 Shepherds Bush Road had been used earlier on in the current pandemic to provide emergency housing; however, this use of these hotels ended in July and June 2020 respectively. Furthermore, LBHF are currently housing some rough sleepers at no's 75 and 77/79 Shepherds Bush Road. This use by LBHF will cease and the existing occupiers transferred to the current application sites, if planning permission were to be approved. In this respect the numbers of occupiers would not be increasing over the current levels.
- 6.30 We are also aware that there are 2 other sites in Shepherds Bush Green and Shepherds Bush Road, which provide temporary housing of behalf of the Home Office. These uses would not be impacted by the current applications.
- 6.31 Objections received raised the issue of a lack of community consultation. Given the small scale of this development, community consultation whilst encouraged and welcomed was not mandatory. However, if residents wish to raise issues concerning the operation of the use with St Mungo's, a 24 hotline is available. The management plan states Managers will attend the newly formed monthly multi agency Street Population Action Group meeting as required to discuss any emerging/ on-going issues in the locality. LBHF Community Safety will have management contact information for the services at the hostel. CCTV and other information will be shared as needed when issues are raised. They have access to CCTV footage of potential ASB hotspots at Little Brook Green/ Brook Green as raised in objections received.
- 6.32 The applicants have also confirmed that St Mungo's have proposed a large staff team who would be employed to provide intensive support and effective locality management. Staff levels will fluctuate during the day, with between 3 and 10

persons generally. The staff would carry out regular patrols of the local area throughout the day and night and wear high visibility clothing so local residents will be able to identify them. Logs of the results of the patrols are kept and shared with LBHF, and any issues identified will be resolved by St Mungo's with police assistance, where necessary. Staff would be available 24-hours a day to respond to issues and residents would only be able to access the building via a video-controlled door entry system. There would be a minimum of three staff at night and up to ten during the daytime. CCTV coverage on site is 24hr. Staff will monitor CCTV from within the office so can respond to developing situations both inside and outside the buildings before incidents occur. As set out in the Good Neighbour plan, the applicants will carry out regular locality checks to deter and respond to any issues of Anti-Social Behaviour in the community. They also confirm that they will respond to any ASB from their clients which has an impact on the local community. St Mungo's have also advised that they have already reached out to other services in the area to create a consistent approach to responding to ASB. and consider that they have the experience and resources to have an overall positive impact on the surrounding area. Furthermore, there will be a 24 hour 'complaints hotline' based in the service, which will be advertised to local residents and businesses to advise if there are issues.

- 6.33 The management plan also states residents will be required to sign up to an agreement which includes 'house rules' detailing obligations including around avoiding noise nuisance, no begging/shop lifting and use /dealing of illicit substances is not permitted. Given the client group, alcohol use is permitted in client rooms. Clients will be brought to the site, rather than turning up unannounced. St Mungo's have policies in place to deal with any of these issues that arise and allow them to deal with the problems in a controlled and fair manner. They have a range of procedures and methodologies to deal with breaches of their policies up to and including notices to quit the accommodation.
- 6.34 With regards to litter, hotel staff will complete regular litter picks at the front of the hotel. Proposed plans confirm refuse will continue to be stored in the rear of 101 Shepherds Bush Road.
- 6.35 With regards to nearby businesses staff will introduce the services in the locality and provide contact details so that proprietors will know who to contact if necessary. They will also offer advice to them on the placement of hand sanitisers to avoid its misuse.
- 6.36 Each room will include a fridge and microwave. The management plan states clients will be supported with referrals to food banks and supermarket vouchers to enable them to purchase supplies in order to preclude recourse to begging or shoplifting. Several shops are located nearby included a large Tesco supermarket with pharmacy along Barb Mews.

HIGHWAYS AND TRANSPORTATION

- 6.37 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 that development should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people.

- 6.38 Policies 6.1, 6.3, 6.9, 6.10, 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 and cycle parking standards.
- 6.39 Local Plan Policy T2 seeks a transport assessment for all development to assess their contribution to traffic generation and impact on congestion particularly on bus routes and on the primary route network. T3 seeks to increase and promote opportunities for cycling and walking.
- 6.40 This application was referred to the council's Highways department. It was judged as having negligible impact on the local transport compared to its existing hotel use. The site is located in PTAL area 6a meaning it has excellent access to public transport according to TfL methodologies.
- 6.41 Upon the request of the council's Highways team the applicant confirmed that no off-street car parking will be provided for staff or clients of the service. A staff travel plan was also submitted which made an assessment on the implications for the highway.
- 6.42 It confirms the site has disabled access to offices and one of the bedrooms makes provision for disabled service users (bedroom 1 on the ground floor of 101 Shepherds Bush Road). Public transport will be encouraged. In exceptional circumstances where staff have to leave work outside of the hours where public transport is not available, St Mungo's would use existing accounts with taxi companies however this would only be in exceptional circumstances. Likewise, if clients are referred when public transport is unavailable a taxi would be used. It is anticipated the majority of trips generated to and from the site will be in the form of sustainable modes of transport. A condition is attached requiring the submission of a more detailed Travel Plan Statement.

+ Cycle parking

- 6.43 The management plan confirms staff and visitors who choose to cycle to work are able to secure their bikes in cycle parking areas within the site. Staff also have access to shower facilities if they require these following their journey to the site. The council's Highways team noted a total of 8no. bicycle racks and lockable posts are provided adjacent to the northern boundary of the site. These will remain in situ and will be used to provide cycle parking facilities for the staff, clients and/or visitors to the proposed hostel accommodation.
- 6.44 A condition is recommended that this cycle parking is retained for the lifetime of the development. Likewise, a condition requiring a Travel Plan Statement to reduce dependency on the private car, which shall include clear and unambiguous objectives and modal split targets, together with a time-bound programme of implementation, monitoring and regular review and improvement; and be based on the particulars contained within the approved framework produced in support of this application, shall be submitted to and approved in writing by the Local Planning Authority and thereafter operated.

+ Refuse storage / Delivery and servicing

- 6.45 London Plan Policy 5.16 outlines the Mayor's approach to waste management. Local Plan Policy CC7 sets out the Council's Waste Management guidance, requiring development to incorporate suitable facilities for the storage and collection of segregated waste.
- 6.46 The delivery and servicing associated with the development would continue to be provided in the same way as they are for the existing hotel use and these arrangements are considered satisfactory .

ENVIRONMENTAL MATTERS

+ Flood risk

- 6.47 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'.
- 6.48 London Plan Policies 5.1, 5.12, 5.13, 5.14 and 5.15 require development to comply with the flood risk assessment and management requirements of national policy.
- 6.49 Local Plan Policy CC3 requires that development should reduce the use of water and to minimise current and future flood risk. This is supported by Policy CC4
- 6.50 This application was referred to the councils Environmental Policy team as it is located within the Environmental Agency Flood Risk Zone 2/3. The flood risk assessment (FRA) provided was reviewed and they raised no objection. Local Plan Policy CC3 requires that all developments must include water efficient fittings and appliances, where new facilities are provided. This will be communicated by way of an informative.
- 6.51 Although not in the breach extent area the FRA states that the occupiers will sign up to the EAs early flood warning system and that managers will be trained on flood evacuation. Whilst this is not required, it is welcomed.

+ Air Quality

- 6.52 LBHF was designated as an Air Quality Management Area (AQMA) in 2000 for two pollutants - Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀). The main local sources of these pollutants are road traffic and buildings (gas boiler emissions).

6.53 London Plan Policy 7.14 seeks that development proposals minimise pollutant emissions and promote sustainable design and construction to reduce emissions from the demolition and construction of the buildings; not worsen existing poor quality air quality. Where additional negative air quality impacts from a new development are identified, mitigation measures will be required to ameliorate these impacts. Further the Mayor of London's Air Quality Strategy provides a framework of policy which aims to improve air quality in London.

6.54 Given the scale of this development which is only temporary its unlikely air quality improvements could be secured that would not be overly onerous. The heating of the hostel would remain. As such, on balance is judged to be acceptable.

7.0 CONCLUSION

7.1 In considering planning applications, the Local Planning Authority needs to consider the development plan as a whole and planning applications that accord with the development plan should be approved without delay, unless material considerations indicate otherwise and any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

7.2 In the assessment of the application regard has been given to the NPPF, London Plan, and Local Plan policies as well as guidance. In summary, the proposed development would contribute towards the quantity of the borough's temporary housing stock to house the most at risk residents. The proposed change of use is temporary only. The use is in line with the councils aim to end homelessness and is supported by the figures of rough sleepers outlined in section 6.6 of this report.

7.3 Officers have taken account of all the representations received and in overall conclusion for the reasons detailed in this report, it is considered having regard to the development plan as a whole and all other material considerations that planning permission should be granted subject to conditions.

8.0 RECOMMENDATION

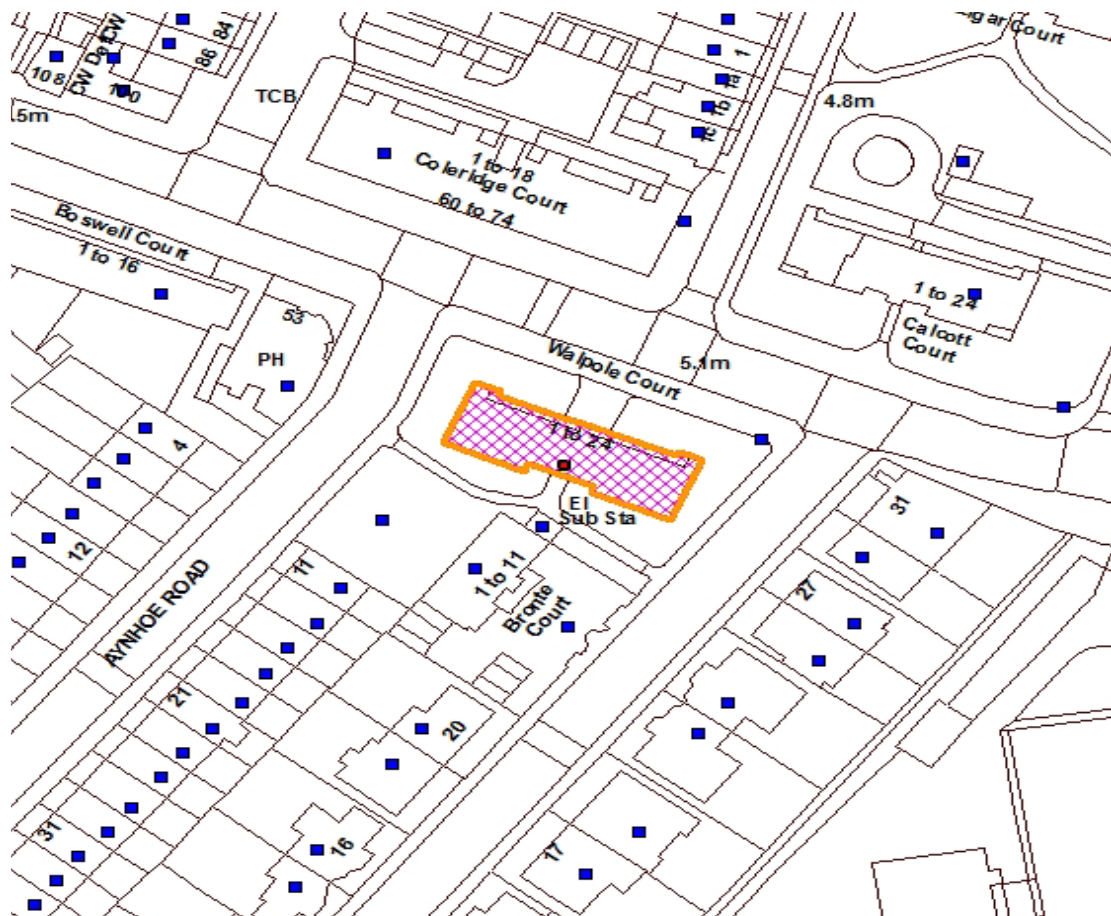
8.1 Grant planning permission subject to conditions.

Agenda Item 6

Ward: Avonmore And Brook Green

Site Address:

Walpole Court Blythe Road London W14 0PG



© Crown Copyright. All Rights Reserved. London Borough Hammersmith and Fulham LA100019223 (2013).

For identification purposes only - do not scale.

Reg. No:

2020/02695/FUL

Case Officer:

Richard Kealey

Date Valid:

20.10.2020

Conservation Area:

Constraint Name: Lakeside/Sinclair/Blythe Road
Conservation Area - Number 36

Committee Date:

02.02.2021

Applicant:

Telefonica and Cornerstone
C/O agent Steampacket House Manchester M2 4JG

Description:

Installation of 3No freestanding frames to support 6No. antennas on 3No. 3.0m poles and 1No. 300mm dish on 1m support pole, installation of 12no. RRU's Units located near the antennas, and 2No. equipment cabinets at main roof level together will ancillary development thereto.

Drg Nos: Report entitled, 'General background for telecommunications'201 (Rev.A), 301 (Rev.A).Design and Access Statement.

Application Type:

Full Detailed Planning Application

Officer Recommendation:

1. That the Committee resolve that the Chief Planning Officer be authorised to grant permission subject to the conditions listed below;
2. That the Committee resolve that the Chief Planning Officer, after consultation with the Head of Law and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

Conditions:

- 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 hereby approved shall not be erected otherwise than in accordance with the detailed drawings which have been approved.

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 DC1, DC4, DC8 and HO11 of the Local Plan (2018).

- 3) The telecommunications equipment hereby approved shall, when they are no longer required for telecommunication purposes, be removed from the building and the building restored to its condition before the development took place.

In order to reduce the visual impact of the development if it is no longer required or if technology allows for less obtrusive installation, in accordance with Policies DC1, DC4, DC8 and HO11 of the Local Plan (2018).

Justification for Approving the Application:

- 1) It is considered that the proposal would not cause any significant undue detriment to the amenities currently enjoyed by occupiers of surrounding properties and would also be of an acceptable visual appearance. In this respect the proposal complies with Policies DC1, DC4, DC7, DC8, DC10 and HO11 of the Local Plan (2018).

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

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

Application form received: 19th October 2020
Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2019
The London Plan 2016
LBHF - Local Plan 2018
LBHF – Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments from:	Dated:
Transport For London - Land Use Planning Team	30.10.20

Neighbour Comments:

Letters from:	Dated:
Flat 6, Aynhoe Mansion Aynhoe Road London W14 0QB	01.11.20
8 Baron's Court Road flat 3 London W14 9DT	02.11.20
38 Alexandra Road London SW19 7JZ	16.11.20
16 Ceylon Road London w140py	01.11.20
44 Mendora Road London SW67NB	02.11.20
30 Langthorne St London SW6 6JY	24.11.20
11a Althea street London SW6 2RX	25.11.20
43 Blythe Road London W14 0HR	23.11.20
5 ceylon road London london w14 0py	02.11.20
Flat A 27 Girdlers Road London W14 0PS	19.11.20
Flat 7 Aynhoe Mansions Aynhoe Road London W14 0QB	24.11.20
37 Aynhoe Road London W14 0QA	25.11.20
22 walpole court London W14 0PG	28.10.20
3 walpole court London W14 0pg	23.11.20
Flat C 3 Girdlers Road London W14 0PS	11.11.20
55 Brook Green London W6 7BJ	05.11.20
20 Girdlers road London W14 0PU	10.11.20
195, Greyhound Rd London W149SD	20.11.20
33 batoum gardens london w6 7qb	24.11.20

Flat 2, Walpole Court Blythe Road London W14 0PG	29.11.20
19 Aynhoe Road London W14 0QA	23.11.20
19 Aynhoe Road London W14 0QA	23.11.20
17 Bowerdean Street London SW6 3TN	25.11.20
11 Aynhoe Road London W14 0QA	01.11.20
Tournay Road 27 London SW6 7UG	08.11.20
44 Mendora Road London SW67NB	24.11.20
86d Lillie Rd LONDON SW6 1TL	26.11.20
12A Applegarth Rd Hammersmith W14 0HY	25.11.20
Baybridge House 8 Woodlands Way London SW152SX	29.11.20
Flat 1 Bronte Court Girdlers Road London W14 0PX	09.11.20

1.0 SITE DESCRIPTION

- 1.1 The application concerns Walpole Court, a six-storey block of flats located on the southern side of Blythe Road. The proposal relates to the installation of telecommunications equipment on the flat roof of the block.
- 1.2 The application site lies within the Lakeside/Sinclair/Blythe Road Conservation area. The site does not contain a Listed Building or a locally listed Building of Merit.
- 1.3 Blythe House (former Post Office Savings Bank Headquarters) is located nearby which is II listed.
- 1.4 The application site lies within the Controlled Parking Zone B and Heliport 150M Buffer Zone

2.0 PLANNING HISTORY

2019/03599/TEL56 - Prior approval was not required for the, 'Installation of 6No. antennas on 3No. freestanding frames and 1No. wall mount; installation of 2No. GPS modules, 33No. RRU units, 4No. cabinets together with ancillary equipment thereto.'

2006/00169/FR3 - Replacement windows and doors to Walpole and Bronte Courts; erection of railings at roof level to Walpole and Bronte Courts; erection of a single storey extension to the northern elevation of Walpole Court for use as refuse storage; erection of a single storey extension to existing storage building adjacent to Girdlers Road for use as a pump room; replacement glazed screens to the northern elevation of Walpole Court; replacement tiles to balconies on the southern elevation of Walpole Court - Approved (07/04/2006).

3.0 PROPOSAL

3.1 The current application seeks planning consent for:

- Installation of 3No freestanding frames to support 6No. antennas on 3No. 3.0m poles
- 1No. 300mm dish on 1m support pole,

- Installation of 12no. RRU's Units located near the antennas,
- 2No. equipment cabinets at main roof level and ancillary development thereto.

4.0 CONSULTATIONS AND SITE VISIT

4.1 The application was publicised by means of a press and site notice as well as individual letters of notification to neighbouring occupiers (88 letters were sent out).

4.2 In response to the notifications a total of 28 objections were received, as well as 3 letters of support. The issues raised can be summarised as follows:

- Health concerns including unsafe levels of radiation which cause cancer / health implications are unknown given how new the technology
- Emergency services like ambulances, police and fire service have successfully used the TETRA service for years, making the 5G service superfluous / little genuine evidence that the emergency services communication network would be improved even the slightest by 5G
- Several nearby schools
- Close proximity to trees and wildlife, flora and fauna including trees
- Impact on conservation area / eyesore / visual clutter
- Prefer it was placed on a commercial building rather than residential
- Concerns residents would have to pay service charges
- Loss of residential amenity including light, sense of enclosure and obscure the sky for some residents
- No letter received / letters addressed as 'occupier' when the council knows who lives in each flat

Issues outlined in letters of support include:

- Poor phone signal in the area
- Walpole court is not of any architectural importance

Officer response:

- The proposal's material planning considerations (including design and impact upon the character and appearance of the application property and the Lakeside/Sinclair/Blythe Road Conservation Area) will be assessed within the 'planning considerations' section of this report.

- Officers note that health concerns relating to telecommunication masts already have to comply with existing national and international guidelines for radiation emissions. In addition, any further legislation needed to safeguard public health is the responsibility of Central Government, rather than Local Councils. Indeed, Paragraph 116 of the National Planning Policy Framework [NPPF] (2019) specifies that Local Planning Authorities should not 'set health safeguards different from the International Commission guidelines for public exposure'.

External consultee responses

4.3 Transport for London - No comment.

Site visit

- 4.4 The Health Protection (Coronavirus Restrictions) (England) Regulations 2020, was brought into force on 26 March 2020 as a result of the Covid-19 pandemic. Regulation 6 states that 'no person may leave the place where they are living without reasonable excuse'. It further adds that reasonable excuse includes the need to "travel for the purposes of work... where it is not reasonably possible for that person to work, or to provide those services, from the place where they are living." (regulation 6(f)).
- 4.5 In this case, the case officer has not attended a site visit as part of the current planning application given the current Covid-19 restrictions in place, as they are confident that they have full details of the application site to make a decision. Aerial imagery and street imagery of the application site is available, and photographs of the application site were taken as part of the previous planning application Ref. 2019/03599/TEL56. In light of the above, the Case Officer is of the view that they have all the relevant detailed information before them to make an effective assessment of the proposal.

5.0 POLICY FRAMEWORK

- 5.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England.
- 5.2 Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act).
- 5.3 In this instance the statutory development plan comprises the London Plan (2016) and the Local Plan (2018). A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application.
- + National Planning Policy Framework (February 2019)
- 5.4 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and was revised in 2019 and is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.
- 5.5 The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

- + London Plan

5.6 The London Plan was published in July 2016. It sets out the overall strategic plan for London and a fully integrated economic, environmental, transport and social framework for the development of the Capital over the next 20-25 years. It forms part of the development plan for Hammersmith and Fulham

+ Draft London Plan

5.7 On 29 November 2017, the Greater London Authority published their Draft London Plan. The consultation period ended on 2 March 2018. In August 2018 the Mayor published a revised version of the draft Plan that includes minor suggested changes. Consultation comments relating to the draft Plan have been reviewed by the independent Planning Inspector appointed by the Secretary of State and the Plan's formal Examination in Public (EIP) took place from January to May 2019. The Mayor has considered the Inspectors' recommendations and further recommendations from the SoS and published the 'Publication London Plan' in December 2021. On 21 December 2020 the Mayor issued to the Secretary of State his intention to publish the London Plan. The SoS has indicated that they will respond to this by 1 February 2021. Where a policy in the 'Publication London Plan' has not been queried by the SoS it has significant weight.

+ Local Plan

5.8 The Council adopted the new Local Plan on 28 February 2018. The policies in the Local Plan together with the London Plan make up the statutory development plan for the borough. The Planning Guidance Supplementary Planning Document (SPD) (February 2018) is also a material consideration in determining planning applications. It provides supplementary detail to the policies and is organised around key principles.

6.0 PLANNING CONSIDERATIONS

6.1 Officers consider that the proposal would raise the following material planning considerations:

- Design and impact upon the character and appearance of the application property and the surrounding area (including designated heritage assets);

- Impact upon neighbouring amenity.

DESIGN AND IMPACT UPON THE CHARACTER AND APPEARANCE OF THE APPLICATION PROPERTY AND THE SURROUNDING AREA (INCLUDING DESIGNATED HERITAGE ASSETS)

Design and Heritage

6.2 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the principal statutory duties which must be considered in the determination of any application affecting listed buildings or conservation areas. It is key to the assessment of these applications that the decision making process is based on the understanding of specific duties in relation to listed buildings and Conservation Areas required by the relevant legislation, particularly the s.66 and s.72 duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the

requirements set out in the NPPF.

6.3 S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that:

'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

S72 of the above Act states in relation to Conservation Areas that:

'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

Paragraph 190 of the NPPF states:

Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 192 of the NPPF states: In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 of the NPPF states: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 194 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; Page 108 b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 196 of the NPPF states: Where a development proposal will lead to

less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 6.4 The NPPF makes a clear distinction between the approach to be taken in decision-making where the proposed development would affect the significance of designated heritage assets (listed buildings, conservation areas, Registered Parks and Gardens) and where it would affect the significance of non designated heritage assets (buildings of local historic and architectural importance).
- 6.5 The NPPF also makes a clear distinction between the approach to be taken in decision-making where the proposed development would result in 'substantial' harm and where it would result in 'less than substantial' harm. Case law indicates that following the approach set out in the NPPF will normally be enough to satisfy the statutory tests. However, when carrying out the balancing exercise in paragraph 196, it is important to recognise that the statutory provisions require the decision maker to give great weight to the desirability of preserving designated heritage assets and/or their setting. The Planning Practice Guidance notes which accompany the NPPF remind us that it is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed.
- 6.6 Local Plan policy DC1 requires all development within the borough to create a high quality urban environment that respects and enhances its townscape context and heritage assets. Local Plan policy DC8 states that the council will conserve the significance of the Borough's historic environment by protecting, restoring, or enhancing its heritage assets, including the borough's conservation areas.
- 6.7 Local Plan policy DC10 states the council support the expansion of Telecommunications networks, but are keen to avoid any detrimental impact on the local townscape.
- The proposed apparatus and associated structures should be sited and designed in order to integrate successfully with the design of the existing building, and thereby minimise its impact on the external appearance of the building;
 - The siting and appearance of the proposed apparatus and associated structures should be compatible with the scale and character of existing development, their neighbours and their setting, and should minimise impact on the visual amenity, character or appearance of the surrounding area;
 - The siting and appearance of the apparatus and associated structures should not have an unacceptable impact on Conservation Areas, Listed Buildings, Buildings of Merit or Areas of Open Space.
- 6.8 The application site is situated in the Lakeside/Sinclair/Blythe Road Conservation Area and is also situated in close proximity to the Brook Green Conservation Area. It is also within the setting of the Grade II statutory listed Blythe House.
- 6.9 Proposals include the installation of telecommunications apparatus is to be installed on the roof of the existing block, at a height of 18.50 metres. The proposed antennas will be fixed to 3No. freestanding frames and individual support poles spread across the roofline. The proposed antennas will be left in

their manufactured grey form so as to reduce their visual prominence against the skyline. The proposed equipment cabinets are less than 2.5m³ each and will be located alongside the redeveloped mast against existing chimneys.

- 6.10 Officers have carried out an assessment of the impact of the proposal on visual amenity and of the potential impact on the character and appearance of the Lakeside/Sinclair/Blythe Road Conservation Area, the potential impact on the setting of the Brook Green Conservation Area and the potential impact on the setting of the adjacent listed building.
- 6.11 The character and appearance of both Conservation Areas and their significance are drawn from their qualities as a Victorian residential area. The application site as a post-war housing blocks, and the adjacent blocks of Thackery Court, Calcott Court, Coleridge Court and Boswell front onto much of the western end of Blythe Road. The architecture and grain of these developments is largely unsympathetic to the character of the Conservation Area. These developments, do not form part of its special architectural or historic interest, being a clear contrast in terms of architectural style, period, height and massing to the development within the network of Victorian streets and terraces that make up the core of the Conservation Areas and which justified the Conservation Area designation. As such the character and appearance of the both Conservation Areas would not be harmed.
- 6.12 In terms of the setting of both Conservations Areas, whilst the proposed antennae will be visible from surrounding townscape views, the equipment is scaled appropriately to the tall modern block which is set apart from its Victorian neighbouring buildings. As such the introduction of these features would have limited intervisibility from surrounding views within Victorian streetscenes and would preserve the character and appearance of both Conservation Areas. As such the setting of the Lakeside/Sinclair/Blythe Road and Brook Green Conservation Areas would not be harmed.
- 6.13 Considering the impact of the development upon the setting of the Grade II Blythe House, the development would have some limited intervisiblity within key views of the site, namely south-eastern views along Blythe Road. Given the modest scale and situation of the proposals, any increased visibility within these views would be marginally greater than that of the existing Walpole Court development. As such the settings of the adjacent listed buildings would not be harmed.

Design and Heritage Conclusion

- 6.14 Overall, the telecommunications apparatus is considered to be of an appropriate design and situation to retain the character of the host building. Furthermore, these developments would not result in harm to visual amenity or harm to the character and appearance of the Lakeside/Sinclair/Blythe Road Conservation Area. The settings of the adjacent Brook Green Conservation Area, adjacent Grade II listed building, Blythe House would not be harmed. As such, the proposal would accord with s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, Local Plan Policies DC1, DC8 and DC10.

IMPACT UPON NEIGHBOURING AMENITY

- 6.15 Policy HO11 of the Local Plan (2018) specifies that any proposal should ensure an acceptable impact upon the amenity of neighbouring residential occupants, especially with regard to outlook, privacy, daylight/sunlight and a sense of enclosure.
- 6.16 Officers note that no residential accommodations are located at roof level. As such, it's unlikely any telecommunications would be in view of residents or harmfully impact upon them. Concerns were raised that loss of light and the sky would be obscured following on from the installation of proposed equipment. Its unlikely such equipment would result in the loss of views to the sky given they have been spaced on and there sitting on top of the roof.
- 6.17 In objections received issues were raised regarding health and potential negative impacts. Paragraph 116 of the NPPF states, 'Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.'
- 6.18 As part of information submitted with this application, includes an International Commission on Non-Ionizing Radiation Protection Declaration. The "ICNIRP Declaration" certifies that the site is designed to be in full compliance with the requirements of the radio frequency (RF) guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP) for public exposure as expressed in the EU Council recommendation of July 1999. This ICNIRP declaration takes into account the cumulative effect of the emissions from the proposed installation and all radio base stations present at, or near, the proposed location.
- 6.19 Given the information set out within paragraphs 6.12-6.13 officers are unable to comment on health concerns as this would contravene Paragraph 116 of the NPPF. On balance, no issues are raised with regards to impact on health and surrounding issues raised in objections received.

HIGHWAYS

- 6.20 Policy T1 of the Local Plan (2018) outlines that proposals should not exacerbate existing levels of congestion or parking stress within the locality of the application site. Given ongoing maintenance of the site would be primary by foot as outlined under the 'access' section of the design and access statement, no issues are raised with regards to the impact on the local highway. It is expected the site will be "visited infrequently for maintenance purposes only. Right of entry to the site will be primarily by foot in which the applicant will make use of on-site and internal access arrangements so as to gain access to the antennas and ancillary equipment within the compound. In the event of the antennas that form part of the scheme needing to be maintained this will be achieved by standard access to the rooftop."

7.0 CONCLUSION

- 7.1 In considering planning applications, the Local Planning Authority needs to consider the development plan as a whole and planning applications that accord with the development plan should be approved without delay, unless material considerations indicate otherwise and any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 7.2 In the assessment of the application regard has been given to the NPPF, London Plan, and Local Plan policies as well as guidance.
- 7.3 In summary, the proposed development would contribute towards the expansion of Telecommunications networks without having an unacceptable impact on the local townscape and nearby heritage assets.
- 7.4 Officers have taken account of all the representations received and in overall conclusion for the reasons detailed in this report, it is considered having regard to the development plan as a whole and all other material considerations that planning permission should be granted subject to conditions

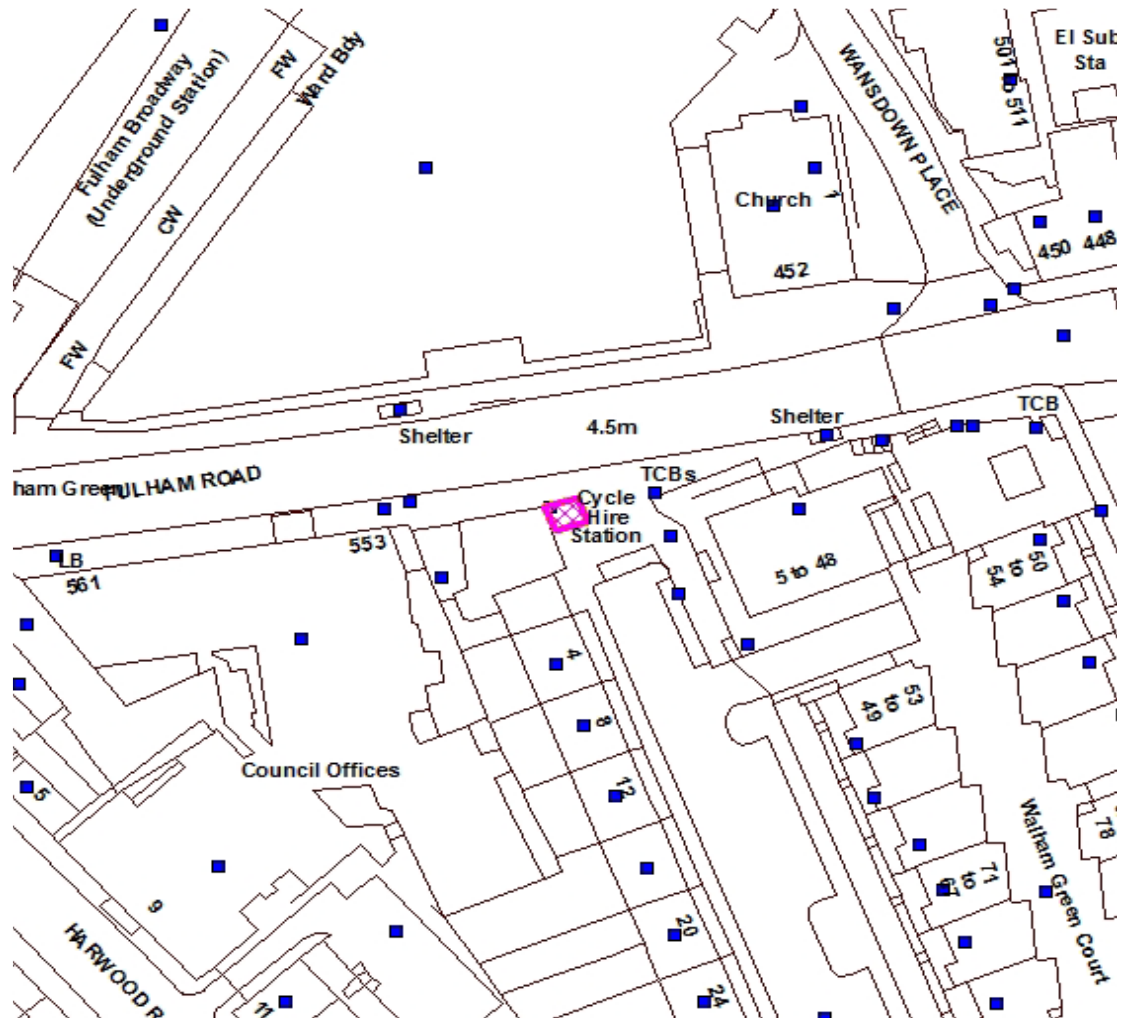
8.0 RECOMMENDATION

- 8.1 Grant planning permission subject to conditions.

Ward: Parsons Green And Walham

Site Address:

On The Pavement On Cedarne Road Outside 547 - 551 Fulham Road London SW6 1ES



© Crown Copyright. All Rights Reserved. London Borough Hammersmith and Fulham LA100019223 (2013).

For identification purposes only - do not scale.

Reg. No:
2020/00045/FR3

Case Officer:
Steven Mielczarek

Date Valid:
24.02.2020

Conservation Area:
Constraint Name: Walham Green Conservation Area - Number 14

Committee Date:
02.02.2021

Applicant:

Miss Lynda Dunn
Lbhf Depot 25 Bagley's Lane London SW6 2QA

Description:

Use of part of the public highway for the placing of a temporary market stall.
Drg Nos: 65010/22/2 (Oct 2020); Service Delivery Plan

Application Type:

Full Regulation 3 - LBHF is Developer

Officer Recommendation:

That the Committee resolve that the Chief Planning Officer be authorised to grant temporary planning permission subject to the conditions listed below;

That the Committee resolve that the Chief Planning Officer, after consultation with the Head of Law and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

Conditions:

- 1) The placement of any stall on the application site, or the carrying on of any trading on any part of the application site, shall not continue beyond 24 months from the date of this decision notice.

So that the operation of the market stall, most particularly with regards to Highways impacts and noise and disturbance to neighbouring properties, may be monitored by the Council over the course of the permission to ensure that no adverse impacts are occurring, in accordance with Policies T1, T6, CC11 and CC13 of the Local Plan (2018).

- 2) The use of the premises shall not be permitted outside the hours of 09:00-18:00, Monday to Sunday.

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

- 3) The stall shall be serviced in line with the submitted Delivery and Servicing plan which details the loading and unloading, vehicle movements, and quiet loading/unloading measures. The details within the agreed Delivery and Servicing Plan shall be implemented prior to the stalls being used and thereafter be permanently retained.

To ensure that the amenity of occupiers of the surrounding premises and the development are not adversely affected by noise and that servicing activities do not adversely impact on the highway, in accordance with Policy 6.11 of the London

Plan and Policies T2, T4, T5, CC11 and CC13 of the Local Plan 2018.

- 4) No servicing of the stall/s shall occur from the public footway adjacent to, or part of the site.

To avoid vehicles using the public footway for servicing and causing an obstruction on the footway, in accordance with Policies T1 and T6 of the Local Plan (2018) and Key Principle TR25 of the Planning Guidance Supplementary Planning Document (2018).

- 5) A maximum of one stall at any one time shall be erected only in the location shown on approved drawing 65010/22/2 (Oct 2020) and no stall shall be erected in any other area at any time. The market stall shall be dismantled and removed when not trading.

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 DC1, T1 and T6 of the Local Plan (2018), and Key Principles TR22 and TR29 of the Planning Guidance Supplementary Planning Document (SPD) (2018).

- 6) Mobile electrical fuel based generators e.g. diesel, petrol shall not be used for heating, lighting and energy supplies for the market stalls.

To ensure that the amenity of occupiers surrounding the premises is not adversely affected by NOx and Particulate (PM10, PM2.5) emission from fuel based electrical generators ancillary to activities at the site, in accordance with Local Plan (2018) Policies CC10 and CC13.

- 7) Prior to the commencement of the development, a refuse strategy shall be submitted to, and approved in writing by, the Local Planning Authority. This should provide details on how the stall operator will manage waste production.

To ensure that waste associated with the proposal will be appropriately managed, in accordance with Policy CC7 of the Local Plan (2018).

- 8) No hot food shall be prepared and sold from the approved market stall.

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

- 9) The approved market stall must only be used for the purpose of selling flowers/plants.

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

Justification for Approving the Application:

- 1) 1. Land use: The proposal would achieve a sustainable development by contributing to the vibrancy of the surrounding locality, and would not conflict in any way with the Council's aims for this area. Resultantly, the proposal would be considered consistent with Policy DC1 of the Local Plan (2018).

2. Highways matters: It is considered that the scheme would not have a significant further impact on the highway network or local parking conditions and is thus considered to be acceptable. Satisfactory provision would be made for the loading/unloading and deliveries and an acceptable width of footway would remain unobstructed for pedestrians. The development thereby accords with Local Plan (2018) Policies T1 and T6 of the Local Plan (2018) as well as London Plan (2016) Policies 6.1, 6.3, 6.10, 6.11 and 6.13.

3. Residential Amenity: The impact of the proposed development upon neighbouring residential occupiers is considered acceptable. The proposal would not have an unacceptably harmful impact on neighbouring residential amenity in terms of noise disturbance or other nuisance, such as hot food smells. In this regard, the development would respect the principles of good neighbourliness, and would therefore be acceptable in accordance with Policies CC11 and CC13 of the Local Plan (2018).

4. Design and Heritage: The development is considered to comply with Local Plan (2018) Policies DC1 and DC8 which require a high standard of design in all new build developments and extensions and alterations to existing buildings, compatible with the scale and character of existing development and its setting. The stalls are not a permanent fixture, of a neat and tidy appearance and do not feature any large, obtrusive or garish signage or advertisement. The character and appearance of the conservation area would be preserved, and there is no harm to setting of Grade II* listed Fulham Town.

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

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

Application form received: 9th January 2020

Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2019
The London Plan 2016
LBHF - Local Plan 2018
LBHF – Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments from:

Dated:

Neighbour Comments:

Letters from:

Dated:

1.0 BACKGROUND

- 1.1 The application site comprises an area of public footway, on the corner of Fulham Road and Cedarne Road, and opposite of Fulham Broadway Station.
- 1.2 The application site lies within the Walham Green Conservation Area, and does not contain a Listed Building or a locally listed Building of Merit.
- 1.3 The application seeks permission for the use of part of the public highway for the placing of one market stall (selling flowers), operating from Monday to Sunday (9am - 6pm).

2.0 PUBLICITY AND CONSULTATION RESPONSES

Neighbouring responses

- 2.1 The application was advertised by way of site and press notices. 128 individual letters were also sent to neighbouring properties.
- 2.2 No responses were received.

3.0 PLANNING CONSIDERATIONS

- 3.1 The relevant considerations in this case, to be assessed against the policies in the National Planning Policy Framework [NPPF] (2018), The London Plan (as amended March 2016) and the Hammersmith and Fulham Local Plan (2018), the Planning Guidance Supplementary Planning Document [SPD] (2018) are:

- The principle of the development.
- Highways matters, most particularly servicing and deliveries.
- Noise and disturbance to neighbouring residential properties.
- Visual amenity and street clutter.

- 3.2 The draft London Plan was published for public consultation in 2017. Following an Examination in Public of the draft Plan from January to May 2019, the Panel issued their report and recommendations to the Mayor in October 2019. In December 2019, the Mayor of London submitted his "Intend to Publish" version of the London Plan to the Secretary of State for his consideration. The 'Intend' version includes a schedule of which recommendations the Mayor is intending to accept or not. The Secretary of State responded to the Mayor on 13 March and on 10 December 2020 setting out a schedule of further amendments he is minded to direct upon that he considers are necessary to bring the new London Plan into conformity with National Policy. In response the Mayor issued a Publication

London Plan on 21 December 2020. Once adopted, the Page 35 new London Plan will supersede the current London Plan. As the document is in its late stages towards adoption, it is considered that relatively significant weight should be applied to the 'Intend to Publish' draft policies that the Secretary of State has not sought directions upon in determining this application.

4.0 PRINCIPLE

4.1 The application site is within Fulham Centre and is therefore subject to Local Plan Policies TLC1 and TLC2 (Town Centres). Policy TLC1 seeks to a mix of shop sizes and types, with independent as well as national traders, that are accessible to local residents, workers and visitors. Policy TLC2 seeks to ensure that uses are complementary to the shopping frontage, whilst maintaining or increase the vitality and viability of the town centre.

4.2 The proposed modest use would be located opposite the Fulham Broadway underground station and would contribute to the vitality or viability of Fulham Town Centre. The proposals would accord with Policies TLC1 and TLC2.

5.0 HIGHWAYS

5.1 The main Highways issues in respect of the development are (a) ensuring satisfactory arrangements for safe and convenient loading/unloading and deliveries for the market stalls and (b) ensuring that there is still space on the pavement for the safe and convenient passage of pedestrians, including those with mobility impairments.

5.2 Policy T1 of the Local Plan (2018) states that the Council will seek to ensure that traffic generated by new development is minimised so that it does not add to parking pressures on local streets.

5.3 The location of the proposed market stall is on a pedestrian footpath on the side of the 547-551 Fulham Road building, positioned on the Cedarne Road footpath. The front elevation of the stall will face Cedarne Road, and the side elevation will align with the front elevation of the building along Fulham Road. This means that the trader would be required to load and unload their equipment away from the proposed location of the stall. The Council's Highways Team are satisfied that the submitted Servicing Management Plan, which contains information regarding where and how the stalls would be set up, without illegally parking along Cedarne Road and Fulham Road. Loading and unloading will occur on Fulham Road, and take place before 7am and after 8pm, and would involve using a transit van approximately 4.5m long and 1.9m high. A condition has been attached to secure these details.

5.4 The location of the market stall is on a part of a footway with a high level of footfall, especially at peak times with commuters moving between Fulham Broadway Station (District Line) and Fulham Broadway (A304). This means that more than the minimum width of 3.5m clear and unobstructed footway will need to be provided as per Key Principles TR25 and TR29 of the Planning Guidance SPD (2018). The submitted site layout plan indicates that the market stall would be located to the side of the pedestrian footway on the corner of Fulham Road and Cedarne Road (no through road for vehicle traffic), leaving a distance of 3.9m from

Fulham Road. Officers are satisfied there would still be enough space remaining to ensure the free flow of pedestrians.

5.5 The proposals would accord with Policies T1 of the Local Plan and Key Principles TR25 and TR29 of the Planning Guidance SPD.

6.0 NOISE AND NUISANCE

6.1 Policy CC11 of the Local Plan (2018) states that noise-generating development will not be permitted if it would be liable to materially increase the noise experienced by the occupants of existing noise-sensitive uses in the vicinity. Policy CC13 (Control of Potentially Polluting Uses) states that the Council will, where appropriate, require mitigation measures if a nuisance (such as smoke, smell, or noise) would be likely to occur. With specific reference to outdoor uses, Key Principle NN5 states that outdoor uses need to be assessed with regard to frequency and times of use, and the noise level likely to be emitted from activities.

6.2 The nearest residential units are located above the market stall, at the upper floors of 547-551 Fulham Road. Whilst the market stall would be located directly below the upper floor residential units, the application form submitted specifies that the market stall would sell flowers. Notably, no hot food would be sold and therefore hot food odours would not be associated with the proposal.

6.3 Officer's acknowledge that noise from the development could be generated from vehicles arriving, setting up, and voices etc. The application proposes a start time of 9am for trading, with set up commencing prior to that time. Whilst the start time could be early, it is not considered that the proposed market stall would generate additional noise beyond what has been established by the existing Town Centre activities in the area and the considerable pedestrian and heavy vehicular traffic on Fulham Road and pedestrian movement on Cedarne Road at that time. For these reasons, the Council's Noise Protection Team raise no objections to the proposed operational hours.

6.4 It is recommended that the proposal is granted a temporary permission for 24 months, to allow both Highways and Noise and Nuisance Officers to monitor the impact of the developments and record any complaints received during that time. If the stalls were found to be operating without any detrimental issues, the applicant could then re-apply for a longer-term permission.

7.0 DESIGN AND HERITAGE

7.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the principal statutory duties which must be considered in the determination of any application affecting listed buildings or conservation areas.

7.2 It is key to the assessment of these applications that the decision making process is based on the understanding of specific duties in relation to listed buildings and Conservation Areas required by the relevant legislation, particularly the s.66 s.72 duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements set out in the NPPF.

7.3 S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires

that: 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

- 7.4 S72 of the above Act states in relation to Conservation Areas that: 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'
- 7.5 Paragraph 184 of the NPPF states: Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 7.6 Paragraph 190 of the NPPF states: Local Planning Authorities should identify and assess the significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 7.7 Paragraph 193 of the NPPF states: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.8 Paragraph 196 of the NPPF states: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 7.9 Case law indicates that following the approach set out in the NPPF will normally be enough to satisfy the statutory tests. However, when carrying out the balancing exercise in paragraphs 195 and 196, it is important to recognise that the statutory provisions require the decision maker to give great weight to the desirability of preserving designated heritage assets and/or their setting.
- 7.10 Local Plan policy DC1 requires all development within the borough to create a high quality urban environment that respects and enhances its townscape context and heritage assets.
- 7.11 Local Plan policy DC8 states that the council will conserve the significance of the Borough's historic environment by protecting, restoring, or enhancing its heritage assets, including the borough's conservation areas.

- 7.12 Officers have carried out an assessment of the impact of the proposal on visual amenity and of the potential impact on the character and appearance of the Walham Green Conservation Area and the potential impact on the setting of the adjacent listed buildings and non-designated heritage assets.
- 7.13 The application site is situated in the Walham Green Conservation Area. The proposal looks to introduce a market stall within a pedestrianised area of Cedarne Road. The market stall structure would be positioned adjacent to the eastern elevation of 547 - 551 Fulham Road. Given its scale and temporary nature, the proposal would not result in any harm to the character and appearance of the Conservation Area.
- 7.14 In terms of other heritage assets, the proposal site is situated within the setting of the Grade II* Listed Fulham Town Hall and 4-48 Cedarne Road, a group of locally listed, Buildings of Merit.
- 7.15 Given the location, scale and temporary nature of the proposal, the development would have relatively limited intervisibility from views of the Fulham Road frontage of Fulham Town Hall. Owing to the intervening development of 547 - 551 Fulham Road, the market stall would not have any impact upon the appreciation of the architectural and special character/significance of the heritage asset. As such the development would not result in any harm to the setting of this Grade II* Listed building.
- 7.16 When considering the setting of 4-48 Cedarne Road, the visibility of the development, would be further limited and would not result in any harm to the character, significance or setting of this group of non-designated heritage assets.
- 7.17 Officers have assessed the impact of the proposal on the heritage assets and consider that it is compliant with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is also in line with national guidance in the NPPF, Policies 7.5 and 7.6 of the London Plan and Policies DC1, DC4, and DC8 of the Local Plan (2018).

8.0 CONCLUSIONS

- 8.1 Officers consider that the proposed development would be acceptable in terms of its highways implications and noise and disturbance for neighbours, as well as appearance and the impact on the character and appearance of the conservation area, and setting of the nearby Grade II* Listed Fulham Town Hall.
- 8.2 It is recommended that temporary planning permission be granted, subject to conditions.

9.0 RECOMMENDATIONS

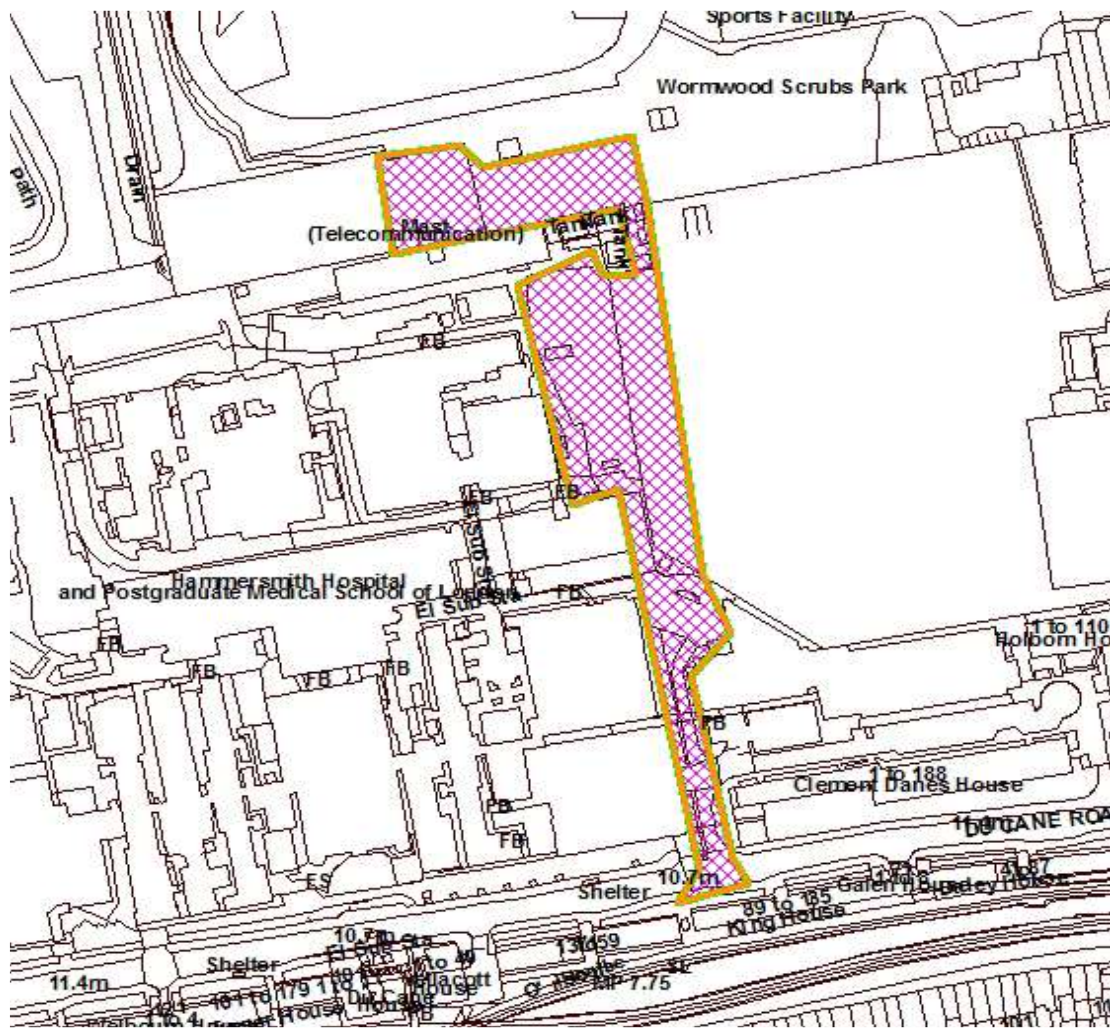
- 1) That the Committee resolve that the Chief Planning Officer be authorised to grant temporary planning permission subject to the conditions listed below;
- 2) To authorise that the Chief Planning Officer after consultation with the Head of Law and the Chair of the Planning and Development Control Committee be

authorised to make any minor changes to the proposed conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion

Ward: College Park And Old Oak

Site Address:

Site Of Former Cyclotron Building And Land
Adjacent, Hammersmith Hospital, Du Cane Road, London
W12 0NN; Land At Linford Christie Stadium, Artillery
Way, Du Cane Road, London W12 0DF; Land At Burlington
Danes Academy, Wood Lane, London, W12 0HR



© Crown Copyright. All Rights Reserved. London Borough Hammersmith and Fulham LA100019223 (2013).

For identification purposes only - do not scale.

Reg. No:
2020/01455/VAR

Case Officer:
Matthew Lawton

Date Valid:
16.06.2020

Conservation Area:

Committee Date:
02.02.2021

Applicant:

Mr Bryan Little

Polaris House North Star Avenue Swindon SN2 1FL

Description:

Variation of the wording of condition 33 of planning permission Ref.2018/03667/FUL granted 24th October 2019 for the 'Erection of a part two storey/part nine storey building with plant at ground floor, eighth floor and roof level to provide a biomedical research centre including specialised laboratory and research space, associated offices and support spaces (Class B1 research and development/Class D1 non-residential education institution, 12,045sqm total floorspace), seventh floor external terrace on the eastern side of the building; relocated substation; external cycle storage; associated landscaping; temporary use of adjacent part of Ark Burlington Danes Academy playing field and adjacent part of Linford Christie Stadium land for temporary construction access and logistics operations'. Amendments are proposed to the wording of parts b and c of condition 33 in order to delete references to NOx emissions standards for CHP units (which are not part of the approved development) and the Emergency Diesel Generator Plant (EDGP), along with the use of abatement for the EDGP if the emissions standards cannot be met; to quantify the opacity of EDGP visible emissions; to reduce the maximum hours of operation of the EDGP; and to restrict EDGP testing to hours when the adjacent school's external amenity areas are not in use.

Drg Nos: Email from Agent dated 22/1/20; Drawings as per condition 2.

Application Type:

Vary or Delete Conditions Full/Outline

Officer Recommendation:

- 1) That the Committee resolve that the Chief Planning Officer be authorised to grant permission upon the completion of a satisfactory legal agreement and subject to the conditions listed below;
- 2) That the Committee resolve that the Chief Planning Officer, after consultation with the Head of Law and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed Heads of Terms of the legal agreement or conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

Conditions:

- 1) The development hereby permitted shall not commence later than the expiration of 3 years beginning with the date of the planning permission Ref.2018/03667/FUL, dated 24th October 2019.

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 only in accordance with the following approved drawing Nos.:

HMLMS1700-HBA-B1-ZZ-A-PL_140 Rev.PL4, HMLMS1700-HBA-B1-ZZ-A-PL_141 Rev.PL3, HMLMS1700-HBA-B1-00-A-PL_142 Rev.PL3, HMLMS1700-HBA-B1-01-A-PL_143 Rev.PL2, HMLMS1700-HBA-B1-02-A-PL_144 Rev.PL2, HMLMS1700-HBA-B1-03-A-PL_145 Rev.PL2, HMLMS1700-HBA-B1-04-A-PL_146 Rev.PL2, HMLMS1700-HBA-B1-05-A-PL_147 Rev.PL2, HMLMS1700-HBA-B1-06-A-PL_148 Rev.PL2, HMLMS1700-HBA-B1-07-A-PL_149 Rev.PL2, HMLMS1700-HBA-B1-08-A-PL_150 Rev.PL2, HMLMS1700-HBA-B1-08M-A-PL_151 Rev.PL2, HMLMS1700-HBA-B1-09-A-PL_152 Rev.PL2, HMLMS1700-HBA-B1-ZZ-A-PL_160 Rev.PL3, HMLMS1700-HBA-B1-ZZ-A-PL_161 Rev.PL2, HMLMS1700-HBA-B1-ZZ-A-PL_162 Rev.PL2, HMLMS1700-HBA-B1-ZZ-A-PL_170 Rev.PL2, HMLMS1700-HBA-B1-ZZ-A-PL_171 Rev.PL2 & HMLMS1700-HBA-B1-ZZ-A-PL_172 Rev.PL2

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, 7.6, and 7.21 of the London Plan (2016) and policies DC1, DC2 and DC8 of the Local Plan (2018).

- 3) Prior to commencement of the relevant part of the development hereby permitted, 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 shall have been submitted to, and approved in writing by, the Council, and the development shall not be used until such hard landscaping as is approved has been carried out. Any permeable hard surfacing shall use infiltration unless the ground conditions are identified to be unsuitable. Soft landscaping shall be carried out during the first planting season available. Any soft 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 policies DC1, DC2, DC8 and OS5 of the Local Plan (2018).

- 4) The development hereby permitted shall be completed in full accordance with the Construction Management Plan approved under application Ref.2019/03191/DET.

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 T1, T6, T7, CC10, CC11, CC12 and CC13 of the Local Plan (2018).

- 5) The development hereby permitted shall be completed in full accordance with the Construction Logistics Plan approved under application Ref.2019/03191/DET.

To ensure that construction works do not adversely impact on the operation of the public highway, in accordance with policies T1, T6, T7, CC10, CC11, CC12 and

CC13 of the Local Plan (2018).

- 6) The development hereby permitted shall be completed in full accordance with the details of fenestration approved under application Ref.2020/00507/DET.

To ensure a satisfactory external appearance and to prevent harm to the street scene and to preserve the character and appearance of the area and nearby conservation areas in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 7) The development hereby permitted shall be completed in full accordance with the details of materials to be used in the external faces of the building approved under application Ref.2020/00507/DET. The development shall be permanently retained as such thereafter.

To ensure a satisfactory external appearance and to prevent harm to the street scene and to preserve the character and appearance of the area in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 8) The development hereby permitted shall be completed in full accordance with the detailed drawings of typical bays of the building (including the proposed chimneys) approved under application Ref.2020/01241/DET.

To ensure a satisfactory external appearance and prevent harm to the street scene, in accordance with policies DC1, DC5 and DC8 of the Local Plan (2018).

- 9) The Class B1 research and development and Class D1 non-residential education institution uses hereby permitted shall only be used for these purposes and for no other purpose (including any other separate purpose in Classes B1 and 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 CC13 and T3 of the Local Plan (2018).

- 10) The development hereby permitted shall not be occupied until 49 long-stay secure, covered cycle parking spaces and 13 short-stay cycle parking spaces have been provided. The cycle parking shall be permanently retained for the lifetime of the development and shall be permanently accessible for the storage of bicycles for staff and visitors to the development.

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 (2016) and policy T7 of the Local Plan (2018).

- 11) With the exception of the terrace areas indicated on the approved drawings, no part of any other roof of the approved development shall be used as a terrace or other amenity space. The upper floor terrace and balcony areas shall not be used

after 21:30 and before 0800 the following day Mondays to Fridays and shall not be used after 21:30 and before 0900 hours the following day on Saturdays, Sundays and Bank Holidays. No live or amplified music shall be played or performed on the external terrace areas hereby approved.

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 CC11 and HO11 of the Local Plan 2018.

- 12) The development hereby permitted shall be completed in full accordance with the preliminary risk assessment approved under application Ref.2019/03231/DET.

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 policy CC9 the Local Plan (2018) and Key principles LC1 to LC7 of the Planning Guidance Supplementary Planning Document (2018).

- 13) The development hereby permitted shall be completed in full accordance with the site investigation scheme approved under application Ref.2019/03231/DET.

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 policy CC9 the Local Plan (2018) and Key principles LC1 to LC7 of the Planning Guidance Supplementary Planning Document (2018).

- 14) The development hereby permitted shall be completed in full accordance with the quantitative risk assessment approved under application Ref.2019/03231/DET.

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 policy CC9 the Local Plan (2018) and Key principles LC1 to LC7 of the Planning Guidance Supplementary Planning Document (2018).

- 15) The development hereby permitted shall be completed in full accordance with the remediation method statement approved under application Ref.2019/03231/DET.

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 policy CC9 the Local Plan (2018) and Key principles LC1 to LC7 of the Planning Guidance Supplementary Planning Document (2018).

- 16) 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 policy CC9 the Local Plan (2018) and Key principles LC1 to LC7 of the Planning Guidance Supplementary Planning Document (2018).

- 17) 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 policy CC9 the Local Plan (2018) and Key principles LC1 to LC7 of the Planning Guidance Supplementary Planning Document (2018).

- 18) Prior to occupation of the development hereby permitted a Low Emission Strategy for the operational phase in order to mitigate the impact of air pollution shall be submitted to and approved in writing by the Local Planning Authority. The Low Emission Strategy must detail the remedial action and mitigation measures that will be implemented to protect receptors (e.g. design solutions). This Strategy must make a commitment to implement the mitigation measures (including NOx emissions standards for the chosen energy plant) that are required to reduce the exposure of poor air quality and to help mitigate the development's air pollution impacts, in particular the emissions of NOx and particulates from on-road vehicle

transport by the use of Ultra Low Emission Zone (ULEZ) compliant Vehicles in accordance with the emissions hierarchy (1) Cargo bike (2) Electric Vehicle, (3) Hybrid (non-plug in) Electric Vehicle (HEV), (4) Plug-in Hybrid Electric Vehicle (PHEV), (5) Alternative Fuel e.g. CNG, LPG, and energy generation sources. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

To comply with the requirements of the NPPF (2019), Policies 7.14a-c of the London Plan (2016) and policy CC10 of the Local Plan (2018).

- 19) Prior to occupation the development hereby permitted shall be carried out in full accordance with the statement of how 'Secured by Design' requirements are to be adequately achieved, approved under application Ref.2019/01186/DET, and retained as such thereafter.

To ensure a safe and secure environment for users of the development, in accordance with policies DC1 and DC2 of the Local Plan (2018).

- 20) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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.

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 DC1, DC2 and DC8 of the Local Plan 2018.

- 21) The development hereby approved shall not be occupied before a Refuse Management Plan, including 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 approved details shall be implemented prior to the occupation of the development and shall thereafter be permanently retained. All refuse/recycling generated by the development hereby approved shall be stored within the agreed areas. These areas shall be permanently retained for this use. Refuse and recyclables shall be stored only within the curtilage of the application site except on collection days.

To ensure that the use does not give rise to smell nuisance and to prevent harm arising from the appearance of accumulated rubbish, in accordance with policies DC4 and CC7 of the Local Plan (2018) and Key principles WM1 to WM11 of the Planning Guidance Supplementary Planning Document (2018).

- 22) Other than structures shown on the plans hereby approved, or in details required by condition, no water tanks, water tank enclosures or other structures shall be erected upon the flat roofs of the building hereby permitted.

To ensure a satisfactory external appearance, in accordance with policies DC1, DC4 and DC8 of the Local Plan 2018.

- 23) Other than as shown on the plans hereby approved, or in details required by condition, no plumbing, extract flues or pipes, other than rainwater pipes, may be fixed on the elevations of the building hereby permitted.

To ensure a satisfactory external appearance, in accordance with policies DC1, DC4 and DC8 of the Local Plan 2018.

- 24) No trees surrounding the site shall be topped, lopped, felled or wilfully destroyed without the prior approval in writing of the Council.

To ensure that the Council is able to properly assess the impact of the development on any trees and prevent their unnecessary loss, in accordance with policies DC1, DC4, DC8 and OS5 of the Local Plan (2018).

- 25) The development hereby permitted shall be completed in full accordance with the Arboricultural Method Statement and Tree Protection Plan approved under application Ref.2019/03191/DET.

To ensure that trees within the site are retained and to prevent harm during the course of the construction, in accordance with policies DC1, DC4, DC8 and OS5 of the Local Plan (2018).

- 26) Prior to the installation of the solar panels hereby approved, details of the solar panels including details of the angle of the PV panels relative to the surface of the roof, shall be submitted to, and approved in writing, by the Council. The development shall not be used/occupied until the scheme has been carried out in accordance with the approved details, and it shall thereafter be permanently retained as such.

To ensure a satisfactory external appearance, and to prevent harm to the area, in accordance with policies 5.3, 7.6 and 7.7 of The London Plan (2016), policies DC1, DC4 and DC8 of the Local Plan (2018).

- 27) The development hereby permitted shall be completed in full accordance with the scheme for temporary site hoarding and/or enclosure of the site approved under application Ref.2019/03191/DET. The site hoarding and/or enclosure shall be erected in accordance with the approved details and retained for the duration of the building works. No part of the site hoarding 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 policies DC1, DC4 and DC8 of the Local Plan (2018).

- 28) Other than as shown on the plans hereby approved, no external roller shutters shall be attached to the building at ground floor level.

To ensure a satisfactory external appearance and to prevent harm to the street scene and to preserve the character and appearance of the area in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 29) Air-conditioning units, ventilation fans and extraction equipment not shown on the approved drawings shall not be installed on the exterior of the building without planning permission first being obtained.

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with policies DC1, DC4 and DC8 of the Local Plan (2018).

- 30) Prior to occupation of the Development hereby permitted, a Delivery and Servicing Management Plan (DSMP), shall be submitted to and approved in writing by the Local Planning Authority. The DSMP shall include, freight consolidation facilities, vehicle tracking, detail the management of deliveries, emergency access, collection of waste and recyclables, times and frequencies of deliveries and collections, silent reversing methods, Use of Ultra Low Emission Zone (ULEZ) compliant vehicles, location of loading bays with active electric vehicle charging points and vehicle movement in respect of the relevant Phase. The approved measures for the relevant part of each Phase shall be implemented and thereafter retained for the lifetime of the residential or commercial uses in the relevant part of the site.

To ensure satisfactory provision for servicing and to prevent noise and disturbance to neighbouring residents, in accordance with policies CC11 and CC13 of the Local Plan (2018) and Key Principle TR27 of the Planning Guidance Supplementary Planning Document (2018).

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

To ensure that the amenity of occupiers of the surrounding premises is not adversely affected by noise, in accordance with policies CC11 and CC13 of the Local Plan 2018.

- 32) The development hereby permitted shall be constructed and operated in accordance with the Design and Access Statement Addendum dated 15.02.19.

To ensure that the proposal provides an inclusive and accessible environment in accordance with policy DC2 of the Local Plan (2018) and The London Plan (2016) policy 7.2.

- 33) Prior to the occupation of the development hereby permitted, a report with details of the combustion plant in order to mitigate air pollution shall be submitted to and approved in writing by the council. The report shall include the following:

- a) Details to demonstrate that the termination height of the shared Flue stack for the combustion Plant has been installed a minimum of 2 metres above any openable window and/or roof level amenity area of the development plot and comply with the overriding minimum requirements for Chimney heights memorandum of the third edition of the 1956 Clean Air Act.
- b) Details of emissions certificates, and the results of NO_x emissions testing of each Ultra Low NO_x gas boiler and Gas fired Humidifiers to demonstrate that

all the Ultra Low NOx Gas fired boilers shall meet a minimum dry NOx emissions standard of 30 mg/kWh (at 0% O2) by an MCERTS accredited organisation shall be provided following installation and thereafter on an annual basis to verify compliance of the relevant emissions standards in part b). Where any combustion plant does not meet the relevant emissions Standards in part b) above, it should not be operated without the fitting of suitable secondary NOx abatement Equipment or technology as determined by a specialist to ensure comparable emissions.

- c) During the operation of the emergency Diesel generators there must be no persistent visible emission with opacity greater than 20%. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications. The diesel fuelled generators shall only be used for a maximum of 36 hours when there is a sustained interruption in the mains power supply to the site, and the testing of these diesel generators shall not be undertaken when the Ark Burlington Danes Academy School external amenities areas i.e. 3G pitch, MUGA and Grass Playing Fields are in use and shall not exceed a maximum of 12 hours per calendar year.

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

To comply with the requirements of the NPPF (2019), policies 7.14a-c of The London Plan (2016) and policy CC10 of the Local Plan (2018).

- 34) The development hereby permitted shall be completed in full accordance with the details of any window cleaning equipment including appearance, means of operation and storage approved under application Ref.2020/01241/DET.

To ensure a satisfactory external appearance and to prevent harm to the street scene and to preserve the character and appearance of the area in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 35) No works shall commence on the relevant part of the development until detailed plans, sections and elevations at a scale of 1:20 of the rooftop plant and plant screening have been submitted to, and approved in writing by, the Council. The development shall be carried out in accordance with the details as approved.

To ensure a satisfactory external appearance and to prevent harm to the street scene and to preserve the character and appearance of the area in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 36) The development shall contain at least one fire rated lift, details of which shall be submitted to the Local Planning Authority and approved in writing prior to the occupation of the building. All lifts within the building shall have enhanced lift repair service running 365 day/24 hour cover to ensure that no building users (including wheelchair users) are trapped if a lift breaks down. The fire rated lift(s) shall be installed as approved and maintained in full working order for the lifetime of the development.

To ensure that the proposal provides an inclusive and accessible environment, in accordance with policy DC4 of the Local Plan (2018) and The London Plan (2016)

policy 7.2.

- 37) The development hereby permitted shall not be occupied before implementation of the sustainable design and construction measures proposed which also includes energy efficiency, low/zero carbon and renewable energy measures detailed in the submitted Energy and Sustainability Statement, Revision 04 dated 14 March 2019 (including installation of a radial only connection to the existing heat network). All details shall be implemented prior to occupation/use of the development hereby permitted, and thereafter be permanently retained.

To ensure the sustainability of the development and the integration of energy generation from renewable sources, consistent with the Mayor's sustainable design objectives in accordance with policies 5.1, 5.2, 5.3 and 5.7 of The London Plan (2016) and policies CC1 and CC2 of the Local Plan (2018).

- 38) The development shall be implemented in accordance with the recommended flood mitigation measures and sustainable drainage measures as proposed in the submitted Flood Risk Assessment Revision 03 dated 12 March 2019, unless otherwise agreed in writing by the local planning authority. The recommended mitigation measures shall be permanently retained thereafter.

To prevent the increased risk of flooding and to protect existing and future occupants, and to ensure that surface water run-off is managed in a sustainable manner, in accordance with policy 5.13 of The London Plan (2016) and policies CC3 and CC4 of the Local Plan (2018).

- 39) The external sound level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the lowest existing background sound level by at least 10dBA in order to prevent any adverse impact. The assessment shall be made in accordance with BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

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

- 40) Other than those shown on the plans hereby approved, no advertisements shall be displayed on either the external faces of the development and/or inside any windows, without details of the advertisements having first been submitted to, and agreed in writing by, the Council.

To ensure a satisfactory external appearance and to prevent harm to the street scene and to preserve the character and appearance of the conservation area in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 41) The development hereby permitted shall be completed in full accordance with the full detailed design of the proposed blue and green roofs approved under application Ref.2020/01241/DET. The blue and green roofs shall be implemented in accordance with the approved details prior to occupation/use of the

development hereby permitted, and thereafter be permanently retained and maintained in line with the agreed details.

To ensure acceptable surface water management, in accordance with policy 5.13 of The London Plan (2016) and policies CC3 and CC4 of the Local Plan (2018).

- 42) The development hereby permitted shall not be occupied or used until full details of the shower rooms and changing areas (including the number of showers) to be provided in the building for use by employees are submitted to, and approved in writing by, the Council. Such details as are approved shall be provided prior to first use and they shall be permanently retained for the use of employees.

In order to ensure satisfactory facilities for staff including cyclists, in accordance with policy T3 of the Local Plan (2018).

- 43) External artificial lighting at the development shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals in the 'Guidance Notes For The Reduction Of Light Pollution 2011'. Lighting should be minimized and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Notes.

To ensure that the amenity of occupiers of surrounding premises are not adversely affected by lighting, in accordance with policies CC12 and CC13 of the Local Plan (2018).

- 44) The development hereby permitted shall be completed in full accordance with the Air Quality Dust Management Plan approved under application Ref.2019/03191/DET. Approved details shall be fully implemented and permanently retained and maintained during the construction phases of the development.

To comply with the requirements of the NPPF (2019), Policies 7.14a-c of the London Plan (2016) and policy CC10 of the Local Plan (2018).

- 45) Prior to the occupation of the development a Car Park Management Plan shall be submitted to, and approved in writing by, the Council. Parking arrangements shall be carried out in accordance with the approved details, and shall be retained permanently thereafter.

To ensure the sustainable 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 (2016) and policies T1 and T4 of the Local Plan (2018).

- 46) Prior to the occupation of the development a scheme to provide a car club space on site, or to facilitate the use of an existing car club with vehicles in the vicinity of the site, shall be submitted to, and approved in writing by, the Council. The development shall be carried out in accordance with the approved details, and shall be maintained permanently thereafter.

To ensure the sustainable 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 (2016) and policies T1 and T4 of the Local Plan (2018).

- 47) Use of the development hereby permitted shall not commence until the parking space for use by disabled persons (which shall be clearly marked out as such) as detailed on the approved drawings has been provided. This arrangement shall thereafter be retained permanently.

To ensure the provision and permanent retention of a space for parking purposes for disabled persons, in accordance with London Plan (2016) Policy 7.2, Policy T5 of the Local Plan (2018), and Key Principles DA1, DA2 and DA3 of the Planning Guidance Supplementary Planning Document (2018).

- 48) Prior to occupation the development hereby permitted, details of tree planting along the northern edge of the hospital campus within the Linford Christie Stadium site shall have been submitted to, and approved in writing by, the Council. Tree planting in accordance with the details as approved shall be carried out during the first planting season available following their approval. Any tree removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree of similar size and species to that originally required to be planted. The development shall be carried in accordance with the approved details.

To ensure that additional trees are appropriately provided, in accordance with policies DC1, DC4, DC8 and OS5 of the Local Plan (2018).

- 49) No development shall commence until the playing pitch at Ark Burlington Danes Academy which will be temporarily lost during the construction of the development is replaced elsewhere. The replacement playing pitch shall remain in existence for as long as the construction zone at Ark Burlington Danes Academy is in existence.

To protect from loss of availability of use during the construction of the development, in accordance with Local Plan (2018) policies CF1, CF3 and OS1.

- 50) In the first planting season following the removal of the construction zone within the Ark Burlington Danes Academy, the playing field temporarily lost during construction must be reinstated to at least the same quality as prior to the temporary loss.

To ensure the site is restored to a condition fit for purpose, in accordance with Local Plan (2018) policies CF1, CF3 and OS1.

- 51) Within eighteen months of the removal of the construction zone within Linford Christie Stadium, the tennis courts temporarily lost during construction must be reinstated to a playable standard.

To ensure the site is restored to a condition fit for purpose, in accordance with Local Plan (2018) policies CF1, CF3 and OS1.

Justification for Approving the Application:

- 1) The proposed variation of Condition 33 of planning permission Ref.2018/03667/FUL meets the requirements to be processed under Section 73 of the Town and Country Planning Act 1990.
 1. Land Use: The principle and land use of the development hereby approved is acceptable and in compliance with national, regional, and local strategic policy context the development would have a positive impact on the local economy, which complies with the economy and employment context set out within NPPF (2019) chapter 6 'Building a strong, competitive economy', London Plan (2016) policies 1.1, 2.1, 3.17, 3.18, 4.1, 4.10 and 4.12 and Local Plan (2018) policies E1, E2 and E4.
 2. Design and Conservation: The proposed development would be a high quality development which would have regard to the pattern and grain of existing development in the area and make a positive contribution to the urban environment. The proposed development would be compatible with the scale and character of existing development and its setting. The proposal would preserve the setting the nearby conservation areas, listed buildings and Buildings of Merit. The development would therefore be acceptable in accordance with the NPPF (2019), Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, London Plan (2016) policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.17 and 7.21 and policies DC1, DC2, DC3 and DC8 of the Local Plan (2018).
 3. Landscaping and Biodiversity: Landscaping would be provided by the development, enhancing biodiversity, which complies with the relevant planning policy context set out in the London Plan (2016) policies 7.5, 7.19, 7.21 and Local Plan (2018) policies OS1 and OS5.
 4. Impact on Neighbouring Residents: The impact of the proposed development upon neighbouring occupiers is considered to be acceptable with regards to noise and impacts on overlooking, sunlight, daylight and outlook. In this regard the development would respect the principles of good neighbourliness. The development would therefore be acceptable in accordance with policy 7.15 of the London Plan (2016), policies CC11, CC13 and DC2 of the Local Plan (2018) and the relevant Key principles of the Planning Guidance Supplementary Planning Document (2018).
 5. Safety and Access: The development would provide a safe and secure environment for all users in accordance with London Plan (2016) policy 7.3 and policies DC1 and DC2 of the Local Plan (2018). The proposal would provide ease of access for all people, including disabled people, in accordance with London Plan (2016) policy 3.8, policies DC1 and DC2 of the Local Plan (2018) and Key principles DA1, DA4, DA5 and DA6 of the Planning Guidance Supplementary Planning Document (2018).
 6. 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 the provision of cycle and refuse storage. The development would therefore be acceptable in accordance with the NPPF (2019), London Plan (2016) policies 6.1, 6.3, 6.9, 6.10, 6.11, 6.12 and 6.13, policies CC7, T1, T2, T3, T4 and T7 of the Local Plan (2018), and Key principles TR3, TR12 and WM9 of the Planning Guidance Supplementary Planning Document (2018).

7. Flood Risk: A Flood Risk Assessment (FRA) has been submitted as required. Detailed drainage matters would be secured by condition. In this respect the proposal is therefore in accordance with the NPPF (2019), London Plan (2016) policies 5.11, 5.12, 5.13, 5.14 and 5.15, policies CC1, CC3, CC4 and CC5 of the Local Plan (2018) and Key principles FR1, FR2 and FR3 of the Planning Guidance Supplementary Planning Document (2018).
8. Energy and Sustainability: An Energy Statement has been submitted outlining the energy efficiency and low/zero carbon measures to be implemented as part of the development with the aim of minimising energy use and associated CO2 emissions. The proposal would be consistent with consistent with the Mayor of London's sustainable design objectives in accordance with NPPF (2019) chapter 14 'Meeting the challenge of climate change, flooding and coastal change', policies CC1, DC1 and DC2 of the Local Plan (2018) and policies 5.1, 5.2, 5.3 5.4A, 5.6, 5.7, 5.8, 5.9, 5.10 and 5.11 of The London Plan (2016).
9. Land Contamination: Conditions would ensure that the site would be remediated to an appropriate level for the proposed uses. The proposed development therefore accords with policy 5.21 of the London Plan (2016), policies CC9 and CC13 of the Local Plan (2018), and Key principles LC1, LC2, LC4, LC5, LC6 and LC7 of the Planning Guidance Supplementary Planning Document (2018).
10. Air Quality: With regards to air quality considerations, the Council's Environmental Quality Team have reviewed the Air Quality Assessment submitted with the application proposal and consider, subject to additional mitigation, the development would be acceptable and compliant with London Plan (2016) policy 7.14 and Local Plan (2018) policy CC10.
11. Planning Obligations: The application to be amended by way of varying Condition 33 of the former planning permission, proposes that its impacts are mitigated by way of a financial contribution to implement proposals in the Council's Air Quality Action Plan. The proposed development, as amended, would therefore mitigate air quality impacts and would accord with policy CC10 of the Local Plan (2018) and policy 7.14 of The London Plan (2016).

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

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

Application form received: 10th June 2020

Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2019
The London Plan 2016
LBHF - Local Plan 2018
LBHF – Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments from: **Dated:**

Neighbour Comments:

Letters from: **Dated:**

1.0 BACKGROUND

- 1.1 The application site is 0.185 hectares in area. This site is located on the eastern side of the Hammersmith Hospital campus, to the north of Du Cane Road. The site was formerly occupied by a part 9/part 3 storey Cyclotron Building and the associated 3 storey Annexe Building. These buildings were demolished in 2014, having remained in use and full occupation for the diagnosis and treatment of a range of diseases until 2012. The previously approved development to which this Section 73 (S73) application relates is currently under construction.
- 1.2 The site is surrounded to the south and west by large buildings which form part of the Imperial College campus at the hospital. To the immediate east of the site are playing fields for the adjacent Ark Burlington Danes Academy, and to the north are the Linford Christie sports facility and beyond that Wormwood Scrubs which both form part of designated Metropolitan Open Land.
- 1.3 None of the hospital campus buildings are statutorily listed, although the adjacent Wolfson Institute and the main southern entrance to the hospital and adjoining administration block are locally listed as buildings of merit (BOM).
- 1.4 The Old Oak & Wormholt Conservation Area lies approximately 210m from the site to the south and 250m from the site to the west is Wormwood Scrubs prison which contains Grade II and II* listed buildings, and 320m to the east the Grade II listed building within Ark Burlington Danes Academy.
- 1.5 Pedestrian and Vehicular access to the site is off Du Cane Road (a Local Distributor Road), via an undercroft beneath the Commonwealth building. The application site falls within a location which has a PTAL level of 2 (poor), rising to 3 (moderate) at the entrance to this part of the hospital site from Du Cane Road. The main entrance to the hospital, however, has a PTAL level of 5 (very good). The site is served by 5 bus routes along Du Cane Road and is within 15-20 minutes walking distance of three underground stations.
- 1.6 The site lies within the Environment Agency's Flood Risk Zone 1.

Relevant Planning History

- 1.7 2014/00275/SCREIA - Screening opinion for the demolition of the part 9 / part 3 storey Cyclotron Building and the associated 3 storey Annexe Building within Hammersmith Hospital campus. Opinion issued 25/4/14 - not EIA development.
- 1.8 2014/00912/DEM - Demolition of the part 9 / part 3 storey Cyclotron Building and the associated 3 storey Annexe Building within Hammersmith Hospital campus - Granted 25/4/14.
- 1.9 2018/03667/FUL - Erection of a part two storey/part nine storey building with plant at ground floor, eighth floor and roof level to provide a biomedical research centre including specialised laboratory and research space, associated offices and support spaces (Class B1 research and development/Class D1 non-residential education institution, 12,045sqm total floorspace), seventh floor external terrace on the eastern side of the building; relocated substation; external cycle storage; associated landscaping; temporary use of adjacent part of Ark Burlington Danes Academy playing field and adjacent part of Linford Christie Stadium land for temporary construction access and logistics operations - Granted 24/10/19, accompanied by a S106 legal agreement securing:
- Support for employment, training and local business including a contribution of £158,750.
 - A contribution of £20,000 to improve and promote walking and cycling routes, such as Legible London wayfinding (to include future updates and maintenance as necessary).
 - Commercial and construction workers travel plans.
 - Payments of £3,000 per travel plan at years 1, 3 and 5 (annually until completion for the construction workers travel plan) to fund the review of each of the development's travel plans.
 - A payment to fund local CO2 reduction measures (estimated to be £107,698).
 - A S278 legal agreement relating to works to the site access.
- 1.10 2019/03191/DET - Submission of details of a Construction Management Plan, pursuant to Condition 4; details of a Construction Logistics Plan, pursuant to Condition 5; details of an Arboricultural Method Statement, pursuant to Condition 25; details of a scheme for temporary site hoarding, pursuant to Condition 27; and details of an Air Quality Dust Management Plan (AQDMP), pursuant to Condition 44 of planning permission reference: 2018/03667/FUL dated 24th October 2019 – Approved 23/12/19.
- 1.11 2019/03231/DET - Submission of details of a preliminary risk assessment report, pursuant to Condition 12; details of a site investigation scheme, pursuant to Condition 13; details of a quantitative risk assessment report, pursuant to Condition 14; and details of a remediation method statement, pursuant to Condition 15 of planning permission reference: 2018/03667/FUL dated 24th October 2019 – Approved 23/12/19.
- 1.12 2020/01186/DET - Submission of details of a statement of how 'Secured by Design' requirements are to be adequately achieved, pursuant to Condition 19 of planning permission reference: 2018/03667/FUL dated 24th October 2019 – Approved 8/7/20.

- 1.13 2020/01698/NMAT - Non-material amendment to planning permission Ref.2018/03667/FUL granted 24th October 2019 for the 'Erection of a part two storey/part nine storey building with plant at ground floor, eighth floor and roof level to provide a biomedical research centre including specialised laboratory and research space, associated offices and support spaces (Class B1 research and development/Class D1 non-residential education institution, 12,045sqm total floorspace), seventh floor external terrace on the eastern side of the building; relocated substation; external cycle storage; associated landscaping; temporary use of adjacent part of Ark Burlington Danes Academy playing field and adjacent part of Linford Christie Stadium land for temporary construction access and logistics operations.' Amendments to include: Removal of perforated panels from the atrium on the east elevation (including removal of beam at level 1 and mullions of atrium glazing to be re-aligned to align with glazing into reception), change to panel layout - increasing the height of the upper-most panel to the base, addition of a door to the nitrogen store on the west elevation, addition of four louvres to the doors and two additional exposed louvres in the facade (colour matched to facade) on the north elevation - Granted 21/8/20.
- 1.14 2020/00507/DET - Submission of details and samples of the proposed fenestration, including opening style, pursuant to Condition 6; and details and samples of all materials to be used in the external faces of the building, including a sample panel erected onsite for the Council's inspection and approval prior to the commencement of the works, pursuant to Condition 7 of planning permission reference: 2018/03667/FUL dated 24th October 2019 - Approved 27/8/20.
- 1.15 2020/01241/DET - Submission of detailed drawings of typical bays of the building (including the proposed chimneys) in plan, section and elevation at a scale of no less than 1:20, pursuant to Condition 8; details of any window cleaning equipment including appearance, means of operation and storage, pursuant to Condition 34; and the full detailed design of the proposed blue and green roofs, to include details of the substrate depth and confirmation of the attenuation volume provided, pursuant to Condition 41 of planning permission reference: 2018/03667/FUL dated 24th October 2019 - Approved 27/8/20.

Current proposal

- 1.16 The current application proposes the variation of the wording of condition 33 of planning permission Ref.2018/03667/FUL granted 24th October 2019 for the 'Erection of a part two storey/part nine storey building with plant at ground floor, eighth floor and roof level to provide a biomedical research centre including specialised laboratory and research space, associated offices and support spaces (Class B1 research and development/Class D1 non-residential education institution, 12,045sqm total floorspace), seventh floor external terrace on the eastern side of the building; relocated substation; external cycle storage; associated landscaping; temporary use of adjacent part of Ark Burlington Danes Academy playing field and adjacent part of Linford Christie Stadium land for temporary construction access and logistics operations'.
- 1.17 Amendments are proposed to the wording of parts b and c of condition 33 in order to delete references to NOx emissions standards for Combined heat and power (CHP) units (which are not part of the approved development) and the Emergency

Diesel Generator Plant (EDGP), along with the use of abatement for the EDGP if the emissions standards cannot be met. In lieu of the provision of mitigation measures to meet the specified NOx emissions standards for the EDGP, a financial contribution to implement proposals in the Council's Air Quality Action Plan is proposed.

2.0 PUBLICITY and CONSULTATIONS

2.1 The current application was publicised by the Council by way of press and site notices posted in July 2020, and 665 notification letters were sent to individual properties in the vicinity of the site.

2.2 To date no responses from the public have been received.

Responses from other consultees

2.3 The application was brought to the attention of the Greater London Authority (GLA) who deemed it to be non-referable under the Town and Country Planning (Mayor of London) Order 2008.

3.0 POLICY FRAMEWORK

3.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England.

3.2 Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act).

3.3 In this instance the statutory development plan comprises the London Plan (2016), the Local Plan (2018) and the Planning Guidance Supplementary Planning Document (2018). A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application.

National Planning Policy Framework (NPPF, February 2019)

3.4 The application has been evaluated against the Development Plan and the NPPF and the Authority has assessed the application against the core planning principles of the NPPF and whether the proposals deliver 'sustainable development'.

3.5 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any

adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The London Plan

- 3.6 The London Plan was published in July 2016. It sets out the overall strategic plan for London and a fully integrated economic, environmental, transport and social framework for the development of the Capital over the next 20-25 years. It forms part of the development plan for Hammersmith and Fulham.

The Draft New London Plan

- 3.7 On 29 November 2017, the Greater London Authority published their Draft London Plan. The consultation period ended on 2 March 2018. In August 2018 the Mayor published a revised version of the draft Plan that includes minor suggested changes. Consultation comments relating to the draft Plan have been reviewed by the independent Planning Inspector appointed by the Secretary of State (SoS) and the Plan's formal Examination in Public (EIP) took place from January to May 2019. The Mayor has considered the Inspectors' recommendations and further recommendations from the SoS and published the 'Publication London Plan' in December 2021. On 21 December 2020 the Mayor issued to the Secretary of State his intention to publish the London Plan. The SoS has indicated that they will respond to this by 1 February 2021. Where a policy in the 'Publication London Plan' has not been queried by the SoS it has significant weight.

The Local Plan (February 2018)

- 3.8 The policies in the Local Plan together with the London Plan make up the statutory development plan for the borough. The Planning Guidance Supplementary Planning Document (SPD) (February 2018) is also a material consideration in determining planning applications. It provides supplementary detail to the policies and is organised around key principles.
- 3.9 With regard to this application, all planning policies in the National Planning Policy Framework (NPPF), London Plan (2016), Local Plan (2018), and Planning Guidance Supplementary Planning Document (SPD) which have been referenced where relevant in this report have been considered with regards to equalities impacts through the statutory adoption processes, and in accordance with the Equality Act 2010 and Council's PSED. Therefore, the adopted planning framework which encompasses all planning policies which are relevant in Officers' assessment of the application are considered to acknowledge protected equality groups, in accordance with the Equality Act 2010 and the Council's PSED.

4.0 PLANNING CONSIDERATIONS

- 4.1 The entire borough was designated as an Air Quality Management Area (AQMA) in 2000 for two pollutants, Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀). The main local sources of these pollutants are road traffic and buildings (gas boiler emissions).
- 4.2 Policy 7.14 of The London Plan (2016) seeks that development proposals

minimise pollutant emissions and promote sustainable design and construction to reduce emissions from the demolition and construction of the buildings and also to minimise exposure to poor air quality.

4.3 Local Plan (2018) Policy CC10: Air Quality states that the Council will seek to reduce levels of local air pollution and improve air quality in line with the national air quality objectives by reducing the potential adverse air quality impacts of new developments, requiring the submission of an air quality assessment and mitigation measures where appropriate.

4.4 The current application proposes the variation of the wording of condition 33 of planning permission Ref.2018/03667/FUL, which states:

Prior to the occupation of the development hereby permitted, a report with details of the combustion plant in order to mitigate air pollution shall be submitted to and approved in writing by the council. The report shall include the following:

- a) Details to demonstrate that the termination height of the shared Flue stack for the combustion Plant has been installed a minimum of 2 metres above any openable window and/or roof level amenity area of the development plot and comply with the overriding minimum requirements for Chimney heights memorandum of the third edition of the 1956 Clean Air Act.
- b) Details of emissions certificates, and the results of NO_x emissions testing of each CHP unit, Ultra Low NO_x gas boiler and Gas fired Humidifiers and Emergency Diesel Generator Plant to demonstrate that all the CHP Plant, Ultra Low NO_x Gas fired boilers, Emergency Diesel Generator Plant and associated abatement technologies shall meet a minimum dry NO_x emissions standard of 25 mg/Nm⁻³ (at 5% O₂), 30 mg/kWh (at 0% O₂) and 95 mg/Nm⁻³ (at 5% O₂) respectively by an MCERTS accredited laboratory shall be provided following installation and thereafter on an annual basis to verify compliance of the relevant emissions standards in part b). Where any combustion plant does not meet the relevant emissions Standards in part b) above, it should not be operated without the fitting of suitable secondary NO_x abatement Equipment or technology as determined by a specialist to ensure comparable emissions.
- c) Details to demonstrate where secondary abatement is used for the Emergency Diesel Generator the relevant emissions standard in part b) is met within 5 minutes of the generator commencing operation. During the operation of the emergency Diesel generators there must be no persistent visible emission. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications. The diesel fuelled generators shall only be used for a maximum of 48 hours when there is a sustained interruption in the mains power supply to the site, and the testing of these diesel generators shall not exceed a maximum of 12 hours per calendar year.

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

To comply with the requirements of the NPPF (2019), policies 7.14a-c of The London Plan (2016) and policy CC10 of the Local Plan (2018).

4.5 Amendments were proposed to the wording of parts b and c of condition 33 by the Applicant in order to delete references to NOx emissions standards for CHP units and the EDGP, along with the use of abatement for the EDGP if the emissions standards cannot be met. Additional amendments have subsequently been agreed as a result of discussions with Officers, replacing a word in part b, and adding text to and reducing the maximum hours of use of the EDGP in part c. The revised wording for parts b and c of condition 33 are therefore as follows (text to be deleted shown in strikethrough, replacement/additional text shown underlined):

- b) Details of emissions certificates, and the results of NOx emissions testing of each ~~CHP unit~~, Ultra Low NOx gas boiler and Gas fired Humidifiers and ~~Emergency Diesel Generator Plant~~ to demonstrate that all the ~~CHP Plant~~, Ultra Low NOx Gas fired boilers, ~~Emergency Diesel Generator Plant~~ and associated ~~abatement technologies~~ shall meet a minimum dry NOx emissions standard of ~~25 mg/Nm³ (at 5% O₂), 30 mg/kWh (at 0% O₂) and 95 mg/Nm³ (at 5% O₂)~~ respectively by an MCERTS accredited laboratory organisation shall be provided following installation and thereafter on an annual basis to verify compliance of the relevant emissions standards in part b). Where any combustion plant does not meet the relevant emissions Standards in part b) above, it should not be operated without the fitting of suitable secondary NOx abatement Equipment or technology as determined by a specialist to ensure comparable emissions.
- c) ~~Details to demonstrate where secondary abatement is used for the Emergency Diesel Generator the relevant emissions standard in part b) is met within 5 minutes of the generator commencing operation.~~ During the operation of the emergency Diesel generators there must be no persistent visible emission with opacity greater than 20%. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications. The diesel fuelled generators shall only be used for a maximum of ~~48~~ 36 hours when there is a sustained interruption in the mains power supply to the site, and the testing of these diesel generators shall not be undertaken when the Ark Burlington Danes Academy School external amenities areas i.e. 3G pitch, MUGA and Grass Playing Fields are in use and shall not exceed a maximum of 12 hours per calendar year.

4.6 In terms of the requirement for deletion of NOx emissions standards for CHP units, as no CHP units are proposed as part of the development, which is now under construction, Officers have no objection to the amendments to the condition to remove reference to these and the associated NOX emissions standards.

4.7 The second part of the amendments requested to the wording of parts b and c of condition 33 are to delete references to NOx emissions standards for the EDGP, along with the use of abatement for the EDGP if the emissions standards cannot be met. An EDGP is included with the development which is currently under construction and would be located at eighth floor/roof level.

4.8 The Applicant's case for the amendment of the condition in this regard is as follows:

'The NOx emissions standard for the EDGP is proposed to be removed as in our view, the EDGP will not significantly impact air quality. It is important to note that the EDGP will only be operational for testing, which would be limited to 12 hours per calendar year by the condition, or if there is an interruption in the mains power supply to the site. A sustained interruption in the mains power supply is however extremely unlikely given that hospital sites are a priority for power reconnection when power outages occur.'

- 4.9 Notwithstanding the likely limited usage of the EDGP, the Council applied condition 33 to limit emissions from its use in line with the requirements of London Plan (2016) policy 7.14. and Local Plan (2018) policy CC10. Both of these policies contain provisions, however, for the provision of a financial contribution in lieu of meeting the emissions standards. In this case the Applicant asserts that the costs of meeting the emissions standards required by the condition are prohibitive to the development, and they consider that this is disproportionate for plant machinery whose purpose is for emergency backup use and which would only regularly be used for a limited number of hours for testing.
- 4.10 The additional changes to part c of condition 33 over and above those originally proposed, which have been agreed with Officers during post submission discussions, will secure further air quality benefits. These amendments quantify the opacity of visible persistent emission from the EDGP permitted, reduce the maximum permitted EDGP use in the event of a power supply failure from 48 to 36 hours and ensure that the permitted testing of the EDGP shall not be when external amenity areas at the adjacent Ark Burlington Danes Academy school are in use.
- 4.11 To facilitate the successful completion of this development for a significant biomedical research centre, Officers are minded to recommend that the Council accepts the payment of a financial contribution towards air quality in this instance, in line with the provisions within policy 7.14 of the London Plan and policy CC10 of the Local Plan (2018), the latter stating:
- 'requiring developments to be 'air quality neutral' and resist development proposals which would materially increase exceedances of local air pollutants and have an unacceptable impact on amenity or health unless the development mitigates this impact through physical measures and/or financial contributions to implement proposals in the Council's Local Air Quality Management Plan'
- 4.12 The financial contribution proposed is £111,000 and this would be utilised by the Council, as set out above, to implement proposals in the Council's Air Quality Action Plan (which is the name of the document which currently constitutes the Council's Local Air Quality Management Plan). This amount has been calculated by Officers with reference to published guidance and is considered to be appropriate in this instance. The contribution will be secured via legal agreement as set out below.
- 4.13 The extant permission is accompanied by a Section 106 legal agreement, the details of which are set out at para.1.9 above.
- 4.14 The Applicant is expected to agree to enter into a deed of variation with the Council to link the extant legal agreement to the current application which would

also include the additional site-specific item (i.e. an item which is not on the CIL r123 list):

- A financial contribution of £111,000 to implement proposals in the Council's Air Quality Action Plan.

4.15 Officers consider that the proposed Section 106 contribution is necessary, proportionate, reasonable, fair and 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. Officers are satisfied that the financial contribution will aid implementation of proposals in the Council's Air Quality Action Plan in accordance with policy 7.14 of The London Plan (2016) and policy CC10 of the Local Plan (2018).

5.0 RECOMMENDATION

- 5.1 It is recommended that the Committee approves the proposed variation of Condition 33 of planning permission Ref.2018/03667/FUL and the associated amendments to the Section 106 agreement which accompanied that application.