

Planning and Development Control Committee

Agenda

Tuesday 8 June 2021 at 7.00 pm
Main Hall (1st Floor) - 3 Shortlands, Hammersmith, W6 8DA

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
Governance and Scrutiny
Tel 07776 672945
E-mail: charles.francis@lbhf.gov.uk

Public Notice

Members of the press and public are welcome to attend this meeting. Should exempt information need to be discussed the committee will pass a resolution requiring members of the press and public to leave.

For details on how to register to speak at the meeting, please see overleaf.
Deadline to register to speak is 4pm on Thursday, 3 June 2021

This meeting will be held in-person at 3 Shortlands, Hammersmith, W6 8DA. The meeting is open to the public but spaces are limited due to social distancing requirements so if you would like to attend the meeting please contact:
charles.francis@lbhf.gov.uk

A loop system for hearing impairment is provided, along with disabled access to the building.

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

PUBLIC SPEAKING AT PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Members of the public are welcome to attend the Planning and Development Control Committee meeting. If you'd like to observe the meeting please see the information overleaf.

Who can 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 meeting. They must have been registered to speak before addressing the committee. Ward Councillors may sometimes wish to speak at meetings even though they are not part of the committee. They can represent the views of their constituents. The Chair will not normally allow comments to be made by other people attending the meeting or for substitutes to be made at the meeting.

Do I need to register to speak?

All speakers except Ward Councillor must register at least two working days before the meeting. For example, if the committee is on Wednesday, requests to speak must be made by 4pm on the preceding Friday. Requests received after this time will not be allowed. Registration will be by email only. Requests are to be sent to speakingatplanning@lbhf.gov.uk with your name, address and telephone number and the application you wish to speak to as well as the capacity in which you are attending.

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 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.

At the Meeting - please arrive 15 minutes before the meeting starts and make yourself known to the Committee Co-ordinator who will explain the procedure.

What materials can be presented to committee?

To enable speakers to best use the time allocated to them in presenting the key issues they want the committee to consider, no new materials or letters or computer presentations will be permitted to be presented to the committee.

What happens to my petition or deputation?

Written petitions made on a planning application are incorporated into the officer report to the Committee. Petitioners, as members of the public, are welcome to attend meetings but are not permitted to speak unless registered as a supporter or objector to an application. Deputation requests are not accepted on applications for planning permission.

PUBLIC ATTENDANCE AT PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Members of the public are welcome to attend and observe the meeting, but spaces are limited due to social distancing measures so please contact charles.francis@lbhf.gov.uk and say which meeting and item you would like to attend for. Priority will be given to those who are participating in the meeting. Observers will be allocated seats on a first come first serve basis.

For the safety of attendees, we are ensuring that our meetings take account of any relevant Coronavirus restrictions and public health advice.

Members of the public who are attending a meeting for a specific purpose, rather than general observation, are encouraged to leave the meeting at the end of the item for which they are present.

Before attending the meeting

Do not attend a meeting if you are experiencing Coronavirus symptoms.

Anyone experiencing symptoms of Coronavirus is eligible to book a swab test to find out if they have the virus. You can register for a test after checking your symptoms through the NHS website: <https://www.gov.uk/get-coronavirus-test>

You can also call 119 to book a test.

Even if you are not experiencing Coronavirus symptoms, you are requested to take a lateral flow test in the 24 hours before attending the meeting.

You can order lateral flow tests online or visit one of our testing centres:

<https://www.lbhf.gov.uk/coronavirus-covid-19/health-and-wellbeing-advice/covid-19-testing>

If your lateral flow test returns a positive result, you should follow Government guidance to self-isolate and make arrangements for a PCR test.

Attending the meeting

To make our buildings Covid-safe, it is important that you observe the rules and guidance on social distancing, hand washing, and the wearing of masks (unless you are exempt from doing so) when moving around and in communal spaces. You must follow all the signage and measures that have been put in place. They are there to keep you and others safe.

Security staff will be waiting in reception to direct members of the public to the meeting room for their item.

Refreshments will not be provided, so it is recommended that you bring a bottle of water with you.

Planning and Development Control Committee Agenda

8 June 2021

<u>Item</u>		<u>Pages</u>
1.	APOLOGIES FOR ABSENCE	
2.	DECLARATION OF INTERESTS <p>If a Councillor has a disclosable pecuniary interest in a particular item, whether or not it is entered in the Authority's register of interests, or any other significant interest which they consider should be declared in the public interest, they should declare the existence and, unless it is a sensitive interest as defined in the Member Code of Conduct, the nature of the interest at the commencement of the consideration of that item or as soon as it becomes apparent.</p> <p>At meetings where members of the public are 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.</p> <p>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.</p> <p>Councillors are not obliged to withdraw from the meeting where a dispensation to that effect has been obtained from the Standards Committee.</p>	
3.	MINUTES <p>To approve as an accurate record, and the Chair to sign, the minutes of the meeting of the Committee held on 5th May 2021.</p>	6 - 8
4.	1A RAVENSCOURT ROAD, LONDON, W6 0UH, RAVENSCOURT PARK, 2020/01667/FUL	9 - 38
5.	EARLS COURT 2 EXHIBITION CENTRE, LILLIE BRIDGE RAIL DEPOT, WEST KENSINGTON AND GIBBS GREEN HOUSING ESTATES AND ADJOINING LAND, NORTH END, 2021/01443/FUL	39 - 69

6. EARLS COURT 2 EXHIBITION CENTRE, LILLIE BRIDGE RAIL DEPOT, WEST KENSINGTON AND GIBBS GREEN HOUSING ESTATES AND ADJOINING LAND, NORTH END, 2021/01444/ADV 70 - 73
7. OSRAM COURT, 182 SHEPHERD'S BUSH ROAD, LONDON, W6 7PF, ADDISON, 2020/01602/FUL 74 - 84
8. OUTSIDE RAVENSCOURT PARK UNDERGROUND STATION, RAVENSCOURT ROAD, LONDON, W6 0UG, RAVENSCOURT PARK, 2021/00908/FR3 85 - 94

Agenda Item 3

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



Wednesday 5 May 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

For transparency, Councillor Alex Karmel confirmed that he knew one or more of the objectors. As he considered this would not prejudice his vote, he remained in the meeting and participated in the item.

MINUTES OF THE MEETING HELD ON 3 MARCH 2021.

The minutes of the meeting held on 20 April 2021 were agreed.

ITEM 4 – 32A VEREKER ROAD, LONDON, W14 9JS, NORTH END, 2020/0112/FUL

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

For transparency, Councillor Alex Karmel confirmed that he knew one or more of the objectors. As he considered this would not prejudice his vote, he remained in the meeting and participated in the item.

The Committee heard representations from two objectors to the application. The Committee also heard a representation in support of the application from the Applicant.

In the course of discussions, Councillor Alex Karmel proposed that the Committee declined to determine the application. This was seconded by Councillor Matt Thorley. Before a vote took place on this proposal, Councillor Alex Karmel recused himself at 8:38 pm for the remainder of the meeting.

The Committee voted on the proposal to decline to determine the application as follows

For:

1

Against:

6

The Committee voted on the proposal to approve application 2020/0112/FUL as follows:

For:

2

Against:

4

Not Voting:

1

The Committee voted on the four reasons to refuse application 2020/0112/FUL as follows:

1. That application 2020/0112/FUL be refused as it would offer sub-standard living accommodation:

For:

5

Against:

0

Not Voting:

2

2. That application 2020/0112/FUL be refused as it would generate light pollution and light nuisance:

For:

5

Against:

0

Not Voting:

2

3. That application 2020/0112/FUL be refused as it would generate noise pollution from any open roof lights:

For:

5

Against:

0

Not Voting:

2

4. That application 2020/0112/FUL be refused due to an insufficient construction method statement.

For:

5

Against:

0

Not Voting:

2

RESOLVED THAT:

That application 2020/0112/FUL be refused for the reasons set out above.

Meeting started: 6:30 pm
9:45 pm

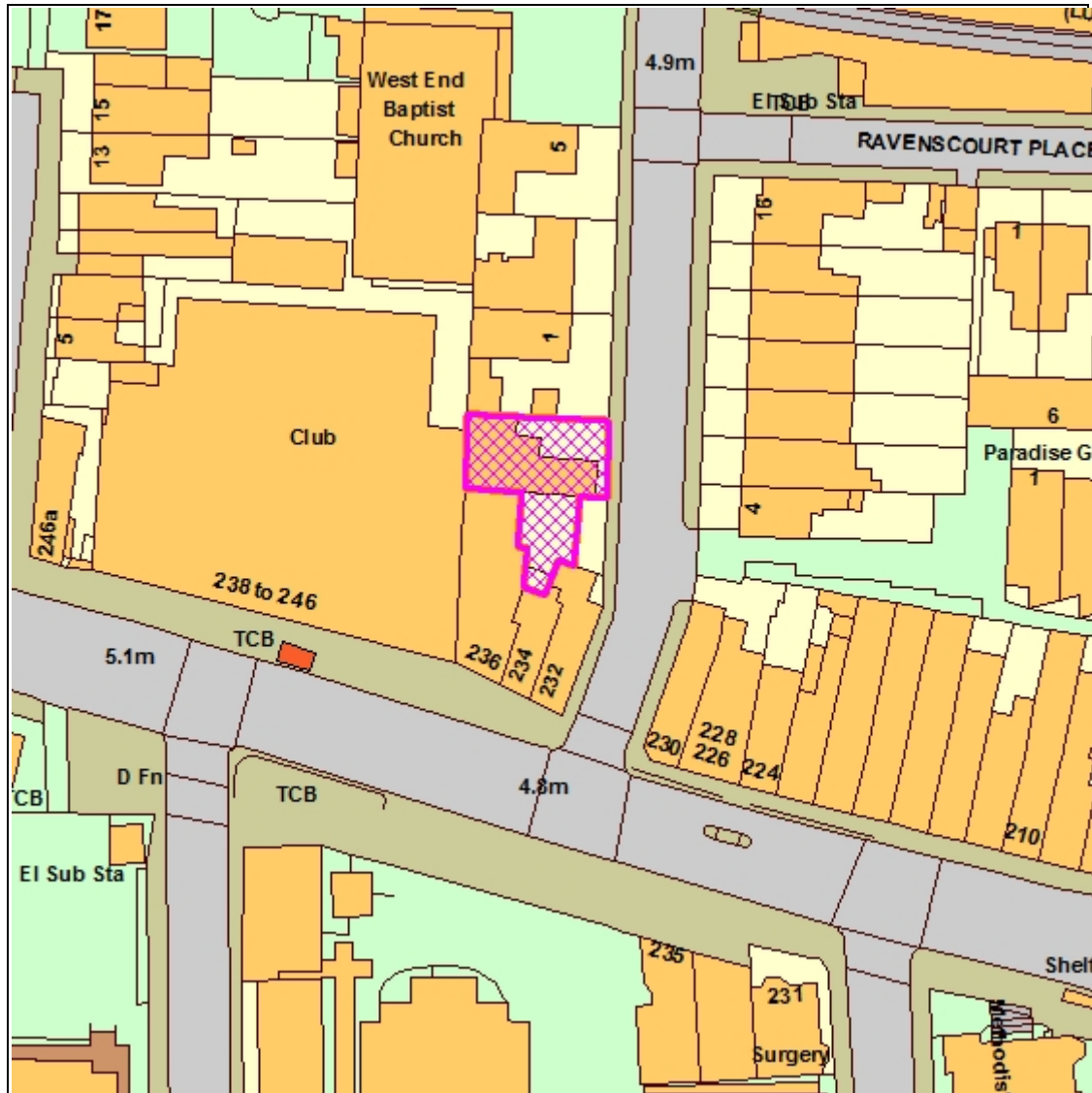
Chair

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

Ward: Ravenscourt Park

Site Address:

1A Ravenscourt Road London W6 0UH



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For identification purposes only - do not scale.

Reg. No:
2020/01667/FUL

Case Officer:
Grace Harrison

Date Valid:
03.07.2020

Conservation Area:
Constraint Name: Ravenscourt And Starch Green
Conservation Area - Number 8

Committee Date:
08.06.2021

Applicant:

OCARINA MANAGEMENT LTD OCARINA MANAGEMENT LTD OCARINA MAN...
1A Ravenscourt Road London W6 0UH

Description:

Demolition of the existing single storey office building, erection of a replacement part 1 and part two storey office building (Class B1); alterations to the front boundary treatment and installation of new gates to the front boundary wall; associated car and cycle parking.

Drg Nos: 575/200 Rev. A; 575/201 Rev. B; 575/202 Rev. C; 575/203 Rev. C; 575/204 Rev. C; 575/205 Rev. B.

Application Type:

Full Detailed Planning Application

Officer Recommendation:

- 1) That the Committee resolve that the Chief Planning Officer be authorised to grant planning 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 shall be carried out and completed in accordance with the drawings hereby approved:

575/200 Rev. A; 575/201 Rev. B; 575/202 Rev. C; 575/203 Rev. C; 575/204 Rev. C; 575/205 Rev. B.

To ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with the policies of the London Plan (2021) and Policies DC1, DC2 and DC8 of the Local Plan (2018).

- 3) No development shall commence until a scheme for temporary fencing and/or enclosure of the site during the demolition and construction works has been submitted to, and approved in writing by, the council. Thereafter the temporary fencing and/or enclosure shall be erected in accordance with the approved details. The approved temporary fencing and/or enclosure shall be retained for the duration of the building works. No part of the temporary fencing and/or enclosure of the site shall be used for the display of advertisements.

To ensure a satisfactory external appearance of the site during demolition and construction works, in accordance with Policies DC2 and DC8 of the Local Plan (2018).

- 4) Prior to commencement of the development hereby approved, a Demolition Method Statement and Construction Management Plan shall be submitted to and approved in writing by the council. The plan shall include details of control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800-1300hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. The details shall also include the numbers, size and routes of demolition and construction vehicles, provisions to ensure that all vehicles associated with the demolition construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. The approved details shall be implemented throughout the project period.

To ensure that demolition and 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 T7, CC11 and CC13 of the Local Plan (2018).

- 5) Prior to commencement of the development hereby approved, a Demolition and Construction Logistics Plan shall be submitted to and approved in writing by the council. The plan shall be in accordance with Transport for London (TfL) requirements. This should seek to minimise the impact of demolition and construction traffic on nearby roads and restrict construction trips to off peak hours only. The approved details shall be implemented throughout the project period.

To ensure that demolition and 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 T7, CC11 and CC13 of the Local Plan (2018).

- 6) No development above ground level shall commence until details and samples of all external materials to be used, including walls and roof coverings, have been submitted to, and approved in writing by, the council. Thereafter the development shall be built in accordance with the approved details.

To ensure a satisfactory external appearance, in accordance with Policies DC2 and DC8 of the Local Plan (2018).

- 7) The development hereby permitted shall not commence until details of hard and soft landscaping of all areas external to the buildings, including planting, planting schedules and paving, and detailed drawings at a scale of not less than 1:20 in plan, section and elevation of all new boundary treatments, fences, gates and other means of enclosure, and details, including samples, of boundary treatment materials have been submitted to, and approved in writing by, the council. The landscaping shall be carried out in accordance with the approved details and shall thereafter be permanently retained as such. The approved planting shall be carried out in the first planting season following first use of the development. Any planting removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced in the next available planting season 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, CC3 and CC4 of the Local Plan (2018).

- 8) No development above ground level shall commence until detailed drawings (in plan, section, and elevation at a scale of not less than 1:20) of typical bays on the front and rear elevations of the new building has been submitted to, and approved in writing by, the Council. Thereafter the development shall be built in accordance with the approved drawings.

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

- 9) No development above ground level shall commence until a statement of how Secured by Design requirements are to be adequately achieved within the development has been submitted to and approved in writing by the council. The approved details shall be carried out prior to occupation of the development and permanently maintained thereafter.

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

- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order amending, revoking, and/or re-enacting that Order, 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.

So that the visual impact of telecommunication equipment can be considered in accordance with Policies DC1 and DC10 of the Local Plan (2018).

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

So that the visual impact of such installations can be considered in accordance with Policies DC1 and DC8 of the Local Plan (2018).

- 12) The development hereby permitted shall not commence until a detailed Flood Risk Assessment and Sustainable Drainage Systems (SuDS) Strategy has been submitted to and approved in writing by the council. Thereafter, the SuDS scheme and flood risk mitigation measures shall be implemented in accordance with the approved details prior to occupation of the development hereby permitted, and thereafter permanently retained and maintained in line with the agreed plan.

To ensure that surface water run-off is managed in a sustainable manner, in accordance with Policy SI 13 of the London Plan (2021), and Policy CC4 of the Local Plan (2018).

- 13) The proposed office use shall only be undertaken on Mondays to Saturdays from 8am to 8pm and between 9am to 6pm on Sundays, and there shall be no working on Bank holidays.

To ensure that the office use does not adversely affect the residential amenities of neighbouring occupiers, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

- 14) Prior to the occupation of the development, a Travel Plan for the extended office shall be submitted to and approved in writing by the council. The Travel Plan shall be implemented in full compliance with the approved details, and shall thereafter continue to be fully implemented whilst the use remains in operation. The plan shall be annually monitored and reviewed and the details of the outcome of this process shall be submitted in writing to the council.

To promote and encourage sustainable and active modes of travel and to ensure that the development does not lead to an unacceptable rise in car trips, in accordance with Policy T2 of the Local Plan (2018).

- 15) Before the development hereby permitted is first brought into use, a Servicing and Delivery Management Plan shall be submitted to and approved in writing by the council. Details shall include times and frequency of deliveries and collections, vehicle movements, silent reversing methods, location of loading bays, and quiet loading/unloading measures. The use hereby permitted shall thereafter be carried out and operated in accordance with the approved Servicing and Delivery Management Plan.

To ensure satisfactory arrangements for deliveries to and servicing of the development to ensure these vehicle movements do not cause congestion or other unnecessary disruption to the local highways network, in accordance with Policy T1 of the Local Plan (2018) and Key Principle TR27 of the Planning Guidance Supplementary Planning Document (2018).

- 16) The development shall not be used or occupied before details of the proposed refuse storage and collection arrangements have been submitted to and approved in writing by the council. All refuse/recycling generated by the residential development hereby approved shall be stored within the approved refused store and this area shall be permanently retained for this use.

To ensure the satisfactory provision of refuse storage and recycling, in accordance with Policy CC7 of the Local Plan (2018).

- 17) The development shall not be used or occupied before details of the proposed cycle storage arrangements have been submitted to and approved in writing by the council. Thereafter the cycle stores shall be retained in accordance with the details approved and retained for the life of the development.

To ensure the suitable provision of cycle parking within the development to meet the needs of future site occupiers, in accordance with Policy T5 of the London Plan (2021) and Policy T3 of the Local Plan (2018).

- 18) Prior to commencement of above ground works in the development a Ventilation Strategy Report to mitigate the impact of existing poor air quality for B1 use class for all receptor locations where the air quality objectives for NO₂ and World Health Organisation (WHO) targets for Particulate Matter (PM_{2.5}, PM₁₀) are already exceeded and where current and future predicted pollutant concentrations are within 5 % of these limits shall be submitted to and approved in writing by the Local Planning Authority. The report shall include the following information:

- a) Details and locations of the ventilation intake locations at rear roof level
- b) Details of restricted opening windows (100mm maximum opening for emergency purge ventilation only) on all floors.
- c) Details and locations of ventilation extracts, to demonstrate that they are located a minimum of 2 metres away from the air ventilation intakes, openable windows, terraces
- d) Details of the independently tested mechanical ventilation system with

Nitrogen Dioxide (NO₂) and Particulate Matter (PM_{2.5}, PM₁₀) filtration with air intakes on the rear elevation to remove airborne pollutants. The filtration system shall have a minimum efficiency of 75% in the removal of Nitrogen Oxides/Dioxides, Particulate Matter (PM_{2.5}, PM₁₀) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890:2016.

The whole system shall be designed to prevent summer overheating and minimise energy usage. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications and shall be the responsibility of the primary owner of the property. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained

To ensure satisfactory air quality for users of the development, in accordance with Policy CC10 of the Local Plan (2018).

- 19) Prior to occupation of the development, details of a post installation report of the approved ventilation strategy as required by condition 18 to mitigate the impact of existing poor air quality shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

To ensure satisfactory air quality for users of the development, in accordance with Policy CC10 of the Local Plan (2018).

- 20) Prior to the commencement of the demolition phases of the development hereby permitted, details of Nitrogen Oxides (NO_x), and Particulates (PM₁₀, PM_{2.5}) emission control of Non-Road Mobile Machinery (NRMM) and On Road Vehicles in order to mitigate air pollution shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

a) Details of the Non-Road Mobile Machinery (NRMM) used on the site with CESAR Emissions Compliance Verification (ECV) identification that shall comply with the minimum Stage IV NO_x and PM₁₀ emission criteria of The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 and its subsequent amendments. This will apply to both variable and constant speed engines for both NO_x and PM. An inventory of all NRMM for the first phase of demolition shall be registered on the NRMM register <https://london.gov.uk/non-road-mobile-machinery-register> prior to commencement of demolition works and thereafter retained and maintained until occupation of the development;

b) Details of the use of on-road London Ultra Low Emission Zone (ULEZ) compliant vehicles from on-site contractors and suppliers of services and materials to the site e.g. minimum Petrol/Diesel Euro 6 (AIR Index <https://airindex.com/> Urban NO_x rating A) and Euro VI;

Developers must ensure that on-site contractors follow best practicable means to minimise dust, particulates (PM10, PM2.5) and NOx emissions at all times in compliance with the Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014. Approved details shall be fully implemented and permanently retained and maintained during the demolition and construction phases of the development.

In the interests of improving the borough's air quality in accordance with Policy CC10 of the Local Plan (2018).

- 21) Prior to the commencement of the construction phases of the development hereby permitted, details of Nitrogen Oxides (NOx), and Particulates (PM10, PM2.5) emission control of Non-Road Mobile Machinery (NRMM) and On Road Vehicles in order to mitigate air pollution shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

c) Details of the Non-Road Mobile Machinery (NRMM) used on the site with CESAR Emissions Compliance Verification (ECV) identification that shall comply with the minimum Stage IV NOx and PM10 emission criteria of The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 and its subsequent amendments. This will apply to both variable and constant speed engines for both NOx and PM. An inventory of all NRMM for the first phase of construction shall be registered on the NRMM register <https://london.gov.uk/non-road-mobile-machinery-register> prior to commencement of construction works and thereafter retained and maintained until occupation of the development;

d) Details of the use of on-road London Ultra Low Emission Zone (ULEZ) compliant vehicles from on-site contractors and suppliers of services and materials to the site e.g. minimum Petrol/Diesel Euro 6 (AIR Index <https://airindex.com/> Urban NOx rating A) and Euro VI;

Developers must ensure that on-site contractors follow best practicable means to minimise dust, particulates (PM10, PM2.5) and NOx emissions at all times in compliance with the Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014. Approved details shall be fully implemented and permanently retained and maintained during the demolition and construction phases of the development.

In the interests of improving the borough's air quality in accordance with Policy CC10 of the Local Plan (2018).

- 22) Prior to occupation of the development hereby permitted an Ultra Low Emission Strategy (ULES) for the operational phase of the development in order to mitigate the impact of existing poor air quality shall be submitted to and approved in writing by the Local Planning Authority. The Ultra 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 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) Alternative Fuel e.g. CNG, LPG, Hydrogen (4) Petrol/Diesel Euro 6 (AIR Index <https://airindex.com/> Urban NOx rating A) and Euro VI. A monitoring report of the implementation of the ULES shall be submitted on annual basis to the LPA. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of improving the borough's air quality in accordance with Policy CC10 of the Local Plan (2018).

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

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

- 24) No development shall commence until a site investigation scheme is submitted to and approved in writing by the Council. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

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

- 25) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, following a site investigation undertaken in compliance with the approved site investigation scheme, a quantitative risk assessment report is submitted to and approved in writing by the Council. This report shall: assess the degree and nature of any contamination identified on the site through the site investigation; include a revised conceptual site model from the preliminary risk assessment based on the information gathered through the site investigation to confirm the existence of any remaining pollutant linkages and determine the risks posed by any contamination to human health, controlled waters and the wider environment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

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

- 26) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, a remediation method statement is submitted to and approved in writing by the Council. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

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

- 27) 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 of the Local Plan (2018).

- 28) 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 of the Local Plan (2018).

- 29) No part of any roof of the development shall be used as a terrace or other form of open amenity space. No alterations shall be carried out; nor planters or other chattels placed on the roofs. No railings or other means of enclosure shall be erected on the roofs, and no alterations shall be carried out to the elevations of the new buildings at any time to form access onto the roofs.

The use of the roofs as a terrace would increase the likelihood of harm to the existing residential amenities of the occupiers of neighbouring properties because of noise and disturbance, contrary to Policies DC4 and HO11 of the Local Plan (2018) and Key Principle HS7 of the Planning Guidance Supplementary Planning Document (2018).

- 30) Prior to the occupation of the development, the first floor windows in the side (north and south) elevations floor windows shall be fitted with obscure-glazing and be fixed shut.

To ensure that there is no overlooking into the dwellings or amenity spaces of adjacent residential properties, leading to loss of privacy, in accordance with

Policies DC4 and HO11 of the Local Plan (2018) and Key Principle HS7 of the Planning Guidance Supplementary Planning Document (2018).

- 31) 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 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 in accordance with Policies CC11 and CC13 of the Local Plan (2018).

- 32) Prior to use, machinery, plant or equipment, extract/ventilation and ducting at the development shall be mounted with proprietary anti-vibration isolated and fan motors shall be isolated from the casing and adequately silenced and maintained as such.

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

- 33) No lighting, machinery or equipment operated in connection with the office use hereby permitted shall be used between the hours of 8pm to 8am Monday to Saturdays and between 6pm and 9am on Sundays and at no time on Bank holidays.

To ensure that the office use does not adversely affect the residential amenities of neighbouring occupiers, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

- 34) Prior to occupation of the building hereby approved, details of any proposed external lighting shall be submitted to and approved in writing by the council. Thereafter the lighting shall be installed in accordance with the details so agreed and be permanently retained as such thereafter.

To ensure the amenities of surrounding occupiers is not adversely affected through light spillage or light pollution, in accordance with Policy CC13 of the Local Plan (2018).

- 35) Prior to the commencement of development, a detailed accessibility statement shall be submitted to and approved in writing by the Council. The statement shall include the following information:

- a) Detailed of the entrances to the site
- b) Details of the layout and fixtures and fittings within the office, confirming that

they meet required standards;

c) Details of how disabled office users and visitors would use circulation spaces, including corridor widths and levels, status of internal doors to corridors, and lift dimensions;

d) Procedures for evacuating disabled office users and visitors in an emergency or in case of lift break down.

To ensure that the development provides suitable facilities for all users, in accordance with Policy DC2 of the Local Plan (2018).

- 36) Prior to commencement of the works hereby approved, an Arboricultural Impact Assessment and Tree Protection Plan shall be submitted to, and approved in writing by, the council. In addition, all excavation beneath the current ground level, within 1.5m of the northern boundary of the site and down to a depth of 1.5m, shall be excavated by hand and with the council's Tree Officer present to inspect any roots discovered. Any roots discovered shall be severed cleanly with a sharp saw. All work shall be carried out in accordance with the tree protection measures set out in the approved Arboricultural Impact Assessment and Tree Protection Plan and in accordance with BS3998:2010 Recommendations for Tree Work.

To prevent mutilation or damage to trees within the gardens of neighbouring properties, in accordance with Policy OS5 of the Local Plan (2018).

- 37) Prior to occupation of the development hereby permitted, details of the installation of the MCS Certified Zero Emission Air/Water Source Heat Pumps, or Electric Boilers to mitigate the impact on existing poor air quality, shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of improving the borough's air quality in accordance with Policy CC10 of the Local Plan (2018).

- 38) The development hereby approved shall only be used as an office (Class E(c)) and shall not be used for any other purpose falling within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended).

The use of the premises for an alternative use would raise materially different Planning considerations that would require assessment in accordance with the London Plan (2021) and Local Plan (2018).

- 39) No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

- A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- B. Where appropriate, details of a programme for delivering related positive public benefits
- C. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

To ensure the preservation or protection of any archaeological interests that may be present on the site, in accordance with Policy DC8 of the Local Plan (2018).

Justification for Approving the Application:

- 1) 1. Land Use: The proposal would achieve a sustainable development by providing enhanced employment space on previously developed land, of a size that is suitable for a small-to-medium sized business. The proposal is considered to be in accordance with Policies E1 and E2 of the Local Plan (2018).
2. Design: The development is considered to comply with Local Plan (2018) Policies DC1 and DC2 which require a high standard of design in all new build developments, compatible with the scale and character of existing development and its setting, and London Plan (2021) Policies D3 and D4 which seek a high quality in design and architecture, requiring new developments to have regard to the pattern and grain of existing development. The character and appearance of the Ravenscourt and Starch Green Conservation Area would be preserved, in accordance with Policy DC8 of the Local Plan (2018).
3. Residential Amenity: The impact of the proposed development upon adjoining occupiers in terms of light, outlook, privacy and noise disturbance is considered to be acceptable. The commercial use which is for an office, would not result in any significant harmful impacts such as unacceptable noise and disturbance to nearby residents, subject to the appropriate conditions. In this regard, the development would respect the principles of good neighbourliness, and would therefore be acceptable in accordance with Policies HO11, DC2 and DC4 of the Local Plan (2018).
4. Accessibility and Safety: Subject to appropriate conditions, the development would provide a safe and secure environment for all users, and would provide ease of access for all people, including disabled people, in accordance with in accordance with Policies DC1, DC2, HO6 and HO11 of the Local Plan (2018) and Policy D5 of the London Plan (2021).

5. 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. Subject to conditions satisfactory provision would be made for cycle parking and future occupiers of the net new units would be prevented from obtaining on-street parking permits, to help prevent overspill of parking onto the local highways. There are available public transport and other services nearby and adequate provision for storage and collection of refuse and recyclables would be provided. The development thereby accords with Local Plan (2018) Policies T1, T3, T4, T5, T7 and CC7 and London Plan (2021) Policies T4, T5, T6 and T7.

6. Environment: The impact of the development with regards to land contamination, flood risk and air quality are considered to be acceptable subject to the recommended conditions, in accordance with Local Plan (2018) Policies CC9, CC10, CC3 and CC4.

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

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

Application form received: 2nd July 2020

Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2019
The London Plan 2021
LBHF - Local Plan 2018
LBHF – Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments from:	Dated:
Crime Prevention Design Advisor - Hammersmith	17.07.20
Crime Prevention Design Advisor - Hammersmith	02.02.21

Neighbour Comments:

Letters from:	Dated:
2 Ravenscourt Place London W6 0UN	01.02.21
2 Ravenscourt Place London W6 0UN	03.08.20
232 King street Garden flat Hammersmith W6 ORF	20.07.20
1 Ravenscourt Road London W6 0UH	03.08.20
232A King Street Hammersmith London W6 0RF	04.08.20

3 Ravenscourt Road London W6 0UH	02.02.21
3 Ravenscourt Road London W6 0UH	31.07.20
3 Ravenscourt Road London W6 0UH	02.08.20
4 Ravenscourt Road London W6 0UG	01.08.20
4 Ravenscourt Road London W6 0UG	03.08.20
14 Ravenscourt Road London W6 0UG	04.08.20
14 Ravenscourt Road London W6 0UG	04.08.20
232a King Street Hammersmith London W6 0RF	04.02.21

OFFICER'S REPORT

1.0 SITE DESCRIPTION

- 1.1 The application site is located on the western side of Ravenscourt Road, close to the junction with King Street. To the south, the site is bounded by Nos. 232-236 King Street; to the west by the Polish Cultural Centre, and to the north by No. 1 Ravenscourt Road, which is a two-storey residential dwelling. There is a terrace of two-storey dwellings opposite the site on the eastern side of Ravenscourt Road. There is an existing L-shaped single storey building on the site, the lawful use of which is as an office.
- 1.2 The site is located within the Ravenscourt and Starch Green Conservation Area. The boundary of the Hammersmith Town Hall Conservation Area lies to the South. Nos. 1, 3 and 5 Ravenscourt Road and No. 236 King Street are locally listed Buildings of Merit. The site also lies within the Ravenscourt Leper Hospital Archaeological Priority Area.
- 1.3 The site is within the Environment Agency's Flood Zones 2 and 3. Flooding from surface water and sewer flooding are known issues in the area.
- 1.4 The area is well-served by public transport, and the site has a PTAL of 4 according to Transport for London's methodology, indicating good access to public transport. The site is two minutes' walk from Ravenscourt Park underground station as well as the closest bus stop outside the Polish Centre on King Street.

2.0 RELEVANT PLANNING HISTORY

- 2.1 Ref. 2014/02689/CLE - Use of the ground floor and yard as Class B1 Offices with ancillary yard. Status: Approved.
- 2.2 2015/02660/FUL - Demolition of existing office building (Class B1), ancillary walls, gates and structures, and erection of a two storey plus-basement single family dwelling house with off-street car parking to the front; associated landscaping and ancillary works. Application was withdrawn by applicant
- 2.3 2015/05682/FUL - Demolition of existing office building (Class B1), ancillary walls, gates and structures, and erection of a part one, part two storey plus-basement single family dwelling house with off-street car parking to the front; associated landscaping and ancillary works. Application was withdrawn by applicant.

2.4 2018/03313/FUL - Demolition of the existing single storey office building and erection of a replacement 3 storey office building (Class B1); alterations to the front boundary treatment and installation of new gates to the front boundary wall; associated car and cycle parking - Planning permission refused.

2.5 The above application was refused for the following reasons:

- (i) The proposed development is considered to be unacceptable in the interests of residential amenity. More particularly, due to its height, mass and proximity to the surrounding residential dwellings the proposed development would result in an overbearing, dominating and visually incongruous development that would cause an undue loss of outlook and an increased sense of enclosure for the neighbouring residential occupiers. Accordingly, the proposal would constitute an inappropriate and unneighbourly form of development and in these respects is contrary to Policies DC1, DC2 and HO11 of the Local Plan (2018), Key Principles HS6 and HS7 of the Planning Guidance Supplementary Planning Document (2018), and Policy 7.6 of the London Plan (March 2016).
- (ii) The proposed development is considered to be unacceptable in the interests of residential amenity. More particularly, the submitted daylight and sunlight report shows there would be an unacceptable loss of daylight as assessed by the Vertical Sky Component (VSC) to the ground floor habitable windows at 1 Ravenscourt Road. The report fails to accurately assess the impacts of the proposal in terms of No-Sky Component (NSC). In addition, no assessment has been undertaken in terms of overshadowing and loss of sunlight to neighbouring amenity spaces. In these regards the proposal would be harmful to the amenities of surrounding residential occupiers, contrary to Policies HO11, DC1 and DC2 of the Local Plan (2018) and Policy 7.6 of the London Plan (2016).
- (iii) The proposed development fails to provide a high standard of design. More particularly, the proposed development fails to demonstrate how adequate passive ventilation or heating would be provided for the intended occupiers. Further, no details of mechanical ventilation and heating plant or energy use have been provided. In the absence of such information, it is considered the proposal would be harmful, in terms of the quality of accommodation provided, its likely impacts upon neighbour amenity and impacts upon the character and appearance of the subject building and the Ravenscourt and Starch Green Conservation Area in which it would be situated. In these regards the proposal would be contrary to Policies CC1, CC2, CC11, CC13, DC1, DC2 and DC8 of the Local Plan (2018) and Key Principles CAG2, CAG3, and SDC1 of the Planning Guidance Supplementary Planning Guidance (2018).
- (iv) The proposed development fails to provide a high standard of design. More particularly, the proposed development fails to provide adequate access routes for all users including disabled people such as wheelchair users and other mobility impaired people and fails to provide suitable access to the facilities within the building. Therefore, the proposal would not be acceptable in terms of inclusive design would be contrary to Policies 7.1 and 7.2 of The London Plan (2016), Policies DC1 and DC2 of the Local Plan (2018) and Key Principles DA1, DA6 and DA7 of the Planning Guidance Supplementary Planning Guidance (2018).

(v) The proposal is considered to be unacceptable in the interest of highway impacts and safety. More particularly, no Transport Assessment or Construction Logistics Plan has been submitted in accordance with Transport for London Guidance to ensure highway safety, pedestrian safety and to protect the amenities of residents. In addition, full details of the proposed off-street vehicle parking space would be required. In the absence of a suitable information the development is contrary to Policies T1, T3, T6, and T7 of the Local Plan (2018) and SPD Key Principles DA1, DA6, TR1, TR2, TR3, and TR4 of the Planning Guidance Supplementary Planning Document (2018).

2.6 This was the subject of an appeal (Ref. APP/H5390/W/19/3233614) that was subsequently dismissed by the Inspector. A brief summary of the Inspector's reasons for dismissing the appeal are as follows:

- The development would have an unacceptable impact on the living conditions of the occupiers of neighbouring properties, in terms of being overbearing and creating a sense of enclosure. The overshadowing and reduced light to No. 1 Ravenscourt Road was also found to be unacceptable.
- It is not obvious that a parking space could be accommodated with the necessary additional space to allow appropriate access for either a disabled driver or passenger and also allow inhibited access to the building.

2.7 2019/03084/FUL - Demolition of the existing single storey office building, erection of a replacement part 1 and part two storey office building (Class B1); alterations to the front boundary treatment and installation of new gates to the front boundary wall; associated car and cycle parking.

2.8 The above application was subject to an appeal against non-determination (Ref. APP/H5390/W/20/3251263) that was also subsequently dismissed by the Inspector. A brief summary of the Inspector's reasons for dismissing the appeal are as follows and will be discussed in more detail later in the report:

- The proximity, height, scale and massing of the proposed building would lead to it appearing visually intrusive and dominant when viewed from well-used rooms and the garden of No.1 Ravenscourt Road.
- Discrepancies in the light report remain, similar to those identified by the previous Inspector. Light to No.1 Ravenscourt Road would be reduced so as to cause harm to the living conditions of that property.
- The proposed roof terrace at the front of the building would provide overlooking towards no. 232-236 King Street and would cause harm in this regard.
- There would be dominance of the outlook and increased sense of enclosure for Nos. 232-236 King Street.
- It is not possible to be certain that a disabled parking bay could be accommodated within the front courtyard which is a relatively constrained area.

3.0 CURRENT APPLICATION AND CONSULTATION RESPONSES

3.1 The current application is for demolition of the existing single storey office building, erection of a replacement part-one, part-two storey office building (Class B1); alterations to the front boundary treatment and installation of new gates to the front boundary wall; associated car and cycle parking. It is an amended version of the previous applications that were dismissed at appeal, and responds to the reasons for the dismissals.

FIRST CONSULTATION

3.2 This application was originally submitted whilst the most recent appeal was under consideration, and the originally submitted plans were very similar to those which were the subject of that appeal. These plans were consulted on when the application was initially advertised in July 2020, by way of a site notice and press advert as well as notification letters sent to adjoining properties.

3.3 10 responses were received to the initial consultation

3.4 A summary of concerns raised is as follows:

- Potential problems associated with the proposed intensification of the use, in particular the effect on traffic and parking pressure, means of access, visibility, car parking and effects on pedestrians/ cyclists;
- Overdevelopment of the site; the height and massing of the building and proximity to neighbouring residential properties would result in harm to them in terms of light and outlook particularly for No. 1 Ravenscourt Road;
- Non-compliance with Key Principle HS6 of the Planning Guidance SPD, in respect of the side boundary with No. 1 Ravenscourt Road, who would face an expanse of brickwork. The trellis existing does not provide any meaningful sense of enclosure;
- Concern about overlooking to No. 1. If glass bricks, would mean a loss of privacy as well as light pollution at night?
- The daylight and sunlight report submitted with this application is inadequate. One neighbour appointed a separate consultant to review it who confirmed it was inadequate;
- Plant/ equipment added at a later stage could harm the character and appearance of the building and the conservation area.;
- The design does not respect the existing grain and context provided by the residential properties opposite and to the north. The detailed design does not respect or reflect traditional local design details;
- The on-site parking bay for disabled access is not large enough;
- Planners have a statutory duty under Section 149 of the Equality Act 2010 to take account of the disabled resident at No. 1's need, give weight to the need not to impair his amenity.

SECOND CONSULTATION (following the previous appeal dismissal)

3.5 Following the appeal decision, revised plans were submitted, and neighbouring properties were reconsulted. The main changes made to the application can be summarised as follows:

- Reduction in the height of the single storey side wing on the boundary with No. 1 Ravenscourt Road, so that the massing no longer infringes an angle of 45 degrees taken from the top of the brick garden wall at No.1;
- Reductions in the overall height of the building, and a reduction in the size and scale of the metal-clad roof form;
- Reductions in height of the single storey wings on the south side of the building, on the boundaries with King Street properties.

3.6 8 additional/ further objections to the revisions were received

3.7 A summary of concerns raised is as follows:

- Minimal changes have been made to the previous proposal, which was refused and dismissed at appeal., the new plan would still damage the neighbours' quality of life; and is still out of keeping with the rest of the street;
- Height, scale and massing does not enhance the conservation area nor its Buildings of Merit;
- The angling of the corner does nothing to address the impact on No.1 Ravenscourt Road. It makes the design even more of a messy hotchpotch;
- The disabled parking bay is still unsuitable.

3.8 Other external consultation responses (as they relate to the revised proposal):

Metropolitan Police Crime Prevention Design Advisor - Strongly advise that Secured by Design principles are incorporated into the layout (a condition is recommended to this effect).

4.0 PLANNING CONSIDERATIONS

4.1 The main planning issues in this development are considered to be:

- o Design, visual amenity and the impact on the character and appearance of the conservation areas
- o Accessibility
- o Impact on neighbouring amenity
- o Transport and highways considerations including car parking, cycle storage, refuse storage and collection
- o Protection of trees
- o Flood risk and sustainable drainage

- 4.2 These matters will be assessed in terms of the London Plan (2021), the Hammersmith and Fulham Local Plan (2018) and Planning Guidance Supplementary Planning Document (2018).

LAND USE

- 4.3 The existing lawful use of the site is for an office, which is now incorporated into Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) as of 1 September 2020. However, this application is to be determined with reference to the former use classes, being those in place at the time the application was made (office space being Class B1(a)). For any planning applications submitted before 1 September 2020, the Use Classes in effect when the application was submitted will be used to determine the application.
- 4.4 The proposal would increase the amount of employment floorspace on the site from approximately 106sq.m. to 230sq.m (GIA) thereby increasing employment opportunities within the borough and providing a smaller office suitable for small-to-medium size companies seeking their own premises. The proposed new office would also be an improvement in the quality of accommodation provided compared to the existing low-grade office accommodation on the site. Accordingly, Officers consider the proposal to be acceptable in land use terms. This report also considers the impact of the proposed office use on the amenities of neighbours as well as the local highways network, below.

DESIGN, APPEARANCE AND CONSERVATION

- 4.5 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. 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.'
- 4.6 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 197 of the NPPF states: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 4.7 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 197, 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.
- 4.8 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. 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 Ravenscourt and Starch Green Conservation Area. and the potential impact on the setting of the adjacent local listed, building of merit 1-5 Ravenscourt Road.
- 4.9 It appears that the site was left undeveloped during the development of the surrounding land in Victorian times. The existing single storey buildings are of no architectural or historic interest and appear to be relatively modern. The site also has a walled frontage to Ravenscourt Road which means that the buildings make a negligible contribution to the street scene. Redevelopment of the site presents a significant opportunity to enhance the character and appearance of the Ravenscourt and Starch Green Conservation Area, and there are no objections to the demolition of the existing buildings provided the proposed replacement is of a high standard of design, does not have a harmful effect on neighbouring properties, and is accordance with all other relevant planning policies. This report considers this issue below.
- 4.10 The proposed development would be part-one, part-two storeys with a standing seam metal roof protruding above the first-floor parapet. The two-storey element would be positioned centrally within the site, with single storey wings to the north and south with flat roofs. The proposal is for the building to be completed in stock brickwork, with hit-and-miss feature brickwork at first floor level. The fenestration would be metal framed, with the main windows addressing the street, with two (fixed obscure glazed) windows to the north and south elevations. A small front courtyard behind the vehicle gate (which is existing but will be replaced) would also provide 1 vehicle parking space and refuse and cycle storage areas. A small area to the south, adjacent to the boundary Nos. 232, 234 and 236 King Street would be external amenity space.

- 4.11 From Ravenscourt Road, the building would be viewed against the considerable massing of the Polish Centre to the rear, and the two-storey element would help in a small way to conceal the unrelieved flank wall of these buildings. In this context, its contemporary design is not considered to be incongruous and the scale and massing of the building would sit comfortably within the street scene, as far as visual amenity is concerned. Subject to conditions to ensure a suitably high quality of materials and finish, Officers consider that the character and appearance of the Ravenscourt and Starch Green Conservation Area would be preserved.
- 4.12 Considering the impacts of the development upon adjacent heritage assets, particularly the locally listed, buildings of merit; 1-3 Ravenscourt Road and 236 King Street. Given the modest scale and high quality design of the proposal scheme, the development is not considered to cause harm to the character or appearance of these non-designated heritage assets.
- 4.13 Officers have assessed the impact of the proposal on the heritage assets and consider that it is compliant with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is also in line with national guidance in the NPPF, Policy HC1 of the London Plan and Policies DC1, DC4, and DC8 of the Local Plan (2018) and Key Principle CAG3 of the Planning Guidance SPD (2018).

INCLUSIVE ACCESS

- 4.14 In respect of providing an accessible and inclusive environment for all people, the relevant standards for offices are British Standard BS 8300:2018. The ground floor of the office is accessible by way of a door (1000m wide) straight from the street, and also includes an accessible WC at ground floor level, and a platform lift to the first floor. As such, Officers consider that the fundamental elements of inclusive access can be achieved. A condition is proposed requiring the submission of a detailed Access Statement prior to the commencement of above ground works on the site, to confirm that the requirements of BS8300:2018 have been met.
- 4.15 An on-site parking space for disabled staff/visitors is proposed in the front courtyard area. The space is 2.4m wide and 4.8m long with a buffer zone of 1.2m to the side and rear. Concerns about this space were originally raised by the Inspector in the most recent appeal decision:
- "No indication as to the precise placement within the courtyard or size of this parking bay has been provided [...] I cannot be certain that a disabled parking bay which would have the additional space to allow access for those with additional needs could be provided whilst also allowing unimpeded access to the doorway" (Para 24 of the appeal decision).
- 4.16 The revised plans clearly identify the proposed placement of a disabled parking bay which would comply with the space dimension requirements of Key Principle TR6 (2.4m x 4.8m, with a 1.2m space provided between the car parking space and the outside traffic zone to enable a driver to get in or out and access the boot safely). In addition, space for cycle and refuse storage are also shown on the plan. Although this space is constrained, Officers consider that there would still be enough space for unimpeded access for a person to walk to the front door even if the cycle parking and car parking spaces were both in use. Officers also note that

there is no policy requirement for a development of this size to provide on-site disabled parking. It would be equally acceptable for Blue Badge holders to utilise the existing on-street parking bays in front of the site if necessary. Indeed, this would be a viable alternative if someone did not wish to use the on-site space. Given that the alternative option is deleting the space from the proposals altogether, the provision of a usable on-site space is considered to be a benefit, and storing refuse and cycles in the remaining space is considered to be an acceptable arrangement. It is noted that access for pedestrians or wheelchair users is also available straight from the street through the front door, rendering the courtyard door secondary in terms of pedestrian access.

- 4.17 For these reasons it is considered that the proposed development would be acceptable in terms of inclusive design in accordance with Policies DC1 and DC2, SPD Key Principles DA1, DA6 and DA7.

RESIDENTIAL AMENITY

No. 1 Ravenscourt Road

- 4.18 The previous schemes were refused/objected to by the Council on the grounds of an unacceptable impact on the residential amenities of No. 1 Ravenscourt Road, particularly with respect to a loss of outlook and sense of enclosure. The Inspector for the most recent non-determination appeal shared these concerns, noting that:

"The proximity, height, scale and massing of the proposed building would lead to it appearing as a visually intrusive and dominant form of development when viewed from a number of well used internal rooms and the garden area of No 1. This, combined with the effect of the Polish Centre, would result in an oppressive sense of enclosure for the occupiers of No 1. The harm to the living conditions of the occupiers of No 1 Ravenscourt Road in this respect would be significant." (Para 9).

- 4.19 The current proposal sees the eaves height of the single storey north wing dropped towards the existing brick wall which forms the side boundary of No. 1's Garden. It then features a pitched section, angled at 45 degrees, which rises up to the main flat roof level of approximately 3.2m from pavement level. The overall height of the second storey has also been reduced, from 7.7 metres (as originally proposed in previous applications) to 6.26m with a considerably lower-profile roof form. The building now respects an angle of 45 degrees taken from the top of No.1's garden wall on the boundary line. Previously, under the dismissed scheme, the north elevation of the building rose to the top of the existing wooden trellis on top of the wall.
- 4.20 Key Principle HS6 of the Planning Guidance SPD is considered to be relevant for consideration here, even though No. 1's garden is to the side of the house, it is still the private amenity space for the house and functions as the 'rear' garden. Given the garden is less than 9m in depth/width (it is approximately 7.5m wide), the relevant parts of the Key Principle HS6 are parts (i) and (iii). Part (i) states that "proposals that adjoin residential properties with rear gardens less than 9 metres in length to the adjoining rear boundary, the line [of 45 degrees which shall not be infringed by new development] should be measured from a point at the rear residential boundary at ground level. The development would clearly infringe this;

and given the relatively small size of the site, strict adherence to the angle would preclude virtually any development on the site. Part (iii) of the key principle states that in cases where the angle is infringed, Officers' on-site judgement will be the deciding factor.

4.21 Having visited the site, Officers consider that the reduced scale on the boundary represents an acceptable compromise. Although the bulk of the single storey north wing would still be visible from No.1's garden and the south and east-facing habitable rooms, the effect of the bulk being pitched away from the boundary would help to reduce the sense of enclosure and overbearing compared to the previously dismissed scheme. The revised proposal is considered to be acceptable, considering the untypical layout of the neighbouring house and garden, and recognising the benefits the scheme would provide in terms of the regeneration of an under-utilised brownfield site together with additional employment opportunities in the borough.

4.22 In respect of light, concerns were previously raised as to the validity of the submitted Daylight and Sunlight report that accompanied previous applications, which included errors and a lack of clarity; for example concerning the way the trellis at No.1 had been modelled as a solid feature; and the internal layout of the neighbouring house had been misrepresented. The Inspector shared these concerns, noting that:

- "The No-Sky Contour drawings show a single room labelled 'Ground R2' served by three windows (W17, W18 and W19), however, in reality this room is, in fact, two separate rooms; a kitchen and a reception room. Window W19 is the only opening serving the reception room [...] it is not unreasonable to expect that such discrepancies would be addressed as part of any revised assessment." (Para. 12)
- "The Daylight and Sunlight Report Explanatory Note dated 11 July 2019 was submitted as part of both appeals. This note states that the eastern part of the garden space belonging to No 1 Ravenscourt Road is heavily enclosed by the mature tree and boundary walls such that the 'real-world' amenity in this area is likely to be somewhat compromised. The Note, however, does not identify that the top section of the boundary is a section of permeable trellis thus ensuring that any reduction of light is minimal. Consequently, I share the view of the previous Inspector that it is unclear to what extent the nature of the boundary treatments, in respect of their impact on light, has been taken into account in the assessment. I therefore concur with the previous Inspector in giving only very limited weight to the Daylight and Sunlight report and the associated assessments." (Para. 13)

4.23 A revised report by eb7 dated June 2020 corrects these issues. The ground floor layout plan of No. 1 Ravenscourt Road identified in Appendix 3 accurately reflects the layout of the neighbouring property (as confirmed by the case officer during a site visit in summer 2020). The 3D model prepared to model the daylight results (Appendix 1) removes the wooden trellis from the analysis of both the existing and proposed condition, as its open nature means it does not provide any meaningful block in terms of ambient daylight or sunlight to the rooms of the house. The daylight results indicate full compliance with the BRE's guidance.

- 4.24 The sunlight results for No. 1 shows that all tested rooms will experience good levels of sunlight in the proposed condition, in excess of the BRE targets of at least 25% for total annual levels and at least 5% for the winter. In terms of the percentage reduction, the results will also be in line with the limits recommended in the BRE guidance.
- 4.25 In terms of sunlight to No.1's garden, it does need to be acknowledged that the site is immediately to the south of No. 1 and their garden. The sunlight amenity analysis in eb7's report has included two scenarios; modelling one as if the trellis on top of No. 1's garden wall were a solid structure; and one as if it was not there at all. The analysis with the trellis in place indicates that the garden will maintain sunlight levels in line with the existing condition, with no reduction experienced. Without the trellis, the analysis indicates that retained levels of sunlight will meet the BRE targets of retaining at least 0.8 times their former value and would therefore be considered as unnoticeable.
- 4.26 The light report dated June 2020 has not been revised to take into account the January 2021 revisions to the scheme, namely the chamfered northern elevation. However, as this represents a further reduction in the bulk, the impact could only be a further improvement than the results presented in the June 2020 report.
- 4.27 The occupants of No. 1 Ravenscourt Road have submitted, as part of their objection comment, a letter from Anstey Horne (light consultants) dated 05 November 2018 which comments on an earlier version of the light report (Anstey Horne has not carried out any form of technical assessment themselves). Anstey Horne's initial conclusions and recommendations as per that report highlight the following:-
- The report estimates the internal arrangements of No. 1 and may not therefore be reporting accurate results;
 - The reduction in winter sunlight to what is described as Room 1 is material and not surprising given the change in height proposed due south of No. 1;
 - Overshadowing of the garden has not been assessed.
- 4.28 Officers have assessed the report and consider that the revised version of the report presented with this application overcomes these previous issues, as it reflects the layout of No. 1 and also considers overshadowing of the garden (as per Paragraph 4.18). Further the sunlight report presented in the eb7 June 2020 report suggests that there will be no significant reduction in Annual Probable Sunlight Hours for any of the rooms that face within 90 degrees of due south and are therefore relevant for testing.
- 4.29 There are two windows proposed in the side elevations of the building at first floor level, one looking north and one south. A condition is recommended that these windows are to be obscurely glazed and fixed shut to prevent any opportunities of overlooking and loss of privacy, either towards No. 1 Ravenscourt Road or No. 232 King Street. In terms of concerns about light pollution from these or other windows, a condition is recommended that the lights in the development are turned off outside of the approved opening hours.

Nos. 232-236 King Street

- 4.30 These properties address the northern side of King Street and comprise commercial units on the ground floor, with residential on floors above. The built form of No. 236 King Street extends all the way to the rear boundary of the site, which adjoins the application site and therefore would meet the flank wall of the proposed building.
- 4.31 No. 234 does not appear to have been significantly extended but has a very small rear outdoor space. It appears that the space may have existed originally but was incorporated into the application site at some time in the past. The single storey south wing of the proposed building would be located directly behind No. 234, but would not extend all the way to the boundary. It has been reduced in height since the previous appeal was dismissed; Officers are satisfied the impact is now acceptable. A planning permission from 2011 granted consent to convert the upper floors to residential but the ground floor remained in commercial use as an office; that still seems to be the case (a money transfer business). As the first floor would be situated above the proposed extension, Officers are satisfied that the outlook from the rear habitable room windows at first floor and above would not be significantly adversely affected.
- 4.32 No. 232 is occupied by a café at ground floor. The proposed south wing would be set away from the boundary with No. 232; and would also appear to be adjacent to built form on that boundary, ensuring that no significant adverse effects would occur.
- 4.33 The light report indicates that there will be no significant effects for any of the King Street properties in terms of loss of daylight or sunlight, and all the results indicate compliance with the BRE guidance.

Opposite side of Ravenscourt Road

- 4.34 Residential properties on the east side of Ravenscourt Road would be directly opposite the proposed office. The new first floor windows would be approximately 20m from the front windows of the office, and therefore the separation distance would exceed the minimum of 18m set out in Key Principle HS7 of the Planning Guidance SPD. The relationship of buildings on the opposite side of the road is also considered to be a typical one and the windows at first floor level on the office are not so large as to be unusually or especially intrusive, especially given the separation distance.
- 4.35 Overall Officers are satisfied that any impacts on the amenities of neighbouring properties in terms of light, outlook, loss of privacy or increased sense of enclosure are not likely to be significant. It is considered that any impacts may be balanced against the benefits of the scheme. In this respect the proposals are considered to be in accordance with Policies DC1, DC2 and HO11 of the Local Plan (2018) and no objections are raised in terms of Policies HS6 or HS7 of the Planning Guidance SPD (2018).

HIGHWAYS

- 4.36 The site is located in an area with excellent public transport accessibility (it has a PTAL of 4 according to TfL's methodology); but is directly opposite an area identified as PTAL 5, and is also located less than two minutes' walk from Ravenscourt Park Underground station as well as bus routes on King Street (outside the Polish Centre). Santander cycles are also available underneath the railway bridge. In view of the location, Officers consider it highly likely that employees and visitors would travel to the site either by public transport or walking/ cycling. The drawings identify that two cycle parking spaces are provided on site, in the courtyard; however, the London Plan Policy T5 requirement is for 1 space per 75 sqm, and therefore a total of 3 would be required for this development comprising 230sq.m. office space. A condition is recommended requiring details of the required number of cycle parking spaces to be agreed prior to occupation of the development. It is also noted that there are other public cycle stands provided outside Ravenscourt Park underground station.
- 4.37 Although no trip generation information has been submitted, in view of the office's small size and excellent location, Officers consider that the development would not lead to additional trip generation or vehicle movements that would cause congestion on local streets. A condition is recommended for a Travel Plan to be agreed prior to occupation to ensure that employees are encouraged to arrive at the site by sustainable modes. On-street parking bays are outside the site, and the site is within a local Controlled Parking Zone. The Inspector for the previous appeal was satisfied that these details could be dealt with by condition and that the development would not result in harm to the highway network or highway safety.
- 4.38 Given the site's location a condition is also recommended for a Construction Logistics Plan to be agreed prior to work commencing, in accordance with Policy T7 of the Local Plan as well as Construction Management Plan, in accordance with Policies CC11 and CC13. No further objections are raised on highways grounds in terms of Policies T1, T3, T6 or T7 of the Local Plan (2018).

FLOOD RISK AND SUSTAINABLE DRAINAGE

- 4.39 The site is within the Environment Agency's Flood Zone 3, which triggered the requirement for a Flood Risk Assessment (FRA) to be included with the planning application. It should be noted that rather than provide an FRA document, a letter dated October 2018 was provided with the application, responding to the LPA's comments on the FRA submitted with a previous application (Ref. 2018/03313/FUL) for the site which was dismissed at appeal.
- 4.40 In terms of flood risk issues, although located in Flood Zone 3 the site is protected by flood defences, but if these were breached or over-topped, there is a risk that the site could be impacted by floodwater. The letter states that as flooding is unlikely to impact the site and that the proposed use is regarded as `a less vulnerable use` in relation to flooding, no flood mitigation measures are proposed. The FRA submitted with the previous application recommended that the site manager sign up to the EA's free Flood Warning Service. With regards to provision of sustainable drainage issues, as required by Local Plan Policy CC4, the letter states that this will be provided by including permeable paving as well as an

attenuation tank. The principles outlined in the original FRA and letter supplied with this application are accepted, however a condition is recommended for an updated Flood Risk Assessment and SuDS strategy to be submitted prior to commencement of development.

LAND CONTAMINATION

4.41 The council's Land Contamination Officers have advised that potentially contaminative land uses are understood to have occurred at, or near to, this site; or a sensitive use is proposed. As such conditions are required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policies CC9 and CC13 of the Local Plan.

AIR QUALITY

4.42 The site is located within the borough-wide Air Quality Management Area (AQMA). This site is an area of very poor air quality, due to the road traffic emissions from King Street. In respect to this development site, the air quality, specifically NO₂, concentrations at the proposed property even in the background currently fail the National Air Quality Objective values. The development proposal will introduce new receptors into an area of very poor air quality. Further mitigation measures (notably a ventilation strategy), is specified in the recommended conditions, and will be required to make the development acceptable in accordance with Policy CC10.

TREES

4.43 There is a cherry tree in the rear/side garden of No. 1, close to the boundary with the application site. A condition is recommended for an Arboricultural Impact Assessment and Tree Protection Plan to be submitted prior to commencement of the development, to ensure the tree is protected as far as possible, in accordance with Policy OS5 of the Local Plan (2018).

NEIGHBOURING RESIDENT

4.44 It is noted that No. 1 Ravenscourt Road is the home of a resident who is seriously ill (MSA) and confined to one of the reception rooms, which has its only window looking south towards the proposed development. Officers have visited the site and met with the resident, and have had regard to these personal circumstances, in making their assessment and recommendation on this planning application.

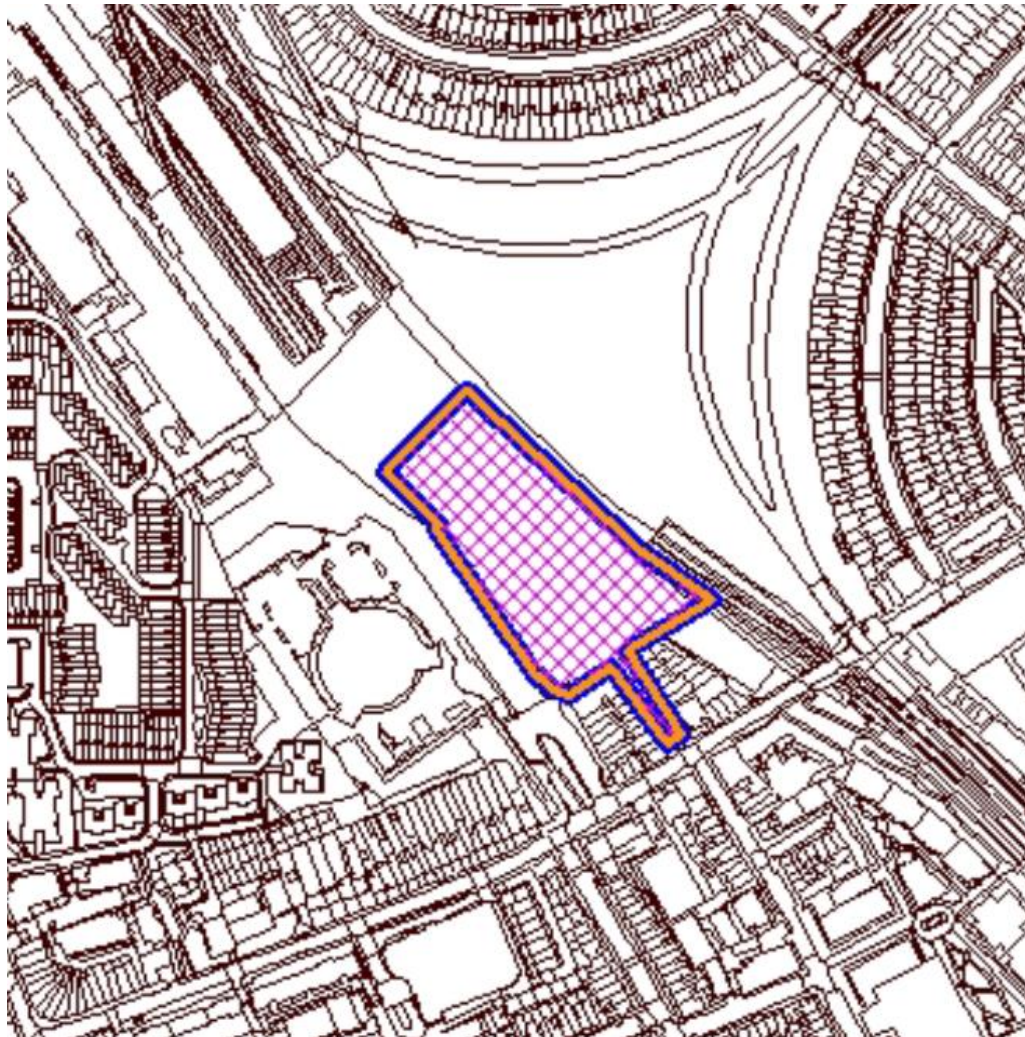
5.0 RECOMMENDATIONS

5.1 That planning permission be approved subject to conditions.

Ward: North End

Site Address:

Earls Court 2 Exhibition Centre, Lillie Bridge Rail Depot,
West Kensington And Gibbs Green Housing Estates And
Adjoining Land



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For identification purposes only - do not scale.

Reg. No:
2021/01443/FUL

Case Officer:
Violet Dixon

Date Valid:
30.04.2021

Conservation Area:

Committee Date:
08.06.2021

Applicant:

Underbelly Limited
4th Floor 36-38 Hatton Garden London EC1N 8EB

Description:

Use of the former Earls Court Exhibition Centre 2 site for a period from 1 July to 10 October 2021, for the temporary erection (including installation and de-installation) of two main event structures - a big top tent and theatre, a box office, food and drink units, amusement rides, a beach area, toilets, storage, outdoor seating areas and fencing, in conjunction with Underbelly 'London Wonderground Event 2021' (associated Advertisement Consent Application ref: 2021/01444/ADV).

Drg Nos: See Condition no.2 below

Application Type:

Full Detailed Planning Application

Officer Recommendation:

That the Committee resolve that the Chief Planning Officer be authorised to grant permission subject to the condition(s) set out below:

Conditions:

- 1) The development hereby approved shall be for a limited period only, carried out between the 1 July to 10 October 2021 (inclusive of installation and de-installation). All buildings, structures or associated equipment carried out under this permission shall be removed from the site by no later than the 10 October 2021 and the site shall be restored to its former condition.

To comply with the wider regeneration of the site and to allow the Council to assess the impact of the operation of the use on the amenities of surrounding occupiers in accordance with Policies FRA, FRA1, CC6, CC7, CC11, CC12, CC13, DC1, DC2, DC8 and DC9 of the Local Plan 2018.

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

UB-EC-21-001; UB-EC-21-003; UB-EC-21-004; UB-EC-21-005; UB-EC-21-006; UB-EC-21-007; UB-EC-21-008; UB-EC-21-009; UB-EC-21-010; UB-EC-21-011; UB-EC-21-012; UB-EC-21-013; UB-EC-21-014; UB-EC-21-015; UB-EC-21-016; UB-EC-21-017; UB-EC-21-018; UB-EC-21-019; UB-EC-21-020; Cover Letter prepared by Quod (29 April 2021); Planning, Design and Access Statement – prepared by Quod (dated April 2021); Operating Event Management Plan – prepared by Underbelly Ltd (dated 12 May 2021); Delivery and Servicing Plan – prepared by Underbelly Ltd (dated 31 March 2021); Economic and Employment Strategy prepared by Quod (UB-EC2-EES-01 - MAY 2021); Transport Statement and Travel Plan prepared by Underbelly Ltd (dated 26/05/2021); Proposed Drainage Design Note prepared by WSP dated 26 May 2021.

In order to ensure full compliance with the temporary planning permission hereby approved and to prevent harm arising through deviations from the approved

plans, in accordance with Policies CC6, CC7, CC11, CC12, DC1, DC2, DC8, DC9, T2 and T3 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

- 3) Operations carried out by persons responsible for the setting up and clearing away of events and their associated vehicles shall only take place between the hours of 08.00 to 20:00 hours.

To ensure that the amenity of occupiers of surrounding premises is not unduly affected by noise and disturbance in accordance with Policies CC11 and CC13 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

- 4) Members of the public shall not be on the site in connection with the uses hereby permitted other than between the hours of 10:00 to 23:00 hours Monday – Wednesday including Public/Bank Holidays and 10.00 to 23:30 hours on Thursday to Saturday.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise from activities or people at or leaving the site, in accordance with Policies CC11 and CC13 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

- 5) The maximum capacity for the two indoor venue spaces hereby approved shall not exceed 1,420 guests / visitors in total at any one time.

To ensure that the use would not lead to potential noise and disturbance which could be harmful to the amenities adjoining residents, in accordance with Policies CC11, CC13 and T2 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

- 6) No amplified sound, speech or music shall be audible outside the site between the hours of 23.00 – 10.00 hours.

To protect the amenities of adjoining occupiers and the surrounding area in accordance with Policies CC11 and CC13 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

- 7) The temporary bars and rides hereby approved shall cease to operate at 23.00 hours and all customers shall vacate the premises within 30 minutes of service ceasing.

To protect the amenities of adjoining occupiers and the surrounding area in accordance with Policies CC11 and CC13 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

- 8) No part of the development shall be occupied prior to the provision of the refuse storage enclosures, as indicated on the approved drawings and shall include provision for the storage of recyclable materials. All the refuse/recycling generated by the development hereby approved shall be stored within the approved areas and shall be permanently retained thereafter in accordance with the approved details.

In order to protect the environment and to ensure that satisfactory provision is made for refuse/recycling storage and collection, in accordance with Policies CC6 and CC7 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

- 9) No removal of refuse nor bottles/ cans to external bins or areas at the development shall be carried out other than between the hours of 08:00 to 20:00 hours on Monday to Friday and 10:00 to 18:00 hours on Saturdays, Sundays and Public/Bank Holidays.

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

- 10) No deliveries nor collections/ loading nor unloading shall occur at the development hereby approved other than between the hours of 07:00 to 23:00 hours on Monday to Sunday and Public/Bank Holidays.

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

- 11) Delivery and Servicing relating to the development hereby permitted shall be carried out in accordance with the submitted Delivery and Servicing Plan – prepared by Underbelly Ltd (dated 31 March 2021).

To avoid obstruction of the surrounding streets and to safeguard the amenities of adjoining properties in accordance with Policies CC11, CC13 and T2 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

- 12) The development hereby permitted shall be carried out in accordance with the Operational Event Management Plan (including COVID 19 measures and procedures) prepared by Underbelly Ltd (dated 12 May 2021) and thereafter be permanently retained for the temporary period permitted.

To avoid obstruction of the surrounding streets and to safeguard the amenities of surrounding properties and to ensure that all appropriate measures are undertaken to minimise the transmission of COVID-19 within the event, in accordance with Policies CC7, CC11, CC12, CC13 and T2 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

- 13) The noise levels within the performance venues shall be monitored to ensure that they do not exceed 85dB(A) Leq over any 15 minute period when measured at the mixing/control desk up to 22:00. After 22:00 hours the levels shall be monitored to ensure that the levels do not exceed 80dB(A) Leq over any 15 minute period when measured at the mixing/control desk. Should an exceedance of these levels occur, corrective action shall be taken to reduce the noise levels to within these limits.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise, in accordance with Policies CC11

and CC13 of the of the Local Plan 2018.

- 14) Noise from uses and activities within the building/ development site shall not exceed the criteria of BS8233:2014 at neighbouring noise sensitive/ habitable rooms and private external amenity spaces.

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

- 15) 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.

- 16) 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 Note 01/20: Guidance Notes for the Reduction of Obtrusive Light'. 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 is not adversely affected by lighting, in accordance with Policies CC12 and CC13 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

- 17) Prior to the commencement of the event hereby approved (excluding installation), cycle storage for a minimum of 30 no. bicycles shall be provided within in the site and shall be retained as such for the duration of the development (excluding de-installation).

To ensure adequate cycle parking is available on site and to promote sustainable modes of transport in accordance with Policies T2 and T3 of the Local Plan 2018.

- 18) No non-road mobile machinery (NRMM) shall be used on the site unless it is compliant with the Stage IV NO_x and PM₁₀ emission criteria of The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 (or any superseding requirements). This will apply to both variable and constant speed engines for both NO_x and PM. An inventory of all NRMM for the development shall be registered on the NRMM register <https://london.gov.uk/non-road-mobile-machinery-register> prior to commencement of works.

To ensure that air quality is not adversely affected by the development in line with Policy CC10 of the Local Plan 2018 and Policy SI 1 of the London Plan 2021.

- 19) No on-road vehicle shall be used for the construction and operational phases of the development unless they are London Ultra Low Emission Zone (ULEZ) compliant e.g. minimum Petrol/Diesel Euro 6 (AIR Index <https://airindex.com/> Urban NOx rating A, B) and Euro VI

To ensure that air quality is not adversely affected by the development in line with Policy CC10 of the Local Plan 2018 and Policy SI 1 of the London Plan 2021.

- 20) The provision of 3,000 free tickets and 3,000 discounted tickets to local residents and businesses shall take place in accordance with details and procedures set out in Table 1 of the Economic and Employment Strategy (Document Reference: UB-EC2-ESS-01).

To ensure the proposed temporary use delivers wider benefits by way of generating employment opportunities for local residents and companies in accordance with Policies FRA, FRA1, E4 and CF3 of the Local Plan 2018.

- 21) The development hereby permitted shall take place in accordance with details and procedures set out in Table 1 of the Economic and Employment Strategy (Document Reference: UB-EC2-EES-01) to maximise the opportunities for local residents to access employment offered by the development. In accordance with the Economic and Employment Strategy, as part of the development the applicant will:

- a) Engage with LBHF and Work zone regarding the advertisement of job opportunities;
- b) Enrol 18 young people (up to 25 years in age) on the Training Academy;
- c) Engage with Connection Crew to maximise employment opportunities for the ex-homeless during the installation and de-installation phases; and
- d) Engage with local arts organisation to maximise opportunities for involvement in the performance programme.

To ensure the proposed temporary use delivers wider benefits by way of generating employment opportunities for local residents and companies in accordance with Policies FRA, FRA1, E4 and CF3 of the Local Plan 2018.

Justification for Approving the Application:

1) Land Use: The proposed temporary use is considered acceptable in land use terms in terms of the use of vacant land for pop-ups and meanwhile / temporary uses and would contribute in promoting and regenerating this part of the Fulham Regeneration Area. The development would generate some 120 jobs once the temporary use is operational and would deliver wider benefits by way of increasing local expenditure through increased employment levels, additional visitors through the visit, cultural and leisure uses proposed, and job opportunities for local residents and companies. The proposed development is therefore considered acceptable, on balance, and in accordance with policies SD1 and HC5 of the London Plan 2021 and Policies FRA, FRA1 and CF3 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

2) Design: The proposed temporary structures are considered to respect and respond satisfactorily to the surrounding spaces and townscape at its edges and is consistent with the Council's wider regeneration objectives. It is not considered that the development would negatively impact surrounding heritage assets including the Sedlescombe Road Conservation Area. It is considered that the development would therefore be acceptable in accordance with the NPPF (2019), and Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is therefore considered acceptable, in accordance with Policies DC5 and HC1 of the London Plan 2021, Policies DC1, DC2, DC8 and DC9 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

3) Transport: Impact on traffic generation in terms of congestion of the road network or local parking conditions is considered acceptable. Conditions would secure satisfactory construction / dismantling works and on site cycle parking provision. Adequate provision for storage and collection of refuse and recyclables would be provided. The accessibility level of the site is very good and is well served by public transport. The proposed development therefore accords with Policies T2, T4, T5, T6, T7, T9 of the London Plan (2021) and Policies CC6, CC7, T1, T2, T3 and T7 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

4) Impact on Neighbouring Properties: On balance, the impact of the proposed development upon neighbouring occupiers is considered short term and acceptable with regards to noise/disturbance and impacts on overlooking and light pollution. In this regard, the development would respect the principles of good neighbourliness. The proposed development therefore accords with London Plan (2021) Policy D9, D 13 and D14 and Policies DC1, DC2, DC8, CC10, CC11, CC12 and CC13 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

5) Safety and Access: The development would provide level access and satisfactory provision is therefore made for users with mobility needs, in accordance with Policy D5 London Plan (2021) and Policies DC1 and DC2 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

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

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

Application form received: 29th April 2021
Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2019
The London Plan 2021
LBHF - Local Plan 2018
LBHF – Planning Guidance Supplementary Planning Document
2018

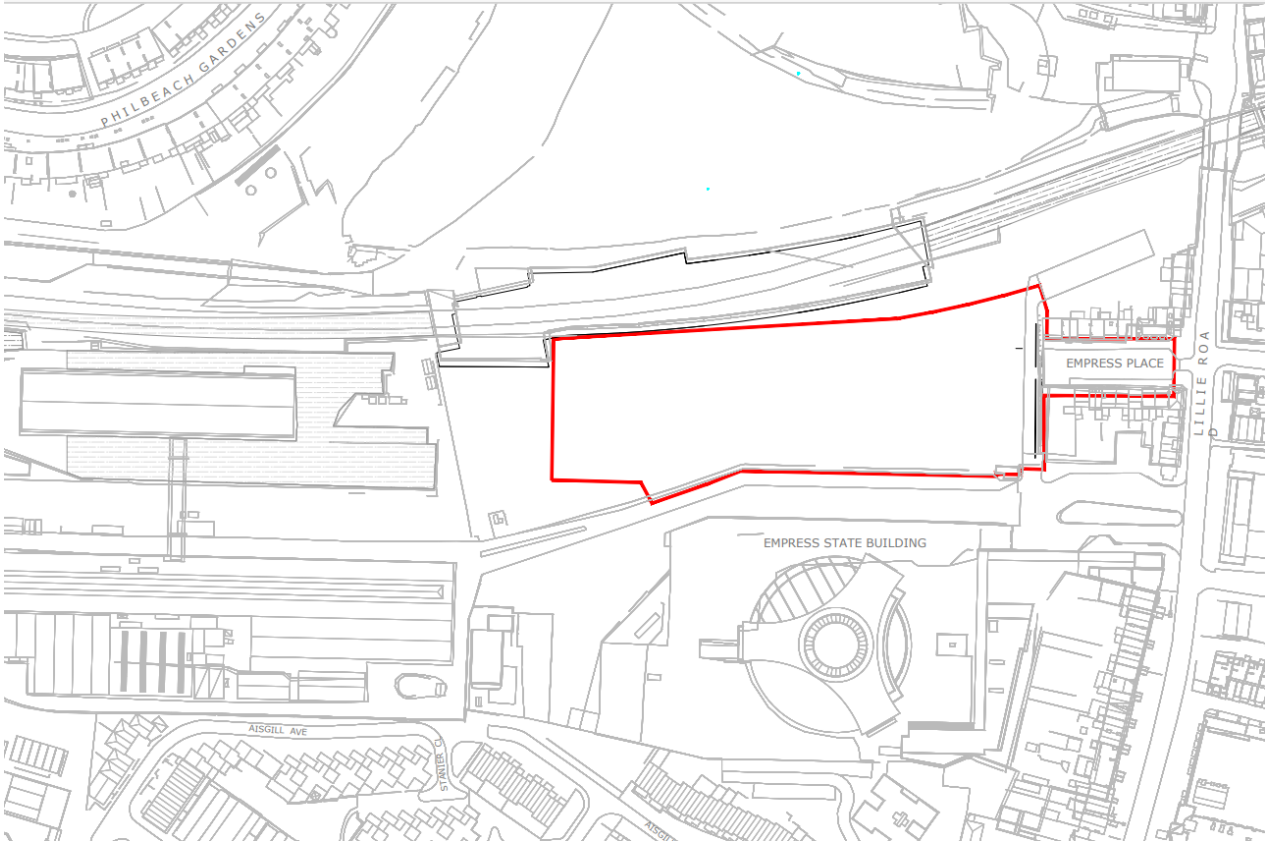
Consultation Comments:

Comments from:	Dated:
Royal Borough Of Kensington And Chelsea	10.05.21
Thames Water - Development Control	21.05.21

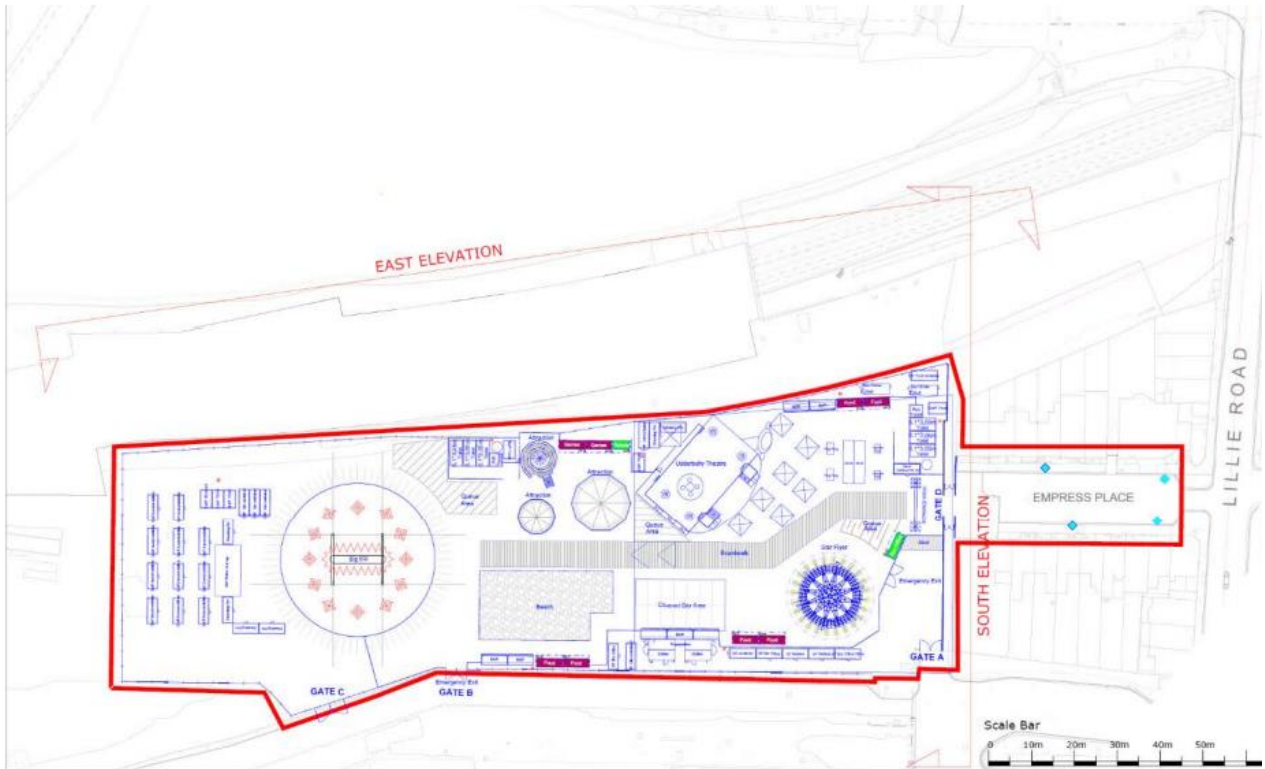
Neighbour Comments:

Letters from:	Dated:
The Town Hall Hornton Street London W8 7NX	18.05.21
2 Archel Road London W14 9QH	12.05.21
Flat 4.04 7 Columbia Gardens London SW6 1FY	17.05.21
5 Archel Road London W14 9QJ	18.05.21
35 Barkston Gardens, Barkston Gardens London SW5 0ER	18.05.21
29 Racton Road SW6 1LW	26.05.21

Plans



Site Plan



Proposed Site Layout

OFFICER'S REPORT

1.0 BACKGROUND

Site and Surroundings

- 1.1 The application site ('the site') covers an area of approximately 1.2 hectares. The site is vacant and was formerly occupied by the Earls Court Exhibition Centre 2 building ('EC2'). The site is relatively flat and comprises an area of largely concrete hardstanding, following the demolition of the former Exhibition Centre buildings in 2016.
- 1.2 The site is located a short distance to the north of Lillie Road, accessible via Empress Place and to the north of the bus layby off Lillie Road, adjacent to the Empress State Building entrance. The area surrounding the application site is largely residential in character mixed with commercial uses on Lillie Road. Empress Place is a short cul de sac, opposite the junction with Seagrave Road and contains a row of currently vacant terraced dwelling houses. The site is bounded to the east by the West London line, over which is a retained concrete podium and the borough boundary with the Royal Borough of Kensington and Chelsea. Beyond the railway tracks is the open triangular area of land of the former Earls Court Exhibition Centre 1 building ('EC1') which was also demolished and cleared. Beyond are the rear gardens of residential properties in Eardley Crescent and Philbeach Gardens. To the south, there are two short parades (nos. 2-14 and 16-26 Lillie Road) which contain a mix of temporary retail and food and drink premises (including) the Prince Public House. To the west, is the Empress State Building, occupied by the Metropolitan Police. Beyond are the West Kensington and Gibbs Green housing estates and North End Road. To the north is the Lillie Road depot.
- 1.3 The site forms part of the larger, former Earl's Court Exhibition site which straddles the administrative boundaries between Hammersmith and Fulham (H&F) and the Royal Borough of Kensington and Chelsea (RBKC). The borough boundary runs through the railway line adjacent to the east of the site.

Designations

- 1.4 The site is included in the Earls Court and West Kensington Opportunity Area (WCOA), as designated in the London Plan (2021). In the Local Plan, the site is included within the Fulham Regeneration Area (Strategic Policy FRA) and more specifically located within Strategic Site Policy (FRA 1): Earl's Court and West Kensington Opportunity Area. The site is largely within Flood Zone 1 (very low flood risk). A small section running along the western boundary is in Flood Zone 2 (medium flood risk).
- 1.5 The site is not in a conservation area. The closest conservation area is the Sedlescombe Road Conservation Area to the south. The Philbeach Conservation Area (located to the north) and the Brompton Cemetery, Nevern Square, Earl's Court Square and Boltons Conservation Areas are located nearby in the Royal Borough of Kensington and Chelsea. The closest listed heritage asset is the Grade II listed West Brompton Station and St Cuthbert's Church, Philbeach Gardens (Grade II*) within the jurisdiction of the Royal Borough of Kensington and Chelsea. Beyond that to the east and is the Grade I listed Brompton Cemetery, which itself contains numerous Grade II and Grade II* listed assets. Nos. 60-68

Lillie Road are Grade II listed properties located in the borough to the south west and approximately 150m from the site. The Empress State Building, Lillie Langtry PH and nos. 30-60 (even) Lillie Road are locally registered Buildings of Merit (BOM) located in close proximity to the site.

Transport

- 1.6 Vehicular access to the site is currently provided via Empress Place and the bus layby off Lillie Road. The site is highly accessible, with a Public Transport Accessibility Level ('PTAL') of 6a (the highest possible level). The closest rail/underground station is West Brompton Station, c.200m from the site, which connects to the District and Overground Lines. This station provides step-free access via lifts between the street and Platform 2 for eastbound District line services, and Platforms 3 and 4 for London Overground services only. The Earls Court Underground Station (on the District/Piccadilly lines), provides step-free access between street and the platforms and is located approximately 500m from the site. The closest bus stops to the site are located along Old Brompton Road and Empress Place Approach, adjacent to the site. Bus numbers 190, 74, 430, N74, N97 all stop within a minute's walk.

Relevant Planning History

- 1.7 The site lies within the wider proposed Earl's Court redevelopment site and has extensive historic planning history.
- 1.8 On 14th November 2013, outline planning permission was granted by both LBHF and RBKC for a mix use redevelopment of a wider Earls Court site which at the time included the former Earls Court Exhibition Centres, the Lillie Bridge Depot and housing estates. Both permissions were subject to the same single s106 agreement (application ref. 2011/02001/OUT in the case of LBHF and ref: PP/11/01937 in the case of RBKC).
- 1.9 In April 2014, both boroughs approved Reserved Matters applications for the first phase of the development (referred to by the previous developer as "Earls Court Village"), which essentially comprises the land occupied by the former Earl's Court Exhibition Centre buildings (EC1 and EC2) and related structures. Most of the land was in RBKC but also included land occupied by former Earls Court Exhibition Centre 2 building.
- 1.10 The Outline Planning Permission dated 14 November 2013 was subject to a number of "prior to commencement" conditions. This included details contained in a Demolition Waste Management Plan (DWMP). This condition was discharged in two stages, on 30 September 2014 and 13 September 2016 (ref: 2014/03232/DET & 2016/02676/DET). The Earls Court Exhibition Centres were subsequently demolished by the previous owners in 2015 and the site has since remained vacant.
- 1.11 On 13 October 2020, planning and advertisement consent were granted for the continued temporary change of use/works of some of the existing commercial units on the Lillie Road frontage (nos. 2-14 and 16-26). The temporary permissions were extended for a further three years (expiring 13 October 2023).
- 1.12 The Earls Court Development Company (ECDC) now own and manage the wider site and are responsible for bringing forward the future development of the Earls

Court site.

2.0 THE PROPOSAL

- 2.1 Planning permission is sought for a temporary summer event, to be known as the 'London Wonderground Event 2021'. The proposal would deliver a mix of arts, culture and leisure uses on the site, involving the erection of temporary structures/installations.
- 2.2 Permission is sought from 1 July to 10 October 2021 (approximately 14 weeks). This includes the installation and de-installation periods. The event venues would be open to the public from 15 July 2021 to 26 September 2021 (approximately 10 weeks). The site would be returned to their former state at the end of this period. A separate advertisement consent application has been submitted for associated signage, for the same period.
- 2.3 The proposal would run in conjunction with the existing shops and places to eat and drink on Lillie Road, which re-opened in April 2021 and include The Prince Public House.
- 2.4 Unconnected to this application, is a proposal for a temporary space in conjunction with the Kensington & Chelsea Festival, proposed on the Warwick Road (RBKC), where the former entrance to the Exhibition Centre 1 building was.
- 2.5 The proposal would be operated by Underbelly ('the applicant'). The applicant has an established record of delivering public 'pop up' events in the last 20 years. They have run the world-renowned Edinburgh Festival Fringe since 2000, and for the last 11 years has run the Underbelly Festival on the Southbank, as well as producing Christmas in Leicester Square, West End Live and Pride in London. The proposal is for a similar event to the Underbelly Festival on the Southbank, with the main elements providing a range of comedy, circus and theatre, all taking place in a big top and another indoor theatre venue. These performance spaces would operate alongside outdoor events and activities. Include vintage rides, a beach, independent street food traders, food and drink stands, and a bandstand featuring local musicians.
- 2.6 Public access to the site would be via Empress Place. Access would be free and non-ticketed. Specific shows hosted in a 'Big Top Tent' and the theatre structure would be ticketed. These would be sold online through the website, as well as over the phone and in person. A box office would be located at the Empress Place entrance primarily for ticket collections and information.
- 2.7 In terms of visitor numbers, this would vary across each day of the week. The highest footfalls are anticipated between Friday - Sunday. The estimated capacity of the site is estimated at 3,600 people at any one time, split between the indoor venues and outdoor spaces. The expected daily footfall throughout the course of a day is estimated to be 4,800 persons. The movement of visitors entering/leaving the site would be controlled by stewarding. Security and crowd management measures would be put in place on a daily basis. Gate controls on Empress Place would reduce flow or close entry if necessary. A queue system would operate and be formed outside the main entrance on Empress Place if necessary. Entrances and exits to/from the site would be monitored at all times during operational hours.

Inside the site, a central boardwalk would be formed leading from the entrance on Empress Place to all the proposed indoor/outdoor facilities.

- 2.8 The use would be operational on a daily basis. The main proposed opening times would be between 12.00 – 23.00hrs. During the school holidays, opening times may start earlier (10:00am), to allow for additional family performances at 10.30 am within the tent enclosures. Indoor performances would run between 12.00 and 22.00 hours on Mondays – Wednesdays and Sundays but finish at 23.30 hours on Thursdays – Saturdays. The provision of food and drink would be between 12.00 – 23.00. Outside the times listed, the site would be locked, and the public would not be able to access the site. Security would be deployed 24 hours per day in and around the site, and a CCTV system would be in place for the duration of the use.
- 2.9 The proposed floorspace created by the temporary event structures would total 3,498 sqm (GEA) and comprises of the following elements.

Item	SQM	QTY	TOTAL
36m Round Big Top	1020	1	1020
Udderbelly Theatre	360	1	360
Attractions	667	1	667
Beach	370	0	0
Queuing Areas	450	0	0
Dressing Rooms	15	8	120
Set Stores	15	4	60
BOH Toilets / Showers	12	4	48
BOH Accommodation and Welfare	265	1	265
Security/1st Aid	15	1	15
Bar	387	1	387
Bar Stores	15	2	30
Bar Chiller	25	4	100
Bar Office	15	1	15
Concessions Chiller	15	1	15
Concessions Store	15	1	15
Concessions Office	15	0	0
Fuel	0	0	0
Recycling & Waste	15	0	0
Welfare	15	2	30
Site Office	15	1	15
Production Office	15	1	15
Site Store	15	1	15
Staff Toilets	15	2	30
Toilets	18	6	108
Acc Toilet	9	2	18
Box Office	15	2	30
Food Concessions	15	8	120
Total of above	3498 sqm		

- 2.10 The main primary components involve the installation of a large tent design structure and an unconventional design theatre structure. The main structure involves a 36m diameter round 'Big Top Tent' structure and associated back-of-house storage and dressing room areas. It would be located at the most northerly part of the site. The circular tent structure, with a conical roof frame, would measure up to 14m in height. A tent membrane would be supported by 4 steel truss poles and a frame structure, tensioned to the ground using tent pins or ground anchors (depending on the ground conditions). The floor would be raised to a maximum height of 1m off the existing ground surface with a seating structure erected inside. A supporting arch would be positioned in the centre of the tent structure. This would display the event logo and branding, extending up to 16.6m in height. Proposed signage displayed on the arch above the tent structure would measure 12m in length and 1.5m in height and face inwards to the site.
- 2.11 A smaller theatre structure 'Underbelly' would be located adjacent to the eastern boundary of the site. This structure would resemble an upside cow and be finished in a purple colour membrane, held in place by steel and aluminium frames. At its most extreme points, the structure would measure 24.4m in length; 19.1m in depth and 19.5 m in height (including the steel floor at 1m height). A seating structure is then erected within the structure. The main height of the structure would be approximately 13.4m. The dressing rooms and back-of-house areas would be located to the rear of the structure. Signage would be displayed on the side of the structure and would extend to 12.5m wide and 3m high. Two smaller signs are proposed above the entrance / exit points, measuring 3m in width and 0.8m high.
- 2.12 The tent and theatre structures would deliver a total programme of some 283 shows during the 10 week period, aimed at people of all ages. Performances would include live circus acts, cabaret, comedy, music and children's theatre. The tent and theatre structures would have capacities of approximately up to 1,000 and 420 seated respectively (subject to stage layout, seating configuration and restrictions in place). Access to both of these structures would be for ticket holders or invited guests only.
- 2.13 Outdoor event spaces would house a mix of attractions and fairground rides. These comprise a 'Starflyer' amusement ride, a Helter-skelter slide, together with two other vintage fairground rides and traditional funfair games units, a beach area (370 sqm), areas of seating with tables/umbrellas, ping pong tables and a boules area free to play on.
- 2.14 The Starflyer amusement ride would be located to the left of the entrance, as entering the site, in close proximity to the site's western boundary. Comprises a 52m steel framed tower (comprising of 4 sections) with gondolas (16 in total) attached to a 16 arm structure that revolves around the steel frame and travels up and down. Overall the structure would be 18m in width at its widest point (at the base), although the majority of the structure is approximately 2.5m in width. Proposed signage would measure 2.5m wide and 1.5m high at the top of the ride and would display the event logo and branding.
- 2.15 The Helter-skelter slide comprising a steel frame structure and timber panel construction and decorative lighting. Proposed to be positioned at the north of the site, next to the tent structure. The Helter-skelter would measure 16m in height and 8m at the widest point of the main structure. Two areas of signage proposed.

One above the main entrance to the slide measuring 2.8m wide and 1.2m high.
One sign at the top of the structure measuring 4.2m wide and 0.95m in height.

2.16 The remainder of the site would feature a number of single storey structures, including food and bar stalls. These include the following:

- Entrance Arch: Located on the south boundary off Empress Place. Timber clad structure, 7.7m tall and 15.6 m wide (4.8m gap in the middle). Would comprise externally illuminated signage, advertising the event and sponsor branding.
- Covered Bar Area: A 12m x 21m open sided marquee structure located on the west part of the site with associated signage.
- Market units: 6m wide (3m height) timber units consisting of street food vendors dispersed around the edge of the site facing inwards, serving food and drink together with some games stalls, with associated signage.
- External seating areas: For consumption of food or drink or persons waiting for a performance to commence.
- Two Box Offices / Site Offices / toilets (including accessible and baby changing facilities) for staff/visitors and storage areas.

2.17 The entire site would be fenced off to ensure a secure site throughout the duration of the event. This would be in the form of temporary 3m high timber clad hoarding panels erected along the southern boundary of the site fronting Empress Place (except the main entrance area) and to the rear of the Helter-skelter ride on the eastern boundary. Temporary 2m high Heras fencing with a neutral curtain screen is proposed around the edge of the remaining parts of the site.

2.18 Landscape works are proposed over the main outdoor areas of the site in the form of a broad walk, wooden marquee flooring and artificial grass/turf to all front of houses areas. Outdoor seating areas would be formed and be laid out with large umbrellas to protect visitors in the event of adverse weather. Exterior lighting is proposed across the site on structures effect lighting. Additional lighting is proposed along Empress Place towards the public entrance of the site. The site would be powered by mains power.

2.19 In total 56 areas of advertisements are proposed. All externally illuminated. Include the following:

- Food stalls: 6 externally illuminated signs (4880mm x 500mm).
- Bar areas: 7 externally illuminated signs (3 at 6000mm x 1000mm and 4 at 4880mm x 500mm).
- Entrance signage: 1 externally illuminated entrance arch (8000mm x 3400mm). A further 4 areas of illuminated signage around the main entrance (2 at 2200mm x 4800mm and 2 at 5400mm x 2400mm).
- Hoardings: 5 externally illuminated signs of varying sizes. 2 on the hoardings round the toilet area near the entrance to the Event, 1 adjacent to the Big Top Tent Queue Area, 1 to the right of the Covered Bar Area and 1 on the Udderbelly Theatre back-of-house hoardings.
- Box office: 1 externally illuminated sign above the box office structure (4880mm x 500mm).
- Udderbelly Theatre: 1 main externally illuminated sign on the side of the theatre structure (12,500mm x 3,000mm) and 2 illuminated signs above the

entrance / exits displaying Sponsor Logos and Event branding (3000mm x 800mm).

- Big Top Tent: 1 externally illuminated sign above the tent structure displaying sponsor logos and event branding (12,000mm x 1,500mm).
- Ticket Booth: 1 externally illuminated sign above the ticket booth (4,800mm x 500mm).
- Poster Blocks: 4 externally illuminated Poster Blocks each comprising 4 sides of advertisements (16 in total) to be installed on Empress Place (1,220mm x 2,600mm).
- Amusement Rides: 5 areas of externally illuminated signage on 4 amusement rides, including the Starflyer and the Helter-skelter slide.
- Funfair Games: 2 externally illuminated signs above the Funfair Games booths (4880mm x 500mm).

2.20 The proposed use would be carried out in accordance with an Operational Event Management Plan (OEMP). The OEMP includes a Noise Management Plan and Luminescence Management Plan and has been drawn up based on the applicant's experience on operating similar events. It covers operational and performance times; management structure roles and responsibilities, security, pedestrian and vehicular access, health and safety, evacuation procedure, and refuse waste management. The applicant's team would have the day to day responsibility for the operation of the event. Managed by an on-site management team in consultation with the senior management team. This would include an Operations Manager and Production Manager. The OEMP is a comprehensive document and a condition would be recommended requiring the use to operate in accordance with an approved OEMP.

3.0 PUBLICITY AND CONSULTATION RESPONSES

3.1 The application(s) have been publicised by means of site notices displayed on and in the immediate vicinity of the application site and a press notice. In addition, approximately 2,120 individual letters were sent to occupiers of properties in H&F, around the site, including the properties on the West Kensington and Gibbs Green estates, and properties on both sides of Lillie Road (up to North End Road). In addition, the Royal Borough of Kensington & Chelsea (RBKC) was notified of the application as the adjoining borough.

3.2 Six representations have been received to date, in response to the above consultation/publicity (4 from H&F and 2 from RBKC).

H&F:

3.3 Of the four representations received two are in support and two oppose the proposals. The contents of these representations are summarised below:

Objection

- increase noise and anti-social behaviour in the area
- limited information provided on sound proofing/noise reduction measures and amplified sound
- increase traffic flows in the area
- operational times during winter months should be assessed before permitting up to 23.00hrs
- operational timings should be fixed on performances

- servicing should be carried out by sustainable vehicles

Support

- Welcome the proposal to regenerate the area and future development proposal for the wider area with linkages from North End Road and neighbouring residential estates.
- Main access to event should be provided from North End Road (either via West Kensington station or through the estates, preferably both).

Royal Borough of Kensington and Chelsea (RBKC):

3.4 Two representations received. One objecting to the proposal on grounds that the proposal will see an increase criminal activity in the area

3.5 Representation received from Councillor Linda Wade (Earls Court Ward Councillor) objecting to the proposal. Requested additional information relating to:

- Proximity of the site to the borough boundary and impact on residents including noise and nuisance, potential crime and disorder, site and transport capacity with the volume of visitors to the site.
- Location and direction of illuminated signage.
- Number of food and drink units.
- Security provision.
- Toilet provision, including supervision and disabled access.
- Public transport capacity and marshalling of the event to control visitors leaving the site and prevent use of residential streets.
- Parking restrictions required in RBKC and consultation with highways.
- Waste management, including litter patrols and street cleaning in RBKC required.
- Measures required to protect residents from increased noise and nuisance, and increased lighting.

Royal Borough of Kensington and Chelsea

3.6 The adjoining borough have acknowledged receipt of the notification inviting observations on the application. No further comments received at this stage.

Thames Water

3.7 Additional information requested to determine wastewater infrastructure/drainage strategy needs.

3.8 The applicant leafleted some 19,000 leaflets to residents in the local area, on 20th April 2021, distributed prior to the submission of the application. A webinar was held on 26th April 2021 with the local community and was attended by 40+ stakeholders.

4.0 POLICY CONTEXT

4.1 The applications have been considered against all relevant national, regional and local planning policies as well as any relevant guidance. Set out below are those policies most relevant to the proposal, however, consideration is made against the development plan as a whole.

London Plan (2021)

Policy GG5 (Growing a good economy)
Policy SD1 (Opportunity Areas)
Policy E9 ((Retail, markets and hot food takeaways)
Policy E10 (Visitor Infrastructure)
Policy HC1 (Heritage conservation and growth)
Policy HC5 (Supporting London's culture and creative industries)
Policy D5 (Inclusive Design)
Policy D8 (Public Realm)
Policy D11 (Safety, security and resilience to emergency)
Policy D14 (Noise)
Policy T2 (Healthy Streets)

Local Plan (2018)

Strategic Policy FRA (Fulham Regeneration Area)
Strategic Site Policy FRA 1 (Earl's Court and West Kensington Opportunity Area)
Policy TLC1 (Hierarchy of Town and Local Centres)
Policy TLC5 (Managing the Impact of Food, Drink and Entertainment Uses)
Policy CF1 (Supporting Community Facilities and Services)
Policy CF3 (Enhance and Retention of Arts, Culture, Entertainment, Leisure, Recreation and Sport Uses)
Policy E1 (Employment Uses)
Policy E4 (Local Employment, Training and Skills Development Initiatives)
Policy DC1 (Built Environment)
Policy DC8 (Heritage and Conservation)
Policy DC9 (Advertisements)
Policy CC7 (On site Waste Management)
Policy CC11 (Noise)
Policy CC12 (Light Pollution)
Policy T2 (Transport)

5.0 PLANNING CONSIDERATIONS

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance the statutory development plan comprises the London Plan (2021), H&F Local Plan (2018) and the H&F Planning Guidance SPD (2018).
- 5.2 In this case, the previous planning history of the site is a material planning consideration and should be afforded a degree of weight in the assessment of the current applications.
- 5.3 The key issues for consideration are:
- The acceptability of using the site as a temporary entertainment venue in land use terms.
 - The impact of the temporary structures/advertisements on the townscape, the character and appearance of the surrounding conservation areas and the setting of the neighbouring listed buildings.
 - Accessibility.
 - Amenity Impacts (Noise and disturbance and light pollution).

- Highways considerations.
- Covid 19

Land Use

- 5.4 The application site forms part of the wider Earls Court and West Kensington Opportunity Area (EC&WKOA) as designated in the London Plan which includes land within H&F and RBKC. In the Local Plan, the site forms part of the Fulham Regeneration Area (Strategic Policy FRA) and more specifically, the Earl's Court and West Kensington Opportunity Area (Strategic Site Policy FRA 1). Policy FRA 1 supports a phased mixed use, residential led redevelopment of the Earl's Court and West Kensington Opportunity Area, including the provision of housing, employment, hotels, leisure, retail and cultural facilities. Together with London Plan policies GG5, HC5 and SD1, Policy FRA1 of the Local Plan supports arts, cultural and leisure events in the Earls Court and West Kensington Opportunity Area, in recognition that the site was a cultural destination for a significant period of time.
- 5.5 London Plan (Policy HC5) supports the use of vacant land for pop-ups and meanwhile / temporary uses for cultural and creative activities during the day and at night in order to stimulate vibrancy and viability. Policy CF1 (Supporting Community Facilities and Services) of the Local Plan states that the council will work with its strategic partners to provide borough-wide high quality accessible and inclusive facilities and services for the community by improving the range of leisure, recreation, sports, arts, cultural and entertainment facilities by also seeking new or enhanced facilities where appropriate and viable in particular major new leisure, arts, sports and recreation facilities in the Earls Court and West Kensington Opportunity Area.
- 5.6 The site is considered a suitable location for leisure, recreation, cultural and entertainment facilities. The proposal would provide an opportunity to use this vacant site for temporary uses whilst the preparation for the wider redevelopment proposals continues. The proposals would activate this vacant space and support local businesses that are seeking to recover from the impacts of COVID-19. The proposal would stimulate visitor numbers into the area which would contribute to the local economy (albeit on a temporary basis). The temporary nature of the use is such that its impact would be limited and would not undermine the long term objectives to regenerate the area, in accordance with both London Plan and Local Plan policies. A condition is attached to ensure that all structures associated with the application will be removed within the time limit period and the site reinstated once the temporary use ceases.
- 5.7 The site's history as a major cultural destination has been taken into consideration. Despite the loss of the exhibition buildings, the Council is supportive of development proposals that assist the area's cultural legacy. An interim use for food and drink establishments, as well as arts, culture, entertainment and leisure uses are considered to be appropriate with the site's historical past and other cultural uses in the vicinity and as such considered beneficial to the area in accordance with London Plan Policies GG5, HC5 and SD1 and policies FRA1 and CF1 of the Local Plan.
- 5.8 Underbelly is renowned for delivering pop up event productions. They have produced and managed a number of high quality, large scale events in sensitive

city centre locations, including London, and have worked successfully with key stakeholders including local authorities and the Greater London Authority. These events include West End Live, Underbelly at the Edinburgh Festival Fringe and The Southbank Festival, one of the biggest multi-arts offerings in London. As part of the proposal, Underbelly are seeking to support local businesses and to ensure that the proposals benefit the local area.

- 5.9 In economic and employment terms, the applicant has produced a note (Economic and Employment Strategy) in order to document and capture the potential benefits that could be secured by the proposal. The proposed development is expected to generate in excess of 120 temporary jobs during the operational phase, through a mix of full and part-time positions. As such, the development would have a residual moderate beneficial effect on the local economy. The Economic and Employment Strategy summarises that the applicant will support employing local workers wherever possible. Discussions are in place with the council to deliver this from the outset of installation works. The applicant are also seeking to coordinate with the Council's Workzone connections and job centres, in order to maximise access to the local workforce about employment opportunities on the site.
- 5.10 For the installation and de-installation periods, a crewing company 'Connection Crew' which gets ex-homeless people back into work and breaks the cycle of homelessness would be used. The applicant states that in 2018, Connection Crew generated 22,761 hours of work for ex-homeless people; and the applicant provided 2,527 of these hours. The applicant are supportive in providing training opportunities, giving young people openings and to assist them in gaining work experience. The applicant aims to run a training academy for up to 18 young people from the boroughs of up to 25 years of age for the running and programming of the event, to provide them with experience of working in the arts and live entertainment business. The programme would run with local borough community organisations.
- 5.11 The applicant have set out their intention to support local businesses and promote economic recovery following the COVID-19 pandemic. The applicant aims to liaise with local businesses about the occupation of the proposed stalls and seeks to invite local arts organisations to participate in the programme. The Underbelly programming team is also in active discussions with a number of local arts organisations across H&F for inclusion in the London Wonderground performance programme including the Amici Dance Theatre Company, Earls Court Community Trust, Earls Court Film and Music Festival, Finborough Theatre, Joy Festival & Turnkey Arts, LAMDA, Lyric Theatre, Ockham's Razor Theatre, Turtle Key Arts. The proposal is therefore considered to accord with aspirations of the NPPF to secure economic growth in order to create jobs and prosperity along with securing the wellbeing of communities together with Policy E11 of the London Plan and Local Plan Policies E1, and E4.
- 5.12 Although the event itself is non-ticketed and free to enter, tickets are required to view performances in the big top tent and theatre structure. The application confirms the provision of an estimated 3,000 free tickets and a further 3,000 discounted tickets available to the local community across both boroughs to view certain performances. The intention is that the free tickets would be made available by the applicant and landowners for distribution to immediate local residents and businesses in H&F and RBKC. Tickets would be provided via a code

booking mechanism when entering details on the applicant's website. Initial focus would be on local schools, care homes, TRAs, charities and resident groups. Similarly, the discounted tickets would be provided with a 50% discount of the face value.

- 5.13 Local Plan Policy TLC1 relates to the hierarchy of town and local centres. The site is not within any designated centre, though just 500m from Fulham Town Centre, one of the three key town centres within the borough. North End Road is a designated Key Local Centre.
- 5.14 Policy TLC5 (Managing the Impact of Food, Drink and Entertainment Uses) controls the hours of operation for Class A3, A4 and A5 uses. Policy TLC5 allows for hours of operation to be extended where the use would not be likely to cause adverse impacts on the amenity of the surrounding area. The policy requires food and drink establishments as well as arts, culture, entertainment and leisure uses to be subject to conditions controlling hours of operation, as follows:
- a. except in predominantly commercial areas, such as parts of town centres - premises shall not be open to customers later than the hour of 23:00; and
 - b. within predominantly commercial areas, such as parts of town centres - premises shall not be open to customers later than the hour of 24:00.
- 5.15 In terms of Policy TLC5, the proposed mix of food and drink stalls is intended to provide further diversity, attracting residents, visitors and tourists to the site. The impact of the activities would be subject to licensing restrictions and would operate in accordance with the submitted Operational Event Management Plan, which sets controls on the hours of operation to no later than 23:00 hours, Sunday to Wednesday, and 23:30 hours Thursday to Saturday.
- 5.16 In summary, the provision of a unique temporary attraction on this vacant site is strongly supported. The public and economic benefits associated with scheme are welcomed and considered to outweigh any temporary harm to the surrounding townscape or amenity. The provision of the proposed economic, employment and community benefits would be secured by condition.

Design and Heritage

- 5.17 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.
- 5.18 The NPPF recognises the importance to plan positively for the achievement of high quality and inclusive design for all development. 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.
- 5.19 Paragraph 193 of the NPPF states: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm

amounts to substantial harm, total loss or less than substantial harm to its significance.

- 5.20 Paragraph 197 of the NPPF states: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 5.21 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 197, it is important to recognise that the statutory provisions require the decision maker to give great weight to the desirability of preserving designated heritage assets and/or their setting.
- 5.22 Together with London Plan policies D3 and HC1, Local Plan policies require development proposals to incorporate exemplary standards of sustainable and inclusive design. Policy DC1(Built Environment) requires all development proposals within the borough to create a high-quality urban environment that respects and enhances its townscape context and heritage assets. Policy DC2 (Design of New Build) sets out to ensure that new build development will be of a high standard of design and compatible with the scale and character of existing development and its setting. Policy DC8 (Heritage and Conservation) 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. Policy DC9 (Advertisements) requires a high standard of design of advertisements, which should be in a scale and in keeping with the character of their location and should not have an unacceptable impact on road safety.

Design considerations

- 5.23 The proposal relates to the temporary use of the vacant Earl's Court site for a summer event and includes the installation of temporary development, incorporating two main event structures - a big top tent and theatre and associated box office, plus food and drink units, amusement rides, beach area, toilets, storage, outdoor seating areas and fencing. The temporary tent and theatre structures would be enclosed in a membrane treatment. The 'Big Top tent' structure would take the form of a more traditional circus appearance with a circular floor plan and conical roof.
- 5.24 Due to the temporary nature of the proposals, the impacts on heritage and the public realm from the proposed structures will be limited. The event structures and advertising will be removed at the end of the defined period and will not permanently impact the built environment. Officers consider that the temporary proposals would complement the former artistic and cultural use of this part of the Earls Court site. The proposal will bring forward a temporary use of a vacant site which will encourage activity and facilitate use of the site by the public.

Heritage Considerations

- 5.25 The site is not located within a conservation area and is not occupied by any heritage assets. The site is however in close proximity to both Empress State building and the terrace of 30-60 Lillie Road, which are both locally listed, buildings

of merit.

- 5.26 The application site is also situated in close proximity to heritage assets in the adjoining Royal Borough of Kensington & Chelsea, which include the Grade II listed West Brompton Station, a 150m away from the site and the Grade I listed Brompton Cemetery, which itself contains numerous Grade II and Grade II* listed assets which is 200m at its closest point from the site.
- 5.27 Given the scale, appearance and temporary nature of the proposals, the developments would have a degree of inter-visibility with the non-designated heritage assets, however this would not detract from the character, appearance or significance of these assets overall. As such the development is not considered to result in any harm to the setting of these heritage assets.
- 5.28 Officers have assessed the impact of the proposal on the heritage assets and consider that it is compliant with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is also in line with national guidance in the NPPF, Policy HC1 of the London Plan and Policies DC1, DC4, and DC8 of the Local Plan (2018).
- 5.29 The associated signage is proportional to the event proposed and the principle of a cultural attraction in this location accords with the heritage and historical uses of the area in accordance with Policy DC9 of the Local Plan (2018).
- 5.30 Officers have assessed the impact of the proposal on the adjacent heritage assets and consider that it is in line with national guidance in the NPPF. Officers also consider that the proposals would be in accordance with Policies D3 and HC1 of the London Plan 2021 and Policies DC1, DC2, DC8 and DC9 of the Local Plan 2018.

Inclusive Design and Access

- 5.31 London Plan Policy D5 requires new development to achieve the highest standards of inclusive and accessible design. Local Plan Policy DC1 of the Local Plan require new development to be designed to be accessible and inclusive to all who may use or visit the proposed buildings. Policy DC2 requires developments to be assessed in relation to the convenience and safety of pedestrians, people with disabilities and wheelchair users.
- 5.32 The design and access statement sets out that outdoors spaces and theatre uses would be wheelchair accessible and DDA compliant. The site is flat and level access both to, around and within the venue would be made available. The scheme would provide level access to all the performance facilities in accordance with Part M of the building regulations. Ramped access to the venues and dedicated accessible seating areas would be made available. All bar concessions would offer a lowered counter to ensure they are accessible to all, and accessible toilet facilities will be provided.
- 5.33 Officers consider these provisions satisfy the requirements of the above policies and the proposal is acceptable in accessibility terms, in compliance with London Plan Policy D5, Local Plan Policies DC1 and DC2 as well as Planning Guidance SPD Key Principles.

Amenity Considerations

- 5.34 Policy DC1 and DC2 of the Local Plan seeks to protect the amenity of existing neighbours and the visual amenity of the community as a whole. This is measured in terms of potential impacts in relation to outlook and privacy, noise and disturbance, lighting and impacts during construction.
- 5.35 There are no residential properties in close proximity to the site (within 20m), the closest being approximately 50m away. The residential dwellings located on Empress Place, adjacent to the site entrance, are currently vacant. The owners of the site are reviewing potential proposals to bring the buildings back into active use through various initiatives, pending more permanent proposals at the wider Earls Court site. Officers consider that the proposal would not result in detrimental impacts in terms of loss of daylight or sunlight nor result in harm from overshadowing.
- 5.36 The closest residential properties to the site are located on Lillie Road (south-west) and Seagrave Road to the south, situated between 50m to 100m away from the site boundary. To the west, the nearest neighbouring residential properties are on Aisgill Avenue, approximately 110m away. To the east of the site, the closest neighbouring properties in the Royal Borough of Kensington & Chelsea are located in Eardley Crescent (approximately 120m away), and to the north of the site in Philbeach Gardens (approximately 150m away).
- 5.37 Potential impacts in terms of noise and disturbance generated by visitors to the site have been taken into consideration. Full details of how the event would be managed to minimise impacts on amenity are set out in the Operational Event Management Plan. This document includes a Noise Management Plan and Luminescence Management Plan.
- 5.38 The proposed events venue is designed to create a family orientated attraction and is of a temporary nature only. Hours of operation would be controlled, and security and stewarding would be in place at all times to allow for a graded dispersal. Signs would be placed around the site for visitors to be considerate to local residents when at events or leaving the site and stewarding and security would be provided to regularise this. In advance of the commencement of the use, local residents and businesses will be provided with contact details to communicate with the site manager with respect to any noise complaints that may arise and any other concerns relating to the operation of the site.
- 5.39 The number of visitor numbers would be controlled so as not to impact on local amenities. The applicant would be responsible for crowd management operations, providing stewards to assist pedestrian movements and road crossings before and after their event.
- 5.40 Hours of operation of the outdoor spaces would be generally restricted (10:00/12:00 to 23:00 daily). Installation / de-installation works would only take place between the hours of 8:00am and 8:00pm.

Noise

- 5.41 Policy CC11 of the Local Plan advises that noise and vibration impacts will be controlled by locating noise sensitive development in appropriate locations and protected against existing and proposed sources of noise through design, layout

and materials. Noise generating development will not be permitted if it would materially increase the noise experienced by occupants/users of existing or proposed noise sensitive areas in the vicinity. Policy CC13 seeks to control pollution, including noise, and requires proposed developments to show that there will be 'no undue detriment to the general amenities enjoyed by existing surrounding occupiers of their properties'.

- 5.42 The applicant has submitted a Noise Management Plan which would minimise the potential for noise disturbance. The supporting document sets out that the potential noise sources from the site would be from live amplified music and voice sound from patrons and audience members, plant and machinery, contractors during the build (set-up) and strike (de-installation) periods (approximately 4 weeks) and in-house staff.
- 5.43 Amplified sound would be used during programmed performances. The final proposed daily programme for the event venues has not been set at this stage. The applicant has specified that performances would end at 11:30pm (Thursday – Saturday) and 10pm (Sunday – Wednesday). The timing of the daily performances would be planned to minimise amplified music after 10pm and would usually be restricted to amplified voice after these times. Sound checks would be carried out before 7pm where possible. The tent structures are designed with a heavy internal fabric to attenuate sound levels and provide a level of sound absorption. Low amplified background music would be played throughout the public areas during the operational period. The applicant states that background music on site would be inaudible beyond the site boundary. Noise mitigation measures would be incorporated and managed in terms of the design of the sound system in the performance venues to minimise the need for amplification and would be directly managed by the Site Manager and Bar Manager.
- 5.44 Air handling and air-cooling plant equipment may be used on an occasional basis to regulate the temperature within the performance venues. This is not expected to be audible at the closest noise sensitive receptor. In addition, all chiller units and refrigeration units used onsite would run silently.
- 5.45 In terms of site control and people management, security would operate at all times to ensure that visitors leave the event quickly. The start and end times for shows will also be staggered to prevent no singular mass egress from the site. Signs will be placed at the exits to encourage audiences and other customers to be aware of and considerate to local residents.
- 5.46 No objection is raised by the Council's Noise and Nuisance officers to the proposed development subject to compliance with conditions relating to noise levels and monitoring to control any possible sound impact outside the site. The proposal is therefore considered to accord with Policy CC11 of the Local Plan 2018.

Lighting

- 5.47 Policy CC12 of the Local Plan seeks to control the adverse impacts of lighting arrangements including that from signage and other sources of illumination.
- 5.48 A Luminescence Management Plan is included as part of the Operational Events Management Plan. Consideration has been given to the layout of lighting taking

into account the requirements, its proximity to local residents and businesses and to minimise any light pollution. The site would be illuminated by way of structure lighting, effect lighting, working lights and decorative lighting. The lighting would only operate until 23:00 (Sunday to Wednesday) and 23:30 (Thursday to Saturday) with the exception of security lighting. Illumination would commence at pre-agreed times (dusk onwards) in order to provide safe and appropriate lighting for staff and visitors. The level of ambient light levels would drop in order to present an appropriate and welcoming atmosphere to the event. Officers have given consideration to the level of luminescence required and are satisfied they would be managed around the site in order not to disturb local residents and businesses. Ride and attraction lighting will be shut down at the agreed closing times. All event light sources would be continually monitored and controlled by the Site Management team.

5.49 Details relating to the size and positioning of the advertisements and associated illumination have been designed to ensure they do not affect the amenity of any nearby residents. All advertisement are directed into the centre of the site and not towards neighbouring residential properties to avoid glare. The Luminescence Management Plan sets out how lighting levels will be minimised. A condition is attached to ensure that illumination of neighbouring premises from all external artificial lighting relating to the development shall be in accordance with the recommendations of the Institution of Lighting Professionals in the 'Guidance Notes for The Reduction Of Light Pollution 2020'. As such officers consider that the proposal accords with the requirements of Policies CC12 of the Local Plan 2018.

5.50 In conclusion, the supporting information adequately addresses the issues of noise and light management and other operational issues relating to the proposed use and these are recommended to be approved by way of conditions to ensure that the event operates in accordance with these documents. As such, it is considered that the proposed development accords with policies CC11 and CC12 of the Local Plan 2018.

Transport

5.51 Local Plan Policy T1 supports The London Plan and states that all development proposals will be assessed for their contribution to traffic generation and their impact on congestion. Policy T2 states that all planning applications will be supported where they do not have unacceptable transport impacts, including cumulative impacts on highway safety; traffic flows; congestion of the road network; on-street parking; footway space, desire lines and pedestrian flows and all other transport modes, including public transport and cycling.

5.52 The site has a Public Transport Accessibility Level (PTAL) of 6a – one of the highest possible levels of public transport accessibility and is therefore well served by public transport. A Transport Statement and Travel Plan has been prepared by the applicant to support a planning application.

5.53 The principal objective of the Travel Plan is to facilitate and encourage sustainable travel methods to and from the site and to actively discourage the use of private vehicles. In this case, the proposal would not provide any off street, car parking. Instead, the use of sustainable transport modes (walking and cycling) and use of public transport modes (Tube, Buses, Trains) are encouraged. A range of public

transport facilities are available within a short walk, including bus, underground and rail services. The site also enjoys good accessibility by walking and cycling and is located within close distance of a range of everyday amenities. Given the site's location and good public transport links the expectation is that a large proportion of persons visiting the site would not arrive by private vehicles. Prior information about transport routes to and from the site would be communicated via the applicant's website, promotional materials, ticket confirmations, social channels and on site messaging.

- 5.54 There are a number of Santander Cycle Hire docking stations located a short walk from the entrance on Empress Place, located at Halford Road, West Kensington and Trebovir Road, and Earls Court. Despite this, the applicant has agreed to install 30 cycle spaces within the site which would be covered by CCTV to encourage patrons to cycle to the event. The quantity of secured on site cycle parking is in excess of the number recommended in the London Transport chapter 6 minimum standards and would be secured by condition in line with Local Plan Policy T3 (Increasing and promoting Opportunities for Cycling and Walking).
- 5.55 The roads surrounding the site to the south of Lillie Road are located in Controlled Parking Zone (CPZ F), with parking restrictions in place Monday to Saturday from 9am to 8pm Monday to Saturday with additional restrictions in place on match days. There is a further CPZ's located to the west of the site. Controlled Parking Zone (CPZ D) controls parking on Monday to Friday 0900-1700. These CPZ are dual use, offering pay and display parking as well as permit holder only. Due to this they offer short parking opportunities for those visiting the proposed site.
- 5.56 The public would only access/egress the site from Empress Place. The proposal would increase pedestrian flows along Lillie Road. The section of Lillie Road over the Lillie Bridge is not wide and would have to be marshalled to control the increase in pedestrian footfall to ensure both pedestrian and vehicle safety. The supporting information adequately addresses the issues of visitor management and other operational issues pertaining to the proposed use and these are recommended to be approved by way of conditions to ensure that the event operates in accordance with these documents.

Trip Generation

- 5.57 Information on trip modes for the proposed use has been generated using survey information from the Underbelly Festival at Southbank. The festival at Southbank is comparable in terms of content and the anticipated audience profile of the proposed use and therefore is a good basis for the projections submitted. In the case of the proposed development, the projected mode share for the site would be as follows:

Mode	Mode Share
Underground	36.4%
Train	4.9%
Bus	5.7%
Taxi	0.9%
Motorbike	0.9%
E-Scooter	1.8%
Car	2.3%
Bicycle	2.3%
Walk	43.9%
Other	0.9%
	100%

5.58 Given the location of the site and good public transport links it is expected that few people will need to arrive by car. Furthermore, the level of transport links are considered to ensure that the intensification of the uses at the site would not result in any transport capacity issues.

5.59 Expected weekly footfalls have been projected for the proposal based on the comparable festival. The highest footfall anticipated between Friday-Sunday (62%). Whilst the peak demand (for both venues being used simultaneously and outdoor spaces) would be circa 3,600 people at any one time, people would not all arrive/depart at the same time given the hosts of other attractions on the site. It is expected that persons would come and go throughout the course of the day and there would not be significant surges in the flow.

Installation/De installation works

5.60 The event would be constructed and deconstructed over a four week period (two weeks prior to the start of operations and two weeks post operation). The schedule of deliveries, the type of vehicles, the entrance gate and the expected turnaround for each of the deliveries in this period is set out in the Delivery and Servicing Plan. All deliveries to site during this period would be scheduled by the applicant and delivery slots would be staggered and to ensure that deliveries are strictly controlled. There is sufficient space for vehicles to be turned on site, enabling them to exit in forward gear, and as such, it will not be necessary for these vehicles to reverse onto or off Lillie Road. The Council aims to take steps to ensure that disruption and noise/disturbance are minimised as far as possible. A condition is attached regularising hours of works during this period.

Waste Management

5.61 Policies CC6 and CC7 of the Local Plan seeks to ensure that the Council pursue waste management facilities within new development, notably through means of ensuring that all developments proposed suitable waste and recycling storage facilities.

5.62 Bins stations are proposed within the site and bins will also be provided at the exits for use by customers. Throughout the day, a cleaning team would keep the site clear of rubbish. Following the closure of the event staff would perform a rubbish patrol in the immediate vicinity of the premises. Waste on site would be separated where possible for recycling and would be split into general waste, dry recycling and food waste. Back of house areas would glass bins. Bins would be

emptied regularly to a central bin area. 1100 litre Euro Waste Bins would be kept in an enclosure within the site and emptied on a daily basis and removed on a daily basis.

Delivery and Servicing

- 5.63 The applicant has submitted a comprehensive Operational Event Management Plan which covers all aspects of how the site would operate during the event period and also a standalone Delivery and Servicing Plan which sets out how the site would be serviced. Deliveries and servicing would take place via Lillie Road into the site through the bus stand adjacent to the entrance to Empress State building. Access would be predominantly through gates A, B and C. The main entrance at the end of Empress Place (Gate D) would be used occasionally during the build and strike period but would primarily be maintained as the pedestrian access for the operational period and would therefore not be used at this time.
- 5.64 All deliveries during the operational period would normally take place between 8am and 12pm. The majority of delivery vehicles would enter and exit through Gates A and C and would be scheduled by the applicant in pre-arrange delivery slots with 3rd party suppliers and contractors. A condition will ensure that no deliveries nor collections / loading nor unloading associated with the use shall occur at the development between Monday to Friday other than between the hours of 7am and 11pm. A condition is recommended to ensure that the site is operated in accordance with these plans.
- 5.65 There are no objections on transport and highway grounds as the development is considered to result in no unacceptable impacts which would otherwise be to the detriment of the highway users particularly bearing the temporary nature of the use. The proposal is therefore considered to accord with policies of the London Plan 2021 and Policies CC6, CC7, T1, T2, T3, T4 and T5 of the Local Plan 2018.

Flood Risk and drainage

- 5.66 The site is located in Environment Agency Flood Zone 1 and 2 which is considered to have a low to medium risk of river flooding. However, flood protection measures are in place to reduce the risk of the River Thames flooding within central London, and regardless of this, the proposed development would only be for a temporary period. As such, the application is not considered to result in an unacceptable risk of flooding. A Drainage Design Note has been prepared in response to Thames Water comments, outlining the management of foul and surface water for the site. No major development changes are proposed within the site and the existing drainage system to Thames Water sewers is to be maintained. Environmental Policy have raised no objection to the proposal, in accordance with Local Plan policy CC3.

Land Contamination

- 5.67 National Planning Policy Framework paragraph 121 states planning decisions should ensure that sites are suitable for its new use taking account of ground conditions and after remediation the land should not be capable of being determined as contaminated land. The London Plan supports the remediation of contaminated sites and that appropriate measures should be taken to control the impact of contamination with new development. Policy CC9 of the Local Plan states that the Council will support the remediation of contaminated land and that it will take measures to minimise the potential harm of contaminated sites and

ensure that mitigation measures are put in place.

- 5.68 Although potentially contaminative land uses (past) are understood to occur at, or near to, this site, the proposed development would not break ground. All public areas of the site would be covered with a central boardwalk, wooden marquee flooring and carpet/Astroturf. The wooden flooring is made of 38mm x 63mm timbers with 18mm ply as the surface. Backstage much of the existing ground would be covered with infrastructure - cabins etc, and walkways covered with marquee flooring or a temporary plastic flooring product. No objections have been raised by the Council's Contamination Team given the temporary nature of the application.

Air Quality

- 5.69 Paragraph 124 of the NPPF states that planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. London Plan Policy SI 1 states that development proposals should minimise increased exposure to existing poor air quality and make provision to address local problems of air quality (particularly within Air Quality Management Areas (AQMAs) and where development is likely to be used by large numbers of those particularly vulnerable to poor air quality, such as children or older people). Policy CC10 of the Local Plan explains that the Council will reduce levels of local air pollution and improve air quality in line with the national air quality objectives.
- 5.70 The Site is located within an Air Quality Management Area. It is expected that the majority of visitors to the site would use public transport, which will assist in offsetting negative air quality impacts from the development. Furthermore, should permission be granted then a condition is recommended to be attached to the decision notice to ensure that no non-road mobile machinery (NRMM) would be used on the site, unless it is compliant with the Stage IV NO_x and PM₁₀ emission criteria. A further condition is recommended to ensure that vehicles used for the construction and operational phases of the development meet London Ultra Low Emission Zone (ULEZ) compliance. This would ensure that all machinery/vehicles to be used on site would be non-polluting to improve air quality.

COVID-19

- 5.71 The proposal would enable the operation of a temporary event to support vibrancy, arts and culture in the area over the summer period. The applicant however is mindful of existing social distancing restrictions and seeks to ensure that all the necessary safety measures would be implemented. COVID-19 guidance is constantly being reviewed. The applicant has indicated that the layout can be adapted to meet the latest government guidance and future social distancing requirements. The applicant states that a COVID-19 officer has been appointed, whose responsibility will be to oversee that Underbelly's control measures and procedures are correctly introduced and managed. This person will liaise with the local public health authority as required. Procedures on site would reflect the latest government guidance including appropriate PPE and provision of written procedures and guidance for all staff. A full COVID-19 risk assessment will take place prior to the event and be reviewed continually throughout the event.

6.0 RECOMMENDATION

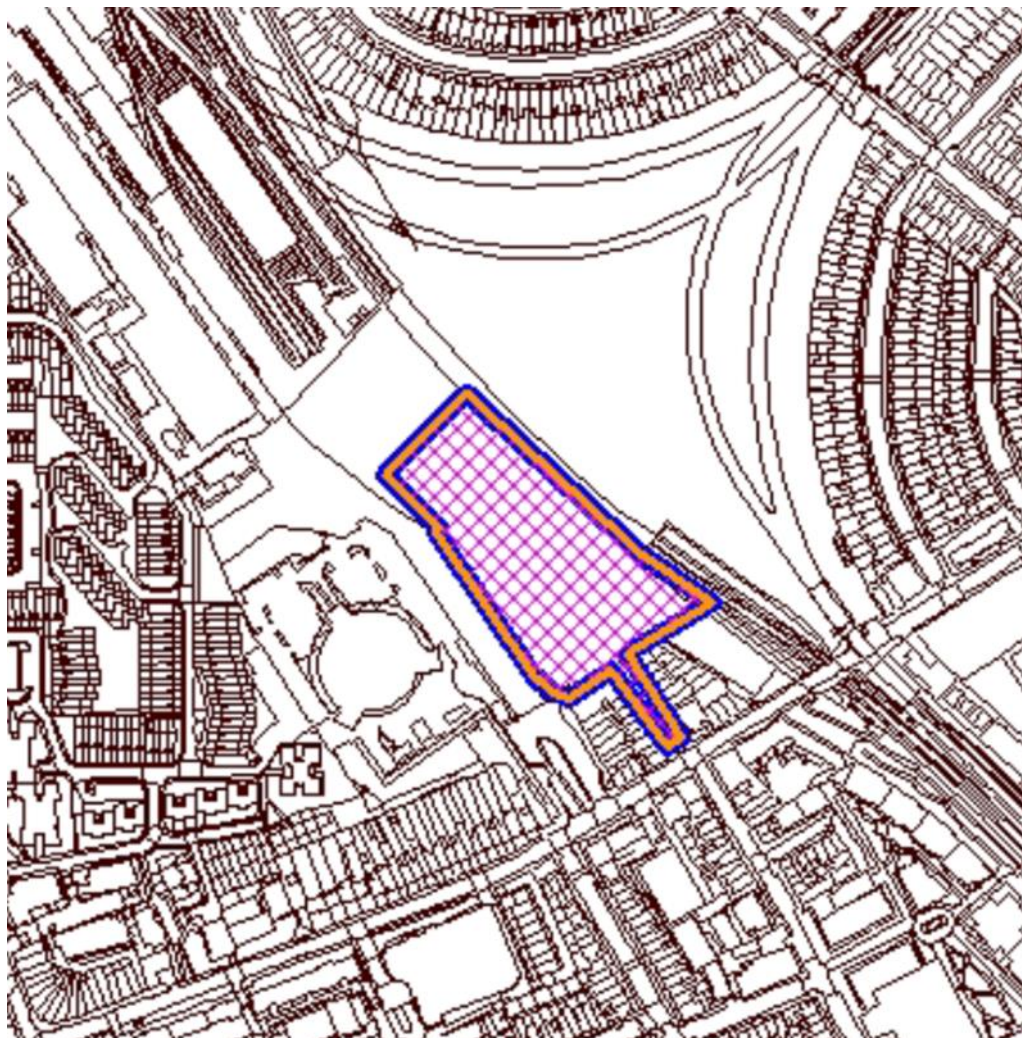
- 6.1 The proposal would comply with the development plan. The proposed structures and activities represent an acceptable temporary use for this site in this instance. The proposal is consistent with the Council's policies for the area, in relation to arts, cultural and entertainment uses. The use is considered to be compatible with other cultural uses in the vicinity. This activation of the vacant derelict space will be beneficial to the wider regeneration area generally. It is considered that the proposed use would contribute to the overall area until the regeneration of the wider Earls Court site comes forward. On this basis it is considered that the proposal is consistent with the requirements of the policies CF3, FRA and FRA1 with regard to employment generation in the area and provision of leisure/cultural facilities as well as small-scale food and drink uses.
- 6.2 Regard has been had to the setting of neighbouring Conservation Areas and special interest of listed buildings. It is considered that there would not be any harm caused to the special interest or character of any heritage assets. Any temporary minor impacts are considered to be outweighed by the social and economic public benefits that the proposal would deliver.
- 6.3 The supporting information adequately addresses the issues of visitor management and other operational issues pertaining to the proposed use in terms of delivery/servicing, noise management and luminescence management and these are recommended to be approved by way of conditions to ensure that the event operates in accordance with the documents. Subject to appropriate conditions including requiring the use be operated in accordance with the Operational Event Management Plan (OEMP) the temporary scheme is considered acceptable. A condition is also recommended to ensure that all structures associated with the application(s) will be removed and the site reinstated once the use ceases.
- 6.4 As such, it is considered that the proposed development accords with relevant policies in the Local Plan (2018) and the London Plan (2021).
- 6.5 Accordingly, it is recommended that the proposed development be granted planning permission subject to the conditions listed above.
-

Agenda Item 6

Ward: North End

Site Address:

Earls Court 2 Exhibition Centre, Lillie Bridge Rail Depot,
West Kensington And Gibbs Green Housing Estates And
Adjoining Land



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For identification purposes only - do not scale.

Reg. No:
2021/01444/ADV

Case Officer:
Violet Dixon

Date Valid:
04.05.2021

Conservation Area:

Committee Date:
08.06.2021

Applicant:

Underbelly Limited
4th Floor 36-38 Hatton Garden London EC1N 8EB

Description:

Temporary display of externally illuminated signage at the Earls Court 2 site, in association with the proposed pop-up 'London Wonderground' event, over the period between 1 July to 10 October 2021 (dates include all installation and de-installation periods).

Drg Nos: See Condition 2

Application Type:

Display of Advertisements

Officer Recommendation:

That the Committee resolve that the Chief Planning Officer be authorised to grant advertisement consent subject to the condition(s) listed below:

Conditions:

- 1) The advertisement consent hereby approved shall be for a limited period only, carried out between the 1 July to 10 October 2021, inclusive of installation and de-installation. All advertisements permitted under this consent shall be removed from the site by no later than the 10 October 2021 and the site shall be restored to its former condition.

To comply with the wider regeneration of the site and to allow the Council to assess the impact of the operation of the use on the amenities of surrounding occupiers in accordance with Policies FRA, FRA1, DC1, DC2, DC8 and DC9 of the Local Plan 2018.

- 2) The advertisements hereby approved shall be erected and displayed only in accordance with the approved drawings/documents:

UB-EC-21-001; UB-EC-21-003; UB-EC-21-004; UB-EC-21-005; UB-EC-21-006; UB-EC-21-007; UB-EC-21-008; UB-EC-21-009; UB-EC-21-010; UB-EC-21-011; UB-EC-21-012; UB-EC-21-013; UB-EC-21-014; UB-EC-21-015; UB-EC-21-016; UB-EC-21-017; UB-EC-21-018; UB-EC-21-019; UB-EC-21-020; Cover Letter prepared by Quod (29 April 2021); Planning, Design and Access Statement - prepared by Quod (dated April 2021) and Operating Event Management Plan - prepared by Underbelly Ltd (dated 12 May 2021).

In order to ensure full compliance with the advertisement consent application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with policies DC1, DC2, DC8 and DC9 of the Local Plan (2018).

- 3) 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 Note 01/20: Guidance Notes for the Reduction of Obtrusive Light'. 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 is not adversely affected by lighting, in accordance with Policies CC12 and CC13 of the Local Plan 2018 and Key Principles of the Planning Guidance Supplementary Planning Document (2018).

- 4) During hours or darkness, illuminations shall not be intermittent and shall not have changing light patterns.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by changing light patterns from artificial lighting, in accordance with Policies CC12 and CC13 of the Local Plan 2018 and Key Principles of the Planning Guidance Supplementary Planning Document (2018).SPD 2018.

- 5) The illumination of the sign(s)/advertisement(s) shall comply with the recommendations of the Institution of Lighting Professionals in the 'Guidance Note 01/20: Guidance Notes for the Reduction of Obtrusive Light'. and the 'Professional Lighting Guide No 5, 2014 - Brightness of Illuminated Advertisements'.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by artificial lighting, in accordance with Policies CC12, CC13, T1, T6 and DC9 of the Local Plan 2018 and Key Principle TR28 of the Planning Guidance Supplementary Planning Document (2018).

Justification for Approving the Application:

- 1) The design, size, siting and means of illumination of the proposed signage would be acceptable in terms of visual amenity and the proposal would not have a detrimental effect on amenity or public safety. The character and appearance of the surrounding Conservation Areas and the settings of adjacent listed buildings and Buildings of Merit would be preserved. The proposed temporary advertisements would therefore accord with the NPPF (2019), Policies CC11, CC12, CC13, DC1, DC2, DC8, DC9, T1 and T6 of the Local Plan (2018) and Key Principles AH1, AH2, BD1, BD7 and TR28 of the of the Planning Guidance Supplementary Planning Document (2018).

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

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

Application form received: 29th April 2021
Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2019
The London Plan 2021
LBHF - Local Plan 2018
LBHF – Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments from:

Dated:

Neighbour Comments:

Letters from:

Dated:

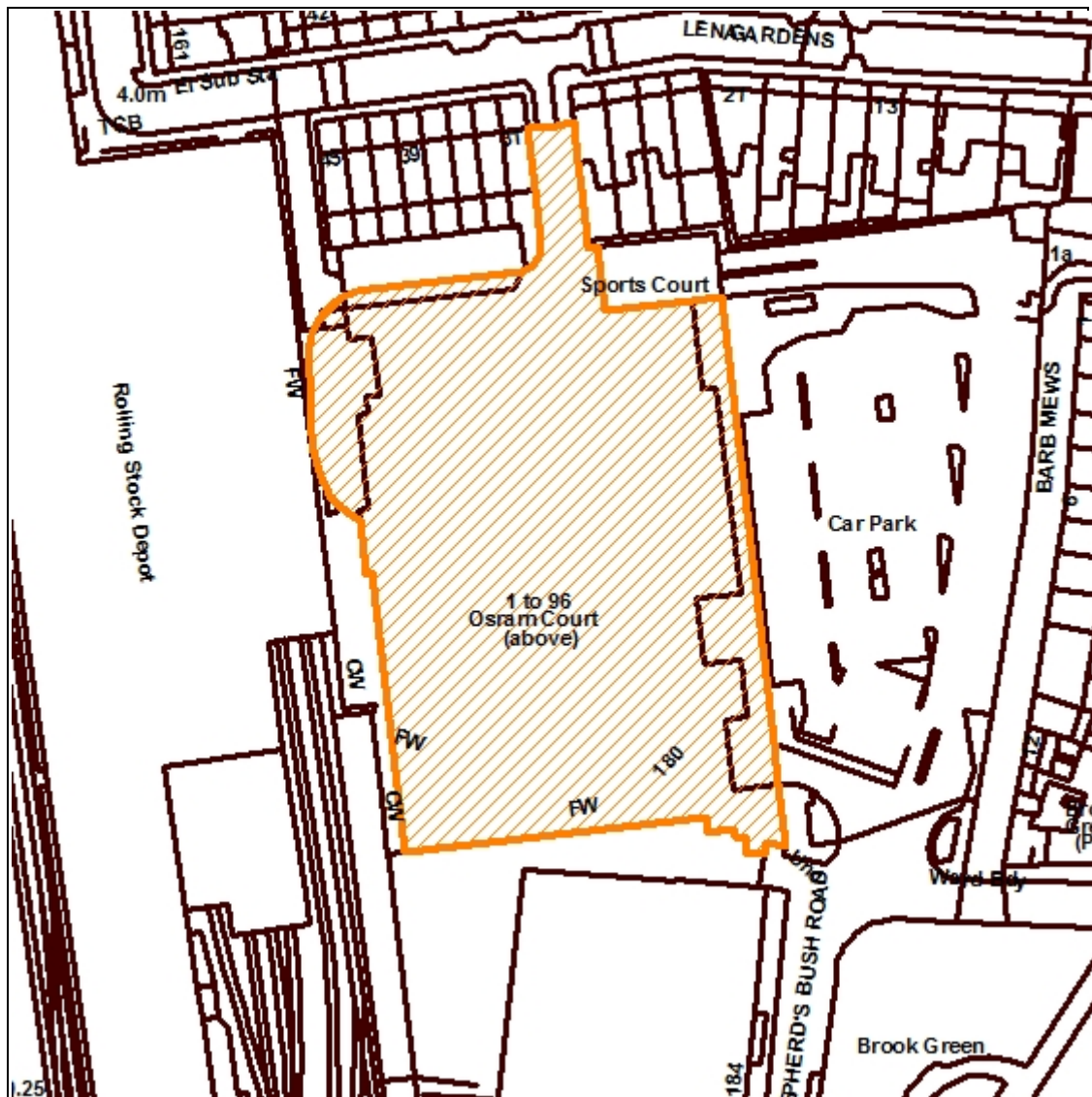
See joint report for the planning and advertisement consent applications (ref 2021/01443/FUL).

Agenda Item 7

Ward: Addison

Site Address:

Osram Court 182 Shepherd's Bush Road London W6 7PF



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Reg. No:
2020/01602/FUL

Case Officer:
Elliot Brown

Date Valid:
26.06.2020

Conservation Area:
Constraint Name: Brook Green Conservation Area
- Number 3
Constraint Name: Melrose
Conservation Area - Number 26

Committee Date:
08.06.2021

Applicant:

Other Corenerstone
C/O Agent

Description:

Installation of telecommunications equipment at roof level, including 12no. new antennas on 6no. 3.5 metre climbable poles (Height to top of pole from ground level 17.5 metres); installation of 15no. ERS units, 15no. RRU's, 2no. GPS modules, 1no. 300mm dish and 6no. equipment cabinets to be placed on new steel framework; and ancillary development, all at roof level.
Drg Nos: 100A, 20A, 301A.

Application Type:

Full Detailed Planning Application

Officer Recommendation:

- 1) That the Committee resolve that the Chief Planning Officer be authorised to grant planning 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. Furthermore, the proposals are considered to be of an appropriate appearance that will not harm the character and appearance of the existing site, area and surrounding heritage assets. The settings of nearby heritage assets would be preserved. The proposal is considered to accord with s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is also compliant with the NPPF, and the Local Plan Policies DC1, DC8 and DC10.

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

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

Application form received: 25th June 2020
Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2019
The London Plan 2021
LBHF - Local Plan 2018
LBHF – Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments from:

Dated:

Neighbour Comments:

Letters from:

Dated:

Bolding House Lane GU24 9JJ	09.08.20
NAG	10.08.20
NAG	10.08.20
NAG	10.08.20
NAG	10.08.20
14 Osram Court, 182 Shepherds Bush Road London W6 7PF	27.07.20
13 Musard Road London W6 8NR	10.08.20
96 Battersea Park Road Flat 1 SW11 4LP	10.08.20
W13 0AH	10.08.20
NAG	10.08.20
NAG	10.08.20
NAG	10.08.20
Thornhaugh Road WC1H 0XG	10.08.20
Stonewold House Marston Meysey Swindon SN6 6LQ	02.02.21
13 Osram Court 182 Shepherd's Bush Road London W6 7PF	10.08.20
258 Wickham Lane Plumstead London SE2 0XS	10.08.20
Flat 15 Osram Court 182 Shepherds Bush Road W6 7PF	22.07.20

30 Langthorne Street London SW6 6JY	06.08.20
25 Galloway Road London W12 0PH	07.08.20
Flat 7 57 Christchurch Hill NW3 1JJ	07.08.20
NAG	07.08.20
NAG	07.08.20
10 Lena Gardens London W6 7PY	06.08.20
19A Edith Road London W14 0SU	12.08.20
NAG	11.08.20
44 Mendora Road LONDON Sw6 7nb	07.08.20
12A Applegarth Road Hammersmith W14 0HY	06.08.20
60 Greswell Street London SW66PP	10.08.20

OFFICERS REPORT

1.0 SITE DESCRIPTION

- 1.1 The application relates to 182 Shepherd's Bush Road (the former Osram building) which comprises a residential development, above a Tesco's store, bordered by Lena Gardens, Barb Mews, Shepherd's Bush Road and London Transport Train Depot to the north, east, south and west of the site, respectively. The proposal relates to the installation of telecommunications equipment on the flat roof of the block.
- 1.2 The application site lies within the Brook Green Conservation Area. It does not contain a Listed Building but does contain a locally listed Building of Merit (the Community Hall of Osram Court).
- 1.3 184 Shepherds Bush Road (Grade II Listed Building) is located to the south of the site.

2.0 PLANNING HISTORY

- 2.1 There is no relevant planning history.

3.0 PROPOSAL

- 3.1 The current application seeks planning consent for: the installation of telecommunications equipment at roof level comprising:

- Twelve (12) new antennas;
- Fifteen (15) ERS units;
- Fifteen (15) RRU's;
- Two (2) GPS modules;
- One (1) new 300mm dish;
- Six (6) equipment cabinets.

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 (210 letters sent).

4.2 In response to the notifications a total of 27 objections were received. The issues raised can be summarised as follows:

- Design/visual appearance of the proposed telecommunications equipment and their harm upon the character and appearance of the designated heritage assets;
- Loss of residential amenity including light, outlook and sense of enclosure
- Health concerns including unsafe levels of radiation which cause cancer / health implications are unknown given how new the technology
- The need for additional telecommunication equipment is questioned.
- This includes an objection on behalf of Peabody Trust, raising the following matters: Design and Appearance, Structural integrity, Health concerns, construction methodology and maintenance, PT exploring own options over use of flat roof. We consider this to be premature and will look to engage further with applicants.

Officer response:

- The proposal's material planning considerations (including design and impact upon the character and appearance of the application property and the Brook Green Conservation Area) will be assessed within the 'planning considerations' section of this report.
- Officers note that in regard to health concerns, telecommunication masts/equipment 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 As a result of the Covid-19 pandemic, this application has been determined without a site visit. In considering this application, I have reviewed digital imagery, including aerial and street photography. I am satisfied that this has enabled me to fully assess the proposals.

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 (2021) 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 March 2021. 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

Local Plan

- 5.7 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.
- 6.4 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.
- 6.5 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.

- 6.6 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).
- 6.7 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.
- 6.8 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.
- 6.9 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.
- 6.10 The application site is situated in the Brook Green Conservation Area, and contains a locally listed Building of Merit, 182 Shepherds Bush Road.
- 6.11 The proposal site, Osram Court is a modern mixed-use development within the Brook Green Conservation area. The design of the current development owing to its limited architectural character makes no contribution to the significance of the Brook Green Conservation Area.

6.12 Proposals include the installation of telecommunications apparatus is to be installed mainly within the existing core overrun of the existing development. The apparatus would largely be installed to facing elevations of this structure as well as behind the raised front parapet to a maximum height of 17.5 metres which would project nominally above the height of the main building which stands at 16.48 metres overall. The existing core is significantly set-back from the parapets of the main building façades. The proposed antennas will be fixed to 6No. freestanding frames and individual support poles spread across this core. The proposed antennas are of a standard design, finished in grey. Given the location, scale and appearance of these structures, coupled with their modest increase in height beyond that of the existing core; their visual prominence will be reduced against the skyline. As such the design is considered acceptable.

6.13 The heritage considerations of this application are:

- Brook Green Conservation Area
- Melrose Conservation Area
- 184 Shepherds Bush Road - Grade II Statutory Listed Building
- 182 Shepherds Bush Road and the Brook Green Public House - both Locally Listed, Buildings of Merit

6.14 Officers have carried out an assessment of these impacts below.

The character and appearance of the Brook Green Conservation Area
Given the scale, situation and appearance of the proposed apparatus, coupled with the limited contribution of the existing building to the significance of the Conservation Area, the main issue to consider is the wider visibility of the proposals within the Conservation Area. There will be some visibility of these structures within Brook Green itself, however given the modest increase of height and set-back nature of the structures, this not considered to cause harm to the character or appearance; as such the proposals will preserve the significance of the Conservation Area.

The setting of the Melrose Conservation Area

6.15 The structures will have some limited inter-visibility within the Melrose Conservation Area. In these views, the apparatus would be read against the existing structures of Osram Court. As such given the scale, situation and appearance of these structures, there will be limited impact upon the setting of this area, as such the proposals would not result in harm and would preserve the significance of the Conservation Area.

184 Shepherds Bush Road - Grade II Statutory Listed Building

6.16 Owing to the scale and massing of intervening developments situated between the application site and this heritage asset, coupled with their modest scale/appearance the proposals would have limited visibility within the setting of this asset and as such would have no harmful impacts upon 184 Shepherds Bust Road. As such the setting and significance of the asset would be preserved.

Impact upon the setting of 182 Shepherds Bush Road and the Brook Green Public House - Locally Listed, Buildings of Merit

6.17 Given their scale, location and appearance, the proposals would have limited visibility within the setting of either of these non-designated heritage assets. As such, proposals would not result in harmful impacts upon the setting of these assets overall.

Design and Heritage Conclusion

6.18 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 the character and appearance of the Brook Green Conservation Area, and the setting of the adjacent heritage assets. As such, the proposal is considered to accord with s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is also compliant with the NPPF, and the Local Plan Policies DC1, DC8 and DC10.

IMPACT UPON NEIGHBOURING AMENITY

6.19 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.

6.20 Officers note that no residential accommodations are located at roof level. As such, it's unlikely any telecommunications would be in the immediate visual proximity of neighbouring residents. Views of the installation would be possible from the site; however, these would be of the dispersed spacing of the proposed antennas on the roof, both adjacent to the existing plant room and behind the front parapet. Officers consider that the proposal would not result in demonstrable harm in terms of visual amenity. Concerns were raised that loss of light and the sky would be obscured following on from the installation of proposed equipment. It is considered that the proposed equipment would not result in any significant loss of views to the sky given they have been spaced out on the roof at a high level, in proximity to the plant roof and parapet wall.

6.21 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.'

6.22 An International Commission on Non-Ionizing Radiation Protection Declaration has been included as part of the documentation submitted with this application,. 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.

6.23 Given the information set out within the report officers are unable to comment further on health concerns as this would contravene the planning guidance in the NPPF. On balance, no issues are raised by officers with regards to impact on health and surrounding issues raised in objections received.

HIGHWAYS

6.24 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. The Council's Highways team have confirmed that the application site does not lie on the public highway.

6.25 Furthermore, ongoing maintenance of the site would primarily be 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 or if feasible the siting of a ground-based cherry picker with hydraulic platform alongside the building.

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 consider that having had regard to the development plan as a whole and all other material considerations, for the reasons detailed in this report, it is considered that planning permission should be granted subject to conditions

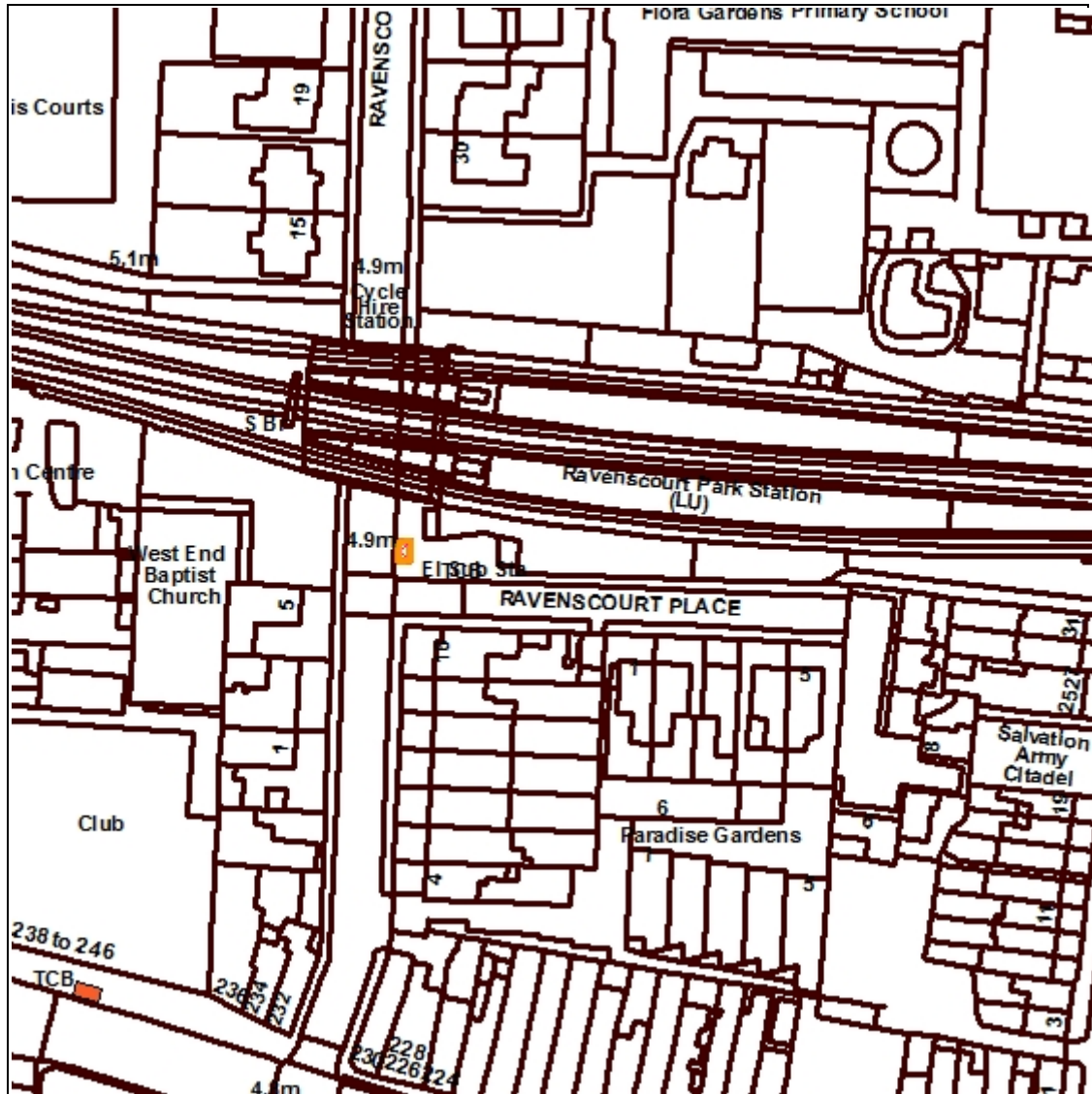
8.0 RECOMMENDATION

8.1 Grant planning permission subject to conditions.

Ward: Ravenscourt Park

Site Address:

Outside Ravenscourt Park Underground Station Ravenscourt Road London W6 0UG



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For identification purposes only - do not scale.

Reg. No:
2021/00908/FR3

Case Officer:
Elliot Brown

Date Valid:
07.04.2021

Conservation Area:
Constraint Name: Ravenscourt And Starch Green
Conservation Area - Number 8

Committee Date:
08.06.2021

Applicant:

Miss Lynda Dunn
Fulham Road 25 Bagley's Lane Fulham SW6

Description:

Use of part of the public highway for the placing of 1no. traders' market stall, measuring 2.5m high, 3m in length and 1.5m in width, from Monday to Friday from 07:30 to 16:00, on Saturday from 08:00 to 16:00, and on Sundays from 08:30 to 16:00.

Drg Nos: 65010/12/2; Service Delivery Plan.

Application Type:

Full Regulation 3 - LBHF is Developer

Officer Recommendation:

- 1) That the Committee resolve that the Chief Planning Officer be authorised to grant planning 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 use of the stall shall not be permitted outside the hours of 07:30 - 16:00 (Monday - Friday), 08:00 - 16:00 (Saturday) and 08:30 - 16:00 (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 traders vehicle shall not arrive before 07:30 (Monday - Friday), 08:00 (Saturdays) and 08:30 (Sundays) and the stall shall only be set up between the hours of 07:30 to 09:00 (Monday to Friday) and between 08:00 to 09:30 (Saturdays) and 08:30 and 09:30 (Sundays), and the traders vehicle shall arrive no earlier than 16:00 hours for pack down.

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

- 4) The stall shall be set up/taken down and serviced in line with the submitted Delivery and Servicing arrangements (received March 2021) which details these arrangements. The details as agreed shall be permanently implemented.

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 T1 of the London Plan (2021) and Policies T2, T4, T5, CC11 and CC13 of the Local Plan 2018.

- 5) The market stall trader shall ensure that refuse shall be collected from the market stall location as depicted on the approved drawing No. 65010/12/2 at the end of each trading day.

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

- 6) No servicing of the stall hereby approved 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).

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

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.

- 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 coffee and other hot drinks.

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.

- 10) No music shall be played as part of the operation of the market stall.

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

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 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 as well as London Plan (2021) Policies T1, T6 and T7.

3. Residential Amenity: Subject to the proposed conditions 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. Appearance: 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 stall is not a permanent fixture, is of a neat and tidy appearance and does not feature any large, obtrusive or garish signage or advertisement. The proposal complies with national guidance in the NPPF, Policy HC1 of the London Plan and Policies DC1, DC4, and DC8 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 March 2021

Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2019
The London Plan 2021
LBHF - Local Plan 2018
LBHF – Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments from:

Crime Prevention Design Advisor - Hammersmith
Crime Prevention Design Advisor - Hammersmith

Dated:

27.04.21
06.05.21

Neighbour Comments:

Letters from:

41 Ravenscourt Road London W6 0UJ	04.05.21
3 ravenscourt road london W6 0UH	03.05.21
2 RAVENSCOURT PLACE LONDON W6 0UN	05.05.21
4 Ravenscourt Road Hammersmith London W6 0UG W6 0UG	05.05.21
2 Ravenscourt Place London W6 0UN	04.05.21
5 Ravenscourt Place London W6 0UN	07.05.21
6 Ravenscourt Road London W6 0UG	05.05.21
1 Ravenscourt Road London W6 0UH	10.05.21
5 RAVENSCOURT ROAD LONDON W6 0UH	04.05.21
14 Ravenscourt road London W6 0UG	03.05.21
5 Ravenscourt Road London W6 0UH	04.05.21
4 Ravenscourt Place London W6 0UN	21.04.21

Dated:

OFFICER'S REPORT

1.0 BACKGROUND AND SITE HISTORY

- 1.1 The application site comprises an area of public footway outside of Ravenscourt Park London Underground Station; by the junction of Ravenscourt Road and Ravenscourt Place.
- 1.2 The application site lies within the Ravenscourt and Starch Green Conservation Area.
- 1.3 The application seeks permission for the use of part of the public highway for the placing of one market stall, operating from Monday to Friday (07:30 - 16:00), on Saturday (08:00 to 16:00) and on Sundays (08:30 to 16:00).
- 1.4 The previous planning application Ref. 2019/00435/FR3 is considered to be the most relevant planning history associated with this part of the public highway. Officers note that for Ref. 2019/00435/FR3, a 24-month temporary planning permission was granted by the planning committee on the 11th July 2019 for the use of part of the public highway for the placement of one market stall, to operate between the hours of 8am - 8pm (Monday - Sunday). At the time of this original application, it was indicated that the stall would serve either flowers or coffee. The proposal was considered to be acceptable with regard to land use, highway matters, residential amenity and visual appearance.
- 1.5 It is highlighted that the proposed hours of operation have been amended since the original submission of the current application, to have a later start time on Sundays.

2.0 PUBLICITY AND CONSULTATION RESPONSES

Neighbouring responses

- 2.1 The application was advertised by way of site and press notices. Individual letters were also sent to neighbouring properties.
- 2.2 Eight (8) letters of objection have been received, which raise the following concerns:
 - The proposal would expose surrounding occupants to harmful levels of noise and disturbance (especially from generators and the proposed hours of use);
 - There is insufficient detail within the submitted Service Delivery Plan;
 - The proposal would cause commercial competition/loss of trade for existing coffee shops within the surrounding area.
- 2.3 Officer response: The material issues raised are addressed in the report below. Officers note that commercial competition is not a material planning consideration.

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] (2019), The London Plan (2021) and the Hammersmith and Fulham Local Plan (2018) and 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.

4.0 PRINCIPLE

- 4.1 The application site lies outside of a Town Centre, Local Centre, Neighbourhood Parade or a Satellite Parade. As such, there are no specific policies within the Local Plan (2018) that mention/discuss new proposals for market stall/s. Officers consider that the coffee stall has already contributed to and would continue to contribute to the vitality and vibrancy of the area, providing a service for local residents, commuters and visitors to the local area. Accordingly, officers do not raise any specific objections to the principle of the development. The key issues to be assessed are the highways impact of the scheme, noise and disturbance for neighbours, and the impact of the scheme on visual amenity and heritage assets.

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 Ravenscourt Road and Ravenscourt Place are both Local Distributor Roads, and Policy T6 of the Local Plan (2018) states that development will not be permitted if it would prejudice the effectiveness of these roads to provide safe and convenient access to individual properties or result in their use by through-traffic.
- 5.4 Under the previous application (Ref. 2019/00435/FR3), the Council's Highways team specified that although the surrounding roads are not strategic roads, and that servicing/loading/unloading could be permitted on a single or double yellow line, it would be appropriate to provide a Servicing Management Plan, given the proximity of the underground. A Service Delivery Plan has been submitted as part of this current planning application, which details where and how the stall would be set up without illegally parking along the carriageway. The Council's Highways officers have reviewed this document and are satisfied with the arrangements. Subject to a condition being attached to ensure that the Servicing Delivery Plan is complied with, it is considered that the stall trader would be able to operate without impacting negatively upon the use of these roads.
- 5.5 Key Principles TR25 and TR29 of the Planning Guidance SPD (2018) provide guidance on the minimum width of clear and unobstructed footway required when street furniture is proposed on a public footway. The location of the proposed stall is on a part of footway with a high level of footfall, especially at peak times with commuters utilising the Ravenscourt Park London Underground Station. Officer's therefore recommend that a minimum width of 3.5m clear and unobstructed footway would be necessary between the proposal and Ravenscourt Park London Underground Station, which is met. As such, the proposal would not be considered detrimental to the flow of pedestrians.

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 property to the west and south of the application site would be No.5 Ravenscourt Road and No.16 Ravenscourt Road, respectively. Measurements demonstrate that there would be an approximate distance of 15m and 10m between the proposal and these properties, respectively.
- 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 07:30 for trading (Monday - Friday), 08:00 (Saturdays) and 08:30 (Sunday). It is considered appropriate to attach a condition to ensure that the trader's vehicle

does not arrive on site prior to the start time. Whilst the start time could be regarded as early, it is not considered that subject to the proposed conditions, the proposed market stall would generate significant additional noise beyond that which has been established by London Underground tubes travelling past Ravenscourt Park Station or the pedestrian footfall outside this station at that time.

- 6.4 It is recognised that some disturbance has been caused by the previously approved market stall as a result of their use of an electrical petrol or gas powered generator, and as such it is proposed that a condition be attached to prevent the use of Mobile electrical fuel based generators (e.g. diesel, petrol shall not be used for heating, lighting and energy supplies for the traders market stalls). It is considered that power can be provided by a form of mobile battery pack. This will reduce noise and fumes from less acceptable power generators. Subject to this condition, officers consider that no objections would be raised on these grounds. It is also considered appropriate that a condition is attached that no music is played by the stallholder in order to reduce potential noise and disturbance further.
- 6.5 The application indicates that proposed market stall would sell coffee and other hot drinks. It is not indicated that hot food would be served, and as such hot food odours are unlikely to be associated with the proposal. A condition has been attached to ensure that hot food is not provided.

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. 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. 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.'
- 7.2 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.
- 7.3 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 197 of the NPPF states: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 7.4 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 197, 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. 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.
- 7.5 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 Ravenscourt and Starch Green Conservation Area. and the potential impact on the setting of the adjacent local listed, building of merit 1-5 Ravenscourt Road. The application site is situated in the Ravenscourt and Starch Green Conservation Area. The proposal looks to install 1 market stall within the pedestrianised area in front of Ravenscourt Park station. Given the scale and location of the unit, the proposal would not result in any harm to the character and appearance of the Conservation Area.
- 7.6 In terms of other heritage assets, the proposal site is situated close to 1-5 Ravenscourt Road, a group of locally listed, Buildings of Merit. Given the location, scale and appearance of the proposal, the development would not have any impact upon the appreciation of the architectural and special character/significance of these heritage assets. Officers have assessed the impact of the proposal on the heritage assets and consider that it is compliant with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is also in line with national guidance in the NPPF, Policy HC1 of the London Plan and Policies DC1, DC4, and DC8 of the Local Plan (2018).

8.0 MONITORING AND ENFORCEMENT

- 8.1 Monitoring of the operation of the market stall will be carried out by the Council's market team, and it is understood that this will take place around three times per week to ensure compliance with the planning permission and conditions attached to the decision notice. Any breaches of these conditions can be enforced by the Council's marketing team, with the following enforcement action steps likely to be taken:

- One verbal warning
- One written warning

- A fixed penalty notice
- Persistent breaches of the conditions will result in the street traders' licences being revoked.

8.2 Furthermore, Officers highlight that the market team will ensure that traders will sign updated terms and conditions bespoke for the application site.

9.0 CONCLUSIONS AND RECOMMENDATIONS

9.1 Officers consider that the proposed development subject to the attached conditions would be acceptable in terms of its highways implications and its likely impact on the amenities of existing residential occupiers, as well as the impact on the character and appearance of the conservation area.

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