

# Planning and Development Control Committee

## Agenda

Tuesday 6 July 2021 at 7.00 pm  
Main Hall (1st Floor) - 3 Shortlands, Hammersmith, W6 8DA  
Watch live on YouTube: [https://youtu.be/-66SRtz\\_YfI](https://youtu.be/-66SRtz_YfI)

### 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](mailto:charles.francis@lbhf.gov.uk)

### Public Notice

The meeting is open to the press and public but spaces are limited due to social distancing requirements. If you would like to attend the meeting in person please contact: [charles.francis@lbhf.gov.uk](mailto:charles.francis@lbhf.gov.uk). You can also watch live on YouTube: [https://youtu.be/-66SRtz\\_YfI](https://youtu.be/-66SRtz_YfI)

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 1st July 2021.**

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.

### **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](mailto: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 and press are welcome to attend the meeting but unless you have to attend, we recommend watching on YouTube:

[https://youtu.be/-66SRtz\\_Yfl](https://youtu.be/-66SRtz_Yfl)

If you need to attend in person, you can do so but spaces are limited due to social distancing measures. Please contact [charles.francis@lbhf.gov.uk](mailto:charles.francis@lbhf.gov.uk) and say which 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.

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 must 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>

Lateral flow tests will also be available at the meeting venue but if you intend to take a test at the venue, please arrive 40 minutes early.

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 and hand washing. **Face coverings must be worn at all times**, unless you are speaking at the meeting (or you are exempt from doing so).

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.

# Planning and Development Control Committee Agenda

6 July 2021

<u>Item</u>	<u>Pages</u>
<b>1. APOLOGIES FOR ABSENCE</b>	
<b>2. DECLARATION OF INTERESTS</b>	
<p>If a Councillor has a disclosable pecuniary interest in a particular item, whether or not it is entered in the Authority's register of interests, or any other significant interest which they consider should be declared in the public interest, they should declare the existence and, unless it is a sensitive interest as defined in the Member Code of Conduct, the nature of the interest at the commencement of the consideration of that item or as soon as it becomes apparent.</p> <p>At meetings where members of the public are 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>	
<b>3. MINUTES</b>	6 - 14
<p>To approve as an accurate record, and the Chair to sign, the minutes of the meeting of the Committee held on 8<sup>th</sup> June 2021.</p>	
<b>4. LAND ADJACENT TO LINACRE COURT, GREAT CHURCH LANE, LONDON W6 8DE, AVONMORE AND BROOK GREEN, 2020/02856/FR3</b>	15 - 30
<b>5. M&amp;S WHITE CITY SITE, 54 WOOD LANE, LONDON W12 7RQ, COLLEGE PARK AND OLD OAK, 2020/02905/VAPO</b>	31 - 43

6. **58 BOSCOMBE ROAD, LONDON W12 9HU, ASKEW,  
2020/03154/FUL** 44 - 53
  
7. **FOOTPATH WOOD LANE, JUNCTION WITH SOUTH AFRICA ROAD  
NEXT TO REFURBISHED GARAGE, COLLEGE PARK AND OLD  
OAK, 2021/00843/FR3** 54 - 67

# Agenda Item 3

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



Tuesday 8 June 2021

## **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Rachel Leighton and Natalia Perez

## **ROLL CALL AND DECLARATION OF INTERESTS**

**PRESENT:** Councillors Colin Aherne, Wesley Harcourt, Rebecca Harvey, Alex Karmel, Asif Siddique and Matt Thorley

**Other Councillors:** Councillor Bora Kwon

For transparency, Councillor Alex Karmel declared interests in Item 4 -1A Ravenscourt Road and Item 8 – Outside Ravenscourt Park Underground Station. He confirmed that having read the officer report, this contained an address of someone he knew. However, as he had not visited them in over a year or discussed the application with them, he considered this would not prejudice his vote, he remained in the meeting and participated in the item.

For transparency, Councillor Matt Thorley declared interests in Item 4 -1A Ravenscourt Road and Item 8 – Outside Ravenscourt Park Underground Station. He confirmed that having read the officer report, this contained an address of someone he knew. However, as he had not visited them in over a year or discussed the application with them, he considered this would not prejudice his vote, he remained in the meeting and participated in the item.

## **MINUTES OF THE MEETING HELD ON 5 MAY 2021.**

The minutes of the meeting held on 5 May 2021 were agreed.

### **ITEM 4 – 1A Ravenscourt Road London W6 0UH**

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

For transparency, Councillor Alex Karmel declared interests in Item 4 -1A Ravenscourt Road and Item 8 – Outside Ravenscourt Park Underground Station. He confirmed that having read the officer report, this contained an address of someone he knew. However, as he had not visited them in over a year or discussed the application with them, he considered this would not prejudice his vote, he remained in the meeting and participated in the item.

For transparency, Councillor Matt Thorley declared interests in Item 4 -1A Ravenscourt Road and Item 8 – Outside Ravenscourt Park Underground Station. He confirmed that having read the officer report, this contained an address of someone he knew. However, as he had not visited them in over a year or discussed the application with them, 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 heard two representations in support of the application from the Applicant. The Committee also heard a representation from Councillor Bora Kwon in objection to the application.

In the course of discussions, Councillor Alex Karmel proposed that should the Committee decide to approve the application, that the following amendments be made:

Condition 4 be amended to include “not on Bank Holidays”.

Condition 30 - Obscure glazing and fixed shut be amended to include “to be retained in perpetuity”

Condition 33 be amended so that the condition applies between 8pm Saturday and 9am on Sundays.

This was seconded by Councillor Matt Thorley.

The Committee voted on the proposal to amend Condition 4 as follows:

For:  
6  
Against:  
0  
Not Voting  
0

The Committee voted on the proposal to amend Condition 30 as follows:

For:  
6  
Against:  
0  
Not Voting  
0

The Committee voted on the proposal to amend Condition 33 as follows:

For:

6

Against:

0

Not Voting

0

The Committee voted on the proposal to approve application 2020/01667/FUL as follows:

For:

1

Against:

5

Not Voting:

0

The Committee voted on the four reasons to refuse application 2020/01667/FUL as follows:

1. That application 2020/01667/FUL be refused as it would be an unneighbourly form of development, infringing HS6

For:

5

Against:

1

Not Voting:

0

2. That application 2020/01667/FUL be refused as it would result in a loss of light to the garden and property at 1 Ravenscourt Road, overdevelopment

For:

5

Against:

1

Not Voting:

0



3. That application 2020/01667/FUL be refused as it would harm the character and appearance of buildings of merit

For:

5

Against:

1

Not Voting:

0

4. That application 2020/01667/FUL be refused due to its impact on residential amenity to 1 Ravenscourt Road.

For:

5

Against:

1

Not Voting:

0

**RESOLVED THAT:**

That application 2020/01667/FUL be refused for the reasons set out above.

**ITEM 5 - Former Earls Court 2 Exhibition Centre land, Empress Place London SW6 1TW**

Officers provided a joint presentation which covered Items 5 and 6.

Please see the Addendum attached to the minutes which amended the report. Officers corrected the site address (as set out above) and replaced both officer recommendations.

The Committee heard two representations in support of the application from the Applicant.

In the course of discussions, Councillor Alex Karmel proposed that Condition 7 be amended to ensure it complied with Condition 4. This was seconded by Councillor Matt Thorley.

The Committee voted on the proposal to amend Condition 7 as follows:

For:  
6  
Against:  
0  
Not Voting  
0

The Committee voted on the recommendations for application 2021/01443/FUL as follows:

Officer Recommendation 1:

For:  
6  
Against:  
0  
Not Voting:  
0

Officer Recommendation 2:

For:  
6  
Against:  
0  
Not Voting:  
0

**RESOLVED THAT:**

Planning Application 2021/01443/FUL be approved, subject to:

1. That the Committee resolve that the Chief Planning Officer be authorised to grant advertisement consent subject to the condition(s) 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 conditions, any such changes shall be within their discretion.

**ITEM 6 - Former Earls Court 2 Exhibition Centre land, Empress Place London SW6 1TW**

Officers provided a joint presentation which covered Items 5 and 6.

Please see the Addendum attached to the minutes which amended the report. Officers corrected the site address (as set out above) and replaced both officer recommendations.

The Committee heard two representations in support of the application from the Applicant.

The Committee voted on the recommendations for application 2021/01444/ADV as follows

Officer Recommendation 1:

For:

6

Against:

0

Not Voting:

0

Officer Recommendation 2:

For:

6

Against:

0

Not Voting:

0

**RESOLVED THAT:**

Planning Application 2021/01444/ADV be approved, subject to:

1. That the Committee resolve that the Chief Planning Officer be authorised to grant advertisement consent subject to the condition(s) 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 conditions, any such changes shall be within their discretion.

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

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

The Committee voted on the recommendations for application 2020/01602/FUL as follows:

Officer Recommendation 1:

For:

5

Against:

1

Not Voting:

0

Officer Recommendation 2:

For:

5

Against:

1

Not Voting:

0

**RESOLVED THAT:**

Planning Application 2020/01602/FUL be approved, subject to:

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.

**ITEM 8 - Outside Ravenscourt Park Underground Station Ravenscourt Road, London W6 0UG**

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

For transparency, Councillor Alex Karmel declared interests in Item 4 -1A Ravenscourt Road and Item 8 – Outside Ravenscourt Park Underground Station. He confirmed that having read the officer report, this contained an address of someone he knew. However, as he had not visited them in over a year or discussed the application with them, he considered this would not prejudice his vote, he remained in the meeting and participated in the item.

For transparency, Councillor Matt Thorley declared interests in Item 4 -1A Ravenscourt Road and Item 8 – Outside Ravenscourt Park Underground Station. He confirmed that having read the officer report, this contained an address of someone he knew. However, as he had not visited them in over a year or discussed the application with them, he considered this would not prejudice his vote, he remained in the meeting and participated in the item.

In the course of discussions, Councillor Alex Karmel proposed that Condition 7 be amended to delete “for heating, lighting and energy supplies for the market stall” This was seconded by Councillor Colin Aherne.

The Committee voted on the proposal to amend Condition 7 as follows:

For:  
6  
Against:  
0  
Not Voting  
0

The Committee voted on the recommendations for application 2021/00908/FR3 as follows:

Officer Recommendation 1:

For:  
6  
Against:  
0  
Not Voting:  
0

Officer Recommendation 2:

For:

6

Against:

0

Not Voting:

0

**RESOLVED THAT:**

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

**Meeting started: 7:00 pm  
9:22 pm**

Chair .....

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

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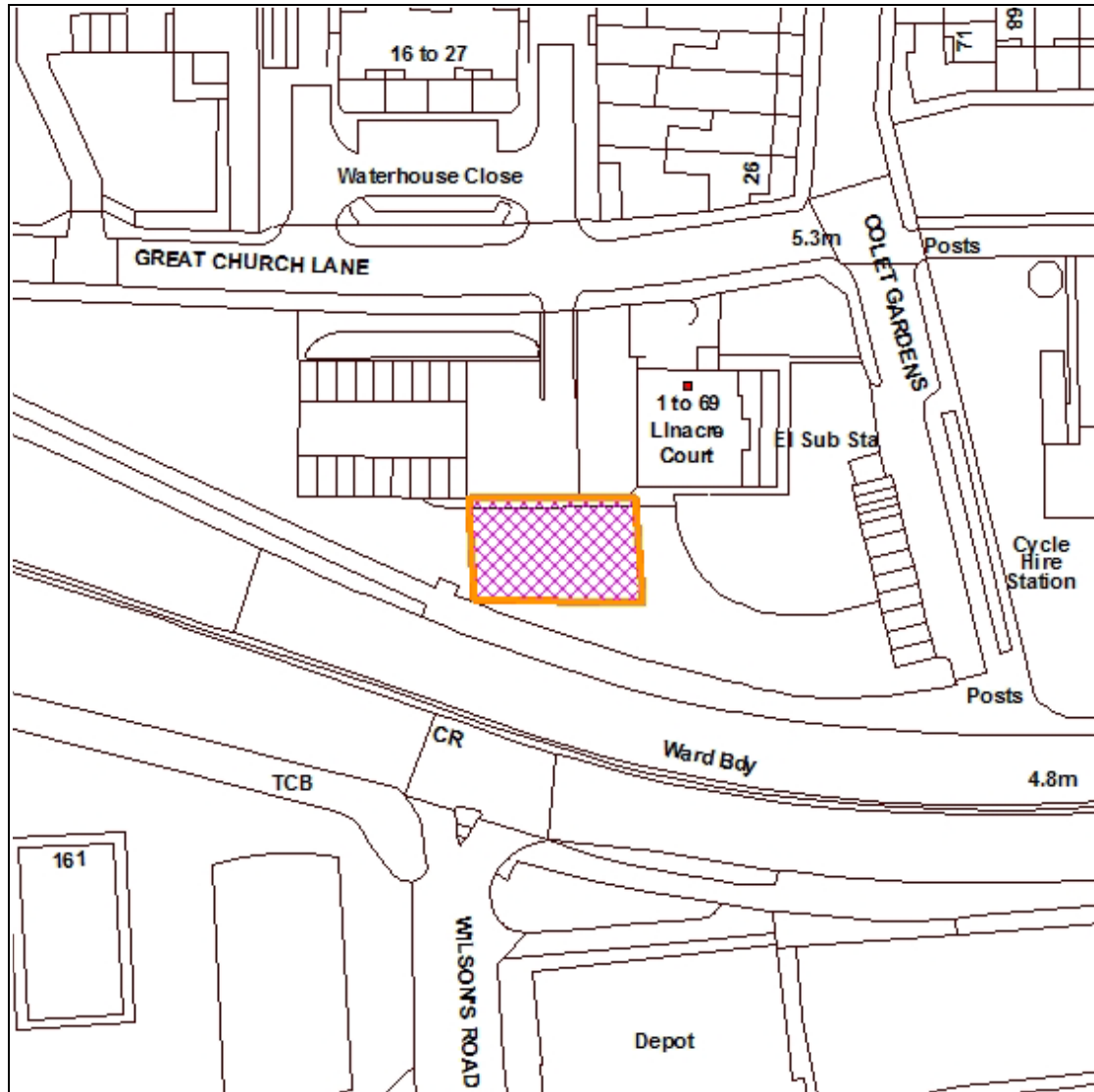
Minutes are subject to confirmation at the next meeting as a correct record of the proceedings and any amendments arising will be recorded in the minutes of that subsequent meeting.

# Agenda Item 4

**Ward:** Avonmore And Brook Green

**Site Address:**

Land Adjacent To Linacre Court Great Church Lane London W6 8DE



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

**Reg. No:**  
2020/02856/FR3

**Case Officer:**  
Ian Opolot

**Date Valid:**  
18.11.2020

**Conservation Area:**

**Committee Date:**  
06.07.2021

**Applicant:**

LB of Hammersmith and Fulham  
JRP LLP Craven House 40 Uxbridge Road London W5 2BS

**Description:**

Erection of a single storey building to use as a community centre (Class F2) to the west of Linacre Court Tower block with level access from existing hard-landscaped ramps.  
Drg Nos: (25)M-401, (20)M-401A, (SK) 210803-01, 613 Rev 1, (25)M-402, 613  
Maintenance Plan Rev 2 dated 24/6/21, 613 Rev 2 Planting Plan, 613.2 Rev 2 Planting Schedule, Arboricultural Impact Assessment dated 24/6/21.

**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 development shall not be erected otherwise than in accordance with the detailed drawings which have been approved and are stated on this decision notice.

In order to ensure full compliance with the planning drawings hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policies HO11, DC1, DC2 and DC4 of the Local Plan (2018).

- 3) Prior to commencement of the development hereby approved, a 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).

- 4) Prior to the commencement of the construction phase of the development hereby permitted, an Air Quality Dust Management Plan (AQDMP) in order to mitigate air pollution shall be submitted to and approved in writing by the Local Planning Authority. The AQDMP submitted shall include:
  - a) Site Location Plan indicating sensitive off-site receptors within 50m of the red line site boundaries
  - b) Construction Site and Equipment Layout Plan
  - c) Inventory and Timetable of dust generating activities during Construction;
  - d) Air Quality Dust Risk Assessment (AQDRA) that considers the potential for dust soiling and PM10 (human health) impacts for sensitive receptors off-site of the development within 250 m of the site boundaries during the construction phase and is undertaken in compliance with the methodology contained within Chapter 4 of the Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014
  - e) Site Specific Dust, Particulate (PM10) and NOx Emission mitigation and control measures as required by the overall High Dust Risk Rating of the site and shall be in a table format as contained within Appendix 7 of Mayor's SPG including for on-road and off-road construction traffic.
  - f) Details of Site Particulate (PM10) and Dust Monitoring Procedures and Protocols including locations of a minimum of 2 x MCERTS compliant (PM10) monitors on the site boundaries used to prevent levels exceeding predetermined PM10 threshold trigger levels, calibration certificates of MCERTS compliant PM10 monitors and details of real time internet based remote access to PM10 monitoring data
  - g) 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 demolition works and thereafter retained and maintained until occupation of the development;
  - h) Details of the use of on-road Ultra Low Emission Zone (ULEZ) compliant vehicles e.g. minimum Petrol/Diesel Euro 6 (AIR Index <https://airindex.com> Urban NOx rating A, B) 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. Approved details shall be fully implemented and permanently retained and maintained during the 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).

- 5) Prior to first use of the development hereby permitted, full details of a Community Centre Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Upon the commencement of the use, the Community Management 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. Such details shall include, but not be limited to, information on the hours of use; booking arrangements, management of the centre, measures to ensure that customers are encouraged to travel to site by public transport or other sustainable modes and avoid the use of private vehicles.

To ensure that there will be no undue disruption to neighbouring occupiers by reason of noise nuisance and disturbance or to the safe operation of the public highway in accordance with Policy CC11, T1 and T2 of the Local Plan (2018)

- 6) 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).

- 7) 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 Development Management Local Plan.

- 8) 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).

- 9) 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).

- 10) 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).

- 11) No lighting, machinery or equipment operated in connection with the community centre use hereby permitted shall be used outside of the agreed opening hours of the centre.

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

- 12) 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).

- 13) Pre above ground works in the development a Ventilation Strategy Report to mitigate the impact of existing poor air quality for class F2 use for receptor locations where the air quality objectives for NO<sub>2</sub> and World Health Organisation (WHO) targets for Particulate Matter (PM<sub>2.5</sub>, PM<sub>10</sub>) 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 on Great Church Lane
- b) Details of restricted opening windows (100mm maximum opening for emergency purge ventilation only)
- 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 (NO<sub>2</sub>) and Particulate Matter (PM<sub>2.5</sub>, PM<sub>10</sub>) 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<sub>2.5</sub>, PM<sub>10</sub>) 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

- 14) Prior to occupation of the development, details of a post installation report of the approved ventilation strategy as required by condition 13 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 in accordance with Local Plan (2018) Policy CC10.

- 15) Prior to the occupation and use of the development, details of acoustic screening for the air conditioning units shall be submitted to and approved in writing
- 16) Prior to commencement, a revised Surface Water Management Strategy shall be submitted to the council for approval, that includes full details of all proposed Sustainable Drainage Systems (SuDS) which have been assessed for the site and been shown to be feasible. The SuDS chosen for the site should follow the London Plan Drainage Hierarchy which promotes the use of certain SuDS measures above others. Measures such as rainwater harvesting for re-use and infiltration methods should be prioritised and opportunities maximised on the site. If these are not feasible, this should be demonstrated in the Strategy and alternative SuDS measures considered and designed in, such as an attenuation tank. Peak discharge rates of surface water from the site should be minimised and aim to meet the greenfield rate for the site for a range of storm scenarios up to and including the 1 in 100 year storm event + climate change factor (40%). Plans showing the SuDS measures and drainage connections, including details of where the connection to the public sewer will be made should be provided along with maintenance information for all SuDS features which will need to remain in place and be maintained for the lifetime of the development.

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).

- 17) Prior to occupation of the development hereby permitted, details of the installation of the Zero Emission MCS certified Air/Water Source Heat Pumps, or Electric Boilers, for the supply of space heating and hot water for the Community Centre (Class F2) use 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 accordance with Policy CC10 of the Local Plan (2018).

- 18) The replacement trees proposed for the development shall be implemented in accordance with the Arboricultural Impact Assessment dated 24/6/21 and the Planting Plan (613 Rev 2) and plant schedule (613.2 Rev 1). The approved replacement trees shall be planted in the next planting season following removal of the trees. If any replacement tree is removed or severely damaged or dies within 5

years of planting they shall be replaced with a tree or similar size and species to that originally required to be planted.

To prevent unnecessary loss of trees and to ensure replacement planting is provided, in order to ensure the positive contribution to the character and appearance of the surrounding area is preserved, in accordance with Policies DC8 and OS5 of the Local Plan (2018).

- 19) The development shall be carried out in accordance with the Arboricultural Impact Assessment dated 24/6/21.

In order to ensure the protection of the surrounding trees and prevent their unnecessary loss, in accordance with Policies DC8 and OS5 of the Local Plan (2018).

- 20) No other trees apart from the three Lombardy Poplar trees (T3 and T4 category B 16m tall, and T5 category C stump detailed), will be lopped, topped, pruned or felled without prior approval by the Council.

In order to ensure the protection of the surrounding trees and prevent their unnecessary loss, in accordance with Policies DC8 and OS5 of the Local Plan (2018).

- 21) The landscaping proposed as detailed in the Planting plan (613 Rev 2) and the plant schedule (613.2 Rev 1) shall be carried out in accordance with the submitted 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 in accordance with Policies DC8 and OS5 of the Local Plan (2018).

- 22) The proposed walls at first floor level shall be finished in corrugated cladding and shall thereafter be permanently retained in this form.

To ensure a satisfactory external appearance in accordance with Local Plan (2018) Policies DC1 and DC4 (2018).

- 23) The proposed main roof of the proposal shall be finished in powder coated metal and shall thereafter be permanently retained in this form.

To ensure a satisfactory external appearance in accordance with Local Plan (2018) Policies DC1 and DC4.

- 24) The proposed externally insulated walls shall be finished in render and shall thereafter be permanently retained in this form.

To ensure a satisfactory external appearance in accordance with Local Plan (2018) Policies DC1 and DC4.

- 25) Prior to the occupation of the development the 2 windows in the eastern elevation of the community centre will be glazed with obscure glass, and thereafter be retained in this manner in perpetuity.

In order to prevent overlooking and loss of privacy to neighbouring properties, contrary to Policies, DC1, DC4 and HO11 of the Local Plan (2018).

**Justification for Approving the Application:**

- 1) 1. Use: The development of the site for community use is considered acceptable, in accordance with the National Planning Policy Framework (NPPF, 2019), London Plan (2021) policies GG1 and S1 and policy CF1 of the Local Plan (2018) through the provision of access to good quality community spaces, services, amenities and infrastructure that accommodate, encourage and strengthen communities, increasing active participation and social integration, and addressing social isolation. The community use is of a comparable size and would provide a modern high quality facility, consistent with the objectives of policies CF1 and CF2 of the Local Plan (2018).
2. Design and Conservation: The proposed development would be a high quality development which would have regard to the pattern and grain of existing development in the area and make a positive contribution to the urban environment. The proposed development would be compatible with the scale and character of existing development and its setting. The proposal would preserve and enhance the character and appearance of the surrounding area. The development would therefore be acceptable in accordance with the NPPF (2019), policies DC1, DC2 and DC4 of the Local Plan (2018).
3. Impact on Neighbouring Residents: The impact of the proposed development upon adjoining occupiers is, on balance, considered acceptable with regards to noise and impacts on overlooking, sunlight, daylight and outlook. In this regard, the development as a whole would respect the principles of good neighbourliness. The development would therefore be acceptable in accordance with policies CC11, CC13, DC2 and HO11 of the Local Plan (2018) and Key principle HS6 of the Planning Guidance Supplementary Planning Document (2018).
4. Safety and Access: The development would provide a safe and secure environment for all users in accordance with London Plan (2021) policy D11 and policies DC1 and DC2 of the Local Plan (2018). The proposal would provide ease of access for all people, including disabled people, in accordance with London Plan (2021) policy GG1, policies DC1, DC2, HO11 of the Local Plan (2018) and Key principles DA1 of the Planning Guidance Supplementary Planning Document (2018).
5. Transport: There would be no adverse impact on traffic generation and the scheme would not result in congestion of the road network. . The development would therefore be acceptable in accordance with policy T7 of the Local Plan (2018).

6. Flood Risk: A Flood Risk Assessment (FRA) has been submitted as required. Detailed drainage and flood prevention matters would be secured by condition. In this respect the proposal is therefore in accordance with the NPPF (2019), London Plan (2021) policies GG1, D11, SI 12, SI 13, policies CC1, CC3, CC4 of the Local Plan (2018) and Key principles FR1, FR2, FR3, FR7 of the Planning Guidance Supplementary Planning Document (2018).

7. Land Contamination: An informative has been recommended to ensure that contact is made with environmental quality officers if contaminated substances or soils are found on site. As such the proposed development therefore accords with policy CC9 and CC13 of the Local Plan (2018), and Key principles LC1, LC2, LC4, LC5, LC6 and LC7 of the Planning Guidance Supplementary Planning Document (2018).

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

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

Application form received: 3rd November 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:**

<b>Comments from:</b>	<b>Dated:</b>
Crime Prevention Design Advisor - Hammersmith	09.12.20

### **Neighbour Comments:**

<b>Letters from:</b>	<b>Dated:</b>
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#### 1.0 SITE DESCRIPTION AND RELEVANT HISTORY

1.1 Linacre Court is a 18-storey residential tower block constructed in 1965. The site is located between Great Church Lane and the Hammersmith Flyover. To the east of the tower block are a series of single-storey garage blocks (below ground level), and to its west a small parking area with a hard-surfaced games area is accessible from a paved ramp. Barons Court Underground station is situated to the north west of the site.

1.2 The current application is for the erection of a single storey building to use a community centre (Class F2) to the west of Linacre Court Tower block with level access from existing hard-landscaped ramps.

1.3 There is extensive planning history related to this site, however there are no planning applications relevant to the current proposal.

## 2.0 PUBLICITY AND CONSULTATIONS

2.1 The application has been publicised by means of a site notice and a press advert, and individual notification letters have been sent to the occupiers of neighbouring properties and to residents of Linacre Court (73 letters).

2.2 No representations have been received in connection with the application.

## 3.0 POLICY FRAMEWORK

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

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

3.3 In this instance the statutory development plan comprises the London Plan (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)

3.4 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.

3.5 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

3.6 The London Plan was published in March 2021. It forms the Spatial Development Strategy for Greater London and sets out a framework for how London will develop over the next 20-25 years and the Mayor's vision for Good Growth. It forms part of the development plan for Hammersmith and Fulham.

### Local Plan

3.7 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.

#### 4.0 PLANNING ASSESSMENT

4.1 The proposal involves the erection of a single storey building to use a community centre (Class F2) to the west of Linacre Court tower block with level access from the existing hard-landscaped ramps/footways. The main planning issues in this development are considered to be:

- Design, heritage and visual amenity
- Impact on trees
- Impact on neighbouring amenity
- Transport and highways considerations
- Flood risk and sustainable drainage
- Environmental Quality
- Accessibility

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 proposal seeks consent to construct a long sought after community facility to serve the residents of Linacre Court. The development is to have an external area of approximately 103 sqm which includes a 62sqm Main Hall and Store, 14sqm kitchen and toilet facilities. It is considered that the proposed use would provide improved and enhanced on site facilities for the benefit of the residents of Linacre Court. The submitted planning statement comments that the proposed development could be used as a food bank, for drug and alcohol support meetings, community events, TRA meetings/events as well as after school and holiday clubs for children with adult supervisors. It is considered that the proposal would make functional use of space through the provision of leisure, recreation, sports, arts, cultural and entertainment, thus in compliance with Policies CF1, CF2 and CF3 of the Local Plan (2018).

#### DESIGN AND HERITAGE

4.4 Policies DC1 and DC2 of the Council's Local Plan (2018) require that all development within the borough, should create a high quality urban environment that respects and enhances its townscape context and heritage assets. New build development will be permitted if it is of a high standard of design and compatible with the scale and character of existing development and its setting.

4.5 The proposed community centre is to be constructed with a pitched powder coated metal roof. The pitch of the roof would be most visible from the east and west elevation. The external walls of the development are to be insulated and would be finished in a mixture of render and corrugated metal cladding. In conjunction with the landscape proposals which seek to screen the rendered parts of the building with planting, the possibility of community-led artwork has been discussed with the applicants, on the southern and eastern facades, to give the proposed

development character and a sense of ownership of the residents and also to reduce the risk of vandalism to the facades. In order to reduce the risk of graffiti damaging the appearance of the development from the public realm, the proposal would include a greened external façade with planting and community art.

- 4.6 The scale of the development is considered to be acceptable, given its close proximity to the 18-storey Linacre Court that lies adjacent. At a single storey, the proposed development is modest in size and would sit subserviently within the landscape at the base of Linacre Court. The location of the proposal results in the development having some visibility from the public realm, however its size and design ensures that the proposal would be well integrated into its setting and would not have a detrimental impact on the character of the surrounding area.
- 4.7 The articulation of the proposed windows to the south elevation provide a balanced appearance to the development. They are to be finished in triple glazing to the south elevation, similar to the window proposed to the west elevation. The southern elevation has smaller windows, given the purposes they serve. The proposed entrance door is located near-central to the northern elevation and integrated well into the overall design of the property. The windows are large enough, particularly to the southern elevation to provide natural surveillance to the proposed development, of which is also obtained from Linacre Court, the Hammersmith Flyover and Great Church Lane.
- 4.8 The existing ramp is also well-integrated into the scheme, fitted with movement joints. The ramp would provide disability access to the proposed development. The area surrounding Linacre Court is characterised by low level fencing, and thus the proposed development fits in seamlessly with the existing character and functionality of the surrounding area. The condenser units located to the northern elevation are modest in size and not considered to be detrimental to the overall design of the property.

#### Heritage

- 4.9 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.
- 4.10 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.
- 4.11 The application site is not located within a Conservation Area and does not feature any designated/non-designated heritage assets. However, the site is located in close proximity to the Baron's Court Conservation Area.

- 4.12 This is an area which has been subject to significant recent change through the redevelopment of the London Academy of Music & Dramatic Art (LAMDA) campus. Considering this setting; alongside the location, scale and design of the current proposal, the proposal would not result in any harmful impact upon the setting of the of the Baron's Court Conservation Area.
- 4.13 Subject to conditions in relation to design, the proposal is considered acceptable as it would respect the scale, mass, form and grain of surrounding development, would have an acceptable relationship with the existing townscape and would enhance the character, appearance and setting of the surrounding area. The proposal complies with national guidance in the NPPF, Policy HC1 of the London Plan and Policies DC1, DC2, and DC8 of the Local Plan (2018).

## TREES

- 4.14 The proposed development would result in the removal of three Lombardy Poplar trees (T3 and T4 category B 16m tall, and T5 category C stump), which provide amenity value to the landscape and street scene. However, the proposals include the provision of three replacement hornbeam trees (a species native to the area and will eventually grow into large trees) as well as 3 lime trees, which will reintroduce screening and provide a natural buffer to the development and Linacre Court from Talgarth Road and the Hammersmith Flyover. The Council's Arboricultural specialist has been consulted in relation to this matter and has no objection to these proposed replacement trees. A condition will be attached to ensure that no trees other than those identified will be lopped, topped, pruned or felled without prior approval by the Council. In addition to the replacement trees, the proposals also provide additional landscaping improvements including; planting to the base of the building, which includes small trees, hedging, shrubs and summer flowering plants, which would increase the level and diversity of planting on site from what is existing, and act as a green buffer and provide greening to the facade. As such, the proposal is considered to comply with Local Plan Policy OS5.

## RESIDENTIAL AMENITY

### Outlook

- 4.15 The proposed building would be approximately 12 metres away from the residential premises of Linacre Court, level with Flat 1 at ground floor level. It is considered that this distance is sufficient to prevent any significant or detrimental impacts on outlook to the properties that comprise of Linacre Court. Flat 1 would be at ground floor level with the proposed development and thus the proposal would be in direct view of the Flat 1. However, it is considered its separation distance ensures that the level of outlook obtained by the occupants of Flat 1 would not be detrimentally impacted by the proposal. Furthermore, the proposal would not impinge on an angle of more than 45 degrees when placed in reference to windows belonging to flats of Linacre Court facing the development, particularly Flat 1. There are no other residential properties in close proximity to the proposed development in range to warrant assessment on their neighbouring amenity.

## Daylight/Sunlight

- 4.16 No Daylight/Sunlight assessment has been submitted by the applicants. However, given that the proposed development is located approximately 12 metres away from the Linacre Court block and with its single storey height it is considered that the proposed development would not result in any harm in terms of loss of daylight/sunlight. As the proposal does not infringe an angle of 25 degrees if a measurement is taken from the middle of the nearest residential window at ground floor level (belonging to Flat 1), the development would be in compliance with the BRE Guidelines and not require any further assessment. As such, officers are satisfied that the proposed development would not have a detrimental impact on levels of daylight/sunlight received by adjacent properties within Linacre Court.

## Privacy

- 4.17 Part 2 of Planning Guidance SPD housing Policy 8 states that 'new windows should normally be positioned so that the distance to any residential windows is not less than 18m as measured by an arc of 60 degrees taken from the centre of the proposed new window. If this standard cannot be met then windows should be designed to ensure that no loss of privacy occurs'
- 4.18 The eastern elevation of the proposed development contains several small windows, which serve the proposed toilets. This eastern elevation faces Linacre Court, however, these proposed windows would be obscurely glazed, and thus would protect the privacy of the occupants of Linacre Court whenever the community centre is in use. Properties on Great Church Lane are unlikely to be significantly affected by the proposal given the separation distance and the existing on site trees that provide significant screening of the site.

## Noise

- 4.19 Policy D14 of the London Plan (2021) specifies that residential and other non-aviation development should mitigate and minimise the existing and potential adverse impacts of noise on, from, with, as a result of, or in the vicinity of new development, to avoid significant adverse noise impacts on health and quality of life.
- 4.20 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.
- 4.21 Key Principle NN4 of the Planning Guidance SPD (2018) states that all noise generating development, including plant, machinery and equipment, will be subject to requirements to minimise noise to relevant criteria, where applicable, in order to protect residential and other noise sensitive amenity.
- 4.22 The community centre is situated some 12m away from the closest residential units, and the site is adjacent to a heavily trafficked main route into London, with significant background traffic noise. Conditions have been attached to ensure that

noise from uses and activities within the community centre shall not exceed the criteria of BS8233:2014 at neighbouring noise sensitive/ habitable rooms and private external amenity spaces.

- 4.23 Two air conditioning units are proposed on the northern side of the site (within the existing car parking area) directed away from the residential element of Linacre Court. Conditions are attached requiring noise levels to be 10dB below the existing background noise and for anti-vibration mountings to be used, as well as details of screening for these units. Accordingly, officers are of the opinion that the proposed development will not result in significant noise nuisance and disturbance from existing residents. Additionally, a management plan is attached, requiring further details to confirm how the community centre will be managed, including but not limited to details of the proposed hours of use, and how the centre can be booked. Accordingly, it is considered that the development would comply with Policy D14 of the London Plan, and Policies CC11 and CC13 of the Local Plan.

#### HIGHWAYS:

- 4.24 Local Plan (2018) Policy T7 states all construction, demolition, utilities and major logistic activities within the borough will be required to work with the council in developing the scope and impact of their operations. In order to mitigate the impact of any additional traffic or potential disruption to the network, careful planning and co-ordination with the council is required to ensure the smooth operation of the highway network.
- 4.25 The Council's Highways Team have reviewed the proposal and have no objection subject to conditions. This involves the submission of a Construction Logistics Plan including the routing of vehicles, access arrangements to the site, details of the vehicle holding area, details of the vehicle call up procedure, details of the vehicle call up procedure, details of any diversion, disruption or other abnormal use of the public highway and the estimated number of vehicles per day/week

#### FLOOD RISK

- 4.26 Policy CC3 of the Local Plan requires that new development is required to reduce the use of water and to minimise current and future flood risk. This is supported by Policy CC4 which seeks that developments manage surface water run-off and to promote the use of water efficient fittings and appliances.
- 4.27 A Flood Risk Assessment (FRA) has been submitted which has been reviewed by the Council's Environmental Policy Team and concerns have been raised regarding the implementation of particular SuDS outlined in the FRA, drainage measures, surface water management strategy in respect of mitigating flood risk. The Council's Environmental Policy Officer has therefore recommended pre-commencement conditions to ensure compliance with Local Plan (2018) Policy CC3.

#### CONTAMINATED LAND

- 4.28 Policy CC9 requires that for potentially contaminated land the applicant submits a report in order to establish the nature and extent of any contamination. However, the proposed application has been reviewed by the Council's Land Contamination

and recommended that a standard informative be placed on the application, as it is not located in an area of significant contamination.

#### AIR QUALITY

4.29 The development site is within the borough wide Air Quality Management Area (AQMA). The site is in an area of very poor air quality due to the road traffic emissions from Talgarth Road (A4). The development proposal will introduce new receptors into an area of poor air quality. The Council's Air Quality specialist has reviewed the proposal with no objections to the development subject to a condition for ventilation details to be provided to ensure compliance with Local Plan (2018) Policy CC10.

#### INCLUSIVE ACCESS

4.30 In respect of providing an accessible and inclusive environment for all people, the community centre is accessible by way of a door (1100m wide) with level access from the adjacent paved footway outside the site. The centre also includes an accessible WC at ground floor level. As such, Officers consider that the fundamental elements of inclusive access will be achieved. As such it is considered that 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).

#### 5.0 RECOMMENDATION

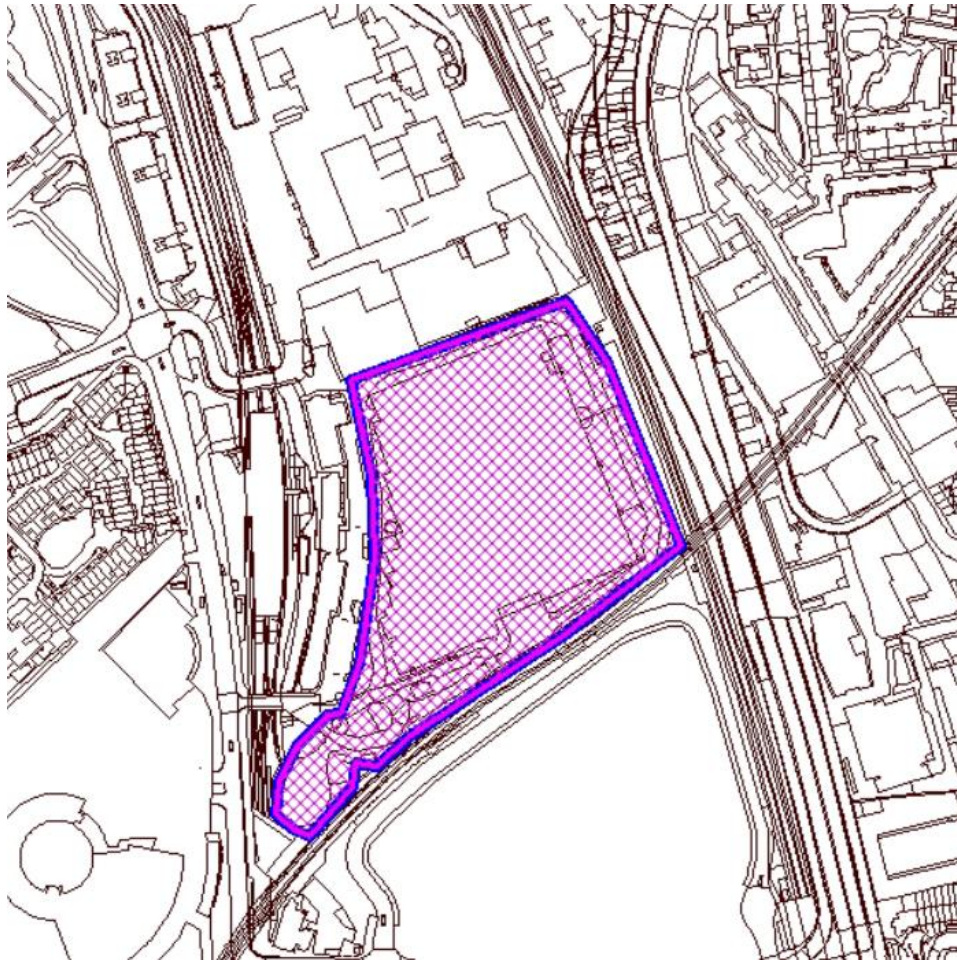
5.1 Grant planning permission subject to conditions.

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**Ward:** College Park And Old Oak

**Site Address:**

M&S White City Site 54 Wood Lane London W12 7RQ



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

**Reg. No:**  
2020/02905/VAPO

**Case Officer:**  
Mr Neil Button

**Date Valid:**  
02.11.2020

**Conservation Area:**  
Wood Lane Conservation Area - Number 42

**Committee Date:**  
06.07.2021

**Applicant:**

Lara Waugh  
54, Wood Lane London W12 7RQ

**Description:**

Variation of the Section 106 Agreement attached to planning permission ref: 2017/04377/VAR dated 25 June 2018.

Drg Nos:

**Application Type:**

Vary or Discharge Planning Obligation

**Officer Recommendation:**

1. That the Committee resolve that the Chief Planning Officer be authorised to vary the s106 agreement attached to planning permission Ref: 2017/04377/VAR dated 25th June 2018.
2. That the Committee resolve that the Chief Planning Officer, after consultation with the Head of Law and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed Heads of Terms of the legal agreement, and any such changes shall be within their discretion.

**Justification for allowing the Variation of the Planning Obligation:**

- 1) Housing: It is considered that the proposed development (as revised), would allow for the affordable residential units to be delivered across all affordable housing tenures and at affordability levels that will ensure the housing is available to a full range of household incomes at a local and London level. It is considered that the proposed housing would assist the regeneration of White City Regeneration Area thereby achieving the Council's strategic objectives. The proposal is therefore supported and considered to be in accordance with the NPPF, Policies H4 and H6 of the London Plan (2021) and Policies HO1, HO3, HO5, and Strategic Policy WCRA and WCRA1 of the Local Plan (2018).
- 2) Planning Obligations: Planning obligations to offset the impact of the development have been secured under the extant consent. It is considered that the Affordable Housing Commuted Sum would be necessary, proportionate, reasonable, fair and linked to the development. It is considered that the S106 contribution is justified under the tests set out in CIL Regulation 122 and Regulation 123, for major developments. The proposed development is therefore considered to adequately mitigate external impacts and is considered to be acceptable in accordance with Policy 8.2 of the London Plan and Strategic Policy WCRA (White City Regeneration Area) of the Local Plan 2018.



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

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

Application form received: 30th October 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:**

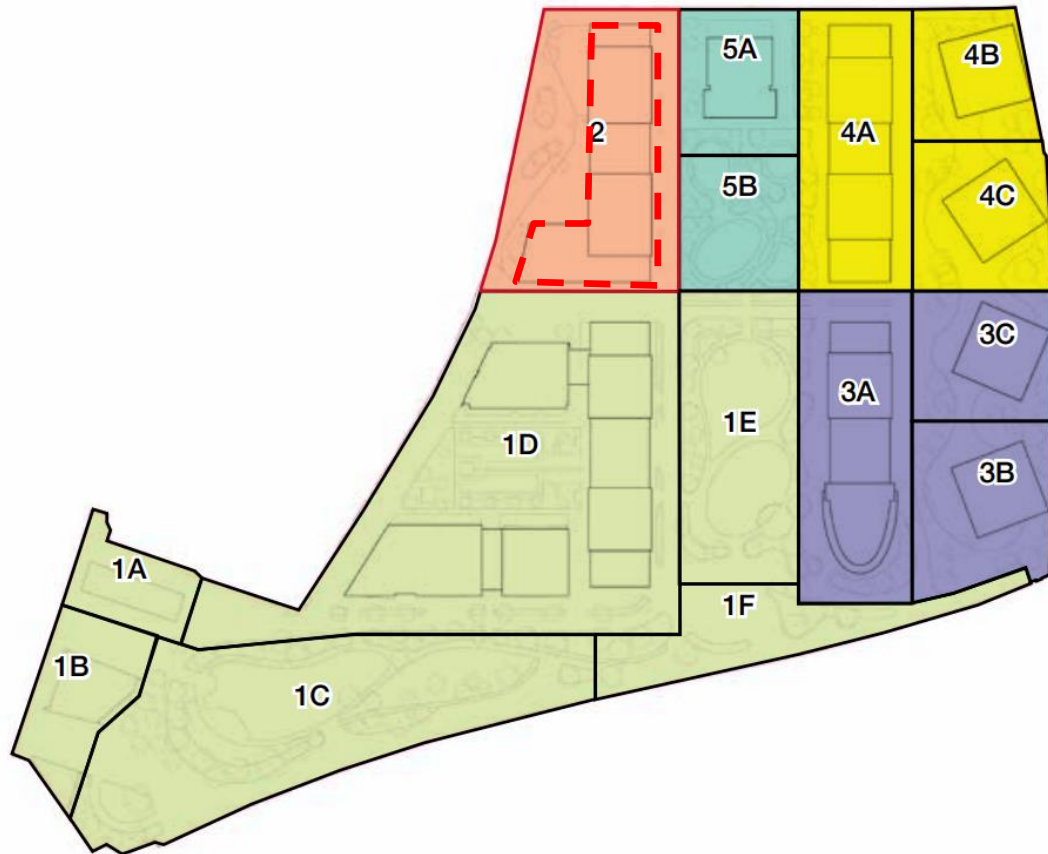
**Neighbour Comments:**

**Letters from:**

**Dated:**

**1.0 BACKGROUND**

- 1.1 The applicant is applying to vary the terms of the Section 106 Legal Agreement with regards to the affordable housing provisions, pursuant to the Extant Planning Permission Ref: 2017/04377/VAR dated 25<sup>th</sup> June 2018 for the comprehensive redevelopment of the former M&S Warehouse Site in White City (known for the purposes in the Report as White City Living or “WCL”). The White City Living development comprises a major residential led-mixed use development to provide up to 1,845 homes with ground floor flexible commercial floorspace, open spaces, access, landscaping, car park and routes. The resulting agreement will comprise the Sixth Deed of Variation of the S106 Agreement pursuant to the Extant Planning Permission for the wider WCL development.
- 1.2 The wider White City Living (WCL) site was previously occupied by a 21,807square metre warehouse that Marks and Spencer plc (M&S) used as a mock layout store with associated car parking and service yard. The former warehouse has been demolished and Phases 1 and 2 of the development are under construction.
- 1.3 The proposed Deed of Variation specifically relates to Phase 2 of the Development (Block B1) highlighted in red which comprises 427 Affordable homes and flexible ground floor commercial floorspace as per the below site plan. Phase 2 is located the north western corner of the wider site.



- 1.4 The WCL site is currently under construction with Phases 1(A-F) and 2 substantially completed with Phase 3 underway.
- 1.5 The WCL site is located to the north of the Circle/Hammersmith and City Line viaduct west of the London Overground Line and West Cross Route (A3220) and east of Wood Lane (A219). The new bridge and decked area extend above the former Central line cutting to the south.
- 1.6 The Developer (St James) will soon commence redevelopment of the land immediately to the west of the Phases 1 and 2 of the WCL land (as part of the Centre House development).
- 1.7 The land to the north comprises the Imperial College owned former Dairy Crest site which contains a temporary office building (Scale Space). Westfield Shopping Centre is located to the south of the railway viaduct.

Planning Designations

- 1.8 The London Plan (2021) designates the site within the White City Opportunity Area; which is expected to deliver a substantial number of new homes and jobs through comprehensive regeneration. The White City Opportunity Area Planning Framework (WCOAPF, October 2013) identifies the site within the White City East Area and within a proposed housing area as part of mixed-use schemes.
- 1.9 The LBHF Local Plan (2018) identifies the site as being located within the Wood Lane Conservation Area; which was designated by LBHF in 1991 to principally protect the Grade II Listed BBC Television Centre which is located 100m west of the site. It is also designated in the Local Plan as being within the White City

Regeneration Area, and within Strategic Site WCRA 1 'White City East'. The site is affected by Aerodrome safeguarding of Heathrow 150m and Northolt 91.4m and is also located in close proximity to listed buildings most notably the BBC Television Centre and the Dimco Building off Ariel Way (on the Westfield site). The site is located within Flood Risk Zone 1 and is also located within an Air Quality Management Area (as is the whole Borough). The site does not contain any listed buildings or any nationally designated heritage assets such as scheduled monuments or registered parks and gardens and is not within an Archaeological Priority Area nor is it affected by any strategic views.

## **2.0 PLANNING HISTORY:**

2.1 The original planning application (Ref: 2014/04726/OUT) for the comprehensive redevelopment of the site was granted permission on 16th December 2015 with the following description:

“Planning application (part detailed/part outline) for the demolition of all existing buildings and structures and the redevelopment of the site for residential and mixed uses comprising the erection of new buildings ranging from 11 to 30 storeys to provide up to 1,465 residential units (Class C3) and use classes (A1-A5, B1, D1 & D2), the provision of a new publicly accessible open space, new pedestrian and vehicle routes, accesses and amenity areas, basement level car park with integral servicing areas and other associated works:

(1) Detailed planning application for up to 37,935 sqm. (GEA) new residential floorspace with ancillary residential facilities (C3) (excluding basement floorspace); up to 1,995 sqm. (GEA) flexible commercial floorspace (A1-A5), community (D1) and leisure (D2) (excluding basement floorspace); provision of a new basement level; provision of a new bridge over the central line cutting; means of access; and associated amenity space, landscaping, car parking and cycle parking, energy centre, and other associated infrastructure works.

(2) Outline planning application (with all matters reserved) for up to 112,295 sqm. (GEA) residential floorspace and ancillary residential facilities (C3) (excluding basement area), flexible commercial (A1-A5), office (B1) use, community (D1) and leisure (D2) floorspace; provision of a new basement level; new and altered pedestrian and vehicular access including decked area over the central line cutting at the south west corner of the site; and associated amenity space, open space, landscaping, car parking and motorcycle parking, and other associated infrastructure works. APPROVED 16/12/2015”.

2.2 The Section 106 Agreement secured the on-site delivery of affordable housing within Phase 2 with the tenures, dwelling mix and affordability levels set out in Schedule 5. This permission was varied in 2017 (ref: 2016/03907/VAR - the First Variation Application) dated May 2017 and varied again in 2018 (ref: 2017/04377/VAR - the Second Variation Application) dated 25th June 2018. The Second Variation Application comprises the extant permission and is the relevant permission subject to amendment in this application. The description of the development of the extant planning permission is as follows:

“Variation to conditions 1-8 of planning permission 2016/03907/VAR (for the comprehensive phased redevelopment of the site for a residential-led mixed-use development) granted 23/05/2017 in order to permit minor material amendments to the outline form of development. Amendments comprise modifications to the approved Parameters Plans and Development Specification and Parameters Report that cover design alterations to Development Plots B1 (varying the horizontal parameters (to -0.92m to +27.98m) to permit an extended southern building line), Development Plots D1 and E1 (varying parameters to extend the maximum heights by an additional +2.31m and 8.86m), Development Plots D2, D3 and E2 (varying parameters to extend maximum heights by an additional +4.79m) and incorporating a new additional Development Plot E3 (to comprise residential use within a new building up to 74.45m in height). The specified amendments would facilitate the optimisation of residential units to increase the overall maximum unit numbers from 1,477 to 1,814 units including the provision of an additional 118 affordable units (35% of the additional units)”.

2.3 The Variation of the 2016 Permission (2016/03907/VAR) by way of the 2017 Permission (2017/04377/VAR) was accompanied by subsequent Deed of Variation of the Original Section 106 Legal Agreement. The Deed of Variation (DoV) which accompanied the 2017 Permission was the Third Deed of Variation which consolidated the earlier 2 Legal Agreements. The Section 106 Agreement was varied again for minor non-material changes to Schedule 5 (affordable housing provisions) in 2018 and 2019. Deed of Variation 4 and 5 secured amendments to the Mortgagee in Possession Clauses and 11 additional affordable housing units within Phase 2 (London Living Rent Units). The Approved Affordable Housing Provisions (as a consequence of the Multiple Variations to the Planning Permission and Deeds of Variation) comprise the following:

TYPE OF PROPERTY	AFFORDABLE RENT	SOCIAL RENT	CSE	EXTRA CARE RENT	EXTRA CARE SHARED OWNERSHIP	LONDON LIVING RENT
Studio	0	0	67	0	0	3
1 bedroom	32	0	71	42	10	16
2 bedroom	64	0	36	3	5	12
3 bedroom	0	57	0	0	0	
4 bedroom	0	9	0	0	0	
<b>TOTAL</b>	<b>96</b>	<b>66</b>	<b>174</b>	<b>45</b>	<b>15</b>	<b>31</b>

Table 1: White City Living (Affordable Housing Provision in Sch.5 of S106 Agreements (consolidated))

2.4 In addition to the on-site affordable housing provisions, the s106 Agreement also secures a £34.5million financial contribution towards affordable housing provision in LBHF. The contribution is to be made in phased payments.

## Non- Material Amendments (NMAT)

- 2.5 The applicant has obtained multiple approvals for a range of non-material amendments to the above outline planning permissions. The following non-material amendment applications are of relevance to the current proposals to vary the legal agreement.

Ref: 2018/00399/NMAT: Non-Material Amendment to outline planning permission (ref: 2016/03907/VAR) dated 23 May 2017; seeking amendment to description of development to omit the floorspace maximum and maximum residential quantum of the outline component. Approved 2 March 2018.

Ref: 2018/02116/NMAT: Non Material Amendment to Planning Permission (Ref: 2017/04377/VAR dated 25/06/2018) seeking to change the mix and number of dwellings in Phase 1 and provision of additional residential dwellings within Phases 2 and 3 of the comprehensive redevelopment of the former M&S Warehouse Site; by way of variation of condition 3 (amended drawing numbers) and condition 7 (no. of dwellings) to permit up to 1845 residential units (an additional 31 x units) under s96A (3) of the Town and Country Planning Act (1990) as amended. Approved 21 August 2018.

Ref: 2019/02965/NMAT: Non-material amendment to Planning Permission (Ref: 2017/04377/VAR) dated 25/06/2018; seeking to amend the approved Development Specification document to reduce the maximum floorspace parameter for Development Plot B1 and to increase the maximum floorspace parameters for Development Plots E2 and E3; including variation of condition 4 (design codes and parameter plans) under s96A (3) of the Town and Country Planning Act (1990) as amended. Approved 22 November 2019.

## 3.0 CONSULTATION RESPONSES

- 3.1 The following consultees responses are noted:  
a) Housing: No objections.

## 4.0 DESCRIPTION OF DEVELOPMENT

- 4.1 The applicant is applying for a further variation of the terms of the Section 106 Legal Agreement with regards to the affordable housing provisions, pursuant to the Extant Planning Permission Ref: 2017/04377/VAR dated 25 June 2018 for the comprehensive redevelopment of the former M&S Warehouse Site in White City.
- 4.2 On the 8 December 2020, London Borough of Hammersmith and Fulham's Planning Application's Development Control Committee (PADCC) resolved to amend the Section 106 Agreement by way of Deed of Variation (Sixth Deed of Variation) of the previous s106 and subsequent legal agreements. The Committee authorised a consolidation of the provisions within the various former agreements and secured changes to the tenure of the 174 x Council Shared Equity/Discount Market Sale Affordable homes (CSE). PADCC resolved to approve amendments to Affordable Housing Schedule 5 (Affordable Housing Tenure and Income Ranges). These changes comprised converting the 174

consented CSE homes into 87 Shared Ownership and 87 Intermediate Rent homes. The total quantum and dwelling mix remained the same as the current consent.

- 4.3 The Developer has proposed a further amendment to the affordable housing provisions, previously consented by PADCC in December 2020. This has been the subject of consideration by Planning and Housing Officers since the committee last year. The Developer is proposing that up to 20 (out of the proposed 87) Studio Shared Ownership dwellings, be flipped in tenure to Intermediate Rent (IMR income Band B) following completion of the marketing programme in which the Developer is obligated to actively market the affordable dwellings for the intended tenure as set out in the planning permission. The Developer proposes to notify the Council following the completion of the marketing programme as to whether the SO units are to be flipped to an IMR tenure. In the first instance, the Developer is seeking to market the units for the tenure stated in the agreement and the further provision widens the scope of the affordable housing provisions, if the SO units are not occupied following the marketing.
- 4.4 Authority from LBHF's PADCC is required again, for the further amendment to the Section 106 Agreement pursuant to the Extant Planning Permission, as the potential change to the tenure of the Shared Ownership dwellings in question (i.e. up to and no more than 20 x SO units) would comprise a further change to the approved provisions endorsed by the Planning Committee on 6 March 2018 and again on 8 December 2020. Notwithstanding the post committee proposed change to the Deed of Variation, a resolution of the planning committee is sought for all changes to the s106 Agreement (as set out in paras 4.1-4.7), including those variations previously considered acceptable to the committee in December 2020.
- 4.5 The proposed 87 x Shared Ownership units would have household income up to £72,850 (for the studio units) and up to £77,350 (for the one and two bed units), indexed under the current indexation in the present Section 106 to the date of first sale. This also comprises a minor change to the formerly agreed income band for the one and two bed units which has increased from £72,850 to £77,350. These fall below the maximum GLA income threshold cap of £90,000.
- 4.6 The proposed 87 x Intermediate Rent homes are split equally into three bandings as follows and these bandings will be indexed to first letting under the same terms as contained in the existing Section 106.

TYPE OF PROPERTY	IMR PROPERTIES	INCOME GROUP	PERCENTAGE %
Studio	29	IMR Band A - £33,604	33%
Studio	7	IMR Band B - £44,805	
1 bedroom	22	IMR Band B - £44,805	33%
1 bedroom	14	IMR Band C - £60,000	
2 bedroom	15	IMR Band C - £60,000	

Table 2: Proposed IMR Income Groups

- 4.7 An average payment is proposed for the capital value increase (of the Shared Ownership and Intermediate Market Units (if any) above the value of the former CSE Units) at practical completion, with 50% of the increase comprising an Affordable Housing Commuted Sum which will be calculated and payable at the date of practical completion (estimated to be June 2022). All other terms are in line with the current S106 Agreement.

## 5.0 PLANNING ASSESSMENT

### Planning Policy Framework

- 5.1 The Town and Country Planning Act 1990 (referred to as ‘the Act’), the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England and Wales. 7.2 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). 7.3 In this instance the statutory development plan comprises the London Plan (2016), the Local Plan 2018 and the Planning Guidance Supplementary Planning Document 2018 (hereafter referred to as Planning Guidance SPD).

### National Planning Policy Framework (2019)

- 5.2 The proposals have been evaluated against the Development Plan and the NPPF (2019) and the Authority has assessed the application against the core planning principles of the NPPF and whether the proposals deliver “sustainable development.”

### The London Plan (2021)

- 5.3 The London Plan (2021) has been adopted in 2021. The proposed affordable housing provisions have been assessed in line with the updated policies set out in the Plan. Together with the Local Plan, the New London Plan forms the Development Plan.

- Policy H4 – Delivering Affordable Housing
- Policy H6 – Affordable Housing Tenure

5.4 The Mayor has also published supplementary planning guidance and strategies which elaborates on London Plan Policy. Those most relevant in consideration of the proposals are:

- Affordable Housing and Viability SPG (August 2017)
- Mayor's Housing SPG (March 2016)

#### Development Plan

5.5 The relevant Development Plan for the area comprises the LBHF Local Plan (2018), LBHF Local Plan Proposals Map (2018) and London Plan (MALP) (2021). In addition, LBHF Supplementary Planning Guidance Document (2018) is a material planning considerations.

#### LBHF Local Plan (2018)

5.6 The Local Plan (February 2018) sets out the council's vision for the borough until 2035. It contains development policies to be used by the Council in helping to determine individual planning applications. The Local Plan should be read and considered alongside the London Plan and will be supplemented by supplementary planning documents (SPDs). The Local Plan incorporated an increase in target additional new homes within the White City Regeneration Area to 6,000 (from 5,000 in the former Core Strategy). The figure for new homes is proposed to be increased to 7,000 within the Draft London Plan (2017).

5.7 The policies within the Local Plan aim to ensure development within the borough accords with the spatial vision of the borough. The key policies relevant to the proposals are:

- Strategic Policy WRCA – White City Regeneration Area
- Strategic Site Policy WCRA1 – White City East
- Policy HO1 - Housing Supply
- Policy HO3 - Affordable Housing
- Policy HO4 - Housing Quality and Density
- Policy HO5 - Housing Mix

#### Planning Considerations

5.8 The Extant Planning Permission secures 427 affordable homes to be delivered within Phase 2 of the White City Living development (Plot B1). The development comprises a mix of 66 x social rented, 96 x affordable rented, 174 x Council Shared Equity, 31 x London Living Rent and 60 x Extra Care Housing (Rented/Shared Ownership) tenures (see Table 1 of this report). The developer/applicant has entered into discussions with the Preferred Registered Provider who will manage the affordable homes (excluding the Extra Care Homes) and the proposed modifications to the affordable housing provisions are proposed as a result.

5.9 The applicant has applied to amend the Section 106 Agreement by way of Deed of Variation (Sixth Deed of Variation) of the previous s106 and subsequent legal agreements, consolidating the provisions within the various agreements and secure changes to the tenure of the 174 x Council Shared Equity/Discount Market Sale Affordable homes. The changes comprise converting the 174



consented CSE homes into 87 Shared Ownership and 87 Intermediate Rent homes. The total quantum and mix remain the same as the current consent.

- 5.10 Schedule 5 of the Section 106 Agreement sets out the detailed affordable housing provisions which secures the affordable homes in perpetuity alongside the overall affordable tenures, dwelling sizes/unit types and affordability levels. Phase 2 is currently under construction and it is understood practical completion is near.
- 5.11 The proposed resulting affordable housing split for the development would be as follows. The amended Deed of Variation would reflect these provisions:

PROPERTY TYPE	AR	SR	IMR	ISO	LLR	EXTRA CARE (SO)	EXTRA CARE RENT
<b>Studio</b>	0	0	<b>36</b>	<b>37</b>	3	0	0
<b>1 Bedroom</b>	32	0	<b>36</b>	<b>34</b>	16	10	42
<b>2 Bedroom</b>	64	0	<b>15</b>	<b>16</b>	12	5	3
<b>3 bedroom</b>	0	57	<b>0</b>	<b>0</b>	0	0	0
<b>4 bedroom</b>	0	9	<b>0</b>	<b>0</b>	0	0	0
<b>TOTAL</b>	96	66	<b>87</b>	<b>87</b>	31	15	45

Table 3: Revised Affordable Housing Schedule

AR=Affordable Rent. SR=Social Rent. IMR=Intermediate Rent.  
ISO=Intermediate Shared Ownership. LLR=London Living Rent

- 5.12 The Extant Planning Permission secured 174 CSE homes across 3 income groups with a lower, intermediate and upper incomes. 33% of the CSE homes fell within the Lower Income Group, 32% fell within the Intermediate Income Group and 35% fell within the Upper Income Group as follows:

TYPE OF PROPERTY	PROPERTIES	CSE/DMS INCOME GROUP
Studio	23	£30,000 (indexed)
Studio	21	£40,000 (indexed)
Studio	23	£66,000 (indexed)
1 bedroom	23	£30,000 (indexed)
1 bedroom	23	£40,000 (indexed)
1 bedroom	23	£66,000 (indexed)
2 bedrooms	12	£30,000 (indexed)
2 bedrooms	12	£40,000 (indexed)
2 bedrooms	12	£66,000 (indexed)
	174 x CSE Homes	

Table 4: Approved Intermediate CSE dwelling mix & income groups

- 5.13 The proposed DoV proposes to change 87 of the 174 x CSE homes to Intermediate Rent homes with an equal no. of properties (e.g. 33%) available to the three income groups to reflect the affordability of the consented CSE units.

TYPE OF PROPERTY	IMR PROPERTIES	INCOME GROUP	PERCENTAGE %
Studio	29	IMR Band A - £33,604	33%
Studio	7	IMR Band B - £44,805	33%
1 bedroom	22	IMR Band B - £44,805	
1 bedroom	14	IMR Band C - £60,000	33%
2 bedroom	15	IMR Band C - £60,000	

Table 5: Revised Intermediate Rent dwelling mix and income groups

- 5.14 The proposed remaining CSE units will be changed to 87 x Shared Ownership units and would be available to households with incomes up to £72,850 (for the Studio Units) and £77,350 (for the one and two bed units) indexed.
- 5.15 An overage payment (to LBHF) in the form of an Affordable Housing Commuted Sum is proposed and this would be secured if the capital value of the revised Intermediate Rent/Shared Ownership is above the value of the former Council Shared Equity provisions, at the time of practical completion. The Commuted Sum would be derived from 50% of the uplift in value which will be calculated and payable at the date of practical completion, estimated to be in June 2022. All other terms are in line with the current S106 Agreement.
- 5.16 The proposed amendment to the affordable housing provisions put forward by the Developer post December 2020 PADCC, seeks to change the tenure of up to 20 of the Shared Ownership studio apartments, following the completion of the marketing programme for these units (which would initially be marketed as Shared Ownership units). The Developer and Council Officers agree this would widen the scope of the affordable housing provisions and would enable flexible tenure change to mid-range income IMR units (without needing to vary the legal agreement). Officers consider the proposed change would result in potentially higher cost SO apartments (at incomes up to £72,850) being made available at an Intermediate Rent to households with an annual income of up to £44,805. This is considered to be acceptable and would preserve and/or reduce the affordability of the apartments in perpetuity. The provisions would also allow the units to be occupied which may otherwise have remained unoccupied/vacant/unsold if they could not be sold to SO occupants whom may consider the mortgage and rental costs prohibitive bearing in mind these are smaller studio units. If up to 20 units were used as IMR units there would be a greater proportion of IMR units – but given the resulting affordability levels would be lower than if they were SO, officers raise no concern about this change.
- 5.17 The other proposed amendment to the SO income thresholds to increase the maximum cap to £77,350 for the one and two bed apartments is considered by Housing Officers to be acceptable as a relatively small increase whilst remaining well under the GLA's maximum income cap of £90,000.
- 5.18 The proposed tenure changes only relates to the intermediate dwellings and does not affect the other social, affordable or London Living rented homes or the

Extra Care units. As such, the proposals are not substantially different from the approved development which provides affordable homes across all of the tenures in order to provide a balanced and mixed community. Officers consider the form of revised intermediate tenure would ensure satisfactory levels of affordability which is within the spirit of the approved intermediate units. The Shared Ownership provisions and affordability level is to be set below the maximum cap set out in the London Plan (£90K) and is agreed with the Council's Housing Team. The additional changes proposed post December 2020 to the Shared Ownership Provisions (to allow up to 20 x studios to be used as IMR units) and the increase to the income cap for the SO 1 and 2 bed units are considered to be acceptable and would enable mixed range of affordable housing tenures and types within the development.

- 5.19 The applicant has engaged with LBHF Housing Officers who raise no objections and the change to the form of intermediate tenure and affordability levels are considered to be acceptable in principle, subject to the appropriate wording being secured in the S106 Agreement. The proposals would ensure the development provides a significant number of genuinely affordable homes at income levels which are compatible with local needs and which are secured in perpetuity.

## **6.0 RECOMMENDATION**

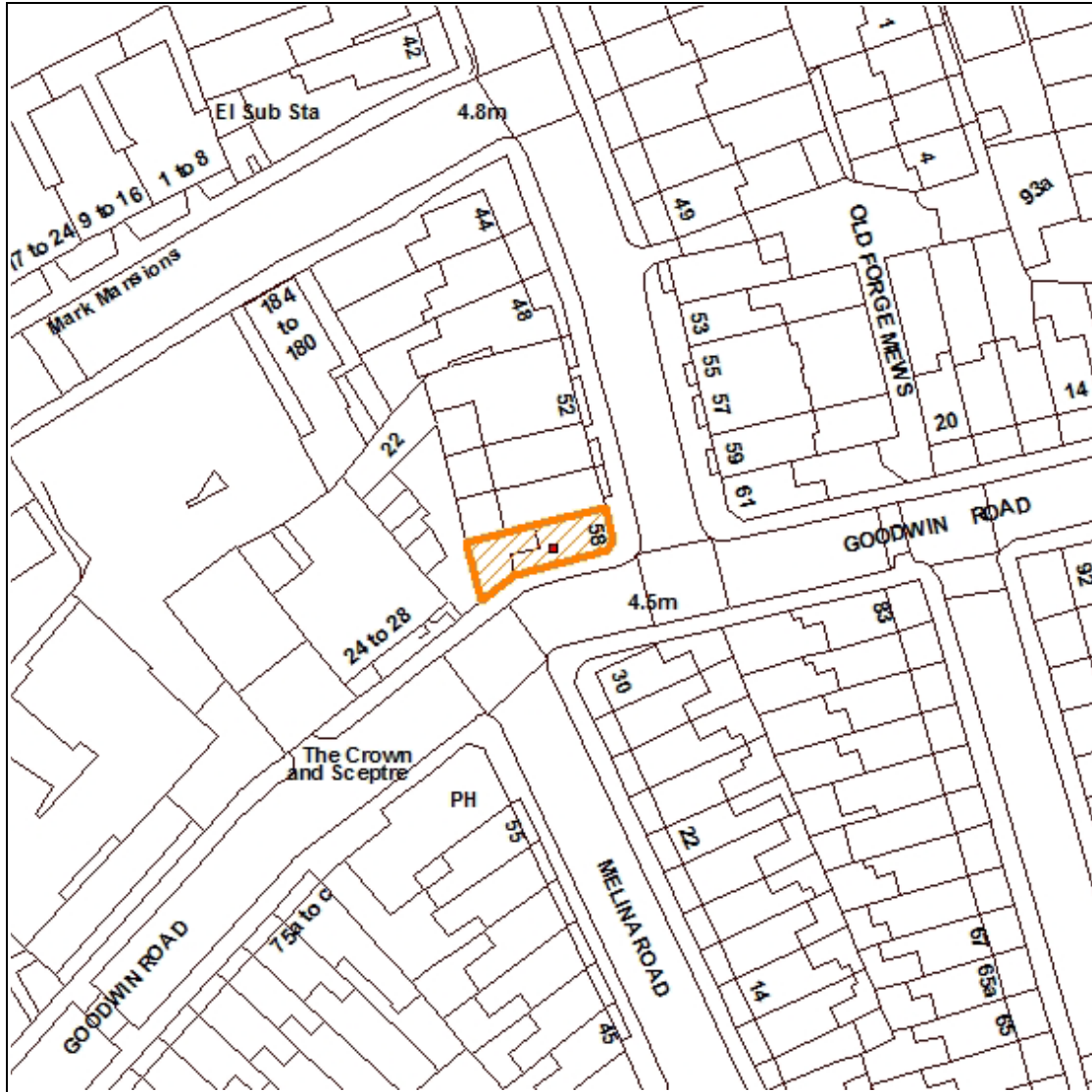
- 6.1 It is recommended that the Committee approves the proposed variation to the Section 106 agreement to allow the following changes to Schedule 5 of the Agreement (Affordable Housing Intermediate Tenure types) in addition to any minor changes to the s106 agreement.

# Agenda Item 6

**Ward:** Askew

**Site Address:**

58 Boscombe Road London W12 9HU



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For identification purposes only - do not scale.

**Reg. No:**  
2020/03154/FUL

**Case Officer:**  
Elliot Brown

**Date Valid:**  
30.11.2020

**Conservation Area:**

**Committee Date:**  
06.07.2021

**Applicant:**

Mr S Satheeskumar  
58, Boscombe Road London W12 9HU

**Description:**

Installation of 2no. air condenser units attached to the rear elevation at ground floor level.

Drg Nos: PE-02, Noise Report 215161. PCR.01.Rev A dated 23/6/21,

**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.

As required by Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2) The development shall only be carried out and completed in accordance with the drawings which have been approved and are stated on this decision notice.

To ensure a satisfactory external appearance and the protection of residential amenities, in accordance with Policies DC1, DC4, and HO11 of the Local Plan (2018).

- 3) Any alterations to the elevations of the existing building shall be carried out in the same materials as the existing elevation to which the alterations relate.

To ensure a satisfactory external appearance, in accordance with Policies DC1 and DC4 of the Local Plan (2018).

- 4) 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. To ensure this, a post installation noise assessment shall be carried out to confirm compliance with the sound criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to use of the equipment and thereafter be permanently retained 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 plant/mechanical installations/ equipment, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

- 5) Prior to use, machinery, plant or equipment, extract/ ventilation system and ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration 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 vibration, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

- 6) The condenser units hereby approved shall not be installed on the rear wall until further details of a proposed plant enclosure to encase the two air condenser units have been submitted to, and approved in writing by the Council. The approved enclosure must be installed at the same time as the condensers and shall thereafter be permanently retained.

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

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

- 1) It is considered that the proposal would contribute towards the daily operation of the existing Class E commercial unit without having an unacceptable impact on the amenity of surrounding occupants, subject to conditions relating to the external sound levels of the proposed air condenser units, and without harm to the character and appearance of the parent building or the surrounding area. In these respects, the proposal would be consistent with Section 12 of the National Planning Policy Framework (2019), Policy D14 of the London Plan (2021), Policies CC11, CC13, DC1, DC4 and HO11 of the Local Plan (2018) and Key Principle NN4 of the Planning Guidance Supplementary Planning Document (2018).

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

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

Application form received: 28th November 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:**

50b Boscombe Road London W12 9HU	22.12.20
52 Boscombe Road First Floor Flat London W12 9HU	05.01.21
Flat 2, 56 Boscombe Rd Shepherds Bush London W12 9HU	05.01.21
48b Boscombe road London W12 9HU	22.12.20
54B Boscombe Road London W12 9HU	22.12.20
56 Boscombe Road London W12 9HU	06.01.21
First Floor Flat 56 Boscombe Rd London W12 9HU	05.01.21
Flat 2, 79 Vespan Road Shepherds Bush London W12 9QG	05.01.21
52 Boscombe Road London W12 9HU	06.01.21
50 Boscombe Road London W12 9HU	24.12.20
56 Boscombe Road Basement & Ground Floor Flat W12 9HU	04.01.21
54a Boscombe road London W12 9hu	22.12.20

## COMMITTEE REPORT

### 1.0 BACKGROUND AND RELEVANT PLANNING HISTORY

#### + Background

- 1.1 The application site contains a three-storey plus basement mixed use commercial and residential property located on the western side of Boscombe Road. No.58 is a prominent end-of-terrace corner property located on the junction with Goodwin Road. The property contains a Class E commercial unit at ground floor level with a Class C3 2-bedroom maisonette flat above at first and second floor level. The basement is also in use as a Class C3 1-bedroom unit (granted on appeal).
- 1.2 The ground-floor Class E commercial unit is the subject of this planning application.
- 1.3 The application site does not lie within a Conservation Area, nor does it contain a Listed Building or a locally listed Building of Merit.
- 1.4 The site is located within the Environment Agency's Flood Risk Zone 3, within an area that benefits from flood defences.
- 1.5 The current planning application seeks permission for the installation of two (2) air condenser units to the rear elevation of No.58 Boscombe Road, at ground floor level. The two condensers would be fixed to the rear wall below the retail unit's rear elevation window.

#### + Relevant planning history

- 1.6 There is an extensive planning history related to the application site. Details of these are provided below.

2020/01763/FUL - Erection of an additional floor with roof terrace at roof level, in connection with the creation of 1no. self-contained two bedroom maisonette at second and third floor level; erection of a two storey rear extension at first and second floor level to the side of and above the existing back addition in connection with the conversion of the existing maisonette at first and second floor level into 1no. self-contained one bedroom flat at first floor level - currently under consideration.

2020/00038/FUL - Erection of an additional floor with roof terrace at roof level, in connection with the creation of 1no. self-contained two bedroom maisonette at second and third floor level; erection of a two storey rear extension at first and second floor level to the side of and above the existing back addition in connection with the conversion of the existing maisonette at first and second floor level into 1no. self-contained one bedroom flat at first floor level - this was the subject of a non-determination appeal and was dismissed by the Planning Inspectorate (13.01.2021).

2019/02526/CLE - Continued use of the basement as a self-contained residential flat refused on 22.10.19.

2019/01682/FUL - Erection of an additional floor with roof terrace at roof level in connection with the creation of 1no. self-contained two bedroom flat at second and third floor level; erection of a two storey rear extension at first and second floor level to the side of and above the existing back addition in connection with the conversion of the existing maisonette at first and second floor level into 1no. self-contained one bedroom flat at first floor level. Refused on 09.08.2019. An appeal against the decision was submitted, with the Planning Inspector dismissing the appeal on 20.12.2019.

2019/00838/PD56 - Change of use of the ground floor from retail (Class A1) into a one bedroom self-contained flat (Class C3). Refused on 15.05.2019. Subsequent appeal was dismissed on 20.12.2019.

2019/00518/FUL - Erection of an additional floor with roof terrace at roof level in connection with the creation of 1no. self-contained one bedroom flat; erection of a two storey rear extension at first and second floor level to the side of and above the existing back addition in connection with the conversion of the existing maisonette at first and second floor level into 2no. self-contained one bedroom flats at first and second floor level. Refused on 16.04.2019.

2018/03790/PD56 - Change of use of the ground floor from a convenience store (Class A1) to a one bedroom self-contained flat (Class C3); alterations to the external elevations associated with removal of the existing shop frontage including installation of a new entrance door and window to the front elevation and installation of a new window to the side elevation. Prior approval application was refused on 22.01.2019.

- 1.7 There has been a number of enforcement investigations for the premises relating to:



- installation of industrial air conditioning units outside the back of the shop (units were moved internally as a result)
- installation of a green shutter (ongoing investigation)
- change of use of the basement from retail (use class A1) to a single one bedroom self-contained residential flat (use class C3), NB: this was determined as lawful under and enforcement appeal.

## 2.0 PUBLICITY, CONSULTATIONS AND SITE VISIT

2.1 The application was publicised by means of a site notice and a press advertisement, together with letters of notification to neighbouring properties.

2.2 Thirteen (13) representations have been received, which object to the proposal. The objections can be summarised as follows:

- the proposed air condenser units would have a harmful impact upon neighbouring amenity, particularly with regard to noise and disturbance and outlook;

- external air condenser units were previously installed without planning permission, before being moved internally as required by H&F. Allowing external units would therefore seem counter-intuitive;

- the need for air condenser units is questioned, as the ground-floor shop has not required air condenser units previously. If external air condenser units are necessary, then they should be installed on the building elevation fronting Goodwin Road, as opposed to their current proposed location.

- the submitted Noise Assessment Report is inaccurate, as the position of the proposed plant installation shown in Figure 2.2 is incorrect.

2.3 Officer response: The material issues are addressed in the report below. Officers note that the need for air condenser units is not a material planning consideration. A revised version of the Noise Assessment Report (REV A, dated 23.06.2021) has been submitted, with this document now showing the proposed air condenser units in the same location as depicted on the submitted drawing No. PE-02.

### Site visit

2.4 As a result of the Covid-19 pandemic, this current application has been determined without a site visit. In considering this application, I have reviewed aerial and street photography, as well as site photography provided by both the applicant and surrounding properties. Furthermore, it is highlighted that a site visit was undertaken as part of the previous planning application Ref.2020/00038/FUL. I am satisfied that this has enabled me to fully assess the proposals.

## 3.0 POLICY FRAMEWORK

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

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

3.3 In this instance the statutory development plan comprises the London Plan (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)

3.4 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.

3.5 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

3.6 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

3.7 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.

#### 4.0 PLANNING CONSIDERATIONS

4.1 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:

- Impact upon neighbouring amenity (including noise and disturbance).
- Visual amenity.

## IMPACT UPON NEIGHBOURING AMENITY

### + Noise and disturbance

- 4.2 Policy D14 of the London Plan (2021) specifies that residential and other non-aviation development should mitigate and minimise the existing and potential adverse impacts of noise on, from, with, as a result of, or in the vicinity of new development, to avoid significant adverse noise impacts on health and quality of life.
- 4.3 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.
- 4.4 Key Principle NN4 of the Planning Guidance SPD (2018) states that all noise generating development, including plant, machinery and equipment, will be subject to requirements to minimise noise to relevant criteria, where applicable, in order to protect residential and other noise sensitive amenity.
- 4.5 A 'Planning Compliance Report (Ref. 21561.PCR.01 REV A, dated 23.06.2021) prepared by KP Acoustics has been submitted as part of this planning application. Section 5.1 (proposed plant installations) of the Planning Compliance Report specifies that the proposed plant equipment would consist of the following:
- One (1) KD PAL036M1 Condenser Unit
  - One (1) Hispania HUC4001Z03MS Condenser Unit.
- 4.6 Noise level emissions provided by the condenser unit manufacturers are outlined within Table 5.1 of the Planning Compliance Report. A 24-hour environmental noise survey was undertaken on-site from 26.10.2020 - 27.10.2020, in order to prepare a noise impact assessment in accordance with British Standards BS4142:2014 'Method for rating and assessing industrial and commercial sound'.
- 4.7 The revised Planning Compliance Report has been reviewed by the Council's Environmental Protection team. Their comments specify that subject to conditions, the proposal should be able to ensure that effective mitigation measures prevent the proposed air condenser units from exposing neighbouring occupants to harmful levels of noise and disturbance. One of these conditions would be for the external sound level emitted from the air condenser units to be at least 10dBA lower than the lowest existing background sound level. To ensure this, the condition would require a post installation noise assessment to confirm compliance with the sound criteria.
- 4.8 A second condition would require the air condenser units to be mounted with proprietary anti-vibration isolators, and fan motors to be vibration isolated from the casing and adequately silenced and maintained as such thereafter. Furthermore, details of an acoustic enclosure need to be provided prior to the units being installed on the rear elevation, and a condition requires these details to be approved and that the enclosure is retained in perpetuity.

4.9 Subject to the above conditions, officers are of the view that the proposal would be considered consistent with the aims of Policy D14 of the London Plan (2021), Policies CC11 and CC13 of the Local Plan (2018) and Key Principle NN4 of the Planning Guidance SPD (2018), mitigating against the exposure of surrounding occupants to harmful levels of noise and disturbance.

+ Outlook, light, privacy and a sense of enclosure

4.10 Policy HO11 of the Local Plan (2018) specifies that development proposals should respect the principles of good neighbourliness, especially with regard to privacy, light, outlook and a sense of enclosure. These principles are supported by Key Principles HS6 and HS7 of the Planning Guidance SPD (2018).

4.11 With the exception of the subject ground-floor unit, the subject terrace-row (Nos. 44 - 58 Boscombe Road) contain self-contained residential accommodation at all floor levels. Nos. 180 - 184 Westville Road are also situated to the north-west of the application site.

4.12 The two proposed air condenser units would be installed to the rear elevation of No.58 Boscombe Road, at ground-level below the ground-floor rear window serving the commercial unit. Section 14 (materials) of the submitted application form specifies that the air condenser units would be of a white colour. Measurements taken from the submitted drawing No. PE-02 indicate that the proposed air condenser units would be of the following dimensions:

-0.7m height

-0.9m width

-0.3m depth

4.13 Officers consider that the scale, siting and design of the proposed air condenser units would prevent a harmful impact upon the amenity of surrounding occupants, with regard to outlook, light, privacy and a sense of enclosure. In this respect, the proposal would be consistent with the aims of Policy HO11 of the Local Plan (2018) and Key Principles HS6 and HS7 of the Planning Guidance SPD (2018).

#### VISUAL AMENITY

4.14 Paragraph 127 of the NPPF (2019) specifies that development should be visually attractive as a result of good architecture and be sympathetic to local character and history, Paragraph 130 of the NPPF (2019) states that permission should be refused for development of poor design.

4.15 Policy DC1 of the Local Plan (2018) notes that all development should seek to create a high quality urban environment which respects and enhances its townscape setting, whilst Policy DC4 notes that all alterations and extensions to existing buildings should be a subservient addition to the parent building and compatible with the scale and character of existing development, neighbouring properties and their settings.

4.16 The application site does not lie within a Conservation Area, nor does it contain a Listed Building or a locally listed Building of Merit. Nevertheless, it is still important

that the proposal preserves the character and appearance of the parent building and the surrounding streetscene. The submitted drawing No. PE-02 demonstrates that the scale and siting of the proposed air condenser units would not project above the existing flank boundary brick wall which fronts Goodwin Road. Meanwhile, street imagery and site photographs demonstrate that the rear flank boundary consists of a timber fence of a sufficient height to screen the proposed air condenser units. Accordingly, Officers are satisfied that the proposal would not be visible in views from the surrounding streets (Boscombe Road, Goodwin Road or Melina Road), nor would it be visible from the walkway to the rear boundary of Nos. 52 - 58 Boscombe Road. This would be considered sufficient to prevent a harmful impact upon the character and appearance of the parent building and the surrounding streetscene, in accordance with Policies DC1 and DC4 of the Local Plan (2018) and Section 12 of the NPPF (2019).

## 5.0 CONCLUSION

- 5.1 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.
- 5.2 In the assessment of the application regard has been given to the NPPF, London Plan, and Local Plan policies as well as guidance.
- 5.3 In summary, the proposed development would contribute towards the daily operation of the existing Class E commercial unit without having an unacceptable impact on the amenity of surrounding occupants, subject to conditions relating to the external sound levels of the proposed air condenser units, and without harm to the character and appearance of the parent building or the surrounding area.
- 5.4 Officers have taken account of all the representations received and in overall conclusion for the reasons detailed in this report, it is considered having regard to the development plan as a whole and all other material considerations that planning permission should be granted subject to conditions.

## 6.0 RECOMMENDATION

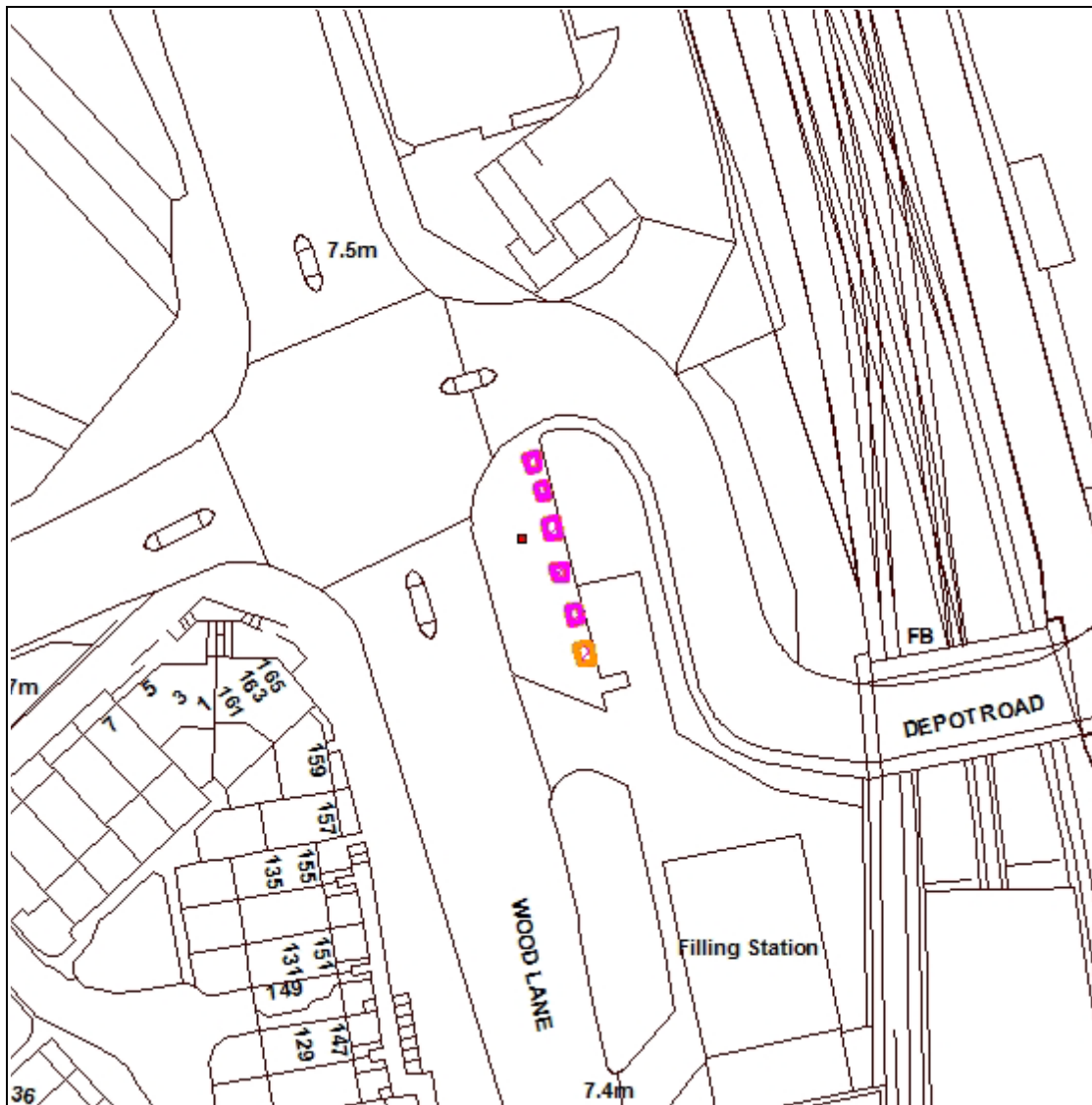
- 6.1 Grant planning permission subject to conditions.

# Agenda Item 7

**Ward:** College Park And Old Oak

**Site Address:**

Footpath Wood Lane Junction With South Africa Road Next To Refurbished Garage



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

**Reg. No:**  
2021/00843/FR3

**Case Officer:**  
Sian Brown

**Date Valid:**  
07.04.2021

**Conservation Area:**  
Constraint Name: Wood Lane Conservation Area -  
Number 42

**Committee Date:**  
06.07.2021

**Applicant:**

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

**Description:**

Use of part of the public highway for the placing of 6no. traders' market stalls, measuring 3m x 3m in size, from Monday to Saturday from 8am to 3pm, and on Sunday and Bank Holidays from 9am to 3pm.

Drg Nos: 81098/147/1; 80198/147/2; Supporting Statement; Proposal for Unloading and Loading of our Traders Equipment

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

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

- 2) A maximum of six stalls at any one time shall be erected only in the locations shown on approved drawing no. 80198/147/2 and no stall shall be erected in any other area at any time. The market stalls shall be dismantled and removed when not trading.

To ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policies DC1, DC8, CC11, CC13, T1 and T6 of the Local Plan (2018), and Key Principles of the Planning Guidance Supplementary Planning Document (SPD) (2018).

- 3) The use of the premises shall not be permitted outside of the hours 8am to 3pm (Monday to Saturday), and 9am to 3pm (Sunday and Bank Holidays).

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 Policies CC11 and CC13 of the Local Plan (2018).

- 4) No stall(s) shall be erected on the site at any time on those weekend days and public holidays when football matches are taking place at Queens Park Rangers F.C stadium.

To avoid the stalls causing an obstruction on the footway during those times when the area experiences exceptionally high levels of footfall due to football supporters being in the area, in accordance with Policies T1 and T6 of the Local Plan (2018) and Key Principle TR25 of the Planning Guidance Supplementary Planning Document (2018).

- 5) The stall(s) shall be serviced in line with the approved "Proposal for Unloading and Loading of our Traders Equipment" plan which details the loading and unloading, vehicle movements, and quiet loading/unloading measures. The details within the agreed Plan 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 Policies T1, T6, CC11 and CC13 of the Local Plan (2018) and Key Principles of the Planning Guidance Supplementary Planning Document (2018).

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

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

- 7) The market stall trader shall ensure that refuse shall be collected from the market stall location as depicted on the approved drawing No. 80198/147/2 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).

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

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

- 9) 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 contribute to the existing range of facilities on offer in the White City East Regeneration Area and add to the vitality and vibrancy of the immediate area, and would not affect the viability of any designated shopping area. The principle of the development is therefore considered to be in accordance with Policy E9 of the London Plan (2021) and Policies WCRA, WCRA1 and TLC1 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 of the stalls and an acceptable width of footway would remain unobstructed for pedestrians, including those with mobility impairments. Subject to conditions, the development accords with the NPPF (2019), Policies T1 and T7 of the London Plan (2021), Policies T1 and T6 of the Local Plan (2018) and Key Principles of the Planning Guidance Supplementary Planning Document (2018).
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 the NPPF (2019), Policy D14 of the London Plan (2021), Policies TLC5, CC11 and CC13 of the Local Plan (2018) and Key Principles of the Planning Guidance Supplementary Planning Document (2018).
4. Appearance: The proposal is acceptable in terms of visual amenity. The stalls are not a permanent fixture, are of a neat and tidy appearance and do not feature any large, obtrusive or garish signage or advertisement. Furthermore, it is not considered the proposals would detract from the character and appearance of the Wood Lane Conservation Area or the setting of the White City Underground Station (locally listed Building of Merit). The proposal complies with the NPPF (2019), Policies DC1 and HC1 of the London Plan (2021), Policies DC1 and DC8 of the Local Plan (2018) and Key Principles of the Planning Guidance Supplementary Planning Document (2018).
5. Air Quality: Subject to a condition preventing the use of mobile electrical fuel-based generators the proposal would not have a significant effect on local air quality. The proposed development therefore accords with the NPPF (2019), Policy SI1 of the London Plan (2021), Policy CC10 of the Local Plan (2018) and Key Principles of the Planning Guidance Supplementary Planning Document (2018).

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

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

Application form received: 15th 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:**

<b>Comments from:</b>	<b>Dated:</b>
Crime Prevention Design Advisor - Hammersmith	27.04.21
Crime Prevention Design Advisor - Hammersmith	16.04.21

**Neighbour Comments:**

<b>Letters from:</b>	<b>Dated:</b>
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**1.0 SITE CONTEXT AND CONSTRAINTS**

1.1 The application site comprises an area of public footway on the eastern side of Wood Lane, on the corner with Wood Lane and Depot Road, opposite the junction with South Africa Road. It is within the Wood Lane Conservation Area and is also within the White City Regeneration Area and London Plan Opportunity Area. The site is around 100 metres north of the entrance to White City Station on the eastern side of Wood Lane, which is locally listed as a building of merit. Immediately to the south of the site is the entrance to the former Esso petrol station, which has recently been used as a temporary art gallery space ("Elephant West") with ancillary office and retail floorspace and restaurant. The White City Place office development is diagonally opposite the site, on the north-west side of the junction with South Africa Road. On the south-west corner of the junction, there are residential properties at Exhibition Close.

**2.0 RELEVANT PLANNING HISTORY**

2.1 In February 2019 planning permission was granted for the use of part of the public highway for the placing of 6 no. traders' market stalls from Monday to Friday from 7am to 3pm (2018/03483/FR3)

Planning permission was granted for a temporary period for 24 months so that the operation of the market stalls, most particularly with regards to Highways impacts and noise and disturbance to neighbouring properties, may be monitored by the Council over the course of the permission to ensure that no adverse impacts are occurring.

The planning permission has now expired.

### 3.0 PROPOSAL

- 3.1 This application seeks planning permission for the continued use of this part of the public highway for the placing of the six hot street food market stalls, 3m x 3m in size.
- 3.2 The siting and number of stalls remain as previously approved, however it is proposed to alter the hours and increase the days the stalls are in use.
- 3.3 It is proposed that the stalls would be erected Monday to Saturday from 8am to 3pm, and also on Sunday and Bank Holidays from 9am to 3pm.
- 3.4 Condition 3 of the previous permission prevented the stalls being erected at any time on those days when football matches are taking place at Queens Park Rangers F.C stadium. The current application proposes to allow the stalls to be erected when there is a match during the week (Monday - Friday), with traders leaving the site at 3pm before the match starts. There would be no trading on a weekend or on a public holiday when there is a match scheduled.
- 3.5 This planning application has been made by the Council's Street Markets Team, who intend to operate the site and license the traders.

### 4.0 PUBLICITY AND CONSULTATION RESPONSES

#### + Statutory Consultation

- 4.1 A Site and press notice were published to advertise this application and notification letters were sent to the occupants of 26 surrounding properties.
- 4.2 No representations have been received.

#### + Technical Consultations

- 4.3 Metropolitan Police Service Designing Out Crime Officer confirms he has no comments to make.
- 4.4 London Underground were consulted on the planning application and have not made any comments.

### 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 forms the Spatial Development Strategy for Greater London and sets out a framework for how London will develop over the next 20-25 years and the Mayor's vision for Good Growth. 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 ASSESSMENT

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

- The principle of the development
- Highways matters, most particularly servicing and deliveries, and obstruction to pedestrians
- Noise and disturbance to neighbouring residential properties
- Visual amenity and heritage assets

+ PRINCIPLE

6.2 The site is within the White City East sub-area of the White City Regeneration Area (WCRA1), as identified in the Borough's Local Plan. Local Plan Strategic Policies WCRA and WCRA1 recognise the need to focus regeneration and growth within the White City Opportunity Area by promoting a range of uses. The WCRA is also designated as an Opportunity Area in the London Plan, where necessary social and other infrastructure to sustain growth is encouraged including where

appropriate, containing a mix of uses.

- 6.3 The London Plan recognises street markets in London can play a valuable economic, social and cultural role helping to meet Londoners' varied dietary requirements, extend choice and access to a range of goods, contribute to the vitality and viability of town centres and the character of high streets, and provide opportunities for new businesses to start-up. On this basis London Plan Policy E9 states Council's should support London's markets in their full variety, including street markets, covered markets, specialist and farmers' markets.
- 6.4 The site does not fall within any area designated as a protected shopping area in the Local Plan, and is around 500m north of Westfield Shopping Centre with Shepherd's Bush Town Centre beyond. However, Local Plan Policy TLC1 seeks to support and protect local markets and clusters of specialist shopping.
- 6.5 In view of the above, the location remains appropriate in its context of the Opportunity Area and White City Regeneration Area. The market stalls have already contributed to and would continue to add to the existing range of facilities on offer in White City and to the vitality and vibrancy of the immediate area, providing a service for local residents, commuters and visitors, as well as economic benefits and opportunities for the market stall traders. Furthermore, due to its location and small scale, the proposals would not harm the vitality or viability of the Shepherds Bush Town Centre, or any other designated shopping area.
- 6.6 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, environmental nuisance for neighbours, and the impact of the scheme on visual amenity and heritage assets.

#### + HIGHWAYS

- 6.7 The main highways issues in respect of the development are (a) ensuring satisfactory arrangements for safe and convenient loading/unloading 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.
- 6.8 NPPF Paragraph 109 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe.
- 6.9 London Plan Policy T1 requires all development to make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking and cycling routes, and ensure that any impacts on London's transport networks and supporting infrastructure are mitigated. London Plan Policy T7 states Delivery and Servicing Plans will be required and should be developed in accordance with Transport for London guidance and in a way which reflects the scale and complexities of developments.
- 6.10 Local Plan Policy T1 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. Wood Lane is a London Distributor Road, and Policy T6 states that development will not be permitted if it would prejudice the

effectiveness of these roads to provide links to the strategic route network and access to and between town centres. Planning Guidance SPD Key Principle TR27 relates to servicing. Key Principles TR25 and TR29 provide guidance on the minimum width of clear and unobstructed footway required when street furniture is proposed on a public footway.

#### + Servicing

6.11 The part of the carriageway in front of the proposed market stalls is a "No loading at any time" zone, which means that the traders would be required to load and unload their equipment further away from the proposed location of the stalls. The applicant has submitted a plan which sets out the methodology for the loading and unloading of traders' equipment. As per the previous permission traders will continue to park their vans at the Wood Lane Community Centre on White City Close in their reserved parking spaces, and wheel their equipment to the market site, before returning and moving their vans to a pay-and-display car park space during the day. When the market finishes, traders would pack down their equipment, leave it on site and repeat the process. Unloading and loading will be done in designated intervals with each trader given an allocated slot between 08:00 am to 8:30am to unload and 3:10pm to 3:40pm to load. Loading and unloading will take 10 to 15 minutes per trader at a maximum. The traders buy waste sacks from the market team and the waste is collected at the end of every trading day by Serco. During the time the stalls have operated the Council's Highways Team and Licencing Team have not received any complaints relating to the setting up, dismantling and servicing of the stalls. Subject to a condition being attached to ensure that the submitted Plan is complied with, it is considered that the stall traders would be able to continue to operate without impacting negatively upon the highway network.

#### + Obstruction to footway

6.12 The market stalls' location is on a part of footway with a high level of footfall, especially at peak times with commuters moving between White City and Wood Lane Stations and nearby offices. This means that more than the minimum width of 3.5m clear and unobstructed footway will need to be provided as per Key Principles TR25 and TR29. The distance from the kerb edge to the rear of the pavement is approximately 9.5 metres. Therefore, even when existing obstructions including lighting columns, bollards and traffic lights are taken into consideration, there would still be enough space remaining to ensure the free flow of pedestrians, including those with mobility impairments. The issue of large queues forming has been considered by Officers, however stalls have been operating for 2 years, and there is no evidence to suggest that queues have led to obstruction of the highway during that time, with customers usually spread out between the stalls.

6.13 Condition 3 of the previous planning permission prevented the stalls being erected at any time on days when football matches are taking place at Queens Park Rangers F.C stadium. This was to ensure the stalls do not cause an obstruction on the footway during those times when the area experiences exceptionally high levels of footfall due to football supporters being in the area. It is proposed to allow the stalls to be erected when there is a match at Queens Park Rangers F.C stadium during the week (Monday - Friday), however traders will leave the site at 3pm well before the match starts. There would be no trading on a weekend or on a

public holiday when there is a match scheduled. The Highways Team and the Metropolitan Police do not object to this, however officers recommend permission is granted for a further temporary period of 24 months to allow Highways Officers and the Metropolitan Police to monitor the impact of the development and record any complaints received during that time. If the stalls were found to be operating without issues, the applicant could then re-apply for a longer-term permission.

- 6.14 On this basis, and subject to the inclusion of conditions, officers consider the proposals would not have a significant impact on the highway network or on pedestrian safety, in accordance with the above stated policies.

#### ENVIRONMENTAL NUISANCE

- 6.15 NPPF Paragraph 180 states that new development should be appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and the quality of life.
- 6.16 London Plan Policy D14 states in order to reduce, manage and mitigate noise to improve health and quality of life, development proposals should manage noise by avoiding significant adverse noise impacts on health and quality of life.
- 6.17 Local Plan Policy CC11 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 states that the Council will, where appropriate require mitigation measures if a nuisance (such as smoke, smell, or noise) would be likely to occur. This is supported by Planning Guidance SPD Key Principle NN7. 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. Local Plan Policy TLC5 states that except within predominantly commercial areas, such as parts of town centres, food and drink establishments shall not be open to customers later than the hour of 23:00.
- 6.18 In this case, the nearest residential properties on Exhibition Close on the western side of Wood Lane are approximately 25 metres away from the market stalls. Noise from the development is most likely to be generated from vehicles arriving, setting up, voices etc.
- 6.19 At present the stalls are permitted to be erected between 7am to 3pm Monday to Friday only (condition 4). Whilst condition 3 prevents the stalls being erected at any time on days when football matches are taking place at Loftus Road this is solely to avoid the stalls causing an obstruction on the footway during those times when the area experiences exceptionally high levels of footfall, and not in the interests of environmental nuisance. The market stalls are required to be dismantled and removed when not trading (condition 2).
- 6.20 It is proposed that the stalls would be erected Monday to Saturday from 8am to 3pm and on Sunday and Bank Holidays from 9am to 3pm, with the exception of weekends and public holidays when there is a match scheduled in the interests of highway safety as discussed above.

- 6.21 The stalls would have a later start time than currently allowed on Monday to Friday. Whilst the stalls would now operate on weekends and Bank Holidays this would only be for limited hours during the day. As stated earlier the servicing plan confirms that unloading and loading will be done in designated intervals with each trader given an allocated slot between 08:00 am to 8:30am to unload and 3:10pm to 3:40pm to load. Loading and unloading will take 10 to 15 minutes per trader at a maximum. This managed approach is considered acceptable. During the time the stalls have operated the Council's Environmental Protection Team and Licencing Team have not received any complaints relating to noise. In addition, the stalls are located in an already busy and activated space throughout the year, adjacent to the Wood Lane as well as White City Station which produce high levels of background noise. On this basis there is no objection to the proposal in terms of noise and disturbance. The hours of operation and the unloading and loading plan will be secured by conditions.
- 6.22 The stalls cook and serve hot food and therefore there is likely to be hot food odours near the site from an early time. However, due to the open nature of the site, the distance from residential properties and the fact the odours would not be channelled or vented in any particular direction, Officers consider that hot food odours would not result in any undue nuisance to those residential properties opposite. Again, the Council's Environmental Protection Team have not received any complaints relating to odours.
- 6.23 Whilst the development has demonstrated over the last 2 years that it can operate without causing environmental nuisance, given the current proposals would include increased trading hours officers consider it to be reasonable to grant permission for a further temporary period of 24 months to allow Environmental Protection Officers to monitor the impact of the development and record any complaints received during that time. If the stalls were found to be operating without issues, the applicant could then re-apply for a longer-term permission.
- 6.24 On this basis, and subject to the inclusion of conditions officers consider the proposals would not cause undue detriment to the general amenities at present enjoyed by existing surrounding residents in terms of noise and vibration and odours, in accordance with the above stated policies.

## DESIGN AND HERITAGE

- 6.25 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.'



- 6.26 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.
- 6.27 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.
- 6.28 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.
- 6.29 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 Wood Lane Conservation Area. and the potential impact on the setting of the adjacent local listed, building of merit, White City Station, Wood Lane. The application site is situated in the Wood Lane Conservation Area. The proposal looks to install 6 market stalls within the Footpath on Wood Lane by the junction opposite South Africa Road. Given the scale and location of these removeable units, the proposal would not result in any harm to the character and appearance of the Conservation Area.
- 6.30 In terms of other heritage assets, the proposal site is situated close to White City Station, Wood Lane, a locally listed, Building 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).

## AIR QUALITY

- 6.31 LBHF was designated as an Air Quality Management Area (AQMA) in 2000 for two pollutants - Nitrogen Dioxide (NO<sub>2</sub>) and Particulate Matter (PM<sub>10</sub>).
- 6.32 London Plan Policy SI1 states that development proposals should not lead to deterioration of existing poor air quality, create any new areas that exceed air quality limits or create unacceptable risk of high levels of exposure to poor air quality.
- 6.33 Local Plan Policies CC1 and CC10 seek to reduce potential adverse air quality impacts arising from new developments and sets out several requirements. These are supported by Planning Guidance SPD Key Principles AQ1 to AQ5.
- 6.34 The site is in an area of very poor air quality, within the borough-wide Air Quality Management Area (AQMA) due to the road traffic emissions from Wood Lane and Depot Road. The development proposal will introduce new receptors (in the form of the traders and customers at the stalls) into an area of poor air quality.
- 6.35 The Council's Environmental Quality officer has considered the proposal and has recommended a condition preventing the use of mobile electrical fuel-based generators e.g. diesel and petrol, for heating, lighting and energy supplies for the market stalls.
- 6.36 On this basis officers consider that the proposed development would not detrimentally impact on Air Quality and would be in accordance with the policies stated above.

## 7.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

+ Mayoral and Local CIL

- 7.1 The Mayor's CIL (Community Infrastructure Levy) came into effect in April 2012 and new fee rates came into effect in April 2019. This would contribute towards the funding of Crossrail. The GLA expect the Council, as the Collecting Authority, to secure the levy in accordance with London Plan Policy DF1.
- 7.2 The Council's Community Infrastructure Levy (CIL) is also a charge levied on the net increase in floorspace arising from development in order to fund infrastructure that is needed to support development in the area. The CIL Charging Schedule was presented to Council and approved 20 May and has formally taken effect since the 1st September 2015.
- 7.3 The proposals are not liable for either the Mayor's or Council's Community Infrastructure Levy.

## 8.0 CONCLUSION

- 8.1 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.
- 8.2 In the assessment of the application regard has been given to the NPPF, London Plan, and Local Plan policies as well as guidance.
- 8.3 In summary, the proposal would be acceptable in principle. The continued use of the footpath for the placing of the market stalls will contribute to the existing range of facilities on offer in the White City East Regeneration Area and add to the vitality and vibrancy of the immediate area, and would not affect the viability of any designated shopping area. Highways Officers and Environmental Protection Officers are satisfied that the stalls which have been place for some 2 years, due to their location and management by the traders do not impact on the public highway or cause environmental nuisance. Subject to conditions the continuation and intensification of the development in terms of increased hours of operation would be acceptable in terms of its highways implications and noise and disturbance for neighbours. The proposals would also be acceptable on visual grounds and would not result in harm the character and appearance of the conservation area, or nearby heritage assets. In these respects, the proposals comply with the relevant policies of the NPPF (2019), the London Plan (2021), the Local Plan (2018) and the relevant Key Principles within the Planning Guidance Supplementary Planning Document (2018).
- 9.0 RECOMMENDATION
- 9.1 That planning permission be granted for the above scheme subject to the attached conditions.