

Planning and Development Control Committee

Agenda

Tuesday 8 March 2022 at 7.00 pm
Main Hall (1st Floor) - 3 Shortlands, Hammersmith, W6 8DA

MEMBERSHIP

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

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

Public Notice

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. You can also watch live on YouTube: <https://youtu.be/gu7RgZc9lHY>

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 3rd March 2022.

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

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

Date Issued: 28/02/22

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 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

This meeting is being held in the Council's offices at 3 Shortlands, Hammersmith, W6 8DA.

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

Members of the public are welcome to observe the meeting, but spaces are limited due to social distancing so please contact 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 covid 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 covid symptoms, please take a lateral flow test in the 24 hours before attending the meeting.

You can order lateral flow tests online or visit a testing centre:

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

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

Attending the meeting

To keep 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).

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

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

Planning and Development Control Committee Agenda

8 March 2022

<u>Item</u>	<u>Pages</u>
1. APOLOGIES FOR ABSENCE	
2. DECLARATION OF INTERESTS	
<p>If a Councillor has a disclosable pecuniary interest in a particular item, whether or not it is entered in the Authority's register of interests, or any other significant interest which they consider should be declared in the public interest, they should declare the existence and, unless it is a sensitive interest as defined in the Member Code of Conduct, the nature of the interest at the commencement of the consideration of that item or as soon as it becomes apparent.</p> <p>At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a disclosable pecuniary interest or other significant interest may also make representations, give evidence or answer questions about the matter. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken.</p> <p>Where Members of the public are not allowed to be in attendance and speak, then the Councillor with a disclosable pecuniary interest should withdraw from the meeting whilst the matter is under consideration. Councillors who have declared other significant interests should also withdraw from the meeting if they consider their continued participation in the matter would not be reasonable in the circumstances and may give rise to a perception of a conflict of interest.</p> <p>Councillors are not obliged to withdraw from the meeting where a dispensation to that effect has been obtained from the Standards Committee.</p>	
3. MINUTES	5 - 6
<p>To approve as an accurate record, and the Chair to sign, the minutes of the meeting of the Committee held on 8 February 2022.</p>	
4. 5A HEATHMAN'S ROAD, LONDON SW6 4TJ, TOWN, 2021/03907/FUL	7 - 17
5. 181 TALGARTH ROAD, LONDON W6 8DN, HAMMERSMITH BROADWAY, 2021/03561/FUL	18 - 134

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



Tuesday 8 February 2022

APOLOGIES FOR ABSENCE

Apologies for absence were provided by Councillor Rebecca Harvey.

DECLARATION OF INTERESTS

PRESENT: Councillors Rachel Leighton (Chair), Wesley Harcourt, Natalia Perez, Asif Siddique, Frances Umeh, Alex Karmel and Matt Thorley.

MINUTES OF THE MEETING HELD ON 7 DECEMBER 2021

The minutes of the meeting held on 7 December 2021 were agreed.

**ITEM 4 – UNITS B, B1 AND C 77 FULHAM PALACE ROAD LONDON W6 8JA,
HAMMERSMITH BTROADWAY, 2021/02298/FUL**

In the course of discussions, Councillor Alex Karmel proposed an additional condition: “That no organised lessons be arranged before 0600 hours and after 2200 hours and for this to apply all week, all year.” This was seconded by Councillor Matt Thorley.

The Committee voted on the additional condition for application 2021/02298/FUL as follows:

For:

6

Against:

1

Not Voting:

0

The Committee voted on the recommendations for application 2021/02298/FUL as follows:

Officer Recommendation 1:

For:
7
Against:
0
Not Voting:
0

Officer Recommendation 2:

For:
7
Against:
0
Not Voting:
0

RESOLVED THAT:

Planning Application 2021/02298/FUL be approved subject to:

1. That the Chief Planning Officer be authorised to grant planning permission subject to the conditions listed below;
2. That the Chief Planning Officer, after consultation with the Assistant Director, Legal Services 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
Finished: 7:25 pm

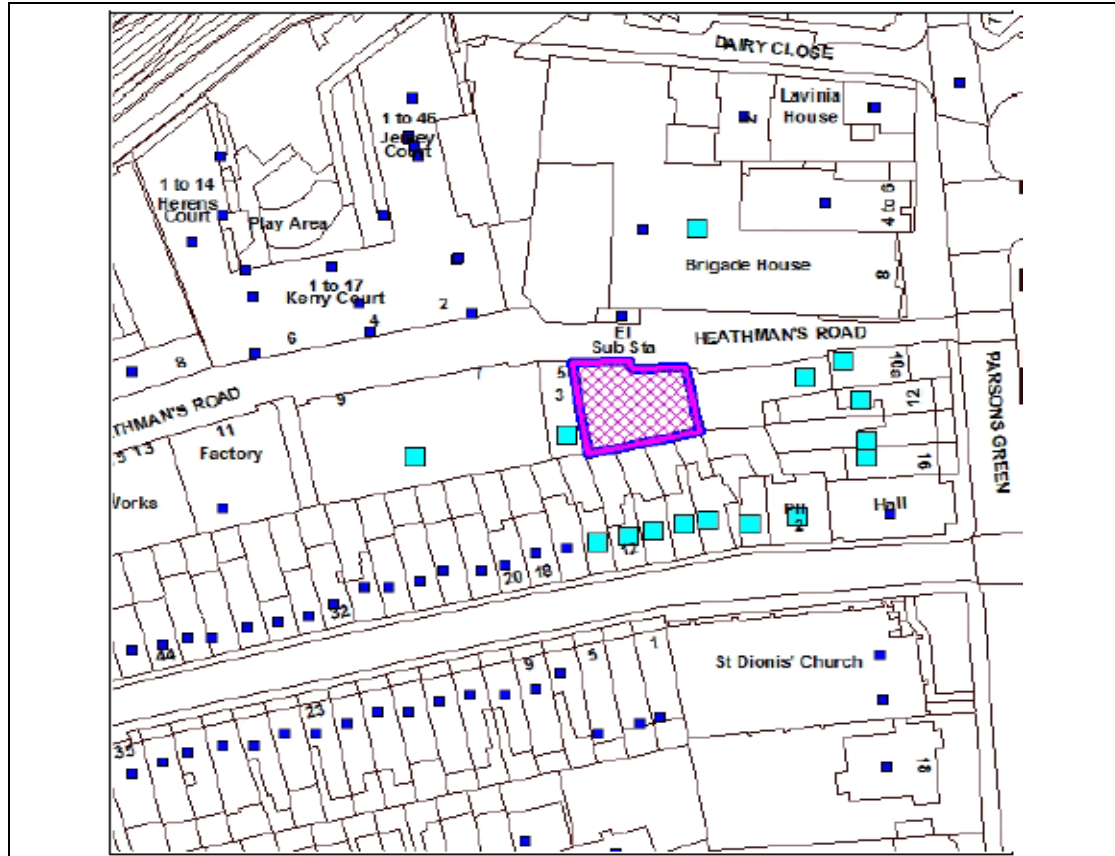
Chair

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

Ward: Town

Site Address:

5A Heathman's Road London SW6 4TJ



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For identification purposes only - do not scale.

Reg. No:
2021/03907/FUL

Case Officer:
Sinead Winship-David

Date Valid:
07.12.2021

Conservation Area:

Committee Date:
08.03.2022

Applicant:

Dashper

Rothley Lodge Leicestershire LE7 7NL

Description:

Increasing the ridge of the main roof by 150mm; re-roofing of the main roof with new grey fibre cement tiles, new dormer comprising of rooflights, installation of new rooflights and solar panels following the removal of existing rooflights in the main roofslopes, and replacement of existing air conditioning units with 4no new air conditioning units and 1no digital inverter enclosed within acoustic panels at roof level; alterations to the front and side fenestrations to include rendering of the external facade, replacement of existing windows with new double glazed metal framed windows, raising the cills of the ground floor windows and re-location of 2no windows at first floor level to the front elevation, replacement of existing entrance door with a window and the existing window with a new entrance door at ground floor level to the front elevation.

Application Type:

Full Detailed Planning Application

Officer Recommendation:

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

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

Conditions:

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

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

- 2) The development hereby permitted shall be carried out in complete accordance with the following approved drawing numbers, other than where those details are altered pursuant to the conditions of this planning permission:

PCA-7100-20; PCA-7100-21; PCA-7100-22; PCA-7100-22; PCA-7100-23; PCA-7100-24; PCA-7100-25; PCA-7100-26; PCA-7100-27; Flood Risk Assessment prepared by Peter Couper Architects; Plant Noise Assessment (Ref 11715.RP01.PNA.0).

To ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans.

- 3) The development hereby approved shall be carried out and completed in accordance with the materials (including colour and finish) specified on the drawings hereby approved. The development shall be permanently retained in accordance with the approved details. Any works of making good to existing elevations shall be carried out in materials to match the elevation to which the works relate.

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

- 4) The development shall be carried out and completed in full accordance with the details contained within the approved Flood Risk Assessment [ref. 2167903]. No part of the development shall be used or occupied until all flood prevention and mitigation measures have been installed in accordance with the submitted details and the development shall be permanently retained in this form and maintained as necessary thereafter.

To limit the impact on flood risk and mitigate the susceptibility of the development to flooding in accordance with Policies CC2, CC3 and CC4 of the Local Plan (2018).

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

The plant equipment shall not operate other than during the hours of 0800 - 2000

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

- 6) Prior to use of the roof level plant hereby approved, the air conditioning system 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 and surrounding premises is not adversely affected by vibration, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

- 7) Prior to the installation of any roof level plant equipment hereby permitted, the existing roof level plant comprising 6no. air conditioning units, shall be decommissioned and removed from the site.

To protect neighbouring residents from undue noise and disturbance and to prevent harm to the character and appearance of the host building in accordance with Policy CC11, DC1 and DC4 of the Local Plan (2018).

Justification for Approving the Application:

The proposal would not result in any harm to the character and appearance of the host building, wider terrace or nearby Parsons Green Conservation Area or Grade II listed building. Subject to conditions, there would be no unduly adverse impact upon the residential amenity of neighbouring occupiers. The proposal would further help enhance the thermal efficiency of the host building and reduce carbon emissions. The proposal is therefore in accordance with Policy DC1, DC4, DC6, DC8, HO11, CC1, CC11 and CC13 of the Local Plan (2018)

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

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

Application form received: 4th December 2021
Drawing Nos: see above

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

Neighbour Comments:

Letters from:

Dated:

4 St Dionis Road London SW6 4TT	04.01.22
6 St Dionis Road London SW6 4TT	03.01.22
8 St Dionis Road London SW6 4TT	03.01.22
10 St Dionis Road London SW6 4TT	03.01.22
12 St Dionis Road London SW6 4TT	04.01.22
14 St Dionis Road London SW6 4TT	04.01.22
16 St Dionis Road London SW6 4TT	03.01.22
18 St Dionis Road London SW6 4TT	03.01.22
24 St Dionis Road London SW6 4TT	04.01.22
44 St Dionis Road London SW6 4TT	05.01.22
66 St Dionis Road London SW6 4TU	03.01.22
70 St Dionis Road London SW6 4TU	04.01.22

1. SITE AND SURROUNDINGS

- 1.1. The application site comprises a two storey, mid-terrace commercial building on the southern side of Heathman's Road. The building is currently vacant but was last in use as design offices, including desk based work, and associated studios (Class E). Heathman's Road is characterised primarily by light industrial and office uses (Class E).
- 1.2. The site is adjoined to the rear by the gardens of properties that front St Dionis Road. The site is within 50m of Parsons Green Conservation Area but does not itself fall within a conservation area. There are no listed buildings in the immediately vicinity of the application site.
- 1.3. The site is within Flood Risk Zone 3 and within a noise nuisance zone.

2. RELEVANT PLANNING HISTORY

- 2.1. The site is referred to as both no. 5 and 5a Heathman's Road in planning records. The adjoining property is known as no. 5 'The Studio', but also referred to as no. 5 in planning records. The planning history relates only to the application site.
- 2.2. 2019/02834/CLE - Use of the building as design offices, studios and computer based desk work (Class B1). Application permitted 04.12.2019.

3. CURRENT APPLICATION

- 3.1. The application seeks planning permission for:
Increasing the ridge of the main roof by 150mm; re-roofing of the main roof with new grey fibre cement tiles, new dormer comprising of rooflights, installation of new rooflights and solar panels following the removal of existing rooflights in the main roofslopes, and replacement of existing air conditioning units with 4no new air conditioning units and 1no digital inverter enclosed within acoustic panels at roof level; alterations to the front and side fenestrations to include rendering of the external facade, replacement of existing windows with new double glazed metal framed windows, raising the cills of the ground floor windows and re-location of 2no windows at first floor level to the front elevation, replacement of existing entrance door with a window and the existing window with a new entrance door at ground floor level to the front elevation.
- 3.2. The application does not seek to change the use of the building. The building will continue to be used as a design office with associated studios. The increase in the ridge height is to enable improvements to the thermal performance of the building and to allow for the installation of solar panels. The proposals do not involve any increase in the floorspace of the building.

4. PUBLICITY AND CONSULTATION

- 4.1. In addition to site and press notices, 62 individual notification letters were sent to neighbouring properties. In response, 18 objections have been received and 6 of

these were duplicates. The issues raised are summarised below:

- Noise from plant in close proximity to homes along St Dionis Road
- Noise mitigation would reduce levels to just below the accepted limit – needs a review
- Condition should be attached to restrict plant operation (9am-6pm and to not exceed 30dB)
- Increased roof height creates unwanted oversized precedent – harmful to adjacent CA
- AC units would be visually unattractive
- Reduced light to gardens/ cottages with an overbearing impact
- Pandemic concern that used air will be expelled from the units towards existing houses

5. POLICY FRAMEWORK

5.1. The statutory development plan comprises the London Plan (2021), the Local Plan (2018) and the Planning Guidance Supplementary Planning Document - 2018 (hereafter referred to as Planning Guidance SPD). A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application.

National Planning Policy Framework (NPPF)

5.2. The NPPF came into effect on 27 March 2012 and was subsequently revised in 2019 and more recently in 2021 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.

5.3. 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

The London Plan

5.4. The London Plan was published in March 2021 and is the Spatial Development Strategy for Greater London. It sets out a framework for how London will develop over the next 20-25 years.

The Local Plan

5.5. 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. PLANNING CONSIDERATIONS

6.1. The main planning considerations in the assessment of this application include the following:-

- Impact on the character and appearance of the host building and nearby Parsons Green Conservation Area
- Residential amenity of neighbouring occupiers

LAND USE

6.2. The lawful use of the building was established through a lawful development certificate in December 2019 (ref. 2019/02834/CLE). The lawful use, as described on the decision notice is 'design offices, studios and computer based desk work (Class B1)'. The Use Class Order was subject to national change in September 2020 and Class B1 now falls within Class E.

6.3. The use as described in the submission would similarly be considered a design office, with desk based work, and associated studios. No increase in floor area is proposed. As such, there are no land use considerations in assessing this application.

CONSERVATION AND DESIGN

6.4. Local Plan Policies DC1 and DC4 are particularly relevant to the assessment of design. Policy DC1 (Built Environment) states that all development within the borough should create a high-quality urban environment that respects and enhances its townscape context and heritage assets. There should be an approach to accessible and inclusive urban design that considers how good design, quality public realm, landscaping and land use can be integrated to help regenerate places. Policy DC4 (Alterations and Extensions, Including Outbuildings) sets out to ensure that a high standard of design will be achieved in all alterations and extensions to existing buildings. Policy DC8 seeks to protect the character and appearance of heritage assets. Policy DC6 seeks to ensure replacement windows respect the architectural character of the building and its surroundings.

Roof alterations

6.5. The subject building has a multi-pitched roof, comprising two gables which are connected by a valley gutter. This style is repeated in the adjoining buildings, with each connected again by a valley gutter that is an important and characteristic feature of the streetscene. The proposal would see an increase in the height of the ridges by 150mm to allow for the installation of additional insulation to increase the thermal efficiency of the building. The ridge height would increase from 8.35m to 8.5m. There are a variety of ridge heights within the group of buildings to which the application site belongs and so the increase proposed would not result in a loss of uniformity. Furthermore, the increase sought is considered to be of such a minimal scale that it would likely be imperceptible once works are completed. It is further proposed to alter the valley gutter that connected the two gables to create a flat area. This is to facilitate the provision of plant equipment and the associated acoustic screening. The

characteristic roof profile would be retained, with a clearly defined valley between the two gables. As such, officers consider that there would be no harm to the character and appearance of the host building or terrace group as a result of the alterations to the roof. The ridges of the gable roofs may be visible in longer views from the Parsons Green Conservation Area. However, officers do not consider that this would result in any harm to the CA or the nearby Grade II listed St Dionis' Mission Hall, noting that the appearance of the roofscape would appear largely unaltered given the limited increase in height proposed. The proposal would therefore not adversely impact upon the setting of the aforementioned heritage assets.

- 6.6. A dormer is proposed to the eastern roof slope, set between the two gables. The dormer would be set back from the front and rear elevations thus minimising views from the public realm. The dormer would have a limited projection from the roof slope and would be finished in materials to match the roof which would further reduce its visual dominance. Rooflights are proposed to the flat roof of the dormer to provide natural light to the commercial floorspace below. The dormer would appear as a subservient addition to the host building and would be in keeping with the industrial style of the streetscene.
- 6.7. A number of pitched rooflights are proposed across the roof slopes. The rooflights would be set within slimline black frames with vertical glazing bars, thus having an industrial style. The rooflights would be unobtrusive additions that would not be detrimental to the character or appearance of the host building.
- 6.8. Two photovoltaic arrays (solar panels) are proposed at roof level. Given the industrial style of the host building, the extensive number of solar panels would not appear uncharacteristic. Furthermore, the solar panels would allow for the generation of energy on site, reducing the carbon emissions of the building. This intervention would not result in undue harm to the character or appearance of the host building and would contribute towards the reduction in carbon dioxide emissions in accordance with Policy CC1.
- 6.9. The provision of roof level plant and screening is considered appropriate, acknowledging that this is an industrial building within a commercial area. The plant and screen would be set back from the front and rear elevations and set within the valley between the two gables thus minimising views. The plant equipment may be visible from within properties along St Dionis Road, however, this in itself would not constitute harm and significant weight is given to the commercial nature of the host building and the group to which it belongs.
- 6.10. The application further seeks to replace the existing roof covering with dark grey fibre cement slates. This would be in keeping with other buildings within the wider terrace and is considered an appropriate material.

Alterations to the front elevation

- 6.11. It is proposed to rearrange the pattern of fenestration to the front elevation of the host building. This would primarily comprise of the relocation of the external entrance and changes to the location of some upper floor windows. The ratio of solid to void would largely be retained, with substantial glazing and double

height windows. The windows to the side elevation of the gable are also proposed to be replaced. All windows would be set within dark grey multi-pane metal frames, replacing the existing black framing. The proposed changes to the fenestration would allow for the character and appearance of the host building to be retained and would therefore be acceptable in accordance with Policy DC6.

- 6.12. Modestly sized powder coated individual letters are proposed above the external entrance to the building, denoting the number and name of the building. Halo illumination is proposed to the individual letters, which would be subtle and would detract from the host building. A further projecting tray sign is proposed adjacent to the entrance door that would be powder-coated green to match the front elevation. This sign would also be illuminated, again in a manner that would be considered appropriately subtle. The projecting signage would be of a very small scale and would appear congruent with the host building. The tray sign would similarly state the address of the building. Each sign would not benefit from deemed consent under the Advertisement Regulations (2007) as each serves to identify a building but are illuminated. An informative would be attached to the decision to make clear that a separate application for advertisement consent would be required.
- 6.13. The front elevation is currently painted white and it is further proposed to paint the front elevation of the building dark green. The application of colour to a façade is permitted development, under Schedule 2, Part 2, Class C of the General Permitted Development Order (2015) (as amended) and is therefore not to be considered further in the determination of this application.

Conclusion

- 6.14. The proposed alterations and additions would be modest in nature and would preserve the character and appearance of the host building and the wider terrace. The proposals would maintain the industrial character of the streetscene and would not result in any harm to the nearby heritage assets. The proposals are therefore in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

RESIDENTIAL AMENITY

- 6.15. Local Plan Policy HO11 and DC4 state that extensions and alterations to existing buildings will be considered acceptable where it can be demonstrated that there is no detrimental impact upon the amenities enjoyed by neighbouring properties to include privacy, daylight and sunlight, and outlook. There are a number of key principles within the SPD which provide further guidance on the assessment of extensions to residential properties. As this is a commercial property without any associated external space, the specific tests set out in the key principles would not apply.

Daylight and Sunlight

- 6.16. The building is to the north of the properties fronting St Dionis Road. As such, there would be no undue loss of sunlight as the gardens and windows are north facing. This is in line with BRE guidance for assessing impacts on sunlight. The amendments at roof level primary comprise a maximum increase in the ridge

heights by 150mm from 8.35m to 8.5m. This would be unlikely to result in any perceptible loss of daylight to the nearest facing residential windows, located approx. 8m from the site. The bulk added by the acoustic screen would be minimal, particularly as it would be set back from the rear elevation and within the valley gutter between gables. Overall, officers conclude that the proposals would have no undue adverse impacts upon daylight and sunlight to neighbouring properties along St Dionis Road.

Sense of enclosure and overbearing impact

- 6.17. The proposed increase in ridge height, of 150mm, would likely be imperceptible once completed. It is not considered that the proposal would result in any adverse impacts in relation to sense of enclosure or overbearing impact.

Noise and disturbance

- 6.18. An air conditioning system, comprising five units is proposed at roof level and these would replace the existing air condition units. An acoustic screen is also proposed to provide attenuation to neighbouring properties.
- 6.19. The application has been supported by a plant noise assessment which has been reviewed by the Council's Noise and Nuisance Team. The assessment has measured the existing background noise levels, with the existing air conditioning units not operating, to establish a baseline. The acoustic report concludes that the noise generated by the proposed plant equipment would be below the existing lowest background noise level when measured from no. 8 St Dionis Road (i.e. the nearest sensitive receptor).
- 6.20. The Council's Noise and Nuisance Team have confirmed that they agree with this assessment and that the noise generated by the plant equipment could not objectively be singled out from other existing background noise once operational. The acoustic report has demonstrated compliance with BS8233 "*Guidance on sound insulation and noise reduction in buildings*". Overall, officers conclude that the plant equipment would not result in any additional undue noise and disturbance to neighbouring occupiers subject to three conditions requiring the following: noise generated by the plant equipment be at least 10dBA lower than the existing background noise levels, the plant operates only between the hours of 08:00 - 20:00 the equipment be mounted with anti-vibration isolators and the removal of the existing air conditioning units prior to the installation of the proposed replacement units. Subject to these conditions, the proposal would be in accordance with Policy CC11 and CC13 of the Local Plan.

7. CONCLUSION

- 7.1. The proposed alterations would help enhance the thermal efficiency of the host building, whilst reducing the carbon emissions. The alterations and additions would be in keeping with the character and appearance of the host building, the wider terrace of buildings and would not result in any harm to the any heritage assets. Subject to conditions, there would be no undue harm to the residential amenity of neighbouring occupiers. The proposal is therefore acceptable and in accordance with the Local Plan (2018).

8. RECOMMENDATION

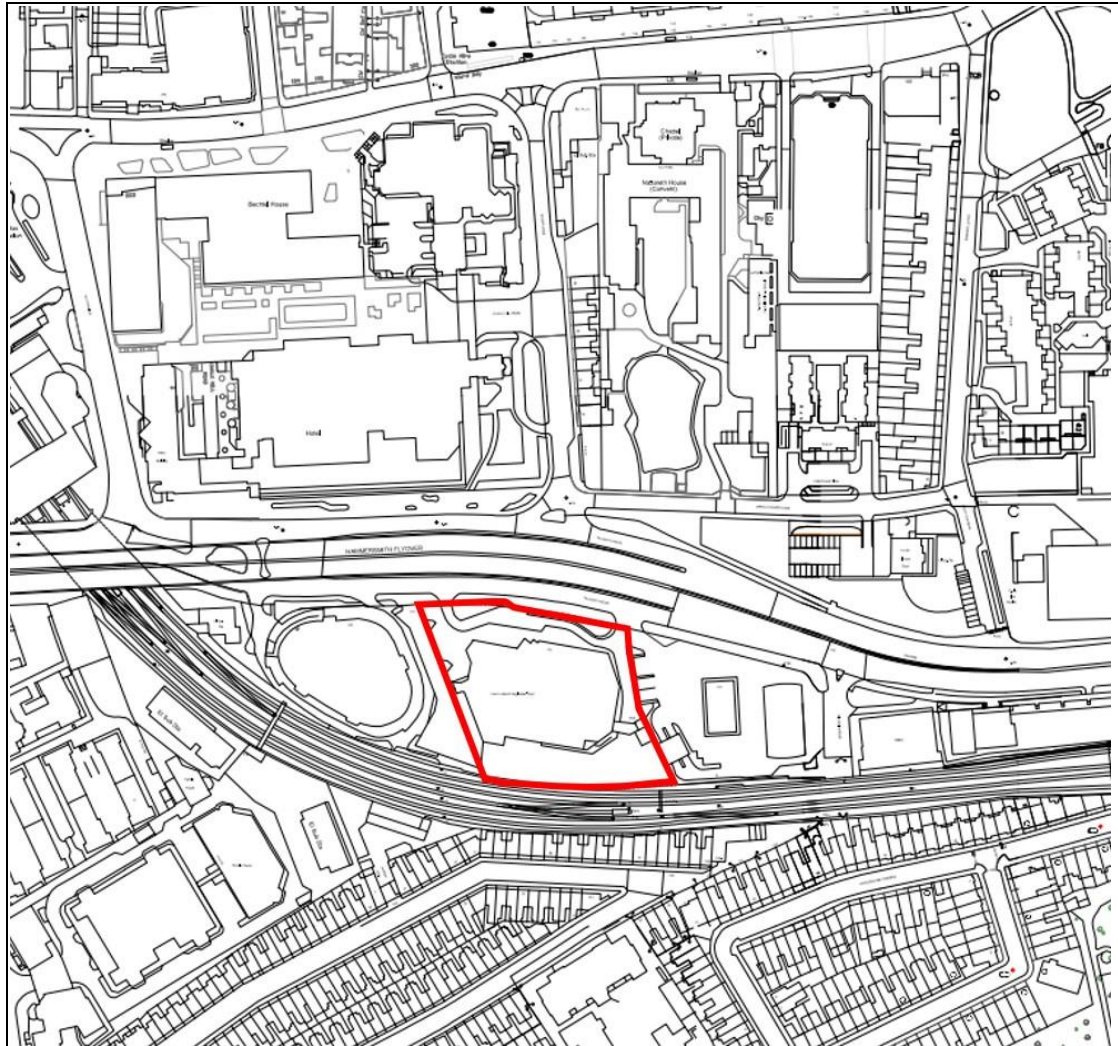
8.1. Grant planning permission, subject to conditions.

Agenda Item 5

Ward: Hammersmith Broadway

Site Address:

181 Talgarth Road London W6 8DN



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For identification purposes only - do not scale.

Reg. No:
2021/03561/FUL

Case Officer:
Peter Wilson

Date Valid:
05.11.2021

Conservation Area:
No

Committee Date:
08.03.2022

Applicant:

Dominvs Hammersmith Hotel 9 Limited
C/O Agent

Description:

Erection of two buildings comprising student accommodation use (Sui Generis) and hotel use (Use Class C1) with ancillary facilities; ancillary plant; servicing; cycle parking; creation of a public realm; wider landscaping improvements and enabling works.

Application Type:

Full Detailed Planning Application

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

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

Application form received: 4th November 2021
Drawing Nos: see Condition 2 above

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

Consultation Comments:**Comments from:**

Greater London Authority - Planning Decisions Unit
Historic England London Region
Transport For London - Land Use Planning Team
Thames Water - Development Control
Crime Prevention Design Advisor - Hammersmith

Dated:

19.01.22
02.12.21
09.12.21
24.12.21
15.12.21

Neighbour Comments:**Letters from:**

27 Beryl Road London W6 8JS
70 Margravine Gardens London W6 8RJ
11 Niton Street London SW6 6NH
31 St Dunstons Road Ground floor flat London W6 8RE

Dated:

15.12.21
10.12.21
30.11.21
29.11.21

74 Beryl Road London W6 8JT	22.12.21
25 St Dunstons Road London W6 8RE	30.11.21
36 St Dunstons Rd London W6 8RB	13.12.21
71 Margravine Gardens London W6 8RN	20.12.21
91 Biscay Road London W6 8JW	22.12.21
135 Talgarth Road London W14 9DA	08.12.21
23 Fitzgeorge Avenue London W14 0SY	23.12.21

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Officer Recommendation:

- 1) That the Committee resolve that, subject to there being no contrary direction from the Mayor for London, the Chief Planning Officer be authorised to grant planning permission upon the completion of a satisfactory legal agreement and subject to the conditions listed below.**
- 2) That the Committee resolve that the Chief Planning Officer, after consultation with the Assistant Director, Legal Services and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed Heads of Terms of the legal agreement or proposed conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.**

CONDITIONS

In line with the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, officers have consulted the applicant on the pre-commencement conditions included in the agenda and the applicant has raised no objections.

1. Time Limit

The development hereby permitted shall not commence later than 3 years from the date of this decision

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

2. Approved Drawings

The development shall be carried out and completed in accordance with the following approved drawing numbers:

TRA-RSHP-NX-NX-DR-A-01001
TRA-RSHP-NX-NX-DR-A-01002
TRA-RSHP-NX-NX-DR-A-01010
TRA-RSHP-NX-NX-DR-A-01011
TRA-RSHP-NX-NX-DR-A-01012
TRA-RSHP-NX-00-DR-A-10100
TRA-RSHP-NX-0M-DR-A-10100M
TRA-RSHP-NX-00-DR-A-10100 P01
TRA-RSHP-NX-01-DR-A-10101
TRA-RSHP-NX-02-DR-A-10102
TRA-RSHP-NX-03-DR-A-10103
TRA-RSHP-NX-04-DR-A-10104
TRA-RSHP-NX-05-DR-A-10105
TRA-RSHP-NX-06-DR-A-10106
TRA-RSHP-NX-07-DR-A-10107
TRA-RSHP-NX-08-DR-A-10108
TRA-RSHP-NX-09-DR-A-10109
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TRA-RSHP-NX-13-DR-A-10113
TRA-RSHP-NX-14-DR-A-10114
TRA-RSHP-NX-15-DR-A-10115
TRA-RSHP-NX-16-DR-A-10116
TRA-RSHP-NX-17-DR-A-10117

TRA-RSHP-NX-18-DR-A-10118
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TRA-RSHP-NX-00-DR-A-20001
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TRA-RSHP-NX-00-DR-A-20011
TRA-RSHP-NX-00-DR-A-20012
TRA-RSHP-NX-00-DR-A-20013
TRA-RSHP-NX-00-DR-A-20014
TRA-RSHP-NX-00-DR-A-25001
TRA-RSHP-NX-00-DR-A-25002

Reason: 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, DC2, DC3, DC7 and DC8 of the Local Plan (2018).

3. Community Liaison Group

No development shall commence until the establishment of a Community Liaison Group, to be maintained for the duration of the construction works hereby approved, having the purpose of:

- (i) informing nearby residents and businesses of the building programme and progress of demolition and construction works for the development;
- (ii) informing nearby residents and businesses of appropriate mitigation measures being undertaken as part of each phase of the development;
- (iii) informing nearby residents and businesses of considerate methods of working such as working hours and site traffic;
- (iv) providing advanced notice of exceptional hours of work, if and when appropriate;
- (v) providing nearby residents and businesses with an initial contact for information relating to the works and procedures for receiving/responding to comments or complaints regarding the development with the view of resolving any concerns that might arise;
- (vi) providing telephone contacts for nearby residents and businesses 24 hours daily throughout the works for the development; and
- (vii) producing a leaflet prior to the commencement of the development for distribution to nearby residents and businesses, identifying progress of the development and which shall include an invitation to register an interest in the Liaison Group.

The terms of reference for the Community Liaison Group shall be submitted to the Council for approval prior to commencement of any works on site. The Community Liaison Group shall meet at least once every quarter until completion of the development.

Reason: To ensure satisfactory communication with residents, businesses, and local stakeholders throughout the construction of the development, in accordance with the Policies CC10, CC11, CC12, CC13, DC2, and T7 of the Local Plan (2018).

4. Hoardings

No development within a phase shall commence until a scheme for temporary fencing and/or enclosure of the site has been submitted to and approved in writing by the Local Planning Authority, and the temporary fencing and/or enclosure has been erected in accordance with the approved details. The temporary fencing and/or enclosure shall thereafter be retained for the duration of the building works in accordance with the approved details. No part of the temporary fencing and/or enclosure of the site shall be used for the display of advertisement hoardings.

Reason: To ensure a satisfactory external appearance and to prevent harm to surrounding residential occupiers, the street scene and public realm, in accordance with Policies DC1, DC8 and CC12 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

5. Infrastructure Protection – London Underground

Prior to the commencement of the development hereby permitted a detailed design and method statement (in consultation with London Underground) for the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), shall be submitted to and approved in writing by the Local Planning Authority in consultation with London Underground which:

- provide details on all structures;
- provide details on the use of tall plant/scaffolding;
- demonstrate that there will at no time be any potential security risk to the railway, property or structures;
- accommodate the location of the existing London Underground structures and tunnels;
- accommodate ground movement arising from the construction thereof;
- mitigate the effects of noise and vibration arising from the adjoining operations within the structures.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the development hereby permitted is occupied.

Reason: To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan Policy T3 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

6. Phasing/Programme

Prior to commencement of each Phase of the Development, a programme of works for that Phase shall be submitted to and approved in writing by the Council. The details

shall include a complete programme for the delivery of each respective Phase, in accordance with the provisions and the assessment carried out in the Environmental Statement and Draft Construction Management Plan hereby approved or any subsequent amendments approved by the Council. The works in each Phase shall be carried out in accordance with the approved programme.

Reason: To assist with the identification of each chargeable development (being the Phase) and the calculation of the amount of CIL payable in respect of each chargeable development in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

7. Construction Management Plan

Prior to commencement of each phase hereby permitted a Construction Management Plan (CMP) for the relevant phase shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include a detailed plan showing phasing; relevant foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), contractors' method statements, waste classification and disposal procedures and locations, location of site offices, ancillary buildings, plant, wheel-washing facilities, stacking bays and car parking, details of storage and any skips, oil and chemical storage, membership of the Considerate Contractors Scheme, delivery locations and the proposed control measures and monitoring for noise, vibration, lighting, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800-1300hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. The details shall include for each phase of works the use of on -road Ultra Low Emission Zone compliant Vehicles e.g. Euro 6 and Euro VI; provisions within the site to ensure that all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway. The works shall be carried out in accordance with the relevant approved CMP unless otherwise agreed in writing with the Local Planning Authority. Approved details shall be implemented throughout the project period.

Reason: To ensure that occupiers of surrounding premises are not adversely affected by noise, vibration, dust, lighting, or other emissions from the building site in accordance with Policy D14 of the London Plan, Policies DC1, DC12, CC6, CC7, CC10, CC11 and CC12 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

8. Construction Logistics Plan

Prior to commencement of each phase hereby permitted a Construction Logistics Plan for the relevant phase shall be submitted to and approved in writing by the Local Planning Authority. The method statement /construction management plan should include the details for all the relevant foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent). The development shall be carried out in accordance with the relevant approved Construction Logistics Management Plan unless otherwise agreed in writing with the Local Planning Authority.

Each Construction Logistics Plan shall cover the following minimum requirements:

- Site logistics and operations;
- Construction vehicle routing;
- Contact details for site managers and details of management lines of reporting;
- Detailed plan showing phasing;
- Location of site offices, ancillary buildings, plant, wheel-washing facilities, stacking bays and car parking;
- Storage of any skips, oil and chemical storage etc.; and
- Access and egress points;
- Membership of the Considerate Contractors Scheme.

Reason: To ensure that appropriate steps are taken to limit the impact of the proposed construction works on the operation of the public highway, the amenities of residents and the area generally in accordance with Policy T7 of the London Plan and T1, T6 and T7 of the Local Plan (2018).

9. Archaeology (GLAAS)

Prior to commencement of the development a Written Scheme of Investigation (WSI) shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- a) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
- b) The programme for post-investigation assessment and subsequent analysis, publication & dissemination, and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: Heritage assets of archaeological interest may survive on the site. The Local Planning Authority wishes to secure the provision of appropriate archaeological investigation, including the publication of results, in accordance with Policies DC1, DC8 of the Local Plan (2018) and key principles within the Planning Guidance Supplementary Planning Document (2018).

10. Contamination: Preliminary Risk Assessment

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

Reason: Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policies CC9 and CC13 of the Local Plan (2018) and SPD Key Principles LC1 to LC7 (2018).

11. Contamination: Site Investigation Scheme

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

Reason: Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policies CC9 and CC13 of the Local Plan (2018) and SPD Key Principles LC1 to LC7 (2018).

12. Contamination: Quantitative Risk Assessment Report

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

Reason: Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policies CC9 and CC13 of the Local Plan (2018) and SPD Key Principles LC1 to LC7 (2018).

13. Contamination: Remediation Method Statement

Unless the Local Planning Authority agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, a remediation method statement is submitted to and approved in writing by the Local Planning Authority. This statement shall detail any required

remediation works and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Reason: Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policies CC9 and CC13 of the Local Plan (2018) and SPD Key Principles LC1 to LC7 (2018).

14. Contamination: Verification Report

Unless the Local Planning Authority agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until the approved method statement has been carried out in full and a verification report confirming these works has been submitted to, and approved in writing, by the Local Planning Authority. This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement. If, during development, contamination not previously identified is found to be present at the site, the Local Planning Authority is to be informed immediately and no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Local Planning Authority. Any required remediation shall be detailed in an amendment to the remediation statement and verification of these works included in the verification report. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Reason: Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policies CC9 and CC13 of the Local Plan (2018) and SPD Key Principles LC1 to LC7 (2018).

15. Contamination: Onward Long-Term Monitoring Methodology

Unless the Local Planning Authority agree in writing that a set extent of development must commence to enable compliance with this condition, no development (except Enabling Works) shall commence until an onward long-term monitoring methodology report is submitted to and approved in writing by the Local Planning Authority where further monitoring is required past the completion of development works to verify the success of the remediation undertaken. A verification report of these monitoring works shall then be submitted to and approved in writing by the Local Planning Authority when it may be demonstrated that no residual adverse risks exist. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Reason: Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policies CC9 and CC13 of the Local Plan (2018) and SPD Key Principles LC1 to LC7 (2018).

16. Piling Method Statement

No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling would be carried out including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority, in consultation with the relevant water or sewerage undertaker. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: To prevent any potential to impact on local underground water and sewerage utility infrastructure, in accordance with Policies CC3 CC5 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.

17. Air Quality Dust Management Plan

Prior to the commencement of construction works of each phase, an Air Quality Dust Management Plan (AQDMP) in order to mitigate air pollution within the relevant phase shall be submitted to and approved in writing by the Local Planning Authority. The AQDMP submitted shall be in accordance with the Councils AQDMP Template 'C' and shall include the following details:

- 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 site activities.
- 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 demolition phase and is undertaken in compliance with the methodology contained within the Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014 and its subsequent amendments
- e. Site Specific Dust, and NO_x Emission mitigation and control measures including for on-road and off-road construction traffic as required by the overall High/Medium Dust Risk Rating of the site and shall be in a table format.
- 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 Site Action Level (SAL) of 190 µg/m³, measured as a 1-hour mean, 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 NO_x and PM₁₀ emission criteria of The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 and its subsequent amendments. This will apply to both variable and constant speed engines for both NO_x and PM. An inventory of all NRMM for the first phase of construction shall be registered on the NRMM register <https://london.gov.uk/non-road-mobile-machinery-register> prior to commencement of construction works and thereafter retained and maintained until occupation of the development.
- 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 NO_x rating A) and Euro VI

Developers must ensure that on-site contractors follow best practicable means to minimise dust, particulates (PM₁₀, PM_{2.5}) and NO_x emissions at all times. Approved details shall be fully implemented and permanently retained and maintained during the construction phases of the development..

Reason: To comply with the requirements of Policy SI1 of the London Plan and Policy CC10 of the Local Plan (2018).

18. Combustion Plant

Prior to the occupation of each building a report with details of the Emergency Diesel Generator Plant in order to mitigate existing poor air quality shall be submitted to and approved in writing by the Local Planning Authority. The report shall include the following:

- a) Details to demonstrate that the termination height of the Flue stack for the combustion Plant has been installed a minimum of 2 metres above any openable window and/or roof level amenity area
- b) Details of emissions certificates, and the results of NO_x emissions testing of each Emergency Diesel Generator Plant to demonstrate that the Emergency Diesel Generator Plant and associated abatement technologies shall meet a minimum dry NO_x emissions standard of 95 mg/Nm³ (at 15% O₂) respectively by an accredited laboratory shall be provided following installation and thereafter on an annual basis to verify compliance of the relevant emissions standards in part b). Where any combustion plant does not meet the relevant emissions Standards in part b) above, it should not be operated without the fitting of suitable secondary NO_x abatement Equipment or technology as determined by a specialist to ensure comparable emissions.
- c) Details to demonstrate where secondary abatement is used for the Emergency Diesel Generator the relevant emissions standard in part b) is met within 10 minutes of the generator commencing operation. During the operation of the emergency Diesel generators there must be no persistent visible emission. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications. The diesel fuelled generators shall only be used for a maximum of 48 hours when there is a sustained interruption in the mains power supply to the site, and the testing of these diesel generators shall not exceed a maximum of 12 hours per calendar year.

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

Reason: To comply with the requirements of Policy SI1 of the London Plan and Policy CC10 of the Local Plan (2018).

19. Ventilation Strategy

Prior to completion of the above ground core structure works in each building hereby permitted, a Ventilation Strategy report in respect of such building in order to mitigate air pollution shall be submitted to and approved in writing by the Local Planning Authority. The Ventilation Strategy report should include the following information:

- a) Details and locations of the air intake locations at rear roof level of the buildings.
- b) Details and locations of ventilation extracts, chimney/boiler flues, to demonstrate that they are located a minimum of 2 metres away from the fresh air ventilation intakes, openable windows, balconies, roof gardens, terraces;
- c) If a part (a) is not implemented details of the independently tested mechanical ventilation system with Nitrogen Dioxide (NO₂) and Particulate Matter (PM_{2.5}, PM₁₀) filtration with air intakes on the rear elevations to remove airborne pollutants. The filtration system shall have a minimum efficiency of 75% in the removal of Nitrogen Oxides/Dioxides, Particulate Matter (PM_{2.5}, PM₁₀) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890:2016;

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

Reason: To comply with the requirements of Policy SI1 of the London Plan and Policy CC10 of the Local Plan (2018).

20. Ventilation Strategy

Prior to occupation of each building hereby permitted, details of a post installation report of the approved ventilation strategy under Condition 19 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 each building and thereafter permanently retained and maintained.

Reason: To comply with the requirements of Policy SI1 of the London Plan and Policy CC10 of the Local Plan (2018).

21. Ultra-Low Emissions Strategy

Prior to occupation of each building hereby permitted, a Ultra Low Emission Strategy (ULES) for the operational phase of each building in order to mitigate the impact of air pollution shall be submitted to and approved in writing by the Local Planning Authority. The ULES must detail the remedial action and mitigation measures that will be implemented to protect receptors (e.g. design solutions). This Strategy must make a

commitment to implement the mitigation measures that are required to reduce the exposure of poor air quality and to help mitigate the development's air pollution impacts, in particular the emissions of NO_x and particulates from on-road vehicle transport by the use of Ultra Low Emission Zone (ULEZ) compliant Vehicles in accordance with the emissions hierarchy (1) Cargo bike (2) Electric Vehicle, (3) Hybrid (non-plug in) Electric Vehicle (HEV), (4) Plug-in Hybrid Electric Vehicle (PHEV), (5) Alternative Fuel e.g. CNG, LPG. A monitoring report of the implementation of the ULES shall be submitted on annual basis to the LPA from occupation of each building. Approved details shall be fully implemented prior to the occupation/use of the each building and thereafter permanently retained and maintained.

Reason: To comply with the requirements of Policy SI1 of the London Plan and Policy CC10 of the Local Plan (2018).

22. Open Space Green Infrastructure

Prior to the occupation of each building hereby permitted, details of the construction of green infrastructure (including details of planting species and maintenance) in order to mitigate air pollution for public and private amenity areas on the site boundaries with Talgarth Road (A4) shall be submitted to and approved in writing by the Local Planning Authority. The green infrastructure shall be constructed and planted in full accordance with the 'Using Green Infrastructure to Protect People from Air Pollution', Mayor of London, GLA, April 2019 guidance document within the first available planting season following completion of the development. Any plants which die, are removed, become seriously damaged and diseased within a period of five years from completion of the development shall be replaced in the next planting season with others of similar size and species. Approved details shall be fully implemented prior to the occupation/use of each building and thereafter permanently retained and maintained.

Reason: To comply with the requirements of Policy CC10 of the Local Plan (2018).

23. Flood Risk Assessment

The Flood Risk Assessment (JBA Consulting Final Report Version 5.0 October 2021) shall be implemented in accordance with the approved details, and thereafter all approved measures shall be retained and maintained in accordance with the approved details and shall thereafter be permanently retained in this form.

Reason: To reduce the impact of flooding to the proposed development and future occupants, in accordance with Policies SI 12 and SI 13 of the London Plan and policy requiring flood risk assessment and development to mitigate flood risk, Policies CC2, CC3, CC4 and CC5 of the Local Plan.

24. Revised Drainage Strategy

Prior to commencement of each phase hereby permitted a revised drainage strategy detailing any on and/or off-site drainage works, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the relevant phase shall be accepted into the public system until the drainage works referred to in the strategy have been completed. Details shall be implemented in accordance with the approved details and thereafter permanently retained in this form.

Reason: To ensure that sufficient drainage capacity is made available to cope with the new development; and to avoid adverse environmental impact upon the community in accordance with Policies SI 12 and SI 13 of the London Plan and policy requiring flood risk assessment and development to mitigate flood risk, Policies CC2, CC3, CC4 and CC5 of the Local Plan.

25. Revised Sustainable Drainage Strategy

Prior to commencement of the relevant phase a revised Sustainable Drainage Strategy (SuDS), identifying further details of how surface water would be managed on-site in-line with the London Plan Drainage Hierarchy's preferred SuDS measures, shall be submitted to and approved in writing by the Local Planning Authority. Information shall include details on the design, location and attenuation capabilities of the proposed sustainable drainage measures such as permeable surfaces, including green and blue roofs. Details of the proposed flow controls and flow rates for any discharge of surface water to the combined sewer system should also be provided, with the aim of achieving greenfield rates for final discharges. Where feasible, rainwater harvesting should also be integrated to collect rainwater for re-use in the site. The Strategy shall be implemented in accordance with the approved details, and thereafter all SuDS measures shall be retained and maintained in accordance with the approved details and shall thereafter be permanently retained in this form.

Reason: To prevent any increased risk of flooding and to ensure the satisfactory storage of/disposal of surface water from the site in accordance with Policy 5.13 of The London Plan (2016); and Policy CC3 of the Local Plan (2018).

26. Blue and /Green Roofs

Prior to commencement of relevant works, details of all blue and green roofs within the development; including the identification of further opportunities for these roofs, including details of types of roofs and a planting maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme has been carried out in accordance with the approved details and shall thereafter be permanently retained in this form.

Reason: To ensure the provision of blue/green roofs in the interests of sustainable urban drainage and habitat provision, in accordance with Policies SI 12 and SI 13 of the London Plan and policy requiring flood risk assessment and development to mitigate flood risk, Policies CC2, CC3, CC4 and CC5 of the Local Plan

27. Sustainability

Within 6 months of occupation or any use of each building, a BREEAM (2011) certificate confirming that the buildings achieve an 'Excellent' BREEAM rating shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of energy conservation, reduction of CO2 emissions and wider sustainability, in accordance with Policies London Plan Policies SI2, SI3 and SI4 and Policies CC1, CC2 and CC7 of the Local Plan.

28. Revised Energy Strategy

Prior to commencement of each phase a revised Energy Strategy for the development shall be submitted to and approved in writing by the Local Planning Authority. The revised strategy shall include details of energy efficiency and low/zero carbon technologies and confirm that CO2 emissions would be reduced in line with the London Plan targets. No part of the development shall be used or occupied until it has been carried out in accordance with the approved details and shall thereafter be permanently retained in this form.

Reason: In the interests of energy conservation and reduction of CO2 emissions, in accordance with Policies London Plan Policies SI2, SI3 and SI4 and Policies CC1, CC2 and CC7 of the Local Plan.

29. Thames Water: Waste Network

Each phase shall not be occupied until confirmation has been submitted to and approved in writing by Local Planning Authority in consultation with Thames Water, that either:

- All combined water network upgrades required to accommodate the additional flows from that phase have been completed; or
- An infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where an infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed infrastructure phasing plan.

Reason: Condition required by Thames Water as the development may lead to the requirement of sewage flooding and network reinforcement works, anticipated necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development and to avoid sewer flooding and/or potential pollution incidents, in accordance with Policies SI 12 and SI 13 of the London Plan and policy requiring flood risk assessment and development to mitigate flood risk, Policies CC2, CC3, CC4 and CC5 of the Local Plan

30. Thames Water: Water Network

Each phase shall not be occupied until confirmation has been submitted to and approved in writing by Local Planning Authority in consultation with Thames Water, that either:

- All water network upgrades required to accommodate the additional flows from that phase have been completed; or
- An infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where an infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed infrastructure phasing plan.

Reason: Condition required by Thames Water as the development may lead to no/low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development in accordance with Policies SI 12 and SI 13 of

the London Plan and policy requiring flood risk assessment and development to mitigate flood risk, Policies CC2, CC3, CC4 and CC5 of the Local Plan.

31. Background Noise Levels

Prior to the installation of any plant within/on each building, details of the external noise level emitted from plant/ machinery/ equipment and mitigation measures as appropriate for that building, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall ensure that the external sound level emitted from plant, machinery/ equipment would be lower than the lowest existing background sound level by at least 10dBA in order to prevent any adverse impact. The assessment shall be made in accordance with BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. A post installation noise assessment shall be carried out where required 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 occupation of each building and thereafter be permanently retained in this form.

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

32. Emergency Generators

Prior to first operational use of each building, details shall be submitted to and approved in writing by the Local Planning Authority to confirm that sound emitted by standby or emergency generators, during power outages or testing does not exceed the lowest daytime ambient noise level LAeq (15min) as measured or calculated according to BS4142:2014.

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

33. Anti- vibration mounts and silencing of machinery

Prior to first operational use of each building, details of anti-vibration measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall ensure that machinery, plant/ equipment and extract/ ventilation system and ducting are mounted with proprietary anti-vibration isolators and fan motors are vibration isolated from the casing and adequately silenced. Approved details shall be implemented prior to occupation of such phase and thereafter be permanently retained.

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

34. Sound Insulation

Prior to completion of the above ground core structures of each phase, details shall be submitted to and approved in writing by the Local Planning Authority, of sound insulation of the relevant building envelopes and other mitigation measures, as

appropriate. Details shall demonstrate that noise from uses and activities is contained within the building/ development site and shall not exceed the criteria of BS8233:2014 at neighbouring noise sensitive/ habitable rooms and private external amenity spaces. Approved details for that Phase shall be implemented prior to occupation of such phase and thereafter be permanently retained.

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

35. Extraction and Odour Control

Prior to occupation of each building, details shall be submitted to and approved in writing by the Local Planning Authority, of the installation, operation, and maintenance of the odour abatement equipment and extract system, including the height of the extract duct and vertical discharge outlet, in accordance with the 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' January 2005 by DEFRA. Approved details shall be implemented prior to the commencement of the use of the relevant kitchen and thereafter be permanently retained.

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

36. Acoustic Lobbies

Prior to first operation of the hotel, details of acoustic lobbies to entrances and exits, which would otherwise allow the emission of internal noise to neighbouring noise sensitive premises, shall be submitted to and approved in writing by the Local Planning Authority. The hotel shall not be used or occupied until the acoustic lobbies have been constructed in accordance with the approved details, and the acoustic lobbies shall thereafter be permanently retained in this form.

Reason: 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).

37. Hours of Use

Any outdoor seating areas within the ground floor public realm and the roof top terrace shall only be used between 06:30 hours and 23:00 hours daily.

Reason: To ensure that control is exercised over the use of these terraces so that undue harm is not caused to the amenities of the occupiers of the development and neighbouring residential properties as a result of noise and disturbance, particularly in the quieter night time hours, in accordance with policy CC11 and CC13 of the Local Plan (2018) and guidance within the Planning Guidance Supplementary Planning Document (2018).

38. Flat roof areas

There shall be no access to the flat roof areas (excluding the roof top terrace identified on the approved plans for the hotel building), including those planted to the North Building, provided by the development hereby approved, except for maintenance purposes, and no part of the flat roof areas provided by the development shall be used as a terrace or other accessible amenity space. No walls, fences, railings or other means of enclosure other than those shown on the approved drawings shall be erected around the roofs, and no alterations shall be carried out to the approved building to form access onto these roofs.

Reason: To ensure a satisfactory external appearance and so that the use of the building does not harm the amenities of the existing neighbouring residential properties as a result of overlooking, loss of privacy and noise and disturbance, in accordance with Policies DC1, DC2, DC8, CC11 and CC13 of the Local Plan (2018) and Key Principle HS8 of the Planning Guidance Supplementary Planning Document (2018).

39. Plant, machinery or equipment

No plant, machinery or equipment shall be mounted externally on any part of the buildings outside of the designated plant areas identified on the approved drawings.

Reason: To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with Policies DC1, DC2 and DC8 of the Local Plan (2018).

40. Music

Neither music nor amplified voices emitted from the development shall be audible at any residential/noise sensitive premises. Neither music nor amplified loud voices emitted from the commercial part of the development shall be audible at any residential/ noise sensitive premises.

Reason: 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).

41. Lighting

Prior to the installation of any external artificial lighting in each phase, details of any proposed external artificial lighting, including security lights shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the number, exact location, height, design and appearance of the lights, together with data concerning the levels of illumination and light spillage and the specific measures, having regard to the recommendations of the Institution of Lighting Engineers in the 'Guidance Notes for The Reduction of Light Pollution 2011 (or relevant guidance) to ensure that any lighting proposed does not harm the existing amenities of the occupiers of neighbouring properties. No part of the development shall be used or occupied until any external lighting provided has been installed in accordance with the approved details and shall thereafter be permanently retained in this form.

Reason: To ensure that the amenity of occupiers of the development site / surrounding premises and natural habitat is not adversely affected by lighting, and to ensure a satisfactory external appearance and to prevent harm to the street scene and public

realm, in accordance with Policies 5.11, 7.1, 7.3, 7.6 and 7.13 of the London Plan (2016) and Policies DC1, DC8, CC12, OS1 and OS2 of the Local Plan (2018).

42. Lights off

Prior to the first occupation of each building, a scheme for the control and operation of the proposed lighting during periods of limited or non-occupation, shall be submitted to and approved in writing by the Local Planning Authority. Details shall be implemented prior to the occupation of the relevant floorspace and operated only in accordance with the approved details.

Reason: To ensure that the building does not cause excessive light pollution and to conserve energy when they are not occupied, in accordance with Policy CC12 of the Local Plan (2018).

43. Materials

Prior to the commencement of the relevant works within each phase thereby affected, details of particulars and samples (where appropriate) of all the materials to be used (in a manner that will take into account the privacy and amenity of residential premises overlooked by the development) in all external faces and roofs of the buildings; including details of the colour, composition and texture of the brick, stone and metal work; details of all surface windows; balustrades to roof terraces; roof top plant and general plant screening; entrances and ground floor glazing, including window opening and glazing styles and all external hard surfaces including paving, planters and seating shall be submitted to and approved in writing by Local Planning Authority. External material sample panels, including samples of brickwork, stonework, concrete, pointing style, mortar colour and mix shall be erected on site for the inspection by Local Planning Authority's Conservation Officer and written approval by Local Planning Authority. The development shall be carried out in accordance with the details as approved and thereafter permanently retained in this form.

Reason: To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, and to preserve the character and appearance of the surrounding conservation areas and other heritage assets; in accordance with Policies D3, D4, D8, D9 and HC1 of the London Plan, Policies DC1, DC2, DC3 and DC8 of the Local Plan (2018) and guidance contained within the Planning Guidance Supplementary Planning Document (2018).

44. Sample Panels

Prior to the commencement of the relevant works within each phase thereby affected, sample panels for the respective building within that phase, detailing brick colour, bond, pointing style, mortar colour, stone cladding and curtain walling shall be produced for on-site inspection by Council Officers, along with the submission to the Local Planning Authority of samples of these materials, for subsequent approval in writing. The relevant phase of the development shall not be used until works have been carried out in accordance with the submitted material samples and sample panel, and the development shall thereafter be permanently retained and maintained as such.

Reason: To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, and to preserve the character and appearance of the

surrounding conservation areas and other heritage assets; in accordance with , Policies D3, D4, D8, D9 and HC1 of the London Plan, Policies DC1, DC2, DC3 and DC8 of the Local Plan (2018), and guidance contained within the Planning Guidance Supplementary Planning Document (2018).

45. 1:20 Details – Buildings

Prior to completion of the above ground core structures within each phase, detailed drawings at a scale not less than 1:20 (in plan, section and elevation) of typical sections/bays of the approved buildings in the relevant phase shall be submitted and approved in writing by the Local Planning Authority. These shall include details of the proposed façade and cladding treatment, fenestration (including framing and glazing details), balustrades (including roof terrace), entrances, ground floor restaurants and canopies (including glazing details). Each phase of the development shall be carried out in accordance with the details as approved and thereafter permanently retained in this form.

Reason: To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, and to preserve the character and appearance of the surrounding conservation areas and other heritage assets; in accordance with Policies D3, D4, D8, D9 and HC1 of the London Plan, Policies DC1, DC2, DC3 and DC8 of the Local Plan (2018), and guidance contained within the Planning Guidance Supplementary Planning Document (2018).

46. 1:20 Details – Boundaries

Prior to the commencement of the public realm surface works within each phase, detailed drawings at a scale not less than 1:20 (in plan, section and elevation) of boundary walls, fences, railings and gates for such phase shall be submitted and approved in writing by the Local Planning Authority and no phase of the development shall be used or occupied prior to the completion of the relevant works for such phase in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policies D3, D4, D8, D9 and HC1 of the London Plan, Policies DC1, DC2, DC3 and DC8 of the Local Plan (2018).

47. 1:20 Roof Top Plant Enclosures

Prior to completion of the above ground core structures within each phase, detailed drawings at a scale not less than 1:20 (in plan, section and elevation) of the rooftop plant enclosures for such phase shall be submitted to and approved in writing by the Local Planning Authority. No part of the relevant building shall be used or occupied until the enclosures have been constructed in accordance with the approved details, and the enclosures shall thereafter be permanently retained in this form.

Reason: To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policies D3, D4, D8, D9 and HC1 of the London Plan, Policies DC1, DC2, DC3 and DC8 of the Local Plan (2018).

48. Secure by Design

Prior to completion of the above ground core structures within each phase, a statement of how 'Secure by Design' requirements are to be adequately achieved within such phase shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include, but not be limited to: site wide public realm CCTV and feasibility study relating to linking CCTV with the Local Planning Authority's borough wide CCTV system, access controls, security measures and means to secure the site throughout construction in accordance with BS8300:2009. No part of each phase of the development shall be used or occupied until these measures have been implemented in accordance with the approved details for such phase, and the measures shall thereafter be permanently retained in this form.

Reason: To ensure that the development incorporates suitable design measures to minimise opportunities for, and the perception of crime and provide a safe and secure environment, in accordance with Policies DC1, DC2, DC3 and DC8 of the Local Plan (2018).

49. Self-Closing Doors

Prior to first occupation of each building, all external doors shall be fitted with self-closing devices, which shall be maintained in an operational condition; and at no time shall any external door be fixed in an open position.

Reason: To ensure that the amenity of occupiers of the development site and surrounding properties are not adversely affected by noise /odour /smoke /fumes, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

50. Protection of Existing Trees

The development hereby permitted shall not commence until all the existing trees in the proximity of the development to be retained, have been protected from damage in accordance with BS5837:2012 during construction works.

Reason: To ensure that trees on site are retained and to prevent harm during the course of construction, in accordance with Policies DC1, DC8, OS2 and OS5 of the Local Plan 2018.

51. Landscaping & Public Realm

Prior to commencement of the public realm hereby permitted within each phase (excluding site clearance), details of the proposed soft and hard landscaping of all areas external to the buildings shall be submitted to and approved in writing by the Local Planning Authority. The details shall include, but are not limited to: planting schedules and details of the species, height and maturity of any trees and shrubs, including sections through the planting areas; depth of tree pits, containers and shrub beds; details relating to the access of each building, pedestrian surfaces, wayfinding, disabled drop off areas, loading bays, pedestrian crossings means of pedestrian/cyclist conflict resolution, materials, kerb details, external steps and seating, street furniture, bins and lighting columns that ensure a safe and convenient environment for blind and partially sighted people. The landscaping works shall be carried out in accordance with the approved details and shall thereafter be permanently retained in this form.

Reason: To ensure a satisfactory external appearance of the development and relationship with its surroundings, and the needs of the visually impaired are catered for in accordance with the Equality Act 2010, Policies D3, D4, D8, D9 and HC1 of the London Plan, Policies DC1, DC2, DC3, DC8, OS2 and OS5 of the Local Plan 2018.

52. Temporary Landscaping Scheme

Prior to commencement of Phase 1, details of a temporary soft and hard landscaping scheme for all areas within Phase 2 shall be submitted to and approved in writing by the Local Planning Authority. The details shall include but is not limited to: planting schedules and details of the species, height and maturity of any trees and shrubs, including sections through the planting areas; depth of tree pits, containers and shrub beds; details relating to the access of each building, pedestrian surfaces, wayfinding, disabled drop off areas, loading bays, pedestrian crossings means of pedestrian/cyclist conflict resolution, materials, kerb details, external steps and seating, street furniture, bins and lighting columns that ensure a safe and convenient environment for blind and partially sighted people, and any proposed boundary treatments. The landscaping works shall be carried out in accordance with the approved details and shall thereafter be retained in this form until the commencement of Phase 2.

Reason: To ensure a satisfactory external appearance of the development and relationship with its surroundings, and the needs of the visually impaired are catered for in accordance with the Equality Act 2010, Policies 3.1, 7.1 and 7.6 of the London Plan, and Policies DC1, DC8, OS2 and OS5 of the Local Plan 2018.

53. Replacement Landscaping

Any landscaping removed or severely damaged, dying or becoming seriously diseased shall be replaced with a tree or shrub of similar size and species to that originally required to be planted.

Reason: To ensure a satisfactory external appearance and biodiversity in accordance with policies OS4, DC2 and DC8 of the Local Plan (2018) and in the interest of air quality, to comply with the requirements of Policy CC10 of the Local Plan (2018).

54. Landscape Management Plan

Prior to the commencement of the public realm works within each phase, a Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority for all of the landscaped areas in the development including the green walls. This shall include details of management responsibilities and maintenance schedules for all landscape areas. The landscape management plan shall be implemented in accordance with the approved details and shall thereafter be permanently retained in this form.

Reason: To ensure that the development provides an attractive natural and visual environment in accordance with Policies DC1, DC8, OS2 and OS5 of the Local Plan (2018).

55. Television Interference

Details of methods proposed to identify any television interference caused by the proposed development, including during the construction process, and the measures proposed to ensure that television interference that might be identified is remediated in a satisfactory manner shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development (excluding site clearance) hereby permitted. The approved remediation measures shall be implemented immediately that any television interference is identified.

Reason: To ensure that television interference caused by the development is remediated, in accordance with Policies DC2 and DC10 of the Local Plan (2018).

56. Airwaves Interference Study

Prior to commencement of development (excluding site clearance) the following details shall be submitted to and approved in writing by the Local Planning Authority:

- (i) The completion of a Base-Line Airwaves Interference Study (the Base-Line Study) to assess airwave reception within/adjacent to the site; and of required and;
- (ii) The implementation of a Scheme of Mitigation Works for the purposed of ensuring nil detriment during the Construction Works identified by the Base-Line Study.

Such a Scheme of Mitigation Works shall be first submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to occupation and shall thereafter be permanently retained in this form.

Reason: To ensure that the existing airwaves reception is not adversely affected by the proposed development, in accordance with Policies DC1, DC2 and DC8 of the Local Plan (2018).

57. Permitted Development Rights - Telecommunications

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that principal Order with or without modification), no aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any part of the development hereby permitted, without planning permission first being obtained.

Reason: To ensure that the visual impact of telecommunication equipment upon the surrounding area can be considered, in accordance with in accordance with Policies DC1 and DC8 of the Local Plan (2018).

58. Signage Strategy

Prior to the first occupation of each building, an occupier Signage Strategy for the buildings including details of wayfinding and signage proposed around and on each of the buildings shall be submitted to and approved in writing by the Local Planning Authority and all development pursuant to signage shall be carried out in accordance with the approved details.

Reason: To ensure that the Local Planning Authority may be satisfied with the detail of the proposed development and to ensure a satisfactory external appearance in accordance with Policies DC1 and DC8 of the Local Plan 2018.

59. Window Cleaning Equipment

Prior to the occupation of each building, details of the proposed window cleaning equipment for each relevant building shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the appearance, means of operation and storage of the cleaning equipment. Each building shall not be used or occupied until the equipment has been installed in accordance with the approved details and shall thereafter be permanently retained in this form.

Reason: To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policies D3, D4, D8, D9 and HC1 of the London Plan, Policies DC1, DC2, DC3 and DC8 of the Local Plan (2018).

60. Blue Badge Parking

No building hereby approved shall be used or occupied until the provision of 4 blue badge parking spaces have been provided in accordance with the approved plans. The accessible parking spaces shall be permanently retained for the life of the development.

Reason: To ensure the satisfactory provision and retention of disabled car parking facilities, in accordance with Policies T6, T6.1, T6.4 and Policy T6.5 of the London Plan and Policy E3, T1 and T5 of the Local Plan (2018).

61. Cycle Parking

No building hereby approved shall be used or occupied until the provision of cycle parking spaces for such building have been provided in accordance with the approved plans and made available to visitors and staff, and such cycle storage/parking facilities shall be permanently retained thereafter in accordance with the approved details.

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

62. Cycle Management Plan

Prior to first occupation of each building, a Cycle Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This management plan shall include details of access to cycle parking and how any potential conflicts with vehicles would be resolved or managed. The development shall not be operated otherwise than in accordance with the Cycle Parking Management Plan as approved and shall thereafter be permanently retained in this form.

Reason: To ensure an appropriate level, mix and location of cycle parking is achieved for the development and that management arrangements are in place to control its allocation and use in accordance with Policy T5 of the London Plan, Policies CC1, CC2, CC6, CC7, CC9, CC10, CC11, CC12, CC13, T1 and T6 of the Local Plan (2018) and

63. Electric Vehicle Charging Point

Prior to first occupation of the development hereby permitted, details of the installation including location and type of active electric vehicle charging points within the car parking area must be submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points should comprise at least 2 of the total number of car parking spaces provided on site and shall be active electric vehicle charging points; the remaining number of the total number of car parking spaces provided on site shall be passive. The approved electric vehicle charging points shall be installed and retained in working order for the lifetime of the development. The uptake of the active electric vehicle charging points would be regularly monitored via the Travel Plan and if required additional charging points should be installed in place of the passive provision to meet demand.

Reason: To encourage sustainable travel in accordance with Policies T6, T6.1 and T6.4, Policies T1, T2 and T4 of the Local Plan (2018).

64. Delivery and Servicing Plan

Prior to first occupation of each phase, a Delivery and Servicing Plan (DSP) including vehicle tracking where required, shall be submitted to and approved in writing by the Local Planning Authority. The DSP shall detail the management of deliveries, emergency access, collection of waste and recyclables, times and frequencies of deliveries and collections/ silent reversing methods/ location of loading bays and vehicle movement in respect of each hotel. The approved measures shall be implemented and thereafter retained for the lifetime of the commercial uses in the relevant part of the site.

Reason: To ensure that satisfactory provision is made for refuse storage and collection and to ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by noise, in accordance with Policy T7 of the London Plan and Policies T2, CC11 and CC13 of the Local Plan (2018) and SPD Key Principle TR28 (2018).

65. Refuse

Prior to the first occupation of each building, the refuse storage enclosures, including provision for the storage of recyclable materials shall be provided as indicated on the approved drawings. All the refuse/recycling generated by the building hereby approved shall be stored within the approved areas and shall be permanently retained thereafter in accordance with the approved details.

Reason: To protect the environment and to ensure that satisfactory provision is made for refuse/recycling storage and collection, in accordance with Policies CC6 and CC7 of the Local Plan (2018) and SPD Key Principle WM1 (2018).

66. Waste Management Strategy

Prior to the first occupation of each building hereby permitted, a Waste Management Strategy for such building shall be submitted and approved in writing by the Local

Planning Authority. Details shall include information related to each refuse storage (and provision for the storage of recyclable materials) facilities, show how recycling would be maximised and be incorporated into the facilities of the development. All refuse/recycling generated by the development hereby approved shall be stored within the agreed areas. These areas shall be permanently retained for this use. Refuse and recyclables shall be stored only within the curtilage of the application site. The approved details shall be implemented prior to the occupation of each building and shall thereafter be permanently retained.

Reason: To protect the environment and to ensure that satisfactory provision is made for refuse/recycling storage and collection, in accordance with policy 5.17 of the London Plan (2016) and Policies CC6 and CC7 of the Local Plan 2018 and SPD Key Principles WM1 to WM11 (2018).

67. Hotel - Wheelchair Standards

A minimum of 10% of the Hotel bedrooms and Student Accommodation bedrooms hereby approved shall be capable of meeting the needs of wheelchair users and shall be designed and capable of adaptation. This arrangement shall thereafter be permanently retained.

Reason: To ensure the provision and retention of facilities for all, including disabled people, in accordance with policies 3.8 and 7.2 of the London Plan (2016), and Policy DC1 and HO6 of the Local Plan (2018).

68. Inclusive Access Management Plan

No part of the development hereby approved shall be occupied or used until an Inclusive Access Management Plan for the relevant part of the site has been submitted to and approved in writing by the Local Planning Authority. The plan shall set out a strategy for ongoing consultation with specific interest groups with regard to accessibility of the relevant part of the site. On-going consultation shall then be carried out in accordance with the approved IAMP. The development shall not be operated otherwise than in accordance with the Inclusive Access Management Plan as approved and thereafter be permanently retained in this form.

Reason: To ensure that the proposal provides an inclusive and accessible environment in accordance with the Policy E10 of the London Plan and Policy E3 of the Local Plan (2018).

69. Level Threshold

The ground floor entrance doors to the development and integral lift/stair cores shall not be less than 1-metre-wide and the threshold shall be at the same level as the adjoining ground level fronting the entrances to ensure level access.

Reason: To ensure the development provides ease of access for all users, in accordance with Policy E10 of the London Plan, and Policy DC1 and HO6 of the Local Plan (2018).

70. Lifts

Prior to first occupation of each building, details of fire rated lifts shall be submitted and approved in writing by the Local Planning Authority. All the lifts shall have enhanced lift repair services, running 365 days/24-hour cover, to ensure no wheelchair occupiers are trapped if a lift breaks down. The fire rated lifts shall be installed as approved and maintained in full working order for the lifetime of the development.

Reason: To ensure that the development provides for the changing circumstances of occupiers and responds to the needs of people with disabilities, in accordance with policies 3.8 and 7.2 of the London Plan (2016), and Policy DC1 and HO6 of the Local Plan (2018).

71. Hotel Use

The hotel use shall be used solely for the purposes of a hotel only and for no other purpose, including any other purpose in Class C1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or any subsequent Order or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: In granting this permission, the Council has had regard to the particular circumstances of the case. The Council wishes to have an opportunity to consider such circumstances at that time, and to ensure the uses are compatible with the adjoining land uses and to ensure that the amenity of occupiers residing in surrounding residential properties would be safeguarded in accordance with Policies CF3, DC1, DC2, DC7, DC8, E1, HO11, T1, T2, TLC3, TLC5, CC10, CC11, CC11, CC12 and CC13 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

72. Hotel Bedrooms

The Class C1 (hotel) use hereby approved shall be capped at a maximum 400 bedrooms.

Reason: In granting this permission, the Council has had regard to the particular circumstances of the case. The increase in the number of bedrooms could raise materially different planning considerations and the council wishes to have an opportunity to consider such circumstances at that time, in accordance with Policies T1, E3, DC1, DC2, DC8, CC10, CC11, CC11, CC12 and CC13 of the Local Plan (2018).

73. Micro Climate

Prior to commencement (excluding Enabling Works and Phase 1), details of micro climate mitigation measures necessary to provide an appropriate wind environment throughout and surrounding the development shall be submitted to and approved in writing by the Council. Approved details for each Phase shall be implemented, and permanently retained thereafter.

Reason: To ensure that suitable measures are incorporated to mitigate potential adverse wind environments arising from the development, in accordance with Policies GG1, D8 and D9 of the London Plan and Policies DC3 and CC2 of the Local Plan.

74. Ecological Management Plan

Prior to practical completion of each phase, an Ecological Management Plan for such phase shall be submitted to and approved in writing by the Council. The EMP shall comprise a habitat management plan and monitoring report which shall set out objectives and prescriptions for the management of new areas of vegetation and public open spaces within the development, for a minimum period of 5 years from the date of occupation of that phase.

Reason: To ensure the biodiversity of the site is protected and enhanced where possible, in accordance with Policies CC2, DC1, DC8, OS2, OS4 and OS5 of the Local Plan 2018.

75 Installation/commissioning certificates

Prior to occupation each building in the development hereby permitted, details of the installation/commissioning certificates of the Zero Emission MCS certified Air/ Water Source Heat Pumps, Electric Boilers Plant to be provided for space heating, hot water for buildings 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.

Reason: To comply with the requirements of Policy SI1 of the London Plan and Policy CC10 of the Local Plan (2018).

76 Aerobic Food Digesters

Prior to occupation of each building in the development hereby permitted, details of the installation of Aerobic Food Digesters (AFD) in order to mitigate the impact of air pollution from vehicles associated with the removal of food waste 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.

Reason: To comply with the requirements of Policy SI1 of the London Plan and Policy CC10 of the Local Plan (2018).

77 Student Management Plan

Prior to first occupation of the student accommodation, a Student Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This management plan shall include details for the arrangement for day-to-day management; access and security; communal area management; accessibility management; maintenance; individual room management; tenancy agreements (including but not limited to tenant conduct and car ownership); moving in and out procedure (including vehicular and pedestrian arrivals/departures); antisocial behaviour and fire and health and safety procedures and liaison. The Plan shall set out the accredited student housing management company and education provider of the accommodation. The development shall not be operated otherwise than in accordance with the Student Management Plan as approved and shall thereafter be permanently retained in this form.

Reason: To comply with the requires of London Plan Policies T1, T6 and H15 and Local Plan Policy HO9.

78 Student Accommodation

The student use shall be used solely for the purposes of a student accommodation only and for no other purpose, whether permitted by the Town and Country Planning (Use Classes) Order 1987 (as amended), or otherwise, or any subsequent Order or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: In granting this permission, the Council has had regard to the particular circumstances of the case. The Council wishes to have an opportunity to consider such circumstances at that time, and to ensure the uses are compatible with the adjoining land uses and to ensure that the amenity of occupiers residing in surrounding residential properties would be safeguarded in accordance with Policies CF3, DC1, DC2, DC7, DC8, E1, HO11, T1, T2, TLC3, TLC5, CC10, CC11, CC11, CC12 and CC13 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

79 Fire Strategy

The development shall be carried out and completed in accordance with the submitted Revised Fire Statement. The development shall be implemented in accordance with these details prior to occupation and shall thereafter be permanently retained in this form.

Reason: To ensure full compliance with, in accordance with Policy D12 of the London Plan 2021.

In relation to Condition 3 an informative to be attached:

The applicant is advised of the need to proactively engage with local community groups with regard to the requirements of Condition 3. The terms of reference to be submitted should set out that the Community Liaison Group will include the applicant and/or their representatives and how and when that engagement will take place including possible alternative arrangements. Further, the applicant should engage with the Community Liaison Group to:

- Brief the Group on the details to be submitted by Conditions 4-9, 17-19, 24, 28, 34,36-39, 44-46, 48, 49, 54, 59, 61 and 67-9 as hereby approved;
- The details submitted in relation to the conditions listed as hereby approved should include a summary of this engagement and response to the Community Liaison Group.

REASONS

1) Land Use: The principle of the proposed hotel and student accommodation development is considered to be appropriate in land use terms and would help to promote the vitality and viability of Hammersmith Regeneration Area and regenerate this part of Hammersmith town centre. The loss of former magistrates' court is considered acceptable under Policy CF2 of the Local Plan. The new development together with public realm are considered to be an appropriate use for this town centre location, which is highly accessible by public transport. The proposal is therefore supported in land use terms and is considered to be in accordance with the NPPF, London Plan Policies GG2, H1, H15, E10 and S1 and Local Plan Policies CF1, E3, HO9, HRA and HRA2

2) Housing: The quality of the student accommodation is considered to be of a high level and will meet an identified need as well each of the criteria set out in adopted policy. 50% of the accommodation would be affordable as set out within the London Plan and an Education Provider and nominations agreement is secured by legal agreement prior to occupation. As such is considered to be in accordance with London Plan Policy H15 and Local Plan Policy HO9.

3) Design and Heritage: It is considered that the proposals will deliver good quality architecture which optimises the capacity of the site with good quality good, hotel and commercial accommodation. The proposal remains in line with both national guidance and strategic and local policies on tall buildings and design considerations. The proposal for a taller building complies with Local plan policies in that it respects the existing townscape context, demonstrates tangible urban design benefits and is consistent with the Council's wider regeneration objectives, and in doing so is sensitive to the setting of heritage assets. Officers consider that in design terms, the proposed elevations of the two buildings have been refined and provide an architectural character which provides interest across the frontages. The development would connect the site with the surrounding townscape and the relationship between the proposed built form and new public realm would assist in the creation of a sense of place in the town centre. It is not considered that the stepped increases in height would negatively impact surrounding heritage assets. While less than substantial harm has been identified to Barons Court Conservation Areas, to the setting of the group of buildings, structures, war memorials and tombs, both listed and designated as Buildings of Merit, within Margravine (Hammersmith) Cemetery and The Ark, this is acceptable and outweighed by the public benefits that the scheme delivers as identified. It is considered that this is compliant with Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is also in line with national guidance in the NPPF, Policies D3, D4, D8, D9 and HC1 of the London Plan (2021) and Policies DC1, DC2, DC3 DC4, DC7 and DC8 of the Local Plan (2018).

4) Impact on Neighbouring Properties: The impact of the proposed development upon adjoining occupiers is considered acceptable. There would be no significant worsening of noise/disturbance and overlooking, no unacceptable loss of sunlight or daylight or outlook to cause undue detriment to the amenities of neighbours. In this regard, the development would respect the principles of good neighbourliness. The proposed development therefore accords with London Plan Policies D3, D6, D8 and

D13 and Local Plan Policies CC11, CC13, DC2, DC3, HO4 and HO11 and Key Principle HS6 and HS7 of the Planning Guidance SPD.

5) Transport: 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 blue badge car parking and cycle parking. External impacts of the development would be controlled by conditions and section 106 provisions, related to blue badge parking, cycle and refuse storage, construction logistics plans while the monitoring of the Travel Plans is secured by legal agreement and is a Network Management Plan with regard to non-local use of residential streets nearby. Subject to the agreement of this the development would not generate congestion or disturbance as a deliveries and servicing, coach and drop off/pick up parking. Adequate provision for storage and collection of refuse and recyclables would be provided. The accessibility level of the site is excellent, and the site is well served by public transport. In addition, servicing and road safety and travel planning initiatives would be implemented in and around the site to mitigate against potential issues. The proposed development therefore accords with Policies T5, T6.1, T6.4 and T6.5 and Local Plan policies T3, T4, T5, T7 and CC7.

6) Sustainability and Energy: The proposed development has been designed to meet the highest standards of sustainable design and construction. The application proposes a number of measures to reduce CO2 emissions to exceed London Plan targets, a revised Energy Strategy is secured by condition to ensure the highest levels of savings. The proposal would achieve an 'excellent' BREEAM rating and delivering this is secured by condition. The proposal would incorporate green roofs and a revised Sustainable Urban Drainage Strategy would be required by condition to reflect final design detail. The proposal would thereby seek to reduce pollution and waste and minimise its environmental impact. Subject to the inclusion of conditions requiring the implementation of the submitted and revised documents requiring submission of Sustainability, BREEAM and Energy Statements, the proposed development accords with Policies London Plan Policies SI2, SI3 and SI4 and Policies CC1, CC2 and CC7 of the Local Plan

7) Flood Risk and drainage: The site is located in Flood Zone 2/3. A Flood Risk Assessment (FRA) has been submitted which advises standard construction practices in order to ensure the risk of flooding at the site remains low, however mitigation measures are required to be submitted and approved by condition. Sustainable drainage systems (SUDS) would be integrated into the development to cut surface water flows into the communal sewer system. Subject to the inclusion of conditions requiring the submission of a Surface Water Drainage Strategy and adherence to the submitted Flood Risk Assessment officers consider that the proposed approach would be acceptable and in accordance with Policies SI 12 and SI 13 of the London Plan and policy requiring flood risk assessment and development to mitigate flood risk, Policies CC2, CC3, CC4 and CC5 of the Local Plan which requires development to minimise future flood risk.

8) Air Quality: There will be an impact on local air quality because of the construction and operation of the proposed development. However, inclusion of conditions prior to the commencement of above ground works for each phase of the development are included to mitigate the development. During construction an Air Quality Dust Management Plan for construction works is required by condition which will mitigate the air quality impacts of the development. The Air Quality Assessment shows that there is

no significant impact on local air quality during the operation phase. It is noted that there is not expected to be an exceedance of the one-hour objective at any onsite location where there is relevant exposure and the air quality neutral target is met. As such the proposed development can accord with Policy SI 1 of the London Plan Policy CC10 of the Local Plan.

8) Land Contamination: Conditions will ensure that the site would be remediated to an appropriate level for the sensitive residential and open space uses. The proposed development therefore accords with Policies CC9 of the Local Plan (2018).

9) Microclimate: The development would not result in an unacceptable wind microclimate that would cause harm, discomfort or safety issues to pedestrians or the environment around the buildings or surrounding properties. Conditions are secured to provide additional mitigation measures through the materials and landscaping. The proposal is considered to comply with Policies GG1, D8 and D9 of the London Plan and Policies DC3 and CC2 of the Local Plan.

10) Arboriculture, Ecology and Biodiversity: As part of the development 77 trees will be planted within the public realm and 22 within the roof terraces. The new public realm incorporates recommendations to enhance the biodiversity value such as the inclusion of wildlife planting as part of the landscaping and a biodiverse roof. Subject to the inclusion of conditions the proposed development accords with Policies G5 and G7 of the London Plan and Policies OS1 and OS5 of the Local Plan in terms of ecological and urban greening.

11) Security: No objections are received from the Designing Out Crime Officer and the Counter Terrorism Officer. The overall security strategy and design intent is considered acceptable at this stage and the next stage of the process is to continue dialogue with the applicant and architects to agree the detail of measures to be incorporated within the development. The proposals are considered to be well designed and in accordance with the NPPF and Policy DC1 of the Local Plan

12) Archaeology: The site is located close to an Archaeological Priority Area and may have surviving archaeological remains. A condition will secure the implementation of a programme of archaeological work by way of a watching brief throughout relevant construction times. The proposed development therefore accords with Policy HC1 of the London Plan, and DC1 of the Local Plan.

13) Local Economy and Employment: The proposal would continue to provide significant employment opportunities both in the borough and London generally. The development would generate construction related full time equivalent (FTE) jobs over the build period and jobs once the development is complete and operational. The development would provide modern and upgraded floorspace and deliver wider benefits by way of increasing local expenditure through increased employment levels, additional visitors through the visit, cultural and leisure uses proposed, and job and job opportunities for residents and companies. The employment and training initiatives secured through the S106 agreement would bring significant benefits to the local area while a local procurement initiative will be entered into by way of the legal agreement to provide support for businesses. Furthermore, contributions through the community use for borough residents would have a positive effect on the borough. The development is therefore in accordance with London Plan Policy E2 and Local Plan Policies E1 and E4.

14) Accessibility and Safety: 10% of rooms would be wheelchair accessible, four blue badge car parking spaces are provided on-site; 3 for the student use and one for the hotel. 22 of the internal and 6 of the external cycle storage spaces are for adapted/larger cycles and 5% of these are for trikes but could also be used for recumbent and tandems. An Inclusive Accessibility Management Strategy is secured by way of condition. The Fire Strategy has been agreed by the GLA with the required evacuation lifts being provided. The proposal will provide a high quality environment for disabled and impaired members of the community and the commitments within the Access Statement are positive and deliverable by way of conditions. As such the proposal will comply with London Plan Policies E10, D5 and D12 Local Plan Policies DC1 and DC2 as well as Planning Guidance SPD Key Principles DA1, DA4, DA5, DA6, DA7, DA8, DA9, DA11, DA12 and DA13.

13) Environmental Impact Assessment: The Environmental Statement, and the subsequent Environmental Statement Addendum and the various technical assessments together with the consultation responses received from statutory consultees and other stakeholders and parties, enable the Council to determine this application with knowledge of the likely significant environmental impacts of the proposed development.

14) Objections: Whilst a large number of issues have been raised by objectors to the scheme it is considered, for the reasons explained in the detailed analysis, that planning permission should be granted for the scheme subject to appropriate safeguards to ensure that necessary controls and mitigation measures are established. This decision is taken on the basis of the proposed controls, mitigation measures and delivery commitments contained in the draft conditions and Heads of Terms for the Section 106 Agreement set out in this committee report, which are considered to provide an adequate framework of control to ensure as far as reasonably practicable that the public benefits of the scheme will be realised in accordance with relevant planning policies whilst providing the mitigation measures and environmental improvements needed to address the likely significant adverse impacts of the development.

15) Conditions: In line with the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, officers have consulted the applicant on the pre-commencement conditions included in the agenda and the applicant has raised no objections.

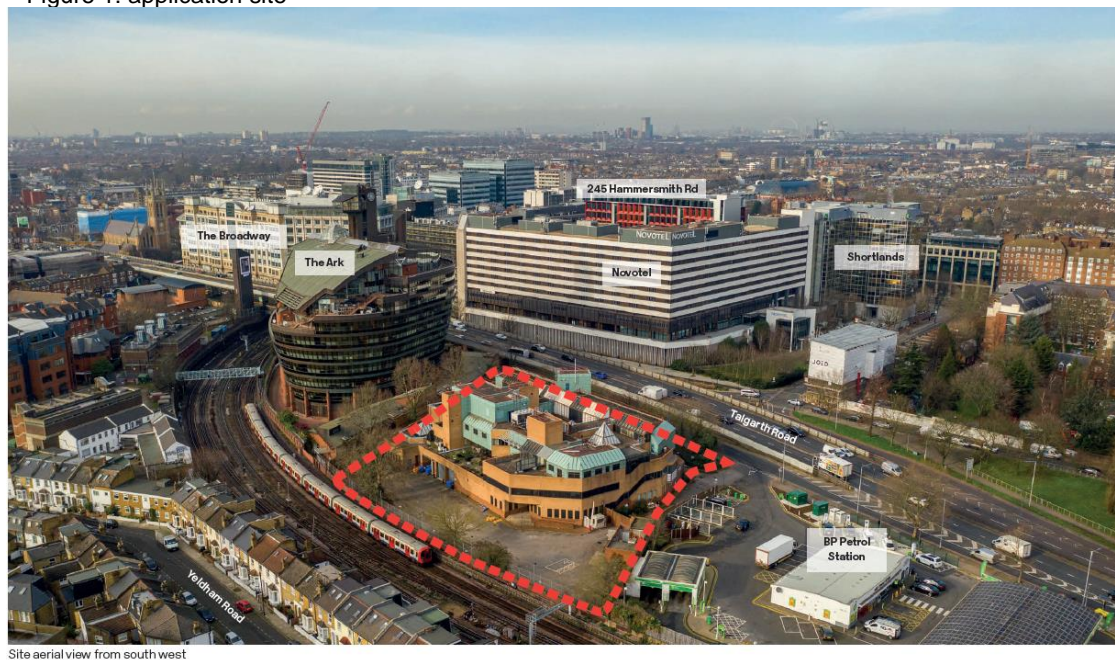
16) Planning Obligations: Planning obligations to offset the impact of the development and to make the development acceptable in planning terms are secured. Contributions relating to the provision of economic development initiatives, including local training and employment opportunities and procurement are secured. The proposed development would therefore mitigate external impacts and would accord with Policy CF1 of the Local Plan 2018

1.0 BACKGROUND

1.1. The Site

- 1.2. The proposed development relates to the former Hammersmith ('West London') Magistrates Court site. The application site ('the site') is located at the edge of Hammersmith town centre and lies to the south of Talgarth Road and the Hammersmith flyover (A4).

Figure 1: application site



Site aerial view from south west

- 1.3. The site is an irregular shape, approximately 0.67 hectare in area. The site is currently vacant but was formerly occupied by a vacated Ministry of Justice, Magistrates' Court building. This court was a purpose built 1990's, part two/part three storey, red brick/metal clad roof building with secure car park area to the rear. Vehicle and pedestrian access is via the (A4) Talgarth Road slip road. The court was vacant (since the summer 2018), following closure of magistrates' court and was demolished in 2021.
- 1.4. The surrounding townscape is a mix of styles and form. Comprises a residential setting to the south and a predominantly commercial character to the north. The site sits within a 'commercial island' block isolated by existing road and rail networks. Bound to the north by Talgarth Road and the eastern section of the elevated section of the A4 (Hammersmith flyover) and the Novotel Hotel beyond. There are low-rise residential properties and an 18 storey tower (Linacre Court) to the north beyond the A4. To the south, the site is bound by the Piccadilly and District open London Underground tracks, running between Barons Court and Hammersmith Broadway stations. Beyond the railway lines, the scale of the built form reduces considerably, next to the rear boundaries and gardens of the terraced properties in Yeldham Road. Margravine Gardens and other surrounding residential streets view the site to the south, comprising low rise properties (typically 2-3 storeys). To the west, the site boundary is lined by several mature trees and adjoins the flank wall of a two-storey office/community building, known as the Lilla Huset Centre and the 'Ark', a large 10 storey office building. To the

east, there is a petrol station and beyond is the London Academy of Music and Dramatic Arts complex (LAMDA).

- 1.5. Hammersmith Broadway is located approximately 450m to the north-west of the site, on the opposite side of the A4 and includes a key transport interchange underground station (District and Piccadilly lines) and bus interchange and approximately 5 minutes' walk from the Hammersmith and City/Circle line services. The Hammersmith Broadway Shopping Centre is a large indoor shopping centre and a perimeter block of offices surrounded by the Hammersmith gyratory system.

1.6. **Designations**

- 1.7. The site has no specific site designation in the development plan, however, is situated within Hammersmith Town Centre and the Hammersmith Regeneration Area (HRA). Located within the Environment Agency's Flood Risk 2/3. The site is not situated in a designated area of archaeological importance. There is however, an Archaeological Priority Area located close by to the west. The mature trees present along the west boundary of the site are the subject of a Tree Preservation Order (TPO's). There is a Thames Water relief storm sewer which runs through the middle of the site.

Heritage

- 1.8. The site does not fall within a conservation area. However, there are a number of heritage assets in the wider area including several conservation areas nearby. The Barons Court Conservation Area is to the east; the Hammersmith Odeon Conservation Area is to the west, and further west is The Mall Conservation Area. Both the 'Eventim Apollo' (former Hammersmith Odeon) theatre venue and St. Paul's Church located to the west of the site are Grade II* listed buildings. The Barons Court Underground Station to the east and 17 St. Dunstan's Road to the south are Grade II listed buildings. Margravine Cemetery forms part of the Barons Court Conservation area and is designated as a Nature Conservation Area of Grade I Brough wide Importance. The 16.5 acres of cemetery land contains a number of distinctive monuments, three of which are listed buildings. At a greater distance is the Mall Conservation Area and Hammersmith Bridge, a Grade II* listed building. The 'Ark' office building is on the borough's Local Register of Buildings of Merit and is widely regarded as a local landmark.

Transport

- 1.9. The site is well served by public transport and has a public transport accessibility level (PTAL) of 6a/6b (excellent) on a scale of zero to 6b. The site is almost equal distance (approximately 300m) between Barons Court underground station and Hammersmith underground/bus stations.
- 1.10. Vehicular access is via Talgarth Road. The main pedestrian access point is via a segregated footpath into the site on the southern side of Talgarth Road. There are signalised pedestrian crossings located to the west of the site underneath the Hammersmith flyover, providing connections across the gyratory road system to Hammersmith underground/bus stations to the north and the rest of Hammersmith

town centre. Part of Talgarth Road forms part of the Transport for London Road Network (TLRN).

1.11. Planning History

1.12. The most relevant planning history is considered to be:

1.13. 1988/01940/GOV - The Magistrates Court building was granted permission in May 1989 following an application submitted under Circular 18/84 for the erection of a part two part three storey building for use as a Magistrates Court.

1.14. 2019/00195/FUL – Application pending a decision for the redevelopment and erection of two buildings, ranging from 6 to 22 storeys and incorporating a basement level; comprising hotel uses (Use Class C1) with ancillary restaurants, roof top bar, conferencing facilities, office use (Use Class B1(a); ancillary roof top plant; servicing; cycle parking; creation of a new garden square; wider landscaping improvements and enabling works. (Environmental Impact Assessment development).

1.15. 2020/00151/DEM – Application as to whether prior approval is required under Class B Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the demolition of the West London Magistrates Court 181 Talgarth Road London W6 8DN.

1.16. 2018/03820/SCOEIA - An Environmental Impact Assessment (EIA) request for a Scoping Opinion, pursuant to Regulation 15 of the Town and Country Planning (EIA) Regulations 2017 was submitted in November 2018 in relation to the 'Demolition of the existing building on site and the construction of two buildings ranging in height from 30 metres to 70 metres in height for hotel use (Use Class C1), providing approximately 850 hotel rooms, with ancillary food and beverage units, event space and affordable workspace (Use Class B1). The proposals also include two levels of basement, cycle parking and public open space.' Decision dated 21st December 2018

1.17. 2020/00378/SCOEIA - Environmental Impact Assessment (EIA) request for a Scoping Opinion pursuant to Regulation 15 of the Town and Country Planning (EIA) Regulations 2017 was submitted 29th January 2020 for the demolition of the existing building on site and the construction of two buildings ranging in height from 30 metres to 70 metres in height for hotel use (Use Class C1), providing approximately 850 hotel rooms, with ancillary food and beverage . The proposals also include on-site servicing, car parking, cycle parking, taxi drop off and public open space. The scope of the Environmental Statement (ES) was agreed with by the Council in its decision dated 2nd April 2020.

1.18. 2020/00915/FUL - Comprehensive redevelopment and erection of two buildings comprising hotel use (Use Class C1) with ancillary facilities; ancillary plant; servicing; cycle parking; creation of a public realm; wider landscaping improvements and enabling works. Granted planning permission subject to s106 agreement on 8th December 2020.

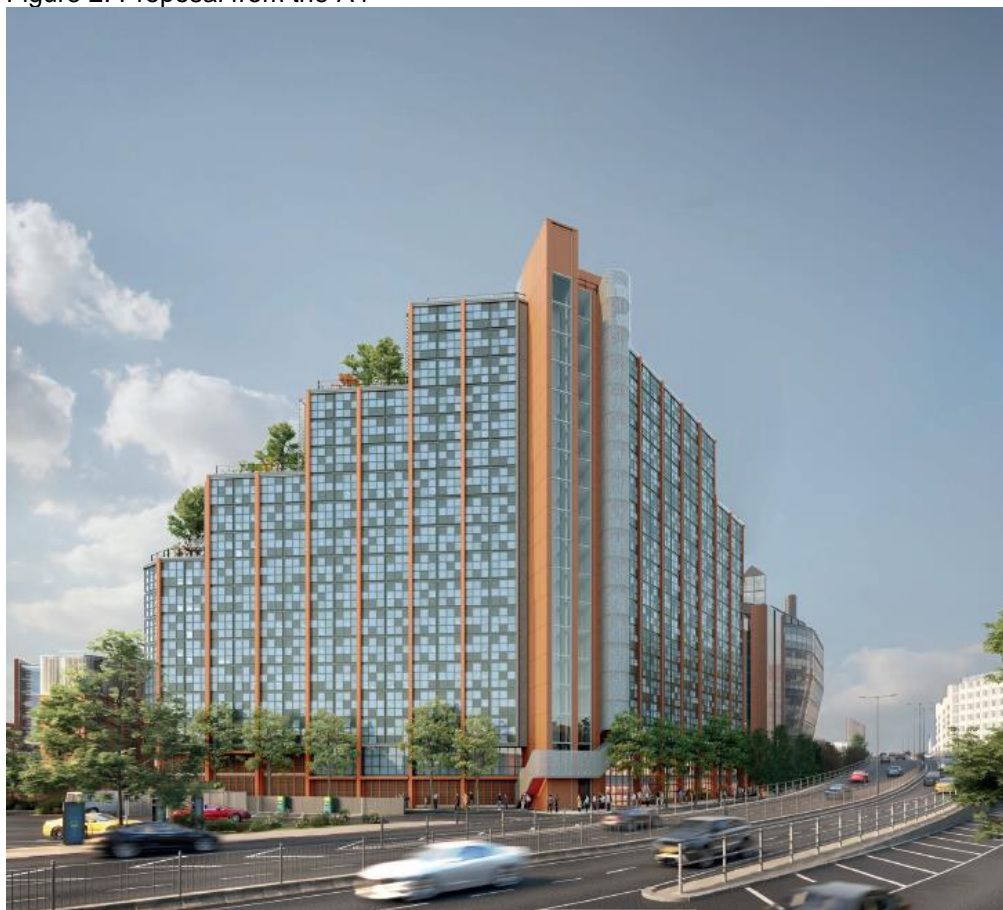
1.19. Mayoral Referral

- 1.20. Under the terms of the Town & Country Planning (Mayor of London) Order 2008, the Greater London Authority has been notified as the application is within the thresholds of potential strategic importance to London.
- 1.21. The Mayor of London formally considered the proposal on 17th January 2022 and issued a Stage 1 report, a summary of which is set out within the Consultations section of this report. Should planning permission be granted, this application would be referred to the Mayor of London prior to the issue of any decision notice. The Mayor has a period of 14 days from the date of notification to consider the council's resolution before issuing a decision as to the call-in of the application for the Mayor to act as the local planning authority, or to allow the application to proceed.

2.0 PROPOSAL

- 2.1. The proposal comprises the erection of two buildings: a northern building of 21,400sqm (713 rooms) of student accommodation use (Sui Generis); and a southern building of 13,451sqm (400 rooms) of hotel use (Use Class C1). This is together with ancillary facilities, ancillary plant, servicing, cycle parking, the creation of a public realm, wider landscaping improvements and enabling works.

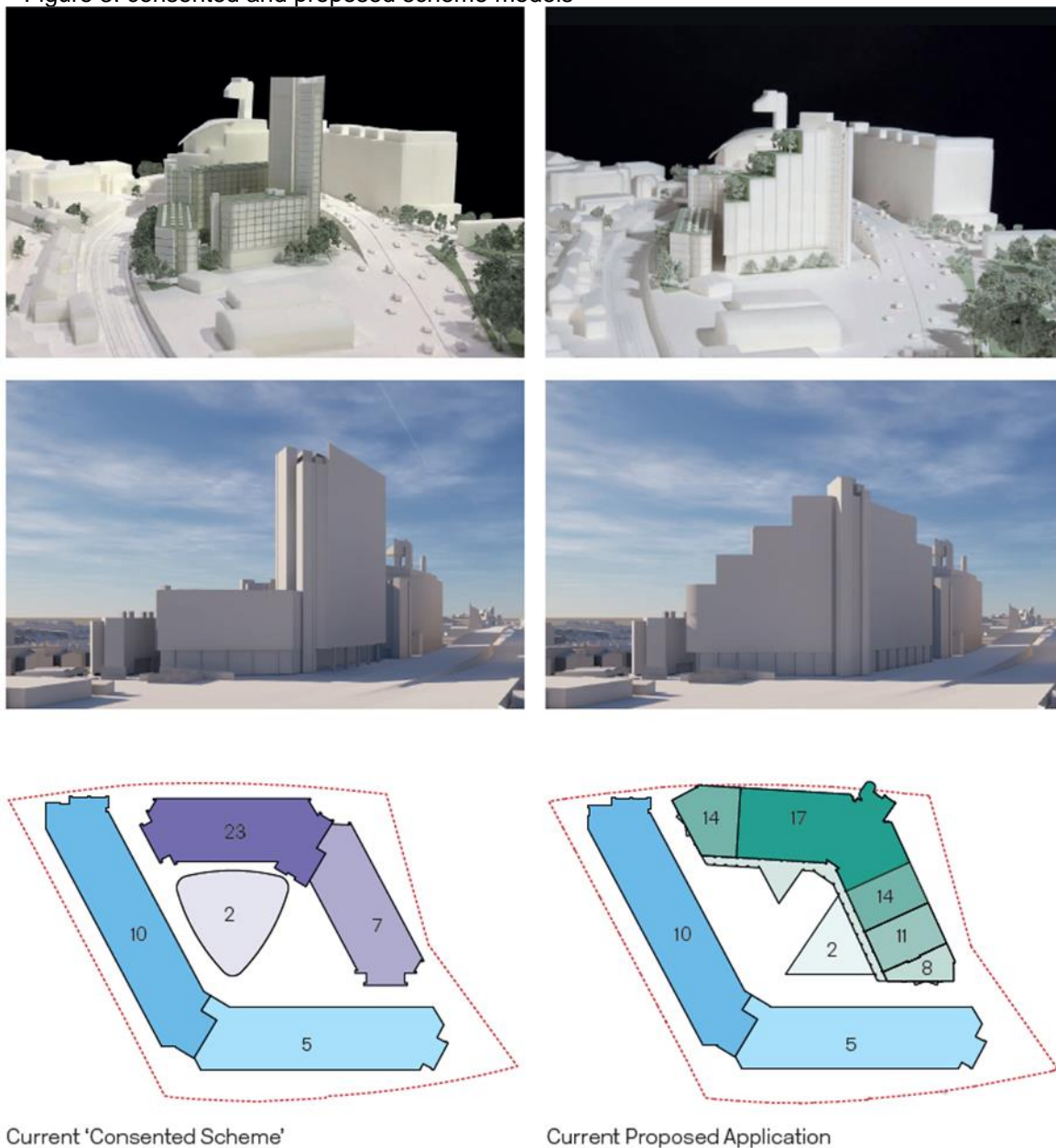
Figure 2: Proposal from the A4



- 2.2. The proposed southern building comprising a hotel remains the same as consented under reference 2020/00915 and no changes are proposed. The overall layout of the site remains effectively the same with the part 23, part 7 storey 442 bed northern hotel consented under reference 2020/00915 being reduced in size

and now being proposed a student accommodation. The schemes are compared in the images below with storey height annotated:

Figure 3: consented and proposed scheme models



- 2.3. The northern student building is a 17-storey building with three cores which 'steps down' at the 14th, 11th and 8th floor levels comprising 713 student units with access by way of the central publicly accessible courtyard and ground floor cycle storage for 553 cycles.
- 2.4. The unchanged South Hotel is a part 10, part 5 storey building providing 400 beds with ancillary restaurant, plant, serving and cycle parking. The roofs are utilised for air source heat pumps and PV panels with biodiverse green and blue roofs.
- 2.5. Servicing is provided by a dedicated access road from the north western boundary on Talgarth Road, running south along the western, southern and eastern boundaries before exiting westbound onto Talgarth Road. Emergency and Fire

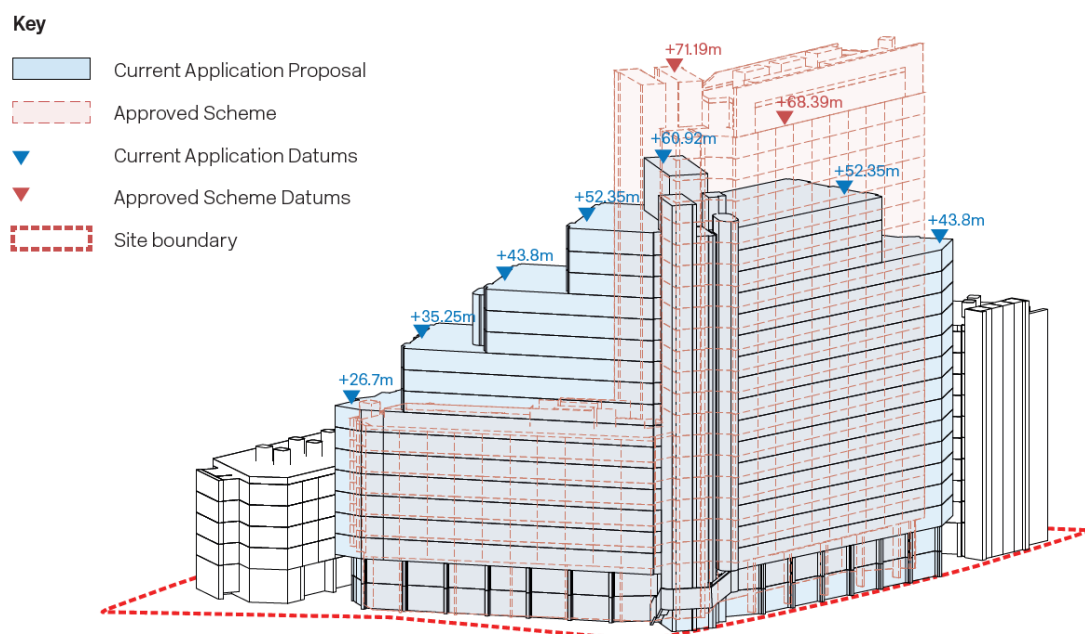
tender vehicles will enter the site and drive around the service road to gain access to the fire cores of both buildings. Four blue badge spaces are provided.

- 2.6. The scheme has been revised in relation to the currently pending proposal on the site under reference 2019/00195, the proposed heights of the proposal are:

Table 1: Proposed heights consented and proposed

	Consented		Proposed	
	Height AOD	Storeys	Height AOD	Storeys
North Hotel North	71.19m	23	43.8m - 60.92m	14-17
North Hotel East	30.48m	7	26.7m - 60.92m	8-17
South Hotel West	38.3m	10	-	-
South Hotel South	21.8m	5	-	-
Tempietto	28.2m	-	N/A	N/A

Figure 4: consented and proposed height and massing comparison



- 2.7. For reference, the adjoining Ark building has a total height of 65m with the Novotel Hotel opposite to the north of the A4 being 51m.
- 2.8. The massing of the proposal is weighted to the north of the site onto the A4, with South Hotel to the southern boundary to the railway line being 5 storeys in height. This southern element is 44m from the northern elevation of the nearest residential

properties to the south on Yeldham Road. The northern element has a total separation of some 95m.

Demolition

- 2.9. As referenced in the Planning History section above, prior approval for the demolition of the site has already been applied for by the applicant, approved and implemented. As such this application relates solely to the construction and erection of the proposed buildings

2.10. Submitted Documents

- 2.11. In support of the planning application the applicant has submitted the following documents:

- Application Form and Certificates, prepared by DP9 Limited
- Community Infrastructure Levy Additional Information Form, prepared by DP9 Limited;
- Planning Statement, prepared by DP9;
- Design and Access Statement, prepared by RSHP;
- Existing drawings, prepared by RSHP;
- Proposed drawings, prepared by RSHP;
- Air Quality Assessment, prepared by Hoare Lea;
- Construction Management Plan, prepared by HG Construction;
- Outline Construction Logistics Plan, prepared by Pell Frischmann;
- Hotel Need Assessment, prepared by PKF hotelexperts;
- Environmental Statement Volume 1 – Main Chapters, coordinated by Trium Consulting
- Environmental Statement Volume 2 – Technical Appendices, coordinated by Trium Consulting;
- Environmental Statement Non-Technical Summary, prepared by Trium Consulting;
- Flood Risk Assessment, incorporating Sustainable Urban Drainage Statement, prepared by JBA;
- Noise and Vibration Assessment, prepared by Hoare Lea;
- Site Vehicle and Service Management Plan, prepared by Pell Frischmann;
- Statement of Community Involvement, prepared by Kanda Consulting;
- Energy and Sustainability Statement, prepared by EDC;
- Circular Economy and Whole Life Carbon Analysis Statement, prepared by EDC;
- BREEAM Pre-Assessment, prepared by EDC;
- Transport Assessment, prepared by Pell Frischmann;
- Framework Travel Plan, prepared by Pell Frischmann;
- Aborigicultural Impact Assessment, prepared by Treeworks;
- Ventilation Statement, prepared by EDC;
- Fire Statement, prepared by Orion;
- Student Housing Demand and Supply Study, prepared by JLL; and
- Student Accommodation Management Plan, prepared by Dominvs Group.

- 2.12. Following the submission of the application the applicant submitted the following further documents:

- Updated Fire Strategy and Stage 1 Response Letter, prepared by Orion;
- Energy and Sustainability Statement March 2020, prepared by BPP;
- Whole Life Cycle Carbon Assessment, prepared by Stroma;
- Circular Economy Assessment, prepared by Stroma;
- LBHF SUDS Proforma;
- Thames Water Capacity Response;
- Air Quality Assessment March 2020, prepared by Hoare Lea
- CAVAT Value Review Technical Note, prepared by Treework Environmental Practice;
- Transport Response Note, prepared by Pell Frischmann;
- Stage 1 response Table, prepared by DP9;
- Updated Design and Access Statement page 49, prepared by RSHP; and
- Updated Ground Floor Plan, prepared by RSHP.

2.13. Public Engagement

- 2.14. The applicant has submitted a Statement of Community Involvement. The following events were held:

Date	Event
12th October 2021	A newsletter advertising the website, proposals, contact details of the project team and providing an invitation to the public exhibition was distributed to 1,646 local addresses. The newsletter was delivered via Royal Mail 1st class postage. The newsletter was also issued by the Applicant to the Community Liaison Group as a pdf.
13th October 2021	A dedicated consultation website https://181talgarthroad.com/ was launched on 13th October 2021 in order for residents to learn more about the proposals, leave feedback, and contact the project team. The feedback function was launched on the 14th with copies of the exhibition materials uploaded and ran until 28th October, allowing stakeholders to provide feedback at their convenience.
18th October 2021	A public exhibition was held from 5.30pm to 8pm at the Novotel London West hotel. The 30 minutes preceding the event was reserved for local groups, with 5.30pm onwards being open to the public.

- 2.15. The following stakeholder engagement is set out by the applicant:

19th March 2021	Hammersmith BID
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25th May 2021	Hammersmith Residents Meeting at RSHP
23rd June 2021	Save Our Hammersmith Meeting
25th August 2021	Save Our Hammersmith Working Session (Noise)
1st September 2021	Save Our Hammersmith Working Session (Design and Landscape)
8th September 2021	Save Our Hammersmith Working Session (Noise and Road Safety)
15th September 2021	Margravine Cemetery and SoH Working Session
5th October 2021	Save Our Hammersmith Working Session (Design and Landscape 2
28th October 2021	Linacre Court Tenants and Residents Association

- 2.16. A consultation flyer was posted to c. 1,646 addresses surrounding the site on 12th October 2021 and a dedicated project consultation website was launched on 13th October 2021.
- 2.17. **Environmental Statement**
- 2.18. The development falls within Part 10 (b) (Infrastructure Projects – Urban Development Projects) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulation 2017 as amended.
- 2.19. The threshold for developments under column 1 of Schedule 2, 10(b) are that:
- The development includes more than 1 hectare of urban development which is not dwelling house development; or
 - The development includes more than 150 dwellings; or
 - The overall area of the development exceeds 5 hectares.
- 2.20. The proposed development falls below the thresholds / criteria set out within this classification. The site area is 0.67 hectares and provides student accommodation. The applicant has considered the potential for likely significant environmental effects and has identified that some technical topics should be addressed through the EIA process. These relate to climate change; wind microclimate; daylight, sunlight, overshadowing and solar glare; townscape, heritage, and visual and effective interactions.
- 2.21. On this basis, the applicant elected to undertake an EIA, and an Environmental Statement (ES) supports the application. The ES which accompanied the application was submitted in response to a Scoping Opinion issued by the Council on 2nd April 2020.
- 2.22. The ES comprises:
- Environmental Statement Volume 1: Main Environmental Statement
 - Environmental Statement Volume 2: Technical Appendices
 - Environmental Statement Non-Technical Summary

- 2.23. The ES informs readers of the nature of the proposed development and the likely environmental effects. It also presents the measures proposed to eliminate, reduce, or mitigate any likely significant adverse effects on the environment (referred to as 'mitigation' measures). The ES identifies environmental impacts and the effects during the demolition and construction phase, and on completion and occupation of the proposed development.
- 2.24. The 'scale' of the predicted effects have been classified according to the following scale. The definitions of the scale used follow either that set out below, or, as specified within the individual technical ES chapters:
- 'Negligible': Effects which are beneath levels of perception, within normal bounds of variation or within the margin of forecasting error, these effects are unlikely to influence decision-making, irrespective of other effects;
 - 'Minor': These effects may be raised as local issues and may be of relevance in the detailed design of the project, but are unlikely to be critical in the decision-making process;
 - 'Moderate': These effects, if adverse, are likely to be important at a local scale and on their own could have a material influence on decision-making; and
 - 'Major': These effects may represent key factors in the decision-making process. Potentially associated with sites and features of national importance or likely to be important considerations at a regional or district scale. Major effects may relate to resources or features which are unique and which, if lost, cannot be replaced, or relocated.
- 2.25. The definitions of the 'nature' of the resultant effect which are used throughout the ES are provided below:
- 'Adverse': Detrimental or negative effects to an environmental / socio-economic resource or receptor. The quality of the environment is diminished or harmed;
 - 'Beneficial': Advantageous or positive effect to an environmental / socio-economic resource or receptor. The quality of the environment is enhanced; and
 - 'Neutral': Where the quality of the environment is preserved or sustained or where there is an equal balance of benefit and harm.
- 2.26. Effects are also generally assigned a geographic extent (local, regional, or national) and duration (temporary or permanent). In addition, the ES identifies the potential for direct and indirect effects, interactions and cumulative effects.

Wind and Microclimate

Construction:

- 2.27. Whilst there is the potential for an increase in the local windiness across the site, the works are unlikely to create conditions unsuitable for a working construction site or pedestrian thoroughfares surrounding the cleared area with hoarding in place. Wind conditions during the demolition and construction works of the Proposed Development, on-site would therefore represent a likely Negligible effect (not significant).

Completed Development:

- 2.28. The wind tunnel testing highlighted that, in the presence of the proposed landscaping scheme, as well as the following design mitigation measures, the Proposed Development would result in a comfortable wind environment suitable for the uses proposed in each area on site. Provided the relevant mitigation is adopted, the Proposed Development will not result in any significant Wind Microclimate effects.

Daylight, Sunlight, Overshadowing and Solar Glare

Construction:

- 2.29. The impacts of the construction of the Proposed Development will steadily increase as the buildings are built. It is therefore considered that the completed Proposed Development represents the worst case assessment in terms of likely daylight, sunlight overshadowing and solar glare. As such, the assessment focuses on the Proposed Development when completed and operational.

Completed Development

- 2.30. Daylight: Of the 58 properties assessed, there are 9 instances of minor adverse and no instances of moderate or major adverse effects which are all considered to be significant effects of reduced daylight availability. All other effects are negligible and therefore not significant.
- 2.31. Sunlight: A total of 34 buildings and 217 rooms were assessed for sunlight, all of which will meet the relevant assessment criteria regarding sunlight hours. This means that all rooms considered to potentially be affected by the Proposed Development retained acceptable sunlight levels. The effect on sunlight to these properties was therefore considered to be Negligible (not significant). The Proposed Development will result in Negligible to Minor Adverse effects to the majority of properties.
- 2.32. Overshadowing: For overshadowing, the Proposed Development will result Negligible and therefore not significant effects for all sensitive amenity areas.
- 2.33. Solar Glare: A total of 13 sensitive locations were tested comprising sensitive receptors in the surrounding area, a majority of which were roads and key junctions. The Proposed Development will result in 7 instances of Minor Adverse effects which are not considered to be significant. It is considered that no mitigating solutions are required owing to the very thin section of the façade from which solar reflections would appear; the short period of time within which reflections would occur; the provision of multiple traffic lights at these junctions; and the direct view of the sun in the sky should the building not be there.

Townscape, heritage and Visual Impact Assessment

- 2.34. All construction effects would be temporary. The effect of construction operations on perception/experience of heritage and townscape character will be reduced by the preparation and use of an effective Construction Environmental Management

Plan including hoarding around the perimeter of the site. Given the preparation of an effective Construction Environmental Management Plan all construction related effects would be Negligible, Neutral.

Completed Development

- 2.35. The effects of the Proposed Development once fully completed and occupied in relation to townscape views, ranges from Moderate to Major Beneficial, and Negligible to Moderate Neutral. Moderate to Major Beneficial effects occur to 22 views including from the Upper Mall Open Space, Thames South Bank and from the Hammersmith Cemetery. In relation to the changes to the character and appearance of Conservation Areas, the effects range from Major Beneficial, and Negligible to Moderate Neutral. Major Beneficial effects occur at Barons Court Conservation Area and The Mall Conservation Area, the Gunter Estate Conservation Area experiences a Moderate Neutral effect, with all final Conservation Areas experiencing Negligible to Minor Neutral effects.
- 2.36. Both listed, and locally listed buildings have been taken into consideration in the Townscape, Heritage and Visual assessment. Changes to the setting of listed and locally listed buildings range from Moderate to Major Beneficial, and Negligible to Moderate Neutral. All the listed buildings assessed will experience a significant Moderate or Major Beneficial or Neutral effect, except Baron's Court Underground Station and the Church of St Paul, Hammersmith which experience Negligible Neutral effects. All the locally listed buildings assessed will experience a significant Beneficial or Neutral Moderate or Major effects, except the Chapel and South Lodge in Hammersmith Cemetery which experience Negligible Neutral effects. It is concluded that the Proposed Development preserves the special architectural and historic interest of the listed buildings and conservation areas affected by the development, therefore complying with relevant planning policy.

Climate Change

Construction

- 2.37. The EIA process has demonstrated that, during the demolition and construction works, no likely effects are expected.

Completed Development

- 2.38. The EIA process has demonstrated that, once the Proposed Development is fully complete and occupied, no Significant Adverse Effects are expected. Once the Proposed Development is fully complete and occupied, likely Significant Neutral and Beneficial effects relate only to the Townscape, Heritage and Visual Assessment. Significant Neutral effects relate to changes in 1 Conservation Area and the setting of 1 Listed Building. Significant Beneficial effects ranging from moderate to major in scale relate to changes in 20 townscape views assessed, 2 Conservation Areas and the setting of 8 Listed Buildings and 11 Locally Listed Buildings.

Cumulative Effects

- 2.39. A total of 12 cumulative schemes were considered. The cumulative effects of these schemes coming forward in conjunction with the Proposed Development were assessed for each of the technical topic areas presented above. The results of the cumulative effects assessment identify that no new likely significant environmental effects are expected from the combination of the cumulative schemes and the Proposed Development on the surrounding environment.

EIA Conclusion

- 2.40. The EIA process has demonstrated that once the Proposed Development is fully complete and occupied, likely Significant Beneficial and Neutral effects relate to townscape views, conservation areas and heritage assets.

3.0 PUBLICITY AND CONSULTATIONS

Consultation Responses

Greater London Authority (GLA)

- 3.1 The Mayor of London Stage 1 response is summarised below:
- 3.2 Land use principle: The delivery of purpose-built student accommodation and hotel use on the site is supported, subject to a nomination agreement being secured.
- 3.3 Housing: The scheme proposes that 50% of the student accommodation is affordable which is supported and would be eligible to follow the Fast Track Route. Affordability requirements and an early stage review must be secured.
- 3.4 Design and heritage: The site is identified as suitable for tall buildings in accordance with Policy D9 of the London Plan. However, further information is required with respect to functional and environmental impacts is required before the tall buildings can be considered acceptable. An updated fire statement is required.
- 3.5 Sustainable development: Further information on Be Lean, Be Clean, Be Green, Be Seen, overheating, whole life-cycle carbon and circular economy are required.
- 3.6 Environmental issues: Further consideration of air quality, biodiversity and urban greening is required.
- 3.7 Transport: The development generally complies with London Plan transport policies. However, the vehicle access arrangements are unacceptable and must be revised.

TfL

- 3.8 Further to the Stage 1, TfL submitted detailed comments summarised as follows:
- The centre of the site will be designed to include 1,560 sqm of landscaped public realm space which will be available for site users. This is generally supported by London Plan Policy T2 Healthy Streets.

- The development proposes 555 long-stay and 26 short-stay parking spaces, which meets London Plan Policy T5 quantum for residential and hotel use in this location.
- The car-free nature of the scheme meets the objectives of Policy 1 of the Mayor's Transport Strategy.
- To ensure vehicles use the correct entrance, a restriction for all coach/servicing/delivery vehicles should be enforced through a Traffic Regulation Order.
- Further information is required for the Active Travel Zone Assessment , public realm proposals and site access design to ensure full compliance with Policy T2.
- The layout of the cycle store should be amended to meet Policy T5.
- The taxi-bay on Talgarth Road should be removed to meet Policy T1, T2 and T7, as well as adhering to the Mayor's Vision Zero agenda.
- All highway works should be agreed prior to determination with TfL and LBHF. This should be written into the s106 agreement and delivered via a s78 agreement with TfL.
- The cycle parking layout in terms of its compliance with LCDS should be secured by condition.
- The final Site Vehicle and Service Management Plan (SVSMP) should be secured by condition in line with Policy T7.
- A Construction Logistics Plan should be secured by condition in line with policy T7.
- A Travel Plan and a Student Move in / Move Out Operational Management plan should be secured by condition in line with Policy T4.

3.9 Health and Safety Executive: Awaiting response.

3.10 Historic England: No comments to make on the scheme.

3.11 Metropolitan Police: Both the Designing Out Crime Officer and the Counter Terrorism Officer raise no objection to the proposal.

3.12 London Underground Infrastructure Protection: No response

3.13 Thames Water: No objection, however identify inability of the existing combined water infrastructure and water network infrastructure to accommodate the needs of the development. Conditions and informatives are recommended.

3.14 Historic England Archeology: The site is partially located within the Archaeological Priority Area of Hammersmith Creek, Queen Caroline Street and Broadway, area of potential for Saxon and medieval and post-medieval remains. There is no objection to the works subject to condition.

3.15 Environment Agency: No objection.

Design Review Panel – Observations

3.16 The Design Review Panel considered the proposal scheme at pre-application stage in 4 October 2021. The following comments summarise the panel discussion:

- From the outset, the panel recognised the change in the brief for the site particularly owing to the change in economics following the pandemic. This change was also reflected by the ongoing engagement with local residents, to attempt to respond to their concerns relating the scheme approved in 2020.
- As suggested during the earlier DRP session, the panel were supportive of the consented scheme and felt that this provided an appropriate response to the site, and its context; providing an elegant tall building, high-quality public space at the heart of the site, and improvements to the surrounding environments.
- The panel, although supportive of the approach to a changing brief and the ongoing engagement queried whether the current proposals struck the right balance to these factors; namely dealing with the sensitivities of the residential environment to the south, but also providing a statement in building addressing Talgarth Road as a gateway to London and a marker to Hammersmith.

Residents and Amenity Groups

3.17 The development has been advertised by means of a site notices posted around the site on 1st December 2021, press advert published 1st December 2021 and 1092 individual notification letters sent to the occupiers of properties around the application site on 25th November 2021. The letters sent were to all residents who were previously notified and all of those who commented on the previous and currently pending application ref. 2020/00915.

3.18 A total of 14 responses have been received, including 4 representations from local amenity groups. The contents of these representations are summarised below.

Support

3.19 4 representation has been received in support of the detailed application and 4 representations have been received which neither support or object. Comments are summarised below:

- I fear that if they are pushed much further there will be insufficient profit left in the development for Dominus to wish to proceed any further with it. Conditions can be added to deal with issues.
- There still will remain the issue of the significant over-development of the site. It will be very crowded, and more students will add to this. However I also believe that since the Magistrates Court Building has been demolished, it is too late to call for its conversion to an alternative use.
- Sounds great a hotel is just what is needed, brownfield site, improvements for the local economy.
- The developer has been proactive in taking neighbours concerns on board, good communication and a greatly improved design.
- The developer has met concerns to soften the visual impact of the building with exemplary cooperation with neighbours. Conditions are needed for planting and noise.

Objection

3.20 6 objections received to date on the detailed application. These have been summarised below:

- This should be in keeping with the cluster policy of Hammersmith as a whole and the immediate buildings and as a highly visible London landmark the architecture should be of sufficient merit.
- Such a dense scheme is uncalled for, unnecessary and goes against everything we stand for of a quieter greener friendlier and more sustainable neighbourhood.
- The scheme is too dense, poorly designed and will significantly affect our neighbourhood with overlooking and invasion of privacy.
- Significant proposed traffic routes are unrealistic and will put pressure on roads.
- The north and west elevations are particularly ill thought out and ill designed.
- Cannot see how this scheme will benefit the area.
- Location means it is not easy to access from the west and make existing traffic worse.
- The massing is still large and overbearing in comparison to what was there before.
- The building does not have any form of architectural merit and the materials do not relate to the area
- Noise from trains may be amplified.
- Would reduce the level of natural light available to the residential properties on Yeldham Road and Biscay Road.
- Light pollution.
- Although in the regeneration area it is on the edge and negatively affects the streets outside of the area.
- The public realm would not make up for the addition of another tall building.
- The elevational treatment of the northern block, now proposed to offer 713 'student accommodation units', offers no visual stimulation and contributes nothing to the townscape setting except sheer bulk.
- The façade treatment (notwithstanding the stepping-down of this block to south and west) to be both monotonous and overbearing, looming over its surroundings.
- The development would adversely impact heritage assets, will have a detrimental effect on the local area, is not of a high standard of design, will not create a high quality urban environment that respects and enhances its townscape context and heritage assets, and is contrary to local planning policy on design, tall buildings and heritage.
- Very limited public consultation undertaken.

3.21 The Save our Hammersmith residents' group have commented as follows:

- We have had extensive discussions with Dominvs over recent months and we support many of the changes in this proposal, as compared to the previous designs, subject to effective planning conditions being set in relation to a number of matters.
- The reduced height of the buildings as compared with earlier designs, and their stepping back from south so as to lessen the impact on houses to the south is supported.

- The lack of windows in the southern aspects of the east building, so respecting the privacy of houses to the south, is supported.
- The treatment of the major facades with windows to make these potentially more elegant and to reduce privacy intrusion, is supported.
- The use of the building as student accommodation is supported, which we consider will be of greater benefit to Hammersmith than the hotel previously proposed.
- The green planting of the roof terraces and of their facades, together with perimeter landscaping, which soften the visual impact, reduce reflected noise from the train tracks and help to absorb pollution is supported.
- The proposals include a service bay on the south-west corner of the site. The distance to the windows of nearest houses across the rail tracks is merely 27 meters. We consider it vital that adequate conditions are imposed on the use and design of the service bay so as to minimise the noise reaching residents. This needs to include matters such as times and frequency of use, and design aspects, such as sound barriers.
- We ask that the conditions include a continuing obligation upon the developers to monitor the noise impact of the buildings and their operation on affected properties both during construction and afterwards, comparing these with a representative baseline noise assessment made now at representative properties.
- We are also concerned that the standard criteria for measuring and averaging baseline predevelopment background noise levels are not appropriate for this site because of the exceptional level of intermittent and impulsive noise produced by passing trains. Conditions on noise emanating from the site must reflect the anomalies of this location.
- The arrangements for planting the terraces must be considered an integral part of the proposals because they contribute to a significantly to their acceptability to neighbours as discussed above. It is therefore important that the planting is maintained and renewed during the life of the building, and conditions should be set to ensure that this is achieved.
- We wish to see conditions set so as to maximise the sustainability of the building and the planting, in terms of its energy efficiency and water use.
- We note in that the Acoustics Planning Report dated 29 October 2021, submitted by Dominvs in support of the application, models the noise generated from “people using the terraces” (s7.1, p13). We have been assured by Dominvs that there is no intent to open the east building roof terraces to access by residents of the building, and that they will be accessible only for purposes of maintenance. We ask that this is made clear in the conditions.
- Given the impact of the development on the neighbourhood houses, we ask for a proportion of funding arising from the development to be committed to: improvements in Margravine Cemetery; improvements in St Paul’s Gardens; traffic reduction and road safety measures in Margravine Gardens and St Dunstan’s Road and in particular inhibitions on these streets being used as a rat run to access the A4; and measures to reduce tube-track noise, working with TfL.

3.22 Margravine Gardens and St Dunstan’s Road Residents’ Association have commented that The Association has been involved in discussions surrounding the Dominvs development of this site and are happy for the plans, as tabled, to proceed.

3.23 The Friends of Margravine Cemetery have commented as follows:

- The Friends of Margravine Cemetery finds the new plans in the above planning application an improvement on the previously approved scheme.
- We are pleased that the adverse impact on the cemetery skyline (our main concern) will be far less.
- We also note there might be developer contributions to environmental improvement works in the cemetery which we would welcome.

3.24 The Hammersmith Society have commented as follows:

- The application proposals bring neither the office nor the residential accommodation favoured by policy, while the tourist hotel and student accommodation (i) fail to optimise the commercial context and prestigious location of the site, (ii) bring limited employment opportunities and little custom for local shops, and (iii) the proposed development offers marginal contribution to the cultural aspirations of HTC.
- The lower height of the north building would bring a significant reduction in the visual presence of the development in the borough skyline. Views of the building from the southeast, whilst less dominant than the earlier proposals, include the alarming elevations of the blank walls of the tiered set-backs, creating an unwelcome prominence.
- The massing of the north block presents an uncomfortable profile, a remnant of a rectangular whole. The severity of the step-backs fragment the building geometry, and neither the lines of the terracotta coursing nor the verticality of the prominent circulation tower appear sufficient to restore a visual order.
- The proposed pixelated-style cladding, dissolving the window differentiation to minimise the sense of overlooking of the southern neighbourhood, offers great visual potential.
- Whilst we miss the visual interest and elegance of the public realm of the 2020 application, the enlarged courtyard and generous planting still provide welcome respite from the dominance of the enclosing buildings. Hotel users and student residents will have to resolve their differing recreational needs of this space. Placing the student block main entrance within the courtyard will animate the space, bringing life, activity and natural security. Where cycle storage and service spaces fill the east side of the student building at ground level, the window design needs careful consideration to avoid lifeless infills on both the courtyard and the road elevations.
- The juxtaposition of the irregular bulk of the development with the neighbouring Ark building remains awkward in views from passing west-bound traffic, but the reduced height of the north block has lessened the impact of the development in views from neighbouring conservation areas.
- Provision of community facilities has diminished with each planning application, beginning with community meeting venues and top floor jazz bar in the 2019 submission, a gym and rooftop viewing area in the 2020 submission, and no evident benefits in the current submission except for the access to the central courtyard, which has been provided for in every submission. The Local Plan requires that the development will provide financial support for community, health and leisure facilities where these are not included within the scheme, and this should be a condition of any approval.

- The preparation of three applications in less than three years has compromised the time available for design creativity. We draw some comfort from the exemplary quality of detail and finish we can expect from the current design team, providing they are retained throughout the project, and this should be a condition of any consent.
- This is one of the first substantial commercial developments on this east side of the town centre, and we are concerned that the application has neither fostered the potential nor grasped the opportunities of such an important site. The regeneration of Hammersmith Town Centre deserves better than this.

3.25 Cllr Murphy also made representations endorsing the comments made by Save our Hammersmith and that the council should investigate working with TfL to mitigate the unacceptable noise arising from the tube lines.

4.0 PLANNING POLICY FRAMEWORK

Statutory Framework

- 4.1 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.
- 4.2 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).

Planning (Listed Buildings and Conservation Areas Act) 1990

- 4.3 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the principal statutory duties which must be discharged in the determination of any application affecting listed buildings or conservation areas.
- 4.4 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

National Policy

- 4.5 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and was revised in 2019 and then again in July 2021, 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.
- 4.6 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.

- 4.7 Further, the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 4.8 The NPPF sets out that achieving sustainable development means that the planning system has 3 overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure
 - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 4.9 These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 4.10 The NPPF sets out a presumption in favour of sustainable development. For decision-taking this means:
- (c) approving development proposals that accord with an up-to-date development plan without delay; or
 - (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date 8 , granting permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

4.11 Paragraph 38 of the NPPF states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Development Plan

- 4.12 The statutory development plan for the area comprises the London Plan 2021 and the Hammersmith and Fulham Local Plan 2018. A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application.
- 4.13 With regards to this application, all planning policies in the National Planning Policy Framework (NPPF), London Plan, Local Plan 2018 and Planning Guidance Supplementary Planning Guidance (SPD) which have been referenced where relevant in this report have been considered with regards to equalities impacts through the statutory adoption processes, and in accordance with the Equality Act 2010 and Council's PSED. Therefore, the adopted planning framework which encompasses all planning policies which are relevant in officers' assessment of the application are considered to acknowledge protected equality groups, in accordance with the Equality Act 2010 and the Council's PSED.

5.0 PLANNING ASSESSMENT

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

- 5.1 Principle of Development and Land Use
- 5.2 Housing
- 5.3 Design and Heritage
- 5.4 Daylight, Sunlight, Solar Glare, Overlooking and Amenity
- 5.5 Highways
- 5.6 Sustainability and Energy
- 5.7 Flood Risk and Drainage
- 5.8 Ground Contamination
- 5.9 Air Quality
- 5.10 Noise and Vibration
- 5.11 Wind and Microclimate
- 5.12 Arboriculture, Ecology and Biodiversity
- 5.13 Security
- 5.14 Archaeology

5.15 Socio Economics and Community Effects

5.16 Accessibility

5.1 Principal of Development and Land Use

- 5.1.1. **London Plan Policy GG2** sets out the Mayor's strategic policy with regard to the best use of land and states that that planning must enable the development on brownfield land, in particular in Opportunity Areas, on surplus public sector land and sites within and on the edge of town centres as well as utilising small sites of less than 0.25 hectares, prioritising sites with good transport links.
- 5.1.2. **London Plan Policy S1** seeks to protect and enhance social infrastructure provision, including justice facilities and states in this regard that Development proposals that would result in a loss of social infrastructure in an area of defined need as identified in the borough's social infrastructure needs assessment should only be permitted where:
- 1) there are realistic proposals for re-provision that continue to serve the needs of the neighbourhood and wider community, or;
 - 2) the loss is part of a wider public service transformation plan which requires investment in modern, fit for purpose infrastructure and facilities to meet future population needs or to sustain and improve services
- 5.1.3. And that redundant social infrastructure should be considered for full or partial use as other forms of social infrastructure before alternative developments are considered, unless this loss is part of a wider public service transformation plan.
- 5.1.4. **London Plan Policy E10** state that it will be necessary to support the development of visitor accommodation close to major visitor attractions which are outside central London and the designated town centres and opportunity areas, where there is also a clear link in terms of scale, nature and location between the accommodation and the attraction(s) being served.
- 5.1.5. **London Plan Policy H1**, Table 4.1, of the London Plan establishes a 10-year target of 16,090 homes for the London Borough of Hammersmith and Fulham. Paragraph 4.1.9 of the London Plan states that net non-self-contained student accommodation should count towards meeting housing targets on a 2.5:1 ratio, meaning 2.5 bedrooms are equivalent to a single home. The Mayor's Stage 1 response sets out that the Mayor's Academic Forum has established that there is an annual requirement for 3,500 PBSA bed spaces over the plan period.
- 5.1.6. **London Plan Policy H15** seeks to ensure that local and strategic need for purpose-built student accommodation is addressed and requires student accommodation to contribute to a mixed and inclusive neighbourhood, secure the proposed accommodation for student use, of which the majority of bedrooms, including all of the affordable bedrooms, and must be secured via nomination agreement. Boroughs, student accommodation providers and higher education providers are encouraged to develop student accommodation in locations well-connected to local services by walking, cycling and public transport, as part of mixed-use regeneration and redevelopment schemes.

- 5.1.7. **Local Plan Policy HO9** recognises the London-wide need for student accommodation, and to assist in meeting this need it will support applications for student accommodation as part of mixed use development schemes within the White City and Earls Court and West Kensington Opportunity Areas. Applications for student accommodation outside of these areas will be assessed on a site by site basis, however the council will resist proposals which are likely to have adverse local impacts and sets out a number of criteria.
- 5.1.8. **Policy CF1 of the Local Plan** states that unless there is clear evidence that there is no longer an identified need for a particular facility or service, or where that facility or service can be appropriately replaced or provided elsewhere in the locality the existing use would be protected.
- 5.1.9. **Local Plan Policy E3** states that permission will be granted for new visitor accommodation and facilities. Outside of the town centres and White City and Earl's Court and West Kensington Opportunity Areas it is considered that small scale hotels and visitor accommodation related to major visitor attractions of sub-regional or greater significance in accordance with the provisions of the London Plan.
- 5.1.10. The site is located in the **Hammersmith Regeneration Area (Policy HRA)** and Town Centre. **Strategic Policy HRA** sets a target of delivering 2,800 homes and 10,000 indicative new jobs within the Hammersmith Regeneration Area and encourages the regeneration of the town centre and building upon the centre's major locational advantages for office and retail development. Policy HRA seeks to actively engage with residents in delivering benefits for the surrounding area; supports a wide range of retail, office, local government services, leisure, arts, entertainment, community facilities and housing; promotes the continuation of the town centre as a key strategic office location through provision of modernised office blocks; and supports proposals that extend Hammersmith's arts and leisure offer.
- 5.1.11. **Local Plan Policy HRA** states that proposals within the regeneration area should respond positively to local character and history, taking opportunities to enhance heritage assets; improve pedestrian and cycle infrastructure; improve the range and quality of specialist shops and services; provide appropriate social, physical, environmental and transport infrastructure; secure economic benefits for the wider community through job opportunities and recruitment; and seek the creation of public spaces, architecture and public realm of the highest quality.
- 5.1.12. The application site is situated in the boundary of **Strategic Site Policy HRA2** (A4, Hammersmith Flyover, Hammersmith Gyratory and Adjoining land). This strategic policy is however relevant to development proposals coming forward following the release of land for development if the Hammersmith flyover and sections of the A4 are replaced with a tunnel. This policy is not specifically related to the application site and therefore of limited weight.

Assessment

Former Use

- 5.1.13. The closure of the Hammersmith Magistrates' Court was agreed by the Ministry of Justice in February 2017, following a public consultation and review process of its court provision in London by the HM Courts & Tribunals Service in 2016. The consultation concluded that the Hammersmith Magistrates' Court function was surplus to the MoJ's requirements and existing services would be consolidated into other existing court facilities nearby. As such the function itself was transferred elsewhere enabling the disposal of the land but without the loss of the use itself to the community. The applicant acquired the site in 2017 and the magistrates' function ceased in September 2017. The site is now vacant.
- 5.1.14. The former court building comprises approximately 6,361 sqm (GIA) floor space spread over the three floors. The principle issue of the loss of the Magistrate's court and the case for consolidation has already been reviewed and agreed by the Ministry of Justice. Redundant social infrastructure should be considered for full or partial use as other forms of social infrastructure before alternative developments are considered. It is also noted that a magistrate's court, whilst social infrastructure, differs from the usual community uses and the benefits they bring. The proposed development would provide the following uses:
- New public realm within the site – between North and South Hotel
 - Public realm enhancements to Talgarth Road
- 5.1.15. The redevelopment of brownfield land in this location is strongly supported by London Plan Policy GG2 which sets out that planning must enable the development on brownfield land, in particular in Opportunity Areas, on surplus public sector land and sites within and on the edge of town centres. It is considered that the loss of the existing social infrastructure has been established through part of a wider public service transformation plan and that the existing building is not suitable for alternative social infrastructure purposes through its design and nature. The proposed development will also create community benefits through public realm. It is considered that the loss of the existing use accords with London Plan Policy S1 and Policy CF1 of the Local Plan

Proposed Hotel Use

- 5.1.16. London Plan policy supports the provision of visitor accommodation and states that such development is required to support major visitor attractions outside of central London, opportunity areas and town centres. The approach is further supported by local policy in relation to major visitor attractions of sub-regional or greater significance.
- 5.1.17. The hotel proposal would assist in meeting aspirations to regenerate the town centre of Hammersmith. The proposed development would provide visitor accommodation in the Hammersmith regeneration area and town centre, providing 400 hotel rooms. The development therefore assists London and its target for additional hotel bedrooms. In addition, officers consider the proposed development would meet the criteria set out in Local Plan Policy E3. The site has excellent transport connections. The site is situated within 5 minutes' walk of Hammersmith underground station, a key interchange for the District, Piccadilly, Circle and Hammersmith and City lines and Barons Court station. Furthermore, there are a number of bus stops, the key bus station at the Broadway and cycle hire stands all in close proximity. Adequate off-street servicing and disabled parking would be

provided and at least 10% of the hotel bedrooms are designed as wheelchair accessible.

- 5.1.18. A hotel needs assessment has been submitted with the application. Office space is a key driver of hotel demand and the borough has seen significant office renewal and redevelopment over the last decade with key future developments at the Civic Campus and Olympia in and around the town centre together with the investment by Westfield and Imperial College in the north of the borough alongside sites such as White City Place, a 65,000 sqm office park positioned as a hub for media, innovation and tech all of which form the repositioning of Hammersmith as a thriving commercial centre in west London.
- 5.1.19. The assessment identifies that there is a strong leisure and business demand from both domestic and international travellers in Hammersmith, and there is a limited amount of existing and proposed new visitor accommodation supply, with a lack of upscale quality hotels in the immediate surrounding area. The assessment summarises that the site is in a desirable location, within walking distance of Hammersmith underground and bus stations with good links to Heathrow airport, the M4 and Central London.
- 5.1.20. Whilst other hotels are present or intended within the town centre, the scheme would add to the variety and quality of visitor accommodation available locally while providing a high end facility in a key location both within the centre and within London generally. Visitor accommodation is encouraged and supported by policy as a use within Hammersmith town centre and would contribute to the vitality and viability of this major town centre. The application site is a key component of the proposed regeneration of Hammersmith town centre and Policy HRA supports a comprehensive redevelopment. The proposed hotel development therefore accords with the objectives within the regeneration area and would be beneficial to the town centre as a location for additional visitor accommodation.

Proposed Student Use

- 5.1.21. The scheme would deliver 713 student bed spaces which is the equivalent of 285 conventional housing units and would contribute positively to the above target and is therefore supported in principle. The applicant has proposed that, as required, a nomination agreement would be entered into with an educational institution which is secured within the heads of terms proposed within this report.
- 5.1.22. Whilst the site is not within the White City or Earls Court and West Kensington Opportunity Areas, the principle of student accommodation provision is supported by Local Plan Policy HO9 on this site subject to the demonstration of no adverse local impacts through the six criteria set out. As such, subject to the satisfaction of these criteria to be assessed in Section 5.2 below, the principle of student accommodation is supported.

Principle and Land Use Conclusion

- 5.1.23. Wider benefits would be delivered by way of increasing local expenditure through increased employment levels with job opportunities for local residents and companies and additional visitors through the borough. It is considered that the social and economic benefits derived from the development are substantial public

benefits and represent the delivery of the Council's spatial vision and strategic objectives set out within the Local Plan as well as representative of the opportunity the development presents.

- 5.1.24. The proposal seeks to meet the strategic employment targets for the regeneration area and would provide a positive contribution to the economy and place making in the town centre, in accordance with Policy HRA. Officers do not raise objection to the principle of the land uses proposed, which are considered appropriate within this town centre location, and are consistent with relevant national, regional, and local planning policies. Officers therefore consider that the proposal, subject to s106 legal agreement to secure the benefits identified and agreed, is in accordance with London Plan Policies GG2, H1, H15, E10 and S1 and Local Plan Policies CF1, E3, HO9, HRA and HRA2. These benefits however need to be weighed against the design and form of the proposed new build and whether the development would have an unacceptable impact on the amenities of neighbouring properties and the local area or impact significantly on the highway network and the generation of traffic.

5.2 Housing

- 5.2.1. **London Plan Policy H15** seeks to ensure that local and strategic need for purpose-built student accommodation is addressed subject to number of criteria within Part A and Part B that must be met and are addressed below.
- 5.2.2. **Local Plan Policy HO9** recognises the London-wide need for student accommodation, and to assist in meeting this need it will support applications for student accommodation as part of mixed use development schemes within the White City and Earls Court and West Kensington Opportunity Areas. Applications for student accommodation outside of these areas will be assessed on a site by site basis, however the council will resist proposals which are likely to have adverse local impacts and sets out a number of criteria that must be satisfied are addressed below.

London Plan Policy H15 Criteria

1) at the neighbourhood level, the development contributes to a mixed and inclusive neighbourhood

- 5.2.3. The submitted Student Accommodation Demand Assessment sets out that student accommodation development pipeline is diminishing, despite a growing student population, and is notably low in Hammersmith relative to many other London boroughs. As such there is not an overwhelming existing provision in the borough that this proposal would be in addition to, but rather would be meeting an existing need demonstrated through the current lack of provision. The 0

2) the use of the accommodation is secured for students

- 5.2.4. The northern building will be for student accommodation, secured by way of legal agreement and will be operated by an education provider.

3) the majority of the bedrooms in the development including all of the affordable student accommodation bedrooms are secured through a nomination agreement for occupation by students of one or more higher education provider

- 5.2.5. In advance of occupation of the northern building a nominations agreement is required to be entered into under the s106 legal agreement with an education provider and the applicant has set out that they are in advanced discussions with Imperial College.

4) the maximum level of accommodation is secured as affordable student accommodation as defined through the London Plan and associated guidance

- 5.2.6. 50% of the proposed student accommodation will be affordable. The provision of 50% affordable student accommodation would adhere to the requirements set out in Policy H15 of the London Plan to qualify for the Fast-Track Route, whereby rents would be capped at rates set equal or below 55% of the maximum income that a new full-time student studying in London and living away from home could receive from the Government's maintenance loan for living costs that academic year. This is secured by way of legal agreement.

5) the accommodation provides adequate functional living space and layout

- 5.2.7. The proposed northern building will feature 713 student units of a variety of types both as studio units and shared accommodation with shared kitchens, living and dining facilities. The 'twodio' and 'threedio' typologies are in effect shared living arrangements with two or three bedrooms and a shared living, dining area and bathroom.

Room Type	Studio	Cluster	'Twodios'	'Threedios'	Total
Quantum	480	199	16	18	713

- 5.2.8. This provides for a range of typologies, with the studio and two/threedios each having their own en-suite bathroom, cooking and dining area and sleeping/living area. The ends of the building have been designed to provide 'cluster' or shared apartment style accommodation with 4-6 bedrooms and shared living or communal spaces including an open plan living areas with a kitchen and dining area. The clusters include a variety of standard rooms, larger premium rooms and wheelchair accessible rooms. This is in addition to 1,006sqm of shared amenity space at 1.41sqm per person with a dedicated area of 80sqm under the pergola in the main outdoor public realm. The units and their layout are considered to offer a high quality of student accommodation.
- 5.2.9. Part B of London Plan Policy H15 encourages student accommodation to be in locations well-connected to local services by walking, cycling and public transport, as part of mixed-use regeneration and redevelopment schemes. The proposal is itself a mixed use scheme within a regeneration area and has excellent local and London wide transport connectivity with a PTAL of 6a/6b.

Local Plan Policy HO9 Criteria

a) the site is in an area with good public transport accessibility (normally PTAL 4-6) with access to local convenience services and the proposal would not generate additional demands for on-street parking

- 5.2.10. Subject to the Transport section in this report, the site has excellent transport links, is within the town centre and its wide range of services and is not considered to lead to on-street parking demands.

b) there would be no loss of existing housing

- 5.2.11. The site is vacant and features, and has not featured, any housing.

c) the development does not have a detrimental impact on the local area, and should include a management and maintenance plan for the accommodation to demonstrate how the amenity of neighbouring properties will be protected and what steps would be taken to minimise the impact of the accommodation on neighbouring uses

- 5.2.12. Subject to the Amenity section of this report below, the proposal would not have a detrimental impact upon the local area. A Student Accommodation Management Plan accompanies this application and provides further details of the management and maintenance measures proposed and a revised Plan is required by the proposed condition prior to occupation ensure the North Building is and remains a professionally-managed building which operates comfortably alongside its neighbours.

d) the accommodation is of high quality, including size of units, daylight and sunlight standards

- 5.2.13. As set out above the units are considered of a high quality. The submitted Internal Daylight, Sunlight and Overshadowing Assessment sets out that 96% of all proposed habitable rooms assessed meeting or exceeding the recommended levels of Average Daylight Factor (ADF); the No Sky Line (NSL) levels are very good with 93% of all habitable rooms meeting the recommended level; and that 97% of the tested main habitable rooms meet the minimum sunlight recommendation throughout the year and 98% will meet or exceed the winter period recommendation.

e) wheelchair accessible accommodation is provided to meet the needs of disabled students in accordance with relevant British Standards

- 5.2.14. Subject to the Accessibility section of this report below, 10% of the student accommodation meets wheelchair accessible standards.

f) the student accommodation should be secured for occupation by members of specified London-based educational institutions or an element of affordable accommodation in accordance with the London Plan

- 5.2.15. The proposal will be required by legal agreement to enter into a nominations agreement with an educational institution, with the applicant in discussions with Imperial College, prior to occupation. 50% of the units will be affordable in line with the London Plan as above.

- 5.2.16. The quality of the student accommodation is considered to be of a high level and will meet an identified need as well each of the criteria set out in adopted policy. 50% of the accommodation would be affordable as set out within the London Plan and an Education Provider and nominations agreement is secured by legal agreement prior to occupation. As such is considered to be in accordance with London Plan Policy H15 and Local Plan Policy HO9.

5.3 Design, Heritage and Townscape

Design

Policy Framework

- 5.3.1 The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The NPPF also requires that proposals should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
- 5.3.2 The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The NPPF also requires that proposals should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
- 5.3.3 The NPPF states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Part 12 the NPPF outlines the requirement for good design and Paragraph 130 sets out that planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 5.3.4 **London Plan Policy D3 (Optimising site capacity through the design-led approach)**, promotes higher density development in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling and sets benchmarks in relation to form/layout, experience and quality/character. Policy D4 (Delivering good design), identifies the need to use visual, environmental and movement modelling alongside design review to inform the design development of proposals. Policy D8 (Public realm), encourages new developments to create new areas of public realm, which are well-designed, safe, accessible, inclusive, attractive and well-connected. Policy D9 (Tall buildings), sets out a plan led approach to development of tall buildings and a framework for assessment of proposals including tall buildings.
- 5.3.5 **LBHF Local Plan Policy DC1 (Built Environment)** states that all development within the borough should create a high-quality urban environment that respects and enhances its townscape context and heritage assets. There should be an approach to accessible and inclusive urban design that considers how good design, quality public realm, landscaping and land use can be integrated to help regenerate places.
- 5.3.6 **Local Plan Policy DC2 (Design of New Build)** sets out to ensure that new build development will be of a high standard of design and compatible with the scale and character of existing development and its setting.
- 5.3.7 **Local Plan Policy DC3 (Tall Buildings)** identifies four areas within which tall building may be appropriate, including Hammersmith Town Centre; the policy also sets a framework to assess proposals for tall buildings.

Design Assessment

Existing townscape

- 5.3.8 The eastern extent of Hammersmith town centre is characterised by large scale building blocks that are visually and physically isolated by divisive transport corridors. Talgarth Road is characterised by a lack of defined edges and provides a weak and unwelcoming visual entrance into the town centre. The application site is part of the town centre and lies within the diverse setting of modern, commercial buildings. Other than their large scales and the strong horizontal banding of the elevations, there is no uniformity in building types and materials.
- 5.3.9 The Magistrates Court site forms part of an island block with the Ark and Lilla Huset building to the west and the petrol station to the east. The island site is fragmented from the surrounding townscape by the London underground lines to the south and vehicular routes of Talgarth Road/A4. As such, the visual and pedestrian links with the town centre and between the neighbouring blocks are of exceptionally poor quality.
- 5.3.10 The vacant proposal site lies on the southern edge of Hammersmith the town centre, that is bounded by the District Line railway tracks to the south. The town centre buildings in the vicinity have 9-15 storeys while the general townscape scale drops down to a mid-height of 3-6 storeys further east and north-east, including the current building on site. The evolving masterplan for the town centre

anticipates that heights in some parts of the town centre could rise further. Subject to detailed townscape and heritage considerations, some sites may be capable of achieving development of 20+ storeys in order to accommodate the projected economic growth and increasing housing demand.

- 5.3.11 In design and environmental terms, the quality of the walkway along Talgarth Road between the town centre, the site and further east is poor, in particular where there is a distinct lack of activation of the edges of the proposal site and of the petrol station directly to the east as buildings are set back into the sites. The redevelopment of the site offers the potential to integrate the site with the town centre, to include public access and community facilities, to improve the pedestrian links between the town centre, the site, LAMDA and Baron's Court and address the poor environmental conditions not only for the benefit of the site but also for its neighbours.

Design of proposals

- 5.3.12 The proposal scheme follows a perimeter block approach to development. The layout of development seeks to introduce two L-shaped buildings flanking the north-eastern and south-western extents of the site. Both buildings provide a strong sense of enclosure to both an internal public route and a formal public square at the core of the site. Both buildings are designed to have a discrete, yet complementary character overall.

Northern Block – Student accommodation

- 5.3.13 The northern building has an L-shaped stepped form which varies from 9 storeys at the interface with the southern block, stepping up to 17 storeys overall. The development is designed as two blocks linked by a prominent, vertically expressed core, which would form the tallest element of the development. (This feature would be situated to the north-eastern corner of the site).
- 5.3.14 The architectural language of the building, is designed to include a number of features which are hallmarks of the architects RSHP; who have recently brought forward other development schemes including the Hammersmith Civic Campus and Landmark House within Hammersmith Town Centre.
- 5.3.15 These features, particularly the prominent core expressed in terracotta cladding, glazing and with an external feature staircase would act as a marker into Hammersmith town centre. These features would complement, but also counterbalance the prominent core of the southern hotel building and 'crows nest' feature of adjacent The Ark as part of an 'island' cluster of buildings.
- 5.3.16 Within the blocks themselves, the grid approach would bring forward a strong and uniform treatment to the building façades. This approach would introduce a repeating bay treatment, varied through use of translucent, transparent and solid glazing panels which would give the building additional character and interest. This approach would also serve to complement the strong character of the façades of the southern hotel building and adjacent building The Ark. Integration of these features set behind external supports; composed in terracotta cladding would anchor the building, providing a vertical emphasis and reinforcing the character and quality of both the northern and southern buildings. Furthermore,

within the eastern, stepped blocks of the building, the introduction of stepped areas of green roof and planting will assist in providing the development additional interest when viewed from the south.

Southern Block - Hotel

- 5.3.17 The L-shaped form of the southern hotel varies between 10 storeys to the western extent of the site and 5 storeys to the south. The architectural approach of this building is broken down vertically to break-up the mass of this block; providing an architectural language which reaffirms some of the qualities of the northern hotel and also to complement the character of adjacent developments; The Ark and Lilla Huset buildings, (situated due west of the application site). The form of the architectural approach detailed with terracotta material at lower levels and to the external cores; alongside use of perforated metal cladding at upper floors is considered to illustrate a high-quality approach which would create a successful clustering relationship between existing and proposed buildings overall. The roofscape of this block would also be designed to incorporate a variety of green roofs.
- 5.3.18 Conditions relating to the submission of detailed 1:20 sections of the main building elements and submission of materials are recommended to be attached to any consent granted for development, to give the LPA additional control over the quality of the detailed design of these buildings.
- 5.3.19 The design of this block is consistent with the extant planning permission granted for the development of the site. (Application reference: 2020/00915/FUL).

Landscaping and Public Realm

- 5.3.20 Given the poor quality of the current environment and public realm supporting the application site, redevelopment of the site has the ability to deliver significant improvements to the pedestrian experience and permeability of the eastern extent of Hammersmith Town Centre overall.
- 5.3.21 Proposals would improve the current arrangement of Talgarth Road as a key pedestrian route. Providing animated frontages to this route. Internally the scheme would also open-up the site, providing a new secondary pedestrian route, which would provide additional permeability and sanctuary from noise and poor air quality of the A4. This route has been carefully designed to allow for a future connection to the east, (if redevelopment of the adjacent petrol filling station where to come forward at a later stage).
- 5.3.22 At the core of the site, the new pedestrian route is supported by a new large-scale public square which would be animated by active frontages of the restaurants/meeting rooms of the southern hotel and the northern student accommodation block. The public realm is designed to feature a uniform palette of hard and soft landscaping elements of high quality. The main servicing and delivery routes are designed to be located to the periphery of site, discrete from the public realm and pedestrian spaces.
- 5.3.23 The proposal scheme would result in the loss several mature trees, particularly TPO trees to the western boundary of the site. The landscape strategy supporting

the application, seeks to bring forward planting of new, replacement trees at the core of the public realm and additional off-site tree planting along Talgarth Road. On balance, the landscaping proposals are considered to provide a positive enhancement to the site overall.

- 5.3.24 Subject to planning consent being granted, appropriate conditions will be attached to the decision seeking submission of additional detailed design of the scheme at 1:20 detail, alongside submission of materials and additional detail of hard/soft landscaping proposals.

Tall Building Assessment

- 5.3.25 The application site is situated in Hammersmith Town Centre and Regeneration Area. An area where tall buildings may be considered appropriate in accordance with **Local Plan Policy DC3**, and as a plan-led tall building considering and **London Plan Policy D9**. Local Plan Policy DC3 states: Tall buildings, which are significantly higher than the general prevailing height of the surrounding townscape and which have a disruptive and harmful impact on the skyline, will be resisted by the council. Both Policies provide a framework against which to consider proposals for the development of tall buildings. As such, the following section serves to assess the proposal scheme against these frameworks.

Local Plan DC3 – Tall Buildings

- 5.3.26 In these areas identified as potentially appropriate for tall buildings, any proposal will need to demonstrate that it:

a. has a positive relationship to the surrounding townscape context in terms of scale, streetscape and built form

- 5.3.27 As described in the Design and Access Statement accompanying this application, the scale and built form of the proposal has been sensitively designed to respond positively to the adjacent context which varies significantly.

- 5.3.28 The proposal scheme serves to mediate between the scale of the residential terraces to the south of the site, while also serving to create a positive relationship to The Ark and other tall/large buildings situated to the north. Alongside these considerations, the scheme also serves to create a marker building at a key gateway to Hammersmith Town Centre.

- 5.3.29 Furthermore, the Townscape, Heritage and Visual Impact Assessment (THVIA), submitted in support of the application, also illustrates how the design team have considered the wider townscape context to limit any adverse townscape impacts and harm to adjacent heritage assets.

b. is of the highest quality of architectural design and materials with an appropriate form and silhouette which contributes positively to the built heritage and image of the borough

- 5.3.30 The architectural approach of the scheme has been sensitively designed to create a high-quality development with its own sense of character; whilst also respecting the character of neighbouring developments.

5.3.31 Overall, the buildings both have a strong character and expression, through integration of key features elements, particularly within the cores of the buildings. The grid approach to the external façade treatment, alongside the use of high-quality facing materials will add to this character and create a positive relationship within the ‘island cluster’ these developments create with The Ark. The prominent core of the northern building, will create a particularly positive marker to the town centre and addition to the skyline.

c. has an acceptable impact on the skyline, and views from and to open spaces, the riverside and waterways and other locally important views and prospects

5.3.32 As discussed above, the scale and architectural design of the scheme, when considered alongside the prominent location of the application site have been sensitively considered to create a positive addition to the skyline of Hammersmith and key views from adjacent townscape receptors including heritage assets and the river Thames. As such, considering the outcomes of the THVIA, the scheme is considered to have a neutral/beneficial impact to the skyline overall.

d. has had full regard to the significance of heritage assets including the setting of, and views to and from, such assets, has no unacceptable harmful impacts, and should comply with Historic England guidance on tall buildings

5.3.33 The application site is currently vacant and is not situated in a Conservation Area. However, the application is supported by a THVIA, which appraises the impacts of the development upon surrounding heritage assets.

5.3.34 The outcome of this assessment is that the scheme would cause harm to the setting and significance of Baron’s Court Conservation Area and to the setting of a small variety of designated/non-designated heritage assets within Margravine (Hammersmith) Cemetery and The Ark. This harm is identified as less than substantial harm and, in line with local policy and the NPPF, this level of harm has been considered and weighted/balanced against the public benefits coming forward as part of the scheme and detailed elsewhere within this report.

e. is supported by appropriate transport infrastructure

5.3.35 As assessed elsewhere in this report, the proposal is a car free development with a focus on cycle provision. The application site is located in close proximity to both Hammersmith Broadway interchange and Baron’s Court stations; providing access to a variety of public transport. In addition, a transport Assessment has been submitted and it is considered that the appropriate infrastructure is in place to support the proposal.

f. has an appropriate design at the base of the tall building and provides ground floor activity

5.3.36 The ground floor of both buildings has been designed to incorporate a variety of activities which will activate and provide passive surveillance of new/improved public spaces and pedestrian routes. In particular, the public square at the heart of the development will be activated by key entrances to both buildings.

g. interacts positively to the public realm and contributes to the permeability of the area

- 5.3.37 The public realm is well designed and serves to offer enhanced pedestrian links along Talgarth Road, and the provision of a new link into the site, which will provide access to a new public square and enable future provision of the link to an adjacent development site.

h. is of a sustainable design and construction, including minimising energy use and the risk of overheating through passive design measures, and the design allows for adaptation of the space

- 5.3.38 Subject to the relevant section below, the proposal exceeds London Plan energy and sustainability targets including the mitigation of overheating through design.

i. does not have a detrimental impact on the local environment in terms of microclimate, overshadowing, light spillage and vehicle movements

- 5.3.39 As assessed in the environmental considerations sections of this report the impacts from microclimate are acceptable and appropriately mitigated by the secured condition. Daylight, sunlight and overshadowing impacts are considered to be acceptable. Light spillage will be commensurate with a residential building and is not considered to result in unacceptable impacts. The scheme is car free and as such car ownership will be low, further restrictions are in place by way of permit restrictions in the wider area secured by legal agreement.

j. respects the principles of accessible and inclusive design.

- 5.3.40 Subject to the relevant section below, the proposal meets all requirements in regard to accessibility and inclusivity.

Summary

- 5.3.41 Overall the development is considered to comply with the policy requirements of Local Plan Policy DC3.

London Plan Policy D9 - Tall buildings

- 5.3.42 Part C of Policy D9 advised proposals should address the following impacts:

Visual impacts

a) the views of buildings from different distances:

i long-range views – these require attention to be paid to the design of the top of the building. It should make a positive contribution to the existing and emerging skyline and not adversely affect local or strategic views

ii mid-range views from the surrounding neighbourhood – particular attention should be paid to the form and proportions of the building. It should make a positive contribution to the local townscape in terms of legibility, proportions and materiality

iii immediate views from the surrounding streets – attention should be paid to the base of the building. It should have a direct relationship with the street,

maintaining the pedestrian scale, character and vitality of the street. Where the edges of the site are adjacent to buildings of significantly lower height or parks and other open spaces there should be an appropriate transition in scale between the tall building and its surrounding context to protect amenity or privacy.

- 5.3.43 As discussed above, a fully detailed THVIA, has been submitted with this application which assesses the impact of the scheme from a variety of local to long-range views. In summary, the proposed development would not result in any adverse impact upon strategic views. Considering local views, the development would result in some changes to views of the site within the local area which are considered to have a largely neutral/beneficial impact.

b) whether part of a group or stand-alone, tall buildings should reinforce the spatial hierarchy of the local and wider context and aid legibility and wayfinding

- 5.3.44 As described in the design, heritage and townscape section above, the context of the development site varies significantly; and it's redevelopment offers an opportunity to improve the gateway to Hammersmith Town Centre.

- 5.3.45 Consequently, the varied and stepped scale of the development would respond well to large/taller buildings located to the northern extent of the site, whilst also responding well to the residential environs to the south. The prominent core at the north-eastern extent of the site would serve to form a marker to the town centre and counterbalance the 'crow's nest' of The Ark to the western extent of this 'island' cluster. This would reinforce the legibility and wayfinding to this area of the town centre.

c) architectural quality and materials should be of an exemplary standard to ensure that the appearance and architectural integrity of the building is maintained through its lifespan

- 5.3.46 As discussed, the architectural approach of the scheme has been sensitively designed to create a high-quality development with its own sense of character; whilst also respecting the character of neighbouring developments.

- 5.3.47 Overall, the buildings both have a strong character and expression, through integration of key features elements; particularly within the cores of the buildings. The grid approach to the external façade treatment, alongside the use of high-quality facing materials will add to this character and create a positive relationship within the island cluster of these developments and The Ark. The prominent core of the northern building, will create a particularly positive marker to the town centre and addition to the skyline.

d) proposals should take account of, and avoid harm to, the significance of London's heritage assets and their settings. Proposals resulting in harm will require clear and convincing justification, demonstrating that alternatives have been explored and that there are clear public benefits that outweigh that harm. The buildings should positively contribute to the character of the area

- 5.3.48 As described above, the application site is current vacant and is not situated in a Conservation Area. Assessment of the scheme as set out in the heritage section below, has identified the development would cause harm to setting and

significance of the Baron's Court Conservation Area and to the setting of a small variety of designated/non-designated heritage assets within Margravine (Hammersmith) Cemetery and The Ark. This harm is identified as less than substantial harm and, in line with local policy and the NPPF, this level of harm has been considered and weighted/balanced against the public benefits coming forward as part of the scheme and detailed elsewhere within this report.

e) buildings in the setting of a World Heritage Site must preserve, and not harm, the Outstanding Universal Value of the World Heritage Site, and the ability to appreciate it

5.3.49 The proposal is not within the setting of any World Heritage Site.

f) buildings near the River Thames, particularly in the Thames Policy Area, should protect and enhance the open quality of the river and the riverside public realm, including views, and not contribute to a canyon effect along the river

5.3.50 Given its scale and massing, the proposal would feature in background views and therefore the setting of the River Thames. The THVIA submitted with the application, includes assessment of the of the development upon these views.

5.3.51 The development would in many views be read within background views partially occupying a gap between existing tall buildings, The Ark and Charing Cross Hospital which are already a feature of these background views. The scheme would not be of a scale which competes or coalesce with these existing features and as such would have relatively neutral impact upon the river views.

g) buildings should not cause adverse reflected glare

5.3.52 The materiality of the building is not considered to give rise to solar glare due to the absence of reflection from solid materials.

h) buildings should be designed to minimise light pollution from internal and external lighting

5.3.53 Light spillage will be commensurate with the use of the building and is not considered to result in unacceptable impacts.

Functional impact

a) the internal and external design, including construction detailing, the building's materials and its emergency exit routes must ensure the safety of all occupants

5.3.54 A Fire Statement is submitted in support of this application, which sets out details of the building's construction, means of escape, features which reduce fire risk, access for fire services personnel and the provision of fire appliances within the curtilage of the building. The safety (including fire safety) of occupants has been satisfactorily considered.

b) buildings should be serviced, maintained and managed in a manner that will preserve their safety and quality, and not cause disturbance or inconvenience to

surrounding public realm. Servicing, maintenance and building management arrangements should be considered at the start of the design process

- 5.3.55 The Design and Access Statement submitted sets out that the materials to be used are of a high quality materials that minimise maintenance requirements over its lifetime and are virtually maintenance free. Details of materials are secured by condition. The building is positioned on the site to provide access to all elevations and allow abseil access for window cleaning and maintenance work without impacting on the surrounding area. The refuse collection and servicing strategies propose to utilise currently used pickup points minimising any impact on local residents and details of these strategies are secured by condition.

c) entrances, access routes, and ground floor uses should be designed and placed to allow for peak time use and to ensure there is no unacceptable overcrowding or isolation in the surrounding areas

- 5.3.56 As a residential building it is not considered that overcrowding is likely to be an issue, however the entrance lobby is considered to be satisfactory in terms of its size and layout.

d) it must be demonstrated that the capacity of the area and its transport network is capable of accommodating the quantum of development in terms of access to facilities, services, walking and cycling networks, and public transport for people living or working in the building

- 5.3.57 As assessed in the relevant section below, the proposal is a car free development with a focus on cycle provision. A Transport Assessment has been submitted and it is considered that the appropriate infrastructure is in place to support the proposal

f) jobs, services, facilities and economic activity that will be provided by the development and the regeneration potential this might provide should inform the design so it maximises the benefits these could bring to the area, and maximises the role of the development as a catalyst for further change in the area

- 5.3.58 This relates to commercial development and is not considered relevant. However, economic opportunities through the construction period are secured by way of obligation in the form of jobs and local procurement.

g) buildings, including their construction, should not interfere with aviation, navigation or telecommunication, and should avoid a significant detrimental effect on solar energy generation on adjoining buildings

- 5.3.59 A Construction Logistics Plan has been submitted and a further detailed version of this is secured by condition. This will ensure the construction of the development does not interfere with aviation, navigation or telecommunication. In terms of solar energy generation of adjacent buildings it is not considered the proposal would create any detrimental impact on this provision.

Environmental impact

a) wind, daylight, sunlight penetration and temperature conditions around the building(s) and neighbourhood must be carefully considered and not compromise comfort and the enjoyment of open spaces, including water spaces, around the building

- 5.3.60 As assessed in the environmental considerations sections of this report the impacts from microclimate are acceptable and appropriately mitigated by the secured condition. Daylight, sunlight and overshadowing impacts are considered to be acceptable.

b) air movement affected by the building(s) should support the effective dispersion of pollutants, but not adversely affect street-level conditions

- 5.3.61 As assessed in the relevant section above, the air quality impacts of the proposal are considered acceptable and conditions are secured in relation the construction phase to mitigate impacts.

c) noise created by air movements around the building(s), servicing machinery, or building uses, should not detract from the comfort and enjoyment of open spaces around the building

- 5.3.62 As assessed in the relevant section below, the proposal is not considered to result in unacceptable noise impacts and the scheme is not considered to result in harm to the enjoyment around the surrounding area. Conditions are secured relating to machinery and internal noise.

Cumulative impacts

a) the cumulative visual, functional and environmental impacts of proposed, consented and planned tall buildings in an area must be considered when assessing tall building proposals and when developing plans for an area. Mitigation measures should be identified and designed into the building as integral features from the outset to avoid retro-fitting

- 5.3.63 The cumulative impacts of this scheme with the other tall buildings in the wider context have been assessed visually in the Environmental Statement. While there are other developments envisaged within the local areas, the environmental and functional impacts will not be significant due to their distance away and the use of the buildings being specialist student accommodation rather than commercial.

Public access

D Free to enter publicly-accessible areas should be incorporated into tall buildings where appropriate, particularly more prominent tall buildings where they should normally be located at the top of the building to afford wider views across London.

- 5.3.64 In light of the specialist student accommodation use of the building, it is not considered appropriate to have a public viewing area at the top of the building.

Summary

- 5.3.65 Given the assessment of the proposed building against the criteria framework set out to assess the acceptability of a tall building under London Plan Policy D9, it is considered that this demonstrates that the proposed development would be acceptable in terms of its impacts.

Design Conclusion

- 5.3.66 The proposals are well-designed and would provide a new high-quality landmark development within a prominent gateway to Hammersmith Town Centre. Notwithstanding their own architectural quality, the proposals would also serve to reinforce and complement the form, architecture and materiality of the adjacent Ark and Lilla Huset buildings, creating a legible cluster of buildings within this 'island' site. Conditions would secure the quality of the detailed design and external materials.

Heritage and Townscape

- 5.3.67 **The Planning (Listed Buildings and Conservation Areas) Act 1990** sets out the principal statutory duties which must be considered in the determination of any application affecting listed buildings or conservation areas.
- 5.3.68 It is key to the assessment of these applications that the decision-making process is based on the understanding of specific duties in relation to listed buildings and Conservation Areas required by the relevant legislation, particularly the s.66 and s.72 duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements set out in the NPPF.
- 5.3.69 **S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990** requires that: 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'
- 5.3.70 **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.'
- 5.3.71 **Paragraph 189 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.
- 5.3.72 **Paragraph 195 of the NPPF** states: Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They

should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

- 5.3.73 **Paragraph 197 of the NPPF** states: In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.3.74 **Paragraph 199 of the NPPF** states: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 5.3.75 **Paragraph 200 of the NPPF** states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
- 5.3.76 **Paragraph 201 of the NPPF** states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: a) the nature of the heritage asset prevents all reasonable uses of the site; and b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and d) the harm or loss is outweighed by the benefit of bringing the site back into use.
- 5.3.77 **Paragraph 202 of the NPPF** states: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.3.78 **Paragraph 203 of the NPPF** states: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 5.3.79 The NPPF makes a clear distinction between the approach to be taken in decision-making where the proposed development would affect the significance of designated heritage assets (listed buildings, conservation areas, Registered Parks and Gardens) and where it would affect the significance of non-designated heritage assets (buildings of local historic and architectural importance).
- 5.3.80 The NPPF also makes a clear distinction between the approach to be taken in decision-making where the proposed development would result in 'substantial' harm and where it would result in 'less than substantial' harm.
- 5.3.81 Case law indicates that following the approach set out in the NPPF will normally be enough to satisfy the statutory tests. However, when carrying out the balancing exercise in paragraphs 195 and 196, it is important to recognise that the statutory provisions require the decision maker to give great weight to the desirability of preserving designated heritage assets and/or their setting.
- 5.3.82 **The Planning Practice Guidance** notes which accompany the NPPF remind us that it is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed.
- 5.3.83 The scheme would impact both directly and indirectly on heritage assets. These impacts are considered separately in the following sections.
- 5.3.84 For the indirect impacts, namely impacts on settings, officers agreed areas for assessment with the applicants. The applicant's statements submitted with the application, identifies the significance of designated heritage assets within a study area surrounding the application site, including designated and non-designated heritage assets in Hammersmith & Fulham. It identifies designated assets that have a connection to the proposed development area and seeks to identify the significance of the designated heritage asset in relation to the site.
- 5.3.85 In the first instance, the assessment to be made is whether the development within the setting of a designated heritage asset will cause harm to that designated heritage asset or its setting. If no harm is caused, there is no need to undertake a balancing exercise. If harm would be caused, it is necessary to assess the magnitude of that harm before going to apply the balancing test as set out in paragraphs 195 and 196 of the NPPF as appropriate.
- 5.3.86 **London Plan Policy HC1** (Heritage Conservation and Growth) states proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.
- 5.3.87 **Local Plan Policy DC8** (Heritage and Conservation) states that the council will conserve the significance of the borough's historic environment by protecting, restoring and enhancing its heritage assets. These assets include listed buildings, conservation areas historic parks and gardens, the scheduled monument of Fulham Palace Moated site, unscheduled archaeological remains and buildings

and features of local interest. When determining applications affecting heritage assets, the council will apply the following principles:

- a. the presumption will be in favour of the conservation, restoration and enhancement of heritage assets, and proposals should secure the long-term future of heritage assets. The more significant the designated heritage asset, the greater the presumption should be in favour of its conservation;
- b. applications affecting designated heritage assets, including alterations and extensions to buildings will only be permitted if the significance of the heritage asset is conserved or enhanced;
- c. applications should conserve the setting of, make a positive contribution to, or reveal the significance of the heritage asset. The presence of heritage assets should inform high quality design within their setting;
- d. applications affecting non-designated heritage assets (buildings and artefacts of local importance and interest) will be determined having regard to the scale and impact of any harm or loss and the significance of the heritage asset in accordance with part of the National planning Policy Framework;
- e. particular regard will be given to matters of scale, height, massing, alignment, materials and use;
- f. where changes of use are proposed for heritage assets, the proposed use, and any alterations that are required resulting from the proposed use should be consistent with the aims of conservation of the asset's significance, including securing its optimum viable use;
- g. applications should include a description of the significance of the asset concerned and an assessment of the impact of the proposal upon it or its setting which should be carried out with the assistance of a suitably qualified person. The extent of the requirement should be proportionate to the nature and level of the asset's significance. Where archaeological remains of national significance may be affected applications should also be supported by an archaeological field evaluation;
- h. proposals which involve substantial harm, or less than substantial harm to the significance of a heritage asset will be refused unless it can be demonstrated that they meet the criteria specified in paragraph 133 and 134 of the National Planning Policy Framework;
- i. where a heritage asset cannot be retained in its entirety or when a change of use is proposed, the developer should ensure that a suitably qualified person carries out an analysis (including photographic surveys) of its design and significance, in order to record and advance the understanding of heritage in the borough. The extent of the requirement should be proportionate to the nature and level of the asset's significance;
- j. the proposal respects the principles of accessible and inclusive design;
- k. where measures to mitigate the effects of climate change are proposed, the applicants will be required to demonstrate how they have considered the significance of the heritage asset and tailored their proposals accordingly;
- l. expert advice will be required to address the need to evaluate and conserve archaeological remains, and to advise on the appropriate mitigation measures in cases where excavation is justified; and m. securing the future of heritage assets at risk identified on Historic England's national register, as part of a positive strategy for the historic environment.

5.3.88 The Council's Supplementary Planning Guidance SPD is relevant, in particular Key Principles AH1 (Information Requirements for applications for

consent affecting heritage assets); AH2 (Protection of Heritage Assets); CAG1 (Land Use in Conservation Areas); CAG2 (Urban Design in Conservation Areas) and CAG3 (New Development in Conservation Areas). These Key Principles provide guidance which seeks to ensure that heritage assets are conserved in a manner appropriate to their significance in accordance with the NPPF.

Townscape Assessment – Views

- 5.3.89 To assess the impact of the proposed development, the Environmental Statement includes a Townscape, Heritage and Visual Impact Assessment, (THVIA), which assesses 36 views from an agreed selection of locations around the site. Within some of the images, wirelines have been used, where the degree of visibility or impact on the skyline is the most important part of the assessment. However, most of the studies are fully rendered representations of the proposed scheme which indicate the development and the design of the facades in its urban context.
- 5.3.90 For the purpose of this report, the views have been grouped into viewpoint areas that present views which are in similar locations and/or demonstrate very similar levels of impact in terms of the appearance of the new development, its impact on the local townscape and on the setting of conservation areas and listed buildings. Officers have assessed all of the submitted views on site and have paid regard to the comments received and how the impact would change as the viewpoint is varied within each area.
- 5.3.91 Riverbank views
- 5.3.92 These views are from the north and south bank of the river looking north-east towards the site and are important views of The Mall and Fulham Reach Conservation Areas and Hammersmith Bridge as well as of a group of listed buildings and Buildings of Merit lining the riverside within The Mall Conservation Area.
- 5.3.93 The new development would not be visible from the south bank opposite Fulham Reach Conservation Area or from Hammersmith Bridge, however, the form of the tall building of the northern building, at its highest point, would be set slightly below the crow's nest of the Ark when viewed from The Mall open space or the south bank on the opposite side. From here, the building would contribute to an emerging layer of tall buildings in Hammersmith and Fulham that appear in the background of views from The Mall and Fulham Reach Conservation Areas. (This includes the existing Charing Cross Hospital).
- 5.3.94 The cumulative view of existing and proposed tall buildings does not indicate a coalescence or grouping of such tall buildings, therefore the tall buildings that would be visible punctuate the background rather than creating a prominent new skyline. The development would not be visible in the context of the mature landscaping/trees of Furnivall Gardens that dominate this stretch of the north bank.
- 5.3.95 Consequently, the effect upon these views would illustrate a moderate change to the townscape and a neutral impact overall.

- 5.3.96 The view of Hammersmith Bridge is not affected as the proposed building would be screened by the Riverside Studios development.
- 5.3.97 There would be no change to the townscape or impact upon this view.

Town centre views

- 5.3.98 Views within the town centre demonstrate that the new building would only become visible from the junction of Talgarth Road with Butterwick Road and when looking down Shortlands from Hammersmith Road where it blends with the general scale and character of the townscape. The view at the junction of Butterwick Road and Talgarth Road, (looking east), shows the profile of the tall building set in the background of views and forming a positive relationship with the Ark.
- 5.3.99 Consequently, the effect upon these views would illustrate a negligible change to the townscape and the impact neutral overall.

Brook Green and Olympia views

- 5.3.100 The proposed development would not be visible in Brook Green views, with only a small element of the crown of the tall building visible within westward facing views from Olympia.
- 5.3.101 There would be no change to the townscape or impact upon these views.

Barons Court, Hammersmith Cemetery and Yeldham/Biscay/Beryl Road views

- 5.3.102 Approaching the town centre on Talgarth Road from the east, the proposed development would be highly prominent. The L-shaped form and stepped appearance of the northern building would form a visually interesting marker at the gateway into the town centre. The distinctive shape of the Ark would be partially screened from these views.
- 5.3.103 Outside Baron's Court the local environment has retained its historic character, however, when looking towards the town centre and the site, taller buildings, such as LAMDA and the residential tower (Linacre Court), come into view. The linear LAMDA development visually acts as a border between the Barons Court Conservation Area and the town centre beyond. The new development would appear above the 6-storey LAMDA building but not larger in scale than Linacre Court.
- 5.3.104 Consequently, the effect upon these views would illustrate a negligible change to the townscape and the impact neutral overall.
- 5.3.105 From the leafy parts of Margravine Cemetery, buildings on Talgarth Road are barely visible even when the trees are not in leaf, with the exception of few glimpses afforded by gaps between trees. Due to the volume of the trees with and without leaves, sightings of the proposed development are not considered to harm the character of the cemetery.

5.3.106 In contrast, the western part of the cemetery has less trees, and the new development would in its full width appear prominently in the background of those views. This background currently is characterised by low-rise residential terraces but also features the crow's nest and curved roof of the Ark and glimpses of Linacre Court in the distance. The northern building, would introduce a new prominent form within this setting and mid-range views.

5.3.107 The development will introduce a prominent form situated behind the existing terraces of Yeldham Road, Biscay Road and Beryl Road. In short to mid-range views, proposals will in part coalesce with the existing Ark development.

5.3.108 Consequently, the effect upon these views would illustrate a moderate change to the townscape and neutral to adverse impact overall; depending upon the view considered.

Impacts on Heritage Assets

5.3.109 The proposal site is not situated within a Conservation Area and does not feature any designated/non designated heritage assets.

5.3.110 Given the scale and massing of the proposed development, there is a need to consider wider impacts upon the setting, character and significance of surrounding Conservation Areas and heritage assets.

Heritage Assets - Conservation areas

5.3.111 Based upon due consideration of the Planning Statement and Townscape and Visual Impact Assessment submitted in support of the application, assessment of the impact upon the following Conservation Areas is required:

- Barons Court CA
- Brook Green CA
- Queen's Club Gardens
- Gunter Estate CA
- Dorcas Estate
- Fitzgeorge and Fitzjames
- Hammersmith Broadway CA
- Hammersmith Odeon CA
- Hammersmith Town Hall CA
- The Mall CA
- Fulham Reach CA

5.3.112 Barons Court, Brook Green, Queens Club Gardens, Dorcas Estate, Fitzgeorge and Fitzjames, and Gunter Estate Conservation Areas all are characterised draw their significance as high quality, historic, residential terraces and include mature green spaces such as parks and cemeteries.

5.3.113 Hammersmith Broadway, Hammersmith Odeon and Hammersmith Town Hall Conservation Areas hold significance as town centre areas of diverse townscape character, centred around the key sites of the Broadway, the former Apollo Theatre and the Town Hall. They include large scale commercial buildings, residential blocks and traditional terraces of various building periods.

5.3.114 The Mall and Fulham Reach Conservation Areas lie to the west and south of the town centre. The main historic relevance and significance of the Conservation Areas lies in the relationship between the river, the riverbank and foreshore, and the views along and across the river that provide the important characteristics of the Conservation Areas. Fulham Reach has been subject to significant change in recent years, encompassing modern, large scale residential and mixed-use developments; through development of former industrial sites, The Mall Conservation Area is a well-preserved historic riverside characterised by a variety of finely grained buildings, many of them listed or designated as Locally Listed, Buildings of Merit.

Assessment of harm

5.3.115 The proposal scheme, particularly the taller northern building at 18 storeys will result in some change, and harm to the setting of a variety of Conservation Areas. This harm would generally result from the inter-visibility of proposals within mid to long-range views of these areas. This is particularly the case in regard to Baron's Court Conservation Area including Margavine Cemetery.

5.3.116 Officers consider that the proposed development would result in less than substantial harm to the setting and significance of the Baron's Court Conservation Area.

Heritage Assets – Statutory Listed buildings and Locally Listed, Buildings of Merit

5.3.117 There are several listed buildings and Locally Listed, Buildings of Merit in the vicinity of the site, the setting of which may be affected due to a potential inter-visibility with the proposed development. They can be grouped as follows.

5.3.118 The Grade II* listed Church of St. Paul and the Apollo Theatre located on Talgarth Road to the west of the site. Users of the A4 or the public realm underneath experience the diversity of buildings as they move along this corridor. The context of the heritage assets can only be glimpsed due to the position of the flyover.

5.3.119 The 'Ark', a locally listed, Building of Merit, direct neighbour to the site. This building is in an isolated and exposed position, and due to its unusual form and architectural features, it is regarded as a local landmark that indicates the entrance to Hammersmith town centre when approaching from eastern direction.

5.3.120 William Morris Academy, a locally listed, Building of Merit, in Biscay Road to the south of the Underground line and visible from St Dunstan's Road. This building, designed in the Victorian London Board School style, rises over the surrounding 2-3 storey residential terraces, thereby representing the typical historic relationship between residential and public buildings.

5.3.121 The cluster of heritage assets near Barons Court Station, including the Grade II listed Underground Station, St. Paul's Studios at Nos 135-149 Talgarth Road, and various houses, terraces and buildings designated as Buildings of Merit in Margravine Gardens, Palliser Road and Talgarth Road. The architectural

significance of these buildings and their relationship to each other are of special interest with regard to the building types and the townscape they form as a group. The larger scale, modernity and diversity of the town centre is clearly visible in the background in views from east.

- 5.3.122 Buildings, structures, war memorials and tombs, both listed and designated as Buildings of Merit, within Margravine (Hammersmith) Cemetery and the Grade II listed No 17 St. Dunstan's Road and the street wall, railings and gates in front of it. The setting of these assets is characterised by the location within or on the edge of the leafy cemetery with a low level of overlooking by surrounding development. Some tall buildings, such as Charing Cross Hospital and residential towers to the north and south-west are clearly visible in views from the cemetery.

The Grade II* listed Hammersmith Bridge.

- 5.3.123 Listed buildings and Buildings of Merit situated on the river in particular in the eastern part of The Mall Conservation Area, a diverse ensemble of small-scale residential houses, sailing and rowing clubs, public houses and mansion blocks.

Assessment of Harm

- 5.3.124 The development would not result any harm to the setting and significance of the Grade II* listed Church of St. Paul, Hammersmith Bridge or the Grade II Apollo Theatre; as existing buildings/structures, including Hammersmith Broadway, the Ark and the A4 flyover, would screen and limit any visibility of proposals from within the setting of these assets.
- 5.3.125 Considering the setting of other listed buildings, tombs and monuments as identified above, it is concluded that the setting of these assets would also be subject to of some harm as a result of the inter-visibility of the proposal scheme. However, it is officers conclude that this harm would be less than substantial harm.
- 5.3.126 In terms of impacts upon other Locally Listed, Buildings of Merit, proposals would generally not result in any harm to these assets. However, there would be some harm to the setting of the Ark; particularly as the taller northern building would in part screen and obstruct westward views of this development from Talgarth Road and the A4.
- 5.3.127 Notwithstanding the changes to these views, given the unique location of The Ark and former magistrates court development within an 'island site', the redevelopment of the site provides an opportunity to create a stronger cluster of buildings which reaffirm and complement the quality and significance of The Ark overall. Considering the relationship between the cluster of buildings, officers therefore consider harm to setting of this non-designated heritage asset to represent less than substantial harm.

Design, Heritage and Townscape Conclusion

- 5.3.128 The proposed scheme represents an opportunity to regenerate the eastern part of Hammersmith town centre in accordance with the Council's Local Plan policies. The site currently fails to contribute positively to the town centre's townscape,

cohesion and identity, and the proposed scheme provides considerable potential to address these issues.

Urban Design and Heritage Balance

- 5.3.129 The proposed development would result in less than substantial harm to the setting the Barons Court Conservation Areas and to the setting of the group of buildings, structures, war memorials and tombs, both listed and designated as Buildings of Merit, within Margravine (Hammersmith) Cemetery. The development would also result in less than substantial harm to the setting of locally listed, Building of Merit, The Ark. This impact is largely related to the inter-visibility of the proposal within short and mid-range views from these heritage assets.
- 5.3.130 The proposals would alter views from the northern, eastern and southern extents of the site particularly when viewed within the background of the smaller scale residential terraces to the south of the town centre. The visual impact of the development has been carefully managed; owing to the situation of the tallest building to the northern extent of the site and the placement of less significant block to the southern portion of the site, adjacent to the Underground rail line and residential terraces beyond.
- 5.3.131 The configuration, design and materiality of the proposed development is thought to be well considered and would enhance the town centre's legibility, the definition of historic urban spaces, the townscape character and identity.
- 5.3.132 The proposed buildings would provide substantial environmental benefits to the locality by way of offering public amenity spaces, and a new public square; alongside future proofing provision of additional pedestrian routes protected by the built form and by substantial urban greening and landscaping.
- 5.3.133 The proposed development offers to contribute to reinstating the town centre's historic cohesion and connectivity by improvements to the public realm and provision of publicly accessible internal and external spaces on site with activated frontages.
- 5.3.134 In balancing the urban design and heritage impacts, it is considered that on balance the proposal would result in an overall positive outcome for the town centre regeneration and therefore would be in accordance with the relevant national guidance and regional and local policies.
- 5.3.135 Officers have assessed the impact of the proposal on the heritage assets and consider that it is compliant with Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposed development is also considered acceptable in accordance with the NPPF, Policies D3, D4, D8, D9 and HC1 of the London Plan (2021) and Policies DC1, DC2, DC3 DC4, DC7 and DC8 of the Local Plan (2018).
- 5.3.136 The proposed scheme represents an opportunity to regenerate the eastern part of Hammersmith town centre in accordance with the Council's Local Plan policies. The site currently fails to contribute positively to the town centre's townscape,

cohesion and identity, and the proposed scheme provides considerable potential to address these issues.

5.4 Residential Amenity

Daylight, Sunlight, Overshadowing and Solar Glare

- 5.4.1. **The NPPF Paragraph 125** states that local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards). The PPG (effective use of land) advises on this point that in areas of high-density historic buildings, or city centre locations where tall modern buildings predominate, lower daylight and daylight and sunlight levels at some windows may be unavoidable if new developments are to be in keeping with the general form of their surroundings.
- 5.4.2. **London Plan Policy D6** in relation to residential quality and standards, states that schemes should provide sufficient daylight and sunlight to new and surrounding residential housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space. **London Plan Policy D8** reiterates the importance of ensuring that tall buildings do not compromise the comfort and enjoyment of neighbouring residential properties and open spaces to new development.
- 5.4.3. **The Mayor's Housing SPG Policy 7.6** makes clear that 'an appropriate degree of flexibility' should be applied when assessing the impacts of new development on surrounding properties and within developments. In particular paragraph 1.3.45 states 'Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time.' Paragraph 1.3.46 further states 'The degree of harm on adjacent properties and the daylight targets within a proposed scheme should be assessed drawing on broadly comparable residential typologies within the area and of a similar nature across London. Decision makers should recognise that fully optimising housing potential on large sites may necessitate standards which depart from those presently experienced, but which still achieve satisfactory levels of residential amenity and avoid unacceptable harm.'
- 5.4.4. **Local Plan Policy HO11** addresses detailed residential standards and, in seeking a high standard of design, seeks to ensure the protection of existing residential amenities; 'including issues such as loss of daylight, sunlight, privacy and outlook'.
- 5.4.5. **Local Plan Policies DC2 and Policy DC3** state that all new builds and tall buildings must be designed to respect good neighbourliness and the principles of residential amenity.

- 5.4.6. **Key Principles HS6 and HS7** of the Planning Guidance SPD seek to protect the existing amenities of neighbouring residential properties, in terms of outlook, light, and privacy.
- 5.4.7. **The BRE Guidelines** are typically used to assess daylight and sunlight. The Guideline sets out three methods for assessing daylight into a room including the Vertical Sky Component (VSC) method, the No Sky Line (NSL) method. and the Average Daylight Factor (ADF) method. The introduction to the guide however stresses that it should not be used as an instrument of planning policy and should be interpreted flexibly because lighting is only one design factor for any scheme. Sunlight assessment is based on annual probable sunlight hours (APSH) and winter sunlight hours. In terms of overshadowing of gardens and open spaces the BRE guide recommends that for an open space to appear adequately sunlit through the year, more than half of the space should receive at least two hours of sunlight at the March equinox.

Daylight, Sunlight, Overshadowing and Solar Glare Assessment

- 5.4.8. An assessment of the daylight, sunlight, and overshadowing effects of the Proposed Development on surrounding buildings and amenity space is contained within Chapter 5 of the ES. Potential solar glare impacts (i.e. reflection from surfaces) for sensitive road junctions and rail lines and a light spillage (i.e. light from the site into the surrounding area) for sensitive neighbouring residential properties have also been considered.

Daylight

- 5.4.9. It should be noted that the 2020 assessment was carried out against a baseline of the former Magistrates building which has now been demolished and as such the baseline has now changed to a vacant site. In the baseline scenario of the now vacant site, 512 (57%) of the 899 windows assessed meet the BRE guidelines for VSC and 353 (85.7%) out of the 412 rooms assessed meet the BRE criteria.
- 5.4.10. For the proposed development, of the 899 windows assessed for VSC, 855 (95.1%) meet the BRE criteria. Of the 412 rooms that the windows assessed serve, 407 (98.7%) of these rooms meet the BRE criteria for NSL. 44 of the 58 properties assessed will meet the BRE guidelines for both VSC and NSL. The remaining 14 affected properties set out below.
- 5.4.11. 109 Yeldham Road: A total of seven windows serving four rooms were assessed for daylight within these three buildings. For VSC, all seven windows assessed would meet the BRE Guidelines criteria which would therefore be considered to equate to a Negligible effect. For NSL three of the four (75%) rooms assessed would meet the BRE Guidelines criteria which would therefore be considered to equate to a Negligible effect. The affected room would experience alterations in VSC levels between 20-29.9% which is considered to equate to a Minor Adverse effect. Overall, due to the high level of BRE compliance for VSC and NSL, the effect to daylight to this building is considered to be Negligible (not significant).
- 5.4.12. 93 Yeldham Road: A total of 12 windows serving four rooms were assessed for daylight within this buildings. For VSC, 10 of the 12 windows assessed would meet the BRE Guidelines criteria which would therefore be considered to equate to a

Negligible effect. One the two affected windows would experience an alteration in VSC between 20-29.9% which is considered a Minor Adverse effect and one would experience an alteration between 30-39.9% which is considered a Moderate Adverse effect. Both windows are obstructed in the baseline condition which would exacerbate any impacts however it should be noted that the room this window serves is served by additional mitigating windows unaffected by the proposal. For NSL all rooms would meet the BRE criteria. Overall, due to the high level of BRE compliance for VSC and NSL, the effect to daylight to this building is considered to be Negligible (not significant).

- 5.4.13. 91 Yeldham Road: A total of 9 windows serving 5 rooms were assessed for daylight within this buildings. For VSC, 7 of the 9 windows assessed would meet the BRE Guidelines criteria which would therefore be considered to equate to a Negligible effect. One the two affected windows would experience an alteration in VSC between 20-29.9% which is considered a Minor Adverse effect and one would retain 25.9% which is considered a very good level of daylight. The second window sees an alteration of 20.6% which is only marginally beyond the criteria for what is noticeable. For NSL all rooms would meet the BRE criteria. Overall, due to the high level of BRE compliance for VSC and NSL, the effect to daylight to this building is considered to be Negligible (not significant).
- 5.4.14. 89 Yeldham Road: A total of 6 windows serving four rooms were assessed for daylight within this buildings. For VSC, 4 of the 6 windows assessed would meet the BRE Guidelines criteria which would therefore be considered to equate to a Negligible effect. One the two affected windows would experience an alteration in VSC between 20-29.9% which is considered a Minor Adverse effect and one would experience an alteration between 30-39.9% which is considered a Moderate Adverse effect. Both windows are obstructed in the baseline condition which would exacerbate any impacts however it should be noted that the second window serves a room served an by additional mitigating window unaffected by the proposal. For NSL all rooms would meet the BRE criteria. Overall, due to the high level of BRE compliance for VSC and NSL, the effect to daylight to this building is considered to be Negligible (not significant).
- 5.4.15. 87 Yeldham Road: A total of 10 windows serving four rooms were assessed for daylight within this buildings. For VSC, 8 of the 10 windows assessed would meet the BRE Guidelines criteria which would therefore be considered to equate to a Negligible effect. One the two affected windows would experience an alteration in VSC between 20-29.9% which is considered a Minor Adverse effect, this window remains very well daylight, retaining 25.2% VSC and serves a bedroom which may be considered less sensitive to alterations in daylight conditions. The second window would experience an alteration between 30-39.9% which is considered a Moderate Adverse effect. Although this window serves a living room with other windows and remains well lit. For NSL all rooms would meet the BRE criteria. Overall, due to the high level of BRE compliance for VSC and NSL, the effect to daylight to this building is considered to be Negligible (not significant).
- 5.4.16. 85 Yeldham Road: A total of 11 windows serving five rooms were assessed for daylight within this buildings. For VSC, 9 of the 11 windows assessed would meet the BRE Guidelines criteria which would therefore be considered to equate to a Negligible effect. One the two affected windows would experience an alteration in VSC between 20-29.9% which is considered a Minor Adverse effect. The second

window would experience an alteration between 30-39.9% which is considered a Moderate Adverse effect. Both windows are obstructed in the baseline condition which would exacerbate any impacts. For NSL all rooms would meet the BRE criteria. Overall, due to the high level of BRE compliance for VSC and NSL, the effect to daylight to this building is considered to be Negligible (not significant).

- 5.4.17. 83 Yeldham Road: A total of 6 windows serving four rooms were assessed for daylight within this buildings. For VSC, 4 of the 6 windows assessed would meet the BRE Guidelines criteria which would therefore be considered to equate to a Negligible effect. One the two affected windows would experience an alteration in VSC between 20-29.9% which is considered a Minor Adverse effect, and one would experience an alteration between 30-39.9% which is considered a Moderate Adverse effect. One of the affected windows is on the ground floor and is obstructed in the baseline condition. The second window would retain 23% VSC and is therefore considered to remain well daylit. For NSL all rooms would meet the BRE criteria. Overall, due to the high level of BRE compliance for VSC and NSL, the effect to daylight to this building is considered to be Negligible (not significant).
- 5.4.18. 81 Yeldham Road: A total of 6 windows serving five rooms were assessed for daylight within this buildings. For VSC, 1 of the 6 windows assessed would meet the BRE Guidelines criteria which would therefore be considered to equate to a Negligible effect. Of the five affected windows, three would experience an alteration in VSC between 20-29.9% which is considered a Minor Adverse effect. These each serve bedroom windows which may be considered less sensitive to daylight alterations. Two of these retain very good levels of daylight (24.4-25.6% VSC). One would experience an alteration between 30-39.9% which is considered a Moderate Adverse effect. This serves a group floor kitchen, which retains 23.4% VSC. The remaining window serves a living room and would experience an alteration greater than 40% which is considered a Major Adverse Effect. This window is obstructed in the baseline condition, with an existing level of 4.5% VSC. Therefore, the absolute loss of daylight is unlikely to be perceptible to the occupant. For NSL 3 of the 5 rooms would meet the BRE criteria. Of the two affected rooms, both would experience an alteration in NSL greater than 40% which is considered a Major Adverse effect. One of the affected rooms is the ground floor kitchen which would retain 50% NSL. The second room is the single aspect living room. Overall, although reductions of minor to major adverse can be seen to occur, owing to the retained levels of daylight within the primary living spaces, and baseline obstructions, the effect to this building is considered Minor Adverse (not significant).
- 5.4.19. 79 Yeldham Road: A total of 5 windows serving four rooms were assessed for daylight within this buildings. For VSC, 4 of the 5 windows assessed would meet the BRE Guidelines criteria which would therefore be considered to equate to a Negligible effect. The two affected window would experience an alteration in VSC between 20-29.9% which is considered a Minor Adverse effect, but would retain above 20% VSC and would remain well lit. For NSL 3 of the 4 rooms would meet the BRE criteria. The affected room would experience an alteration in NSL greater than 40% which is considered a Major Adverse effect. The VSC levels received at the window serving this room is still considered good and is not affected by the proposed development beyond BRE Guidelines criteria. Overall, although reductions of minor to major adverse significance can be seen to occur, owing to

the level of BRE Guidelines compliance, retained levels of daylight and baseline obstructions, the effect to this building is considered Minor Adverse (not significant).

- 5.4.20. 77 Yeldham Road: A total of 11 windows serving 6 rooms were assessed for daylight within this buildings. For VSC, 9 of the 11 windows assessed would meet the BRE Guidelines criteria which would therefore be considered to equate to a Negligible effect. Both of the affected windows would experience an alteration in VSC between 20-29.9% which is considered a Minor Adverse effect. Both windows are obstructed in the baseline condition which would exacerbate any impacts. For NSL all rooms would meet the BRE criteria. Overall, due to the high level of BRE compliance for VSC and NSL, the effect to daylight to this building is considered to be Negligible (not significant).
- 5.4.21. 75 Yeldham Road: A total of 14 windows serving 6 rooms were assessed for daylight within this buildings. For VSC, 6 of the 14 windows assessed would meet the BRE Guidelines criteria which would therefore be considered to equate to a Negligible effect. Of the six affected windows, four would experience an alteration in VSC between 20-29.9% which is considered a Minor Adverse effect whilst one would experience an alteration between 30-39.9% which is considered a Moderate Adverse Effect. The remaining window would experience an alteration greater than 40% which would equate to a Major Adverse effect. The window experiencing a moderate effect serves a room with mitigating windows not affected by the proposed development achieving very good levels of daylight. The window seeing a major impact is located on the ground floor and obstructed in the baseline condition inherently restricting daylight availability. For NSL all rooms would meet the BRE criteria. Overall, due to the high level of BRE compliance for VSC and NSL, the effect to daylight to this building is considered to be Minor Adverse (not significant).
- 5.4.22. 73 Yeldham Road: A total of 9 windows serving 5 rooms were assessed for daylight within this buildings. For VSC, 8 of the 9 windows assessed would meet the BRE Guidelines criteria which would therefore be considered to equate to a Negligible effect. The affected window would experience an alteration in VSC between 20-29.9% which is considered a Minor Adverse effect. This window is unaffected in the Proposed Development scenario, however, would retain above 20% VSC. For NSL all rooms would meet the BRE criteria. Overall, due to the high level of BRE compliance for VSC and NSL, the effect to daylight to this building is considered to be negligible (not significant).
- 5.4.23. 191 Talgarth Road (Educational Building): A total of 18 windows serving eight rooms were assessed for daylight within this building. For VSC, 10 of the 18 windows assessed would meet the BRE Guidelines criteria which would therefore be considered to equate to a Negligible effect. All eight affected windows would experience an alteration in excess of 40% which is considered a Major Adverse effect. However, seven of the eight affected windows have baseline VSC levels between 2-7% VSC and therefore the percentage alteration would be disproportionate to what the occupants would likely to experience. The remaining room, despite seeing a major adverse alteration, would retain 16% VSC. For NSL, seven of the eight rooms assessed would meet the BRE Guidelines criteria which would therefore be considered to equate to a Negligible effect. The one affected room would experience an alteration in excess of 40% which is considered a Major

Adverse effect. It should be noted that this building is an educational facility, and as such would have transient occupancy and therefore a lower requirement for daylight and the rooms have a restricted visibility of the sky. Overall due to the level of BRE compliance, the disproportionate percentage reductions and design of the buildings itself, and the transient non-residential use of this building, the effect to this educational building is considered Minor Adverse (not significant).

- 5.4.24. 2-14 Shortlands: A total of 20 windows serving four rooms were assessed for daylight within these three buildings. For VSC, 11 of the 20 windows assessed would meet the BRE Guidelines criteria which would therefore be considered to equate to a Negligible effect. All affected windows would experience an alteration in VSC between 20-29.9% which is considered a Minor Adverse effect, but would retain above 20% VSC and are therefore considered to remain well daylight. For NSL all rooms would meet the BRE criteria. Overall, due to the high level of BRE compliance for VSC and NSL, the effect to daylight to this building is considered to be negligible (not significant).

Sunlight

- 5.4.25. The sunlight conditions in the vacant site baseline scenario show that 153 (70.5%) of the 217 rooms assessed within the surrounding sensitive receptors meet the BRE criteria for both total and winter PSH. Within the 34 buildings assessed for sunlight, all 217 rooms (100%) would meet the BRE criteria for both total and winter PSH, experiencing alterations in sunlight levels below 20% and are therefore considered to experience a Negligible effect (not significant)

Overshadowing

- 5.4.26. Given the cleared nature of the site in the vacant site baseline, no overshadowing would occur as a result of massing within the site. However, each of the amenity areas assessed would experience periods of overshadowing in the baseline condition as a result of existing massing present in the surrounding context.
- 5.4.27. On 21st March, two amenity areas would experience overshadowing. These are the communal gardens and play area serving Linacre Court and the communal gardens serving Shortlands / Great Church Lane. No overshadowing effects to the rear gardens along Margravine Gardens, Parayhouse School play area and communal gardens serving Colet Gardens / Great Church Lane would occur on this day. The effect of overshadowing upon these amenity areas is therefore considered Negligible on 21st March.
- 5.4.28. Shadow is cast from the proposal at 08:00 GMT. From this time until 12:00 GMT no amenity areas would be affected. At 13:00 GMT until the end of the day at 17:00 GMT, a strip of shadow from the would move across the southern portion of the communal gardens serving Shortlands / Great Church Lane. The majority of the area would still receive sunlight on at least 50% of its area. Importantly, the area as a whole would still receive sunlight on the majority of its area from approximately 8:00GMT to 16:00GMT resulting in eight hours of sunlight on more than 50% of its area, surpassing the BRE recommendation of 2 or more hours of sunlight on the total area. During this period, the western tip of the communal gardens and play area serving Linacre Court would experience overshadowing from the proposal. However, the remainder of the area would continue to see

direct sunlight throughout the day, surpassing the BRE recommendation of 2 or more hours of sunlight on at least 50% of the total area. Overall, considering that both areas which experience additional shadow from the proposal are BRE compliant, the overshadowing effect is considered to be Negligible on 21st March.

- 5.4.29. On 21st June, one area, the rear gardens serving Margravine Gardens, would experience overshadowing. The remaining four areas would experience no overshadowing throughout the day. The effect of overshadowing upon these areas is therefore considered Negligible on 21st June. The rear gardens associated with 12-36 Margravine Gardens (even) would be cast under shadow from 20:00 BST to sunset at approximately 21:00 BST. It is noted that all of these gardens would still enjoy direct sunlight though the majority of the day on the vast majority of their area. Overall, the rear gardens of 12-30 Margravine Gardens (even) are considered to experience a Negligible effect from overshadowing on June 21st.
- 5.4.30. On 21st December, one area, the communal gardens serving Shortlands / Great Church Lane, would experience overshadowing. The remaining four areas would experience no overshadowing throughout the day. The effect of overshadowing upon these areas is therefore considered Negligible on 21st June. From 12:00GMT to 15:00GMT portions of the communal gardens serving Shortlands / Great Church Lane are cast under shadow, with the majority of the area being overshadowed between 13:00GMT and 15:00GMT. However, from approximately 09.30GMT to 12:00GMT, the vast majority of the communal gardens serving properties on Shortlands / Great Church Street would be in sunlight. Due to the extent of shadows cast in the baseline, the effect of overshadowing from the Proposed Development on 21st December is considered Minor Adverse.
- 5.4.31. Overall, whilst additional shadow would occur at the areas above, the impacts would not reduce the level of sunlight amenity beyond BRE Guidelines recommendations, with all areas experiencing at least two hours of direct sunlight (or more) on 50% of their total area. The effect from overshadowing to all amenity areas is therefore considered Negligible (not significant).

Solar Glare

- 5.4.32. There are no quantitative criteria within the BRE Guidelines or elsewhere regarding acceptable levels of solar glare. Road and rail users are sensitive receptors to solar glare and may be affected by the proposed development and as such locations on the nearby roads and railways have been identified.
- 5.4.33. For the locations assessed, ten are considered Negligible (not significant). Of the remaining four locations all are considered to experience a Minor Adverse effect (not significant). It is considered that no mitigating solutions are required owing to the limited portions of the façade from which solar reflections would appear; the short period of time within which reflections would occur, the assumption of clear skies at the precise time that the sun is in the location needed to create reflections and the provision of multiple traffic lights at these junctions.

Conclusion

- 5.4.34. Officers have considered effects of the proposals on daylight, sunlight, overshadowing and solar glare. The policy framework clearly supports the flexible

application of daylight, sunlight, and overshadowing guidance to make efficient use of land, and not to inhibit density. These policy documents resist the rigid application of guidelines and signal a clear recognition that there may be circumstances in which the benefits of not meeting them are justifiable, so long as acceptable levels of amenity are still enjoyed. The proposed development would provide acceptable levels of amenity to existing receptors will continue to enjoy acceptable levels of amenity even where reductions in current levels of daylight or sunlight will take place beyond those recommended by BRE guidelines. Together with the environmental, social, and economic contribution the proposed development would make through its proposed form, density and layout, the proposal is acceptable in respect of daylight, sunlight, and overshadowing impacts and accords with London Plan Policies D6 and D8 and Local Plan Policies HO11, DC2 and DC3.

Overlooking, Outlook and Sense of Enclosure

- 5.4.35. **Local Plan Policy HO11** addresses detailed residential standards and, in seeking a high standard of design, seeks to ensure the protection of existing residential amenities; 'including issues such as loss of daylight, sunlight, privacy and outlook'. **Local Plan Policy HO4** states that housing developments should respect the local setting and context, provide a high quality residential environment and be well designed internally and externally, be energy efficient, and provide a good range of housing types and sizes. All new housing must take account of the amenity of neighbours and must be designed in accordance with London Plan internal space policies.
- 5.4.36. **Local Plan Policy DC2 and Policy DC3** state that all new builds and tall buildings must be designed to respect good neighbourliness and the principles of residential amenity. **Local Plan Policy DC2**, at part E states that all proposals must be designed to respect good neighbourliness and the principles of residential amenity.
- 5.4.37. **Key Principle HS6** of the Planning Guidance SPD states that 'The proximity of a new building or an extension to an existing building can have an overbearing and dominating effect detrimental to the enjoyment by adjoining residential occupiers of their properties' and prescribes a method for assessment of outlook: 'Although it is dependent upon the proximity and scale of the proposed development, a general standard can be adopted by reference to a line produced at an angle of 45 degrees from a point 2 metres above the adjoining ground level of the boundaries of the site where it adjoins residential properties. If any part of the proposed building extends beyond these lines, then on-site judgement would be a determining factor in assessing the effect which the extension would have on the existing amenities of neighbouring properties.' Where original rear gardens are less than 9 metres depth, a measurement is taken from ground level at the boundary. Where there are existing circumstances, such as buildings which would be replaced in a redevelopment, it would be inappropriate not to have regard to these.
- 5.4.38. The site is located in Hammersmith town centre and is an 'island' site, bounded to the north by Talgarth Road and the A4 Hammersmith flyover and to the south by London Underground Railway tracks. Despite being located in the town centre, the site is currently occupied by a low-rise commercial building and an open car park

to the rear. At present the majority of the neighbouring residential properties to the south look out across the railway tracks onto unobstructed views, meaning they enjoy daylight and outlook conditions which are more akin to a suburban location rather than an urban environment in central London. It would not be realistic for there to be an expectation that this character should prevail given its location. The height, form and massing of the proposed development has been designed to respond to existing surrounding conditions, with the tallest element of the proposed development set furthest away from the residential properties to the south before reducing in height through a sequence of blocks towards the southern boundary at five storeys. The site's immediate residential neighbours located to the rear are in Yeldham Road, Biscay Road and Margravine Road/Gardens. The properties located opposite the site (nos. 57 to 109B (odd) Yeldham Road) would be deemed to be most affected. Whilst other residential properties in the vicinity of the site would view the proposed development, the residents immediately to the rear are the residents who would be directly affected due to the proximity of the development to these neighbours.

5.4.39. The proposal introduces a stepped development facing the residential properties. The closest southern block would be 5 storeys high, similar to the nearby LAMDA building to the east and is set back from the railway embankment which will also feature landscaping including tree planting. The blocks then step up to the flank blocks of the South and North Hotels before the tallest element to the northern boundary. In respect to the Council's 0m/45 standard, the development does not breach a line drawn from the rear elevation of the dwellings in Yeldham Road at ground level towards the new buildings, tracing the angle (45 degrees) and therefore complies with the requirements of this standard. The increased height of the mid-rise and the tallest block would also meet the standard. The standards in the Supplementary Planning Document support Local Plan policies, designed as a guide and each application must be considered on its own merits. Where the standards are met, on site judgement should still be taken into consideration. Officers have had regard to the site's location in the town centre and regeneration area, the benefits of the development and the existing low rise building on the site. In comparison with the existing building the proposed development would be perceived to have an immediate impact on the existing amenities of the occupiers to the south by virtue of its increased height. In this case, the design of the proposed development has been carefully considered to minimise the impacts.

5.4.40. The tallest element of the proposed development would be located on the northernmost part of the site and furthest from the residential properties with a separation gap of 95m to the rear elevation of the nearest properties at Yeldham Road with a distance of 44m from the rear elevation of the southern block. Officers consider both the principle and height, scale, design/form of the proposed development to be acceptable and conclude that the development whilst clearly visible from surrounding neighbouring properties would not adversely harm the amenities of surrounding occupiers. Based on on-site judgement, it is considered that the loss of outlook or increase the sense of enclosure would not be to such an extent to warrant the withholding planning permission.

Overlooking

5.4.41. **Key Principle HS7 (iii)** of the Council's Planning Guidance SPD sets an 18m standard from windows in new development to existing windows, in order to

protect privacy. The SPD clarifies that the 18m distance would be measured by an arc of 60 degrees taken from the centre of the proposed new window to ensure that there is no loss of privacy to neighbouring occupiers.

- 5.4.42. As a result of the gap formed by the existing railway tracks, none of the existing residential properties situated closest to the application site are within 18m of the proposed development. The closest dwellings to the application site are nos. 71 to 109 (odd) Yeldham Road with a separation distance of approximately 20-21m, followed by nos. 84-102 (even) Yeldham Road, nos. 66-70 Margravine Gardens and nos. 86-92 Biscay Road. Proposed window openings on the south (rearmost) elevation of the 5 storey block serve the hotel corridor on each level and not the bedrooms. These window openings would be set back from the site boundary and approximately 44m from the rearmost elevation of the Yeldham Road properties. The design of the flank blocks mean the southern elevations feature cores with bedroom windows east/west. The North Hotels' primary facades feature angled reveals as a response to privacy and anonymity to the residential streets south of the site, with patterned manifestation to the glazing to mask and reflect light to obscure the position of the opening. Officers are of the opinion that the proposal would have an acceptable impact on the privacy to neighbouring properties.
- 5.4.43. It is considered that the gap between the development and closest neighbouring properties would ensure that no loss of privacy or significant overlooking would occur to existing properties. Consequently, officers are of the opinion that the proposal would not have an unacceptable impact on the privacy to neighbouring properties. Further, details of the proposed material and glazing are required to be submitted by condition and to take into account the privacy of nearby residents, these and other conditions will be engaged through the Community Liaison Group under Condition 3.
- 5.4.44. Whilst acknowledging the objections received, it is considered that the proposed building does not result in a significant loss of outlook, privacy or overlooking to neighbouring properties to warrant refusal of planning permission and as such, it is considered that it complies with Local Plan Policies DC2, DC3, HO4 and HO11 and Key Principle HS6 and HS7 of the Planning Guidance SPD.

5.5 Highways

- 5.5.1. **The NPPF** requires that developments which generate significant movement are located where the need to travel would be minimised, and the use of sustainable transport modes can be maximised; and that development should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
- 5.5.2. **London Plan Policy T6** sets out the intention to encourage consideration of transport implications as a fundamental element of sustainable transport, supporting development patterns that reduce the need to travel or that locate development with high trip generation in proximity of public transport services. The policies also provide guidance for the establishment of maximum car parking standards in relation to student and hotel use as well as blue badge parking at

Policies T6.1, T6.4 and T6.5. London Plan Policy T5 sets out the requirements for cycle parking in accordance with the proposed use.

- 5.5.3. **Local Plan Policy T1** sets out the Council's intention to 'work with strategic partners to improve transport provision, accessibility and air quality in the borough, by improving and increasing the opportunities for cycling and walking, and by improving connections for bus services, underground, national and regional rail'.
- 5.5.4. **Local Plan Policy T2** relates to transport assessments and travel plans and states "All development proposals would be assessed for their contribution to traffic generation and their impact on congestion, particularly on bus routes and on the primary route network".
- 5.5.5. **Local Plan Policies T3, T4, T5 and T7** relate to opportunities for cycling and walking, vehicle parking standards, blue badge holders parking and construction logistics. Policies 5.16 and 5.17 are relevant to waste and recycling. **Local Plan Policy CC7** sets out the requirements for all new developments to provide suitable facilities for the management of waste. **Planning SPD (2018) Key Principles WM1, WM2, WM7 and WM11** are also applicable which seek off-street servicing for all new developments.
- 5.5.6. A Transport Assessment and succeeding addendum have been submitted in connection with the proposed development.

Site Accessibility

- 5.5.7. The application site is located on Talgarth Road and opposite the Hammersmith Flyover which forms part of the Transport for London Road Network (TLRN). The site is well served by public transport and as such has a public transport accessibility level (PTAL) of 6a, which is classified as 'excellent' in terms of its proximity to the public transport networks, service availability and walking time to public transport, with numerous bus routes servicing Hammersmith Station and Hammersmith and Barons Court stations a short distance from the site.

Access

- 5.5.8. Vehicle access and egress to the site will continue to be made via Talgarth Road, as per the existing situation. However, a new service access (in only) is proposed to the northwest corner of the development site that will connect to a service road surrounding the site. This arrangement will allow to separate delivery and servicing vehicles from taxi drop off areas at the frontage of the site. This access road will connect to a short one-way road where 4 blue badge parking bays and area for taxi drop-off/pick-up will be provided. The proposed service road and drop-off area will converge onto the existing site exit.

Trip Generation

- 5.5.9. In order to assess the relative traffic impact of the development proposals, the applicant has estimated the number of trips that would be generated by the proposed development compared to the previous use. For the previous use as a magistrate's court, due to a lack of comparable sites within the TRICs database, a multimodal survey was requested by the Highway Authority. The applicant

provided survey data of vehicle trips associated with Highbury Magistrates Court, which took place of 07/10/2019. The survey data indicated that the Magistrates Court generated a daily total of 184 two-way vehicle trips, with a peak of 30 two-way trips between 13:00 and 14:00.

Table 6-1 Highbury Corner Magistrates' Court – Total Vehicle Trips¹⁵

Time Period	Vehicle Trips		
	In	Out	Total
08:00 – 09:00	10	6	16
09:00 – 10:00	14	15	29
10:00 – 11:00	7	5	12
11:00 – 12:00	6	7	13
12:00 – 13:00	14	11	25
13:00 – 14:00	14	16	30
14:00 – 15:00	4	3	7
15:00 – 16:00	4	5	9
16:00 – 17:00	12	12	24
17:00 – 18:00	7	12	19
Daytime (08:00 – 18:00)	92	92	184

- 5.5.10. In order to determine the estimated trip generation of the proposed development, the TRICS database was investigated for both hotel and student accommodation uses on the site. For the student accommodation element, three comparable sites were included in the assessment. The trip generation information indicates that the proposed student accommodation would generate a total of 975 total trips, which consists of 459 arrivals and 516 and departures. The modal split for the 975 total trips is presented in Table 6.6.

Table 6-6: Mode split for student accommodation

Method of Travel	Mode Split	Number of Trips								
		AM Peak (08:00 – 9:00)			PM Peak (17:00 – 18:00)			Daily		
		In	Out	Total	In	Out	Total	In	Out	Total
Cyclists	2.76%	0	2	2	1	1	2	13	14	27
Vehicle passengers	5.52%	0	3	4	3	2	5	25	28	54
Pedestrians	48.08%	3	30	34	26	14	40	221	248	469
Underground	15.03%	1	9	11	8	5	13	69	78	147
Overground	0.44%	0	0	0	0	0	0	2	2	4
National Rail	4.36%	0	3	3	2	1	4	20	22	43
Bus	23.82%	2	15	17	13	7	20	109	123	232
Total	100%	7	63	70	53	30	83	459	516	975

- 5.5.11. Table 6.6, indicates that of the 975 total trips generated by the student accommodation, approximately 496 total trips (51%) are expected to be undertaken by active modes of travel (walking and cycling). It is also expected that approximately 426 total trips (44%) will be undertaken by public transportation.
- 5.5.12. For the hotel element, three comparable sites were included in the assessment. The trip generation information indicates that the proposed hotel would generate up to a total of 2,503 total trips, which consists of 1,172 arrivals and 1,331 departures across the course of a typical day (06:00-22:00). The modal split for the proposed 2,503 total trips is presented in Table 6.2.

Table 6-2: Mode split for hotel

Mode	Split	AM			PM			Total		
		In	Out	Tot	In	Out	Tot	In	Out	Tot
Underground, metro, light rail or tram	32.8%	10	32	42	30	24	55	417	404	820
Bus	5.0%	2	5	7	3	4	7	61	63	124
Coach Passengers	5.9%	2	64	65	0	0	0	79	68	147
Arriving by car/taxi	13.7%	4	17	21	7	12	20	155	187	342
Bicycle	0.2%	0	0	0	1	0	1	2	2	5
On foot	42.6%	16	48	64	39	46	85	459	608	1067
Total	100%	34	166	200	80	87	168	1173	1332	2505

5.5.13. Table 6.2, indicates that of the 2,505 total trips generated by the proposed hotel, approximately 1,072 total trips (43%) are expected to be undertaken by active modes of travel (walking and cycling). It is also expected that approximately 944 total trips (38%) will be undertaken by public transportation.

5.5.14. The hotel is estimated to generate a total of 317 vehicle trips over the course of a day, with a total of 24 total trips (14 arrivals and 10 departures) in the AM peak and 29 total trips (14 arrivals and 15 departures) in the PM peak.

Table 6-3 Hotel Vehicle – Trip Rates and Trip Generation¹⁰

Time Period	Trip Rate (per 1 bedroom)			Trip Generation (400 bedrooms)		
	In	Out	Total	In	Out	Total
06:00 – 07:00	0.01	0.02	0.03	4	8	12
07:00 – 08:00	0.024	0.059	0.083	10	24	33
08:00 – 09:00	0.018	0.033	0.051	7	13	20
09:00 – 10:00	0.024	0.028	0.052	10	11	21
10:00 – 11:00	0.035	0.026	0.061	14	10	24
11:00 – 12:00	0.017	0.013	0.03	7	5	12
12:00 – 13:00	0.02	0.024	0.044	8	10	18
13:00 – 14:00	0.018	0.02	0.038	7	8	15
14:00 – 15:00	0.02	0.024	0.044	8	10	18
15:00 – 16:00	0.035	0.037	0.072	14	15	29
16:00 – 17:00	0.026	0.024	0.05	10	10	20
17:00 – 18:00	0.018	0.026	0.044	7	10	18
18:00 – 19:00	0.02	0.026	0.046	8	10	18
19:00 – 20:00	0.026	0.026	0.052	10	10	21
20:00 – 21:00	0.033	0.013	0.046	13	5	18
21:00 – 22:00	0.033	0.017	0.05	13	7	20
Daily (06:00 – 22:00)	0.377	0.416	0.793	151	166	317

5.5.15. It is anticipated that the hotel will generate a total of 12 coach trips over the course of a day, with a peak of 4 total trips (2 arrivals and 2 departures) in the AM peak.

Table 6-4 Coach – Trips Rates and Trip Generation¹¹

Time Period	Trip Rate (per 1 bedroom)			Trip Generation (400 bedrooms)		
	In	Out	Total	In	Out	Total
06:00 – 07:00	0	0	0	0	0	0
07:00 – 08:00	0.004	0.002	0.006	2	1	2
08:00 – 09:00	0.004	0.006	0.01	2	2	4
09:00 – 10:00	0	0	0	0	0	0
10:00 – 11:00	0.002	0	0.002	1	0	1
11:00 – 12:00	0	0	0	0	0	0
12:00 – 13:00	0	0	0	0	0	0
13:00 – 14:00	0	0	0	0	0	0
14:00 – 15:00	0	0	0	0	0	0
15:00 – 16:00	0	0	0	0	0	0
16:00 – 17:00	0.002	0	0.002	1	0	1
17:00 – 18:00	0	0	0	0	0	0
18:00 – 19:00	0	0.002	0.002	0	1	1
19:00 – 20:00	0	0	0	0	0	0
20:00 – 21:00	0	0	0	0	0	0
21:00 – 22:00	0.000	0.002	0.008	2	1	3
Daily (06:00 – 22:00)	0.018	0.012	0.03	7	5	12

5.5.16. The total of 3480 daily trips is anticipated to be generated by the proposed development. Most of these trips will be undertaken by active travel (45%) and public transport (39%). It is anticipated that 1014 total trips (431 arrivals and 420 departures) will be undertaken by rail/underground. 356 two-way trips (78 arrivals and 83 departures) are estimated to be undertaken by bus.

Table 6-8 Total development – Multimodal Trip Generation Assessment¹³

Method of Travel	Number of Trips								
	AM Peak (09:00 – 10:00)			PM Peak (17:00 – 18:00)			Daily		
	In	Out	Total	In	Out	Total	In	Out	Total
Cyclists	0	1	13	3	1	15	4	5	32
Arriving by car/taxi	4	20	46	11	14	48	159	191	396
Pedestrians	20	74	285	69	60	333	492	648	1536
Underground, metro, light rail or tram	12	42	133	43	30	157	431	420	1014
Bus	3	18	116	18	12	130	78	83	356
Coach Passengers	2	64	65	0	0	0	79	68	147
Total	41	219	658	143	117	684	1243	1415	3480

5.5.17. Aside from servicing, most of the vehicular trips to the site are likely to be by taxi (and private hire vehicle trips). The applicant has predicted the number of motor vehicles (excluding service vehicles) to the site based on data for three hotel sites within London that were on the TRICS database. It is predicated that total of 396 total taxi trips (11% of the total trips) would be generated by the development, which is comprised of 159 arrivals and 191 departures across a day.

5.5.18. In response to objections received by residents, a further analysis of the impact taxis would have on the surrounding highway network was submitted by the applicant. The analysis suggested that it is unlikely that a significant proportion of taxis would 'rat-run' to the south of the site. Only taxis approaching the site from the west would be expected to rat-run and many of these taxis would choose to

carry out a U-turn at the junction of the A4 with North End Road. The applicant states that in the scenario of 50% of taxis approaching from the west, and with a lot of these U-turning on the A4 only 9 taxis in the AM peak hour would choose to use roads to the south. In addition, it is proposed that the hotel operators would be required to use taxi services located to the east of the site.

- 5.5.19. In respect to the applicant's analysis it is noted that the presence of Heathrow Airport to the west of the site may result in more arrivals from the west than the developer consultant's 50% assumption. Also, with some satellite navigation applications using real time information to direct motorists the route taken by taxi and private hire companies will vary depending on traffic conditions. It is noted however that the magistrates court when it was functioning would have generated significant levels of taxi trips.
- 5.5.20. The proposed hotel development is expected to generate an increase in vehicle activity, it is considered that the proposed taxi trips associated with the site is likely to increase the impact on Margravine Gardens and other local roads leading to the site. Low Traffic Neighbourhood measures will be secured via s106 agreement to mitigate the impact of the increased taxi trips to the site.
- 5.5.21. Low Traffic Neighbourhoods are localised schemes to address issues associated with through traffic, speeding, congestion, accessibility, air quality and climate change. The scheme will consider the specific needs of the area, but could include the use of camera technology to limit through traffic as well as using conventional traffic management measures and will include measures such as:
- Access restrictions
 - School Streets, School Zones and Home Zones
 - Modal filters and cycle lanes
 - Cycle Parking
 - Traffic calming and speed reduction
 - Planting and dwell spaces
- 5.5.22. This will complement the desire to introduce more cycling and walking and also help to address traffic reassignment onto residential roads from the changes arising from other schemes. A financial contribution towards the implementation of a Low Traffic Neighbourhood scheme in the vicinity of the application site is required by the developer to mitigate the impact of taxis on local roads to the south of the site.
- 5.5.23. The Council's highways officer has considered the impacts of the proposed development in respect of trip generation alongside the submitted Transport Assessment and addendum and raises no objection to the proposals subject to required mitigation measures being secured.

Car Parking

- 5.5.24. London Plan Policy T6, T6.1, T6.4 and T6.5 state that proposals should encourage the reduction in the need to travel, especially by car. The London Plan sets no maximum parking standards for hotels, but notes that in PTAL 4-6 areas, on-site parking should be limited to operational needs, parking for disabled people and the needs for servicing and coach parking (para. 6A.8) as necessary. The proposed

development would result in the removal of the former surface car park which had capacity for up to 28 car parking spaces which serve the former magistrate's court building. The proposed development is to be car-free, except for car parking spaces for blue badge holders and taxi pick-up/drop off located towards the south-east of the site. The 4 car parking spaces for blue badge holders would be fitted with electric vehicle charging points (2 active and 2 passive), in accordance with London Plan and Local Plan policies. Officers are supportive of the overall reduction in parking provision within the application site. The car parking spaces would be managed by the education provider and hotel and students and guests would be required to notify staff of their requirements, with hotel guests prior to arrival as part of the booking arrangements.

Coach Parking

- 5.5.25. The London Plan states that hotel developments should provide one coach space per 50 bedrooms. Two coach bays are proposed and would be located on the new service road. Swept path analysis for a 11.8m coach has been tested entering/leaving and parking on the site has been included in the transport assessment. Coach drop offs are likely to take place outside the peak hours. Coach arrivals would be managed by staff on site to ensure that a maximum of two coaches arrive at the site at any one time. Trip generation estimates a maximum of 12 coach trips across the course of a day with 4 arrivals in the AM peak and 3 coach arrivals in the PM peak. Assuming a dwell time of 30 minutes per coach, it is considered that the coach parking provision is sufficient to accommodate the proposed coach trip generation. TfL have requested that a condition be attached limiting the size of coaches to a maximum of 14 metres in length. Officers consider that this to be acceptable.

Cycle Parking

- 5.5.26. London Plan policy T5, and Local Plan Policy T2 seeks to develop and promote a safe environment for cyclists across the borough to encourage residents and businesses to consider these modes. Policy T3 seeks to increase and promote opportunities for cycling through the provision of convenient, accessible, and safe secure cycle parking within the boundary of the site. Appendix 8 of the Local Plan seek to ensure that satisfactory cycle parking is provided for all developments.
- 5.5.27. The Transport Assessment (TA) sets out the cycle parking requirements for all the land uses on the site. A minimum of 581 cycle parking spaces (555 long stay and 26 short stay) is required for the proposed development. The proposed hotel is required to provide 20 long-stay and 8 long-stay cycle parking spaces. It is proposed that the storage facilities would be used mainly by staff and serviced by the concierge for any resident guests at the hotel who have cycled. The proposed student accommodation is required to provide a total of 535 long-stay cycle parking spaces and 18 short-stay spaces. Details of the cycle parking provision are proposed to be secured by condition at no less than the minimum required.
- 5.5.28. The application is supported by a Cycling Level of Service (CLoS) audit, which concludes that the conditions for cycling in the local area are slightly below average. There is access to cycle routes relatively close to the site, however, safety on busy roads such as Fulham Palace Road, Hammersmith Gyrotory, Talgarth Road and Hammersmith Road affected scores. Nonetheless, the CLoS

audit identifies some further enhancements which could make cycle use more attractive and ensure that car trips are minimised.

Travel Plan

- 5.5.29. A framework Travel Plan has been submitted alongside the transport assessment which sets out the objectives and measures to be incorporated in a full Travel Plan which would aim to target both staff and guests for the hotel and students for the proposed student accommodation. The travel patterns of employees, hotel guests and office employees will be influenced by the predominantly car free nature of the development. The Council's highways officer is satisfied with the framework document and recommends a full Travel Plan in line with Transport for London guidance, together with allowance for periodic monitoring by the Council, and revision if necessary. The framework Travel Plan seeks to manage the predicted sustainable travel patterns to and from the site and to increase the sustainable travel mode share in place of cars, taxis and private hire vehicles. As part of any S106 agreement, a more detailed Travel Plan for the different elements of the hotel led development would be subject to ongoing monitoring and review, to encourage users of the development to travel by sustainable modes other than the car. It is considered that there is capacity within the existing public transport network to accommodate the trips proposed from this development. Officers welcome the provision of a Travel Plan in support of the proposal for sustainable travel for occupiers of the development. A Construction Workers Travel Plan would also be required with a monitoring fees of £5,000 per annum until completion of works to be secured through the S106 agreement.

Walking

- 5.5.30. The application is supported by a Pedestrian Environment Review System (PERS) audit, which concludes that the conditions for walking in the local area and access to the site from nearby public transport nodes are generally good. The existing footway on the southern side of Talgarth Road borders the northern boundary of the site and is opposite the elevated flyover. This footway provides a walking connection between the site and Barons Court Station to the east and the centre of Hammersmith to the west, including all public transport services, to the north-west. There are a series of signalised pedestrian crossings on Talgarth Road, providing various walking routes to the centre of Hammersmith. These crossings mitigate against the severing effects of the Hammersmith gyratory and A4 slip roads. The proposed hotel development is expected to generate an increase in footfall activity in and around the site when compared with the former magistrates' court. However, this is not considered to be at a scale which would be problematic. The proposed development aims to increase pedestrian permeability into the site by providing internal pedestrian walkways each connected to and centred around the garden square and onto Talgarth Road.
- 5.5.31. The PERS audit identifies some further enhancements that could make pedestrian access and wayfinding from the surrounding area to the site more convenient and safer. The underpass has recently been "greened" using Business Improvement District (BID) funding. It is expected that most trips associated with the development would arrive and depart on foot, connecting to the various public transport options within walking distance of the site at Hammersmith underground and bus stations or Baron Court station. The applicant has submitted proposals to

improve areas of the public highway between the site and Hammersmith Station in accordance with policy T2 of the Draft London Plan and TfL's Health Streets principles. The applicant is required to enter into a s278 agreement with TfL who are the Highway Authority for Talgarth Road (A4) to deliver the works to the public highway.

Refuse and Servicing/Delivery

- 5.5.32. Local Plan Policy CC7 seeks for all developments to have suitable facilities for the management of waste generated by the development. Key Principle TR27 of the Planning Guidance SPD seeks off-street servicing for all new developments. Appendix 5d of the SPD sets specific guidance on waste capacity and storage requirements for different commercial uses. It states that for hotels, 7,500 litres of waste storage are required per 1,000m² per week.
- 5.5.33. The applicant has submitted a draft delivery and servicing plan. Adequate refuse storage for both the hotel and retail premises is provided within clearly defined areas on the site. The Council's highways officer raises no objections in principle to this document, which provides detail on the operational servicing of the premises.
- 5.5.34. Delivery and servicing vehicles would be marshalled to the servicing yard upon arrival. The servicing yard is in the north-east corner of the site and can accommodate one large vehicle (14.6m) without impacting the use of the two proposed coach spaces. It is estimated using the TRICS database that up to 12 delivery and servicing trips would be generated daily.
- 5.5.35. On review of the site vehicle and service management plan and having regard to the existing highway conditions on Talgarth Road, officers are satisfied that through appropriate management and timing of deliveries, the delivery and servicing requirements of the development can be undertaken without prejudice to the use of Talgarth Road. Nonetheless, the applicant is required to update the delivery and servicing plan to include a commitment to prevent delivery/servicing of the site via residential streets. A final Delivery and Servicing Plan would be secured by condition.

Construction

- 5.5.36. An Outline Construction Logistics Plan (CLP) have been submitted by the applicant in accordance with Policy T7 of the Local Plan. Final documents including works associated with the demolition phase would be required to include updated construction vehicle routing, updated construction vehicle numbers, and other matters relating to traffic management to be agreed. The documents at this stage identifies preliminary proposals to manage the demolition and subsequent construction processes, including details regarding environmental and amenity mitigation, site logistics, traffic management and routing, health and safety, community liaison etc. To minimise the likelihood of congestion during the construction period, strict monitoring and control of vehicles entering and exiting, and routing and travelling to and from the site, would need to be implemented through the CLP. It is proposed that construction vehicles arriving from the west will head to the site via Fulham Palace Road, Lillie Road, North End Road and Talgarth Road. A final plan of proposed routes to and from the site is required with

the submission of the detailed CLP. Construction deliveries would also need to be carefully planned with delivery times agreed with each contractor in order to regulate deliveries and eliminate bottle necks on surrounding roads. At this early stage, the information has yet to be fully finalised, and the documents need to be developed. Officers consider this information needs to be provided in compliance with TfL guidelines. The documents would need to be developed to be in accordance with Transport for London (TfL) requirements, which seeks to minimise the impact of construction traffic on nearby roads and restrict construction trips to off peak hours only. These would be secured by condition.

Summary

- 5.5.37. Subject to the submission of the required documents by condition or obligation and the mitigation to the impacts of the development required by way of legal agreement, officers consider that the proposed development would be acceptable and in accordance with Policies T5, T6.1, T6.4 and T6.5 and Local Plan policies T3, T4, T5, T7 and CC7.

5.6 Energy and Sustainability

- 5.6.1 **London Plan Policy SI2** seeks to extend the extant requirement on residential development to non-residential development to meet zero carbon targets. It maintains the expectation that a minimum reduction of 35% beyond Building Regulations to be met on site (10% or 15% of which should be achieved through energy efficiency for residential development, and non-residential development). Where it is clearly demonstrated that the zero-carbon target cannot be met on site, the shortfall should be provided through a cash in lieu contribution to the borough's carbon offset fund, or off-site provided an alternative proposal has been identified and delivery is certain.
- 5.6.2 **London Plan Policy SI3** identifies Heat Network Priority Areas, which include the Fulham Gasworks site. Here, major proposals should have a communal heat system in accordance with a hierarchy that priorities connection to local existing or planned heat networks, followed by: use of available local secondary heat sources; generation of clean heat/power from zero-emission sources; and use of fuel cells. CHPs are ranked fifth of the six options, followed by ultra-low NOx gas boilers. Supporting text explains that further information about the relevance of CHP in developments of various scales will also be provided in an Energy Planning Guidance document, which will be kept updated as technology changes, however this guidance has not yet been published. The draft Plan states that it is not expected that gas engine CHP will be able to meet the standards required within areas exceeding air quality limits with the technology that is currently available.
- 5.6.3 **London Plan Policy SI4** seeks to minimise internal heat gain and the impacts of urban heat island effect through design, layout, orientation and materials. An energy strategy should demonstrate how development proposals will reduce potential for overheating and reliance on air conditioning systems in accordance with a hierarchy that prioritises the minimisation of internal heat generation through energy efficient design and reductions to the amount of heat entering a building.

- 5.6.4 **Local Plan Policy CC1** requires major developments to implement energy conservation measures by implementing the London Plan sustainable energy policies and meeting associated CO2 reduction target and demonstrating that a series of measures have been taken to reduce the expected energy demand and CO2 emissions. It requires the use of on-site energy generation to further reduce CO2 emissions where feasible.
- 5.6.5 **Local Plan Policy CC2** seeks to ensure the implementation of sustainable design and construction measures by implementing the London Plan sustainable design and construction policies.

Energy

- 5.6.6 As required, an Energy Assessment has been submitted with the application. The Energy Strategy for the site is to integrate energy efficiency measures and low/zero emission technologies such as Air Source Heat Pumps and solar PV panels. The proposals meet the minimum CO2 reduction target of 35% set in the London Plan by achieving 53% reduction through on-site measures. The remaining CO2 emissions are to be offset with a payment in lieu under the 2021 London Plan and this is estimated to be £664,290 for the North Building and £1,267,343 for the South Building. Under the extant permission, which was not liable for a carbon offset payments under the previous London Plan, the applicant nevertheless agreed to a Climate Change contribution of £1,065,000 of which the first instalment of £288,700 has already been paid. As such it is proposed to offset the paid sum against the carbon offset payment and replace the former Climate Change contribution. The carbon offset payment is subject to the outcome of the revised Energy Strategy secured by condition.
- 5.6.7 The proposed energy efficiency measures include improved insulation, better airtightness to reduce heat loss, heat recovery on ventilation systems and energy efficient lighting. Air Source Heat Pumps (ASHPs) will be used to provide part of the demand for space heating and hot water. On-site renewable energy generation is also proposed in the form of solar PV panels.

Sustainability

- 5.6.8 As required of a major development, a Sustainability Statement has been provided as has a BREEAM Pre-Assessment report which shows that if the identified credits are achieved as outlined then the development would achieve a BREEAM rating of "Excellent".
- 5.6.9 In addition to the carbon reduction measures outlined in the Energy and Sustainability Assessment other measures that will be designed in include water efficiency, waste management and recycling facilities, use of building materials with low environmental impacts where possible, including recycled materials where feasible, inclusion of measures to minimise noise pollution and air quality impacts, flood risk and sustainable drainage measures sustainable transport measures and ecological improvements. The development site will also be managed in an environmentally and socially considerate way to reduce adverse impacts arising from the construction process.

- 5.6.10 A Whole Lifecycle Carbon Assessment is submitted as required submitted assessing CO2 emissions associated with a number of stages of the design, construction, use and potential demolition of the proposed buildings, including embodied energy. The assessment shows that the proposal performs well in terms of lifecycle carbon emissions. Revisions have been requested by the GLA at Stage 1 and these are under discussion prior to any referral at Stage 2. However, no objection is raised by officers.
- 5.6.11 A Circular Economy Statement is submitted required and the assessment shows the proposal performs well in terms of the material use, largely due to the ability to re-use/recycle materials once the building is at the end of its useful lie. Some recycled materials are proposed for use during its construction as well. Quantities of materials will be minimised and they will be sourced responsibly and sustainably. A post-completion report will be produced to report on meeting the targets set in the Statement.
- 5.6.12 Subject to the inclusion of conditions requiring the implementation of the submitted documents as set out above, requiring submission of Sustainability, BREEAM and Energy Statements, officers therefore consider that the proposed development accords with Policies London Plan Policies SI2, SI3 and SI4 and Policies CC1, CC2 and CC7 of the Local Plan.

5.7 Flood Risk and Drainage

- 5.7.1 **The NPPF** seeks to meet the challenge of climate change, flooding and coastal change by supporting the transition to a low carbon future in a changing climate taking account of flood risk and coastal change.
- 5.7.2 **London Plan Policy SI 12** sets out that proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. **London Plan Policy SI13** sets out states that proposals for impermeable paving should be refused and that drainage should be design and implemented to address water efficiency, river quality, biodiversity and recreation.
- 5.7.3 **Local Plan Policy CC2** requires major developments to implement sustainable design and construction measures, including making the most efficient use of water.
- 5.7.4 **Local Plan Policy CC3** requires a site-specific Flood Risk Assessment (FRA) for developments in Flood Zones 2 and 3 that: a. addresses the NPPF requirements; b. takes account of the risk of flooding from all relevant sources; c. integrates appropriate flood proofing measures where there is a risk of flooding; and d. provides structural waterproofing measures in subterranean elements and using non-return valves or equivalent to protect against sewer flooding.
- 5.7.5 **Local Plan Policy CC4** ('Minimising surface water run-off with sustainable drainage systems') requires all proposals for new development to 'manage surface water run-off as close to its source as possible and on the surface where practicable, in line with the London Plan drainage hierarchy'. It also requires all major developments to implement SuDS 'to enable reduction in peak run-off to greenfield run off rates for storms up to the 1 in 100-year event (plus climate change allowance)' and to provide a sustainable drainage strategy to demonstrate

how the strategy will enable these requirements. These are to be retained and maintained for the lifetime of the development, with details of their planned maintenance to be provided.

5.7.6 The Flood Risk Assessment (FRA) includes a section on Drainage and a SuDS Assessment. In broad terms, officers are happy with the proposed Drainage Strategy. A number of SuDS measures are proposed in line with requirements.

- The London Plan Drainage hierarchy has been used to help develop the most appropriate SuDS Strategy for the site.
- Rainwater harvesting (RWH) is proposed for the northern building which is welcomed. Around 900m² of roof area will be drained into RWH tank with 15,000 litre capacity. Proposed to re-use this internally for toilet flushing.
- Large areas of roof will be blue/green roofs draining 2524m² although it is stated that blue roof storage may not be possible for the full area – depending on the final design. If this is the case, deeper attenuation on the green roof element can be included.
- Lined permeable paving is included in the scheme, providing 285m³ of storage.
- There is a reference to use of collection tanks, but whereas the storage volume was provided previously (258m³), this information is not provided this time.
- Bioretention tree pits are included which are welcomed although the area of coverage is reduced compared to the previous scheme.
- An attenuation storage tank is also proposed providing 109m³ of storage
- Final discharge of surface water into the public sewer will be restricted to 2 l/s which represents a 95-98% improvement compared to the current arrangements.
- Maintenance info for the proposed SuDS measures is provided as required.

5.7.7 The site is well defended by flood defences in the form of the Thames Barrier and river wall defences. If these were breached or over-topped, Environment Agency modelling suggests the site would not be impacted. The railway cutting to the south of the site would most likely intercept flows in the worst case scenario. The site is not in a surface water flooding hotspot although there could be some ponding of water in the event of a major storm. Surface water will be managed by implementing a Sustainable Drainage Strategy which will be commented on separately. Basements are not proposed, so groundwater and sewer flooding are not flood risks that will need to be mitigated.

5.7.8 The FRA notes that, based on EA guidance, it is recommended that Finished Floor Levels (FFLs) should be set at 5.1m AOD. This is based on EA guidance of applying 300mm above ground level. It is also stated that it is recommended that a Flood Action Plan is prepared to provide for safe access and egress procedures during a flood. Other recommendations have also been made for the inclusion of flood resistance measures and flood resilient materials to both the basement and ground floor level. The FRA therefore makes recommendations for finished floor levels and mitigation and it is therefore considered appropriate to condition the implementation of the submitted FRA.

5.7.9 Thames Water have raised no objection to the proposal. The Environment Agency do not object to the proposal and comment that the proposed development will

result in a 'less vulnerable' use as defined by Table 2 of the Planning Practice Guidance: Flood Risk and Coastal Change within Flood Zone 3a. In line with Table 3, this use class is considered appropriate within Flood Zone 3 providing an adequate Flood Risk Assessment (FRA) is undertaken and demonstrates that the development will not be at an unacceptable risk of flooding and will not increase flood risk elsewhere. Although the application site is located within Flood Zone 3a, it is protected by the Thames Tidal flood defences up to a 1 in 1000 (0.1%) chance in any year flood event. In addition, the EA's most recent breach hazard modelling study (June 2017) shows the site to be outside of the areas impacted by flooding if there was to be a breach in the defences or they were to be overtopped.

- 5.7.10 Subject to the inclusion of conditions requiring the submission of a Surface Water Drainage Strategy and adherence to the submitted Flood Risk Assessment officers consider that the proposed approach would be acceptable and in accordance with Policies SI 12 and SI 13 of the London Plan and policy requiring flood risk assessment and development to mitigate flood risk, Policies CC2, CC3, CC4 and CC5 of the Local Plan which requires development to minimise future flood risk.

5.8 Air Quality

- 5.8.1 **London Plan Policy SI 1** sets out that developments should not lead to a further deterioration of air quality, create new areas that exceed air quality limits, or create unacceptable risk of high levels of exposure to poor air quality.
- 5.8.2 **The Mayor's Air Quality Strategy (2010)** seek to minimise the emissions of key pollutants and to reduce concentrations to levels at which no, or minimal, effects on human health are likely to occur.
- 5.8.3 **Local Plan Policy CC10** seeks to reduce potential adverse air quality impacts arising from new developments and sets out several requirements.
- 5.8.4 The development site is within the borough wide Air Quality Management Area (AQMA). The Air Quality Assessment shows that there is no significant impact on local air quality during the operation phase. It is noted that there is not expected to be an exceedance of the one-hour objective at any onsite location where there is relevant exposure and the air quality neutral target is met. Conditions are proposed for various air quality control measures in relation to both construction and operational phases of the proposal.
- 5.8.5 Subject to the inclusion of conditions prior to the commencement of above ground works for each phase of the development to address the above mitigation measures, officers consider that the proposed development can accord with Policy SI 1 of the London Plan Policy CC10 of the Local Plan.

5.9 Contamination

- 5.9.1 **Local Plan Policy CC9** requires a site assessment and a report on its findings for developments on or near sites known to be (or where there is reason to believe they may be) contaminated. Development will be refused 'unless practicable and effective measures are to be taken to treat, contain or control any contamination'. Any permission will require that any agreed measures with the council to assess

and abate risks to human health or the wider environment are carried out as the first step of the development.

- 5.9.2 **Key principles LC1-6 of the Planning Guidance SPG** identify the key principles informing the processes for engaging with the council on, and assessing, phasing and granting applications for planning permission on contaminated land. The latter principle provides that planning conditions can be used to ensure that development does not commence until conditions have been discharged.
- 5.9.3 The Phase 1 Contamination Assessment notes that the Site is reported to have a number of potentially contaminative historic and current land, with the area surrounding the Site being uses as a number of potentially contaminative land uses (both historical and current). The Assessment identifies significant pollution pathways within the Site and surrounding area. However, it is considered appropriate to attach conditions in relation to risk assessment and remediation.
- 5.9.4 Subject to the inclusion of conditions requiring the implementation of the submitted documents and submission of further information, officers consider that the proposed development accords with Policy CC9 of the Local Plan given that all identified potentially significant effects during the demolition and construction and the operational stages can be suitably adequately mitigated, such that the significance of the residual effects of the Proposed Development will be negligible and that the land will be suitable for the proposed uses

5.10 Noise

- 5.10.1 **London Plan Policy D3** states that development proposals should seek to help prevent or mitigate the impacts of noise.
- 5.10.2 **London Plan Policy D13 (Agents of Change)** sets out that the responsibility for mitigating impacts from existing noise and other nuisance generating activities or uses on the proposed new noise sensitive development; that is, it is for the proposed development to mitigate the impact upon it from nearby noise generating activity upon itself. Development must be designed to ensure established noise and nuisance generating uses remain viable and can continue to grow without unreasonable restriction and that new noise generating development proposed close to residential and other sensitive uses should put in place measures to mitigate and manage any noise impacts for neighbouring residents and businesses.
- 5.10.3 **Local Plan Policy CC11** seeks to control the noise and vibration impacts of developments, requiring the location of noise and vibration sensitive development 'in the most appropriate locations. Design, layout and materials should be used carefully to protect against existing and proposed sources of noise, insulating the building envelope, internal walls floors and ceilings, and protecting external amenity areas. Noise assessments providing details of noise levels on the site are expected 'where necessary'.
- 5.10.4 **Local Plan Policy CC13** seeks to control pollution, including noise, and requires proposed developments to show that there will be 'no undue detriment to the general amenities enjoyed by existing surrounding occupiers of their properties'.

- 5.10.5 The submitted Noise and Vibration Assessment concludes that the facades of the development, as well as the external amenity space, will be exposed to moderate to high external noise levels. This is mainly due to the relationship of the Site with the A4 (Hammersmith Flyover) and London Underground lines which are adjacent to the site to the north and south. Groundbourne vibration is expected to be higher than typically expected as a result of the Site's position next to the London Underground lines. The assessment indicates that, with the introduction of standard mitigation measures (acoustic glazing systems, full building isolation systems or trench isolation systems) the noise and vibration impacts on the proposal will be acceptable.

Side Effect or Adverse Impact Existing Dwellings (noise reflections)

- 5.10.6 The new proposed massing of the North Building has been studied by the acoustician, concluding the development will not alter or increase or increase railway reflections to the existing residential properties along Yeldham Road and Margravine Gardens. The proposed "green wall" and absorptive barrier along the southern boundary can be conditioned for details and verification by measurement.

Noise Generated By Deliveries

- 5.10.7 The noise barrier reduces cumulative by some 8 dB(A) and this reduces the Rating Level to about 8 dB(A) below the night-time one-hour noise level compared to the council's limit of 10 dB(A) below after including for corrections for character in the noise received and is expressed over a time period of 15 minutes. A Service and Delivery Management Plan is secured by condition.
- 5.10.8 Subject to the inclusion of conditions requiring the implementation of the submitted documents and submission of further information, officers consider that the proposed development accords with Policies D3 and D13 of the London Plan and Policies CC11 and CC13 of the Local Plan.

5.11 Wind and Microclimate

- 5.11.1 **London Plan Policy GG1** requires streets and public spaces to be planned for circulation by the comfort in comfort and safety, and to be welcoming. **London Plan Policy D8** addresses the environmental impact of tall buildings, requiring careful consideration of the wind conditions around tall buildings and their neighbourhoods so that they do not compromise the comfort and enjoyment of them.
- 5.11.2 **Local Plan Policy DC3** states that tall buildings should not affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing.
- 5.11.3 **Local Plan Policy CC2** seeks to ensure that developments are comfortable and secure for users and avoid impacts from natural hazards. In supporting text paragraph 13.7 explains that this policy is intended to ensure that developments help to enhance open spaces and contribute to well-being.
- 5.11.4 Chapter 4 of the Environmental Statement assesses the wind microclimate as a result of the proposal and identified that all locations around the site would have

acceptable wind conditions for the intended use. Landscaping measures have been revised to achieve acceptable conditions for their intended use.

- 5.11.5 Subject to the inclusion of conditions requiring the implementation the mitigation measures required, officers consider that the proposed development accords with Policies GG1, D8 and D9 of the London Plan and Policies DC3 and CC2 of the Local Plan in terms of wind and microclimate.

5.12 Arboriculture, Ecology and Biodiversity

- 5.12.1 **London Plan Policy G5** states that major development proposals should 'contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage'. Boroughs should develop an Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments, based on Urban Greening Factors set out in Table 8.2 of the draft Local Plan. Higher standards of greening are expected of predominately residential developments (target score 0.4).

- 5.12.2 **London Policy G7** states that existing trees of quality should be retained wherever possible or replace where necessary. New trees are generally expected in new development, particularly large-canopied species.

- 5.12.3 **Local Plan Policies OS1 and OS5** seeks to enhance biodiversity and green infrastructure in LBHF by (inter alia) maximising the provision of gardens, garden space and soft landscaping, and seeking green and brown roofs and planting as part of new development; seeking retention of existing trees and provision of new trees on development sites; and adding to the greening of streets and the public realm.

- 5.12.4 The existing site features 31 trees with all identified for removal with none being of Category A. As part of the development 77 trees will be planted within the public realm and 22 within the roof terraces. The new public realm incorporates recommendations to enhance the biodiversity value such as the inclusion of wildlife planting as part of the landscaping and a biodiverse roof. The final measures to be included will come forward as part of the landscaping details required by condition.

- 5.12.5 Subject to the inclusion of conditions officers consider that the proposed development accords with Policies G5 and G7 of the London Plan and Policies OS1 and OS5 of the Local Plan in terms of ecological and urban greening.

5.13 Security

- 5.13.1 **The NPPF** seeks to ensure that planning decisions promote public safety and take into account wider security and defence requirements. They should anticipate and address all plausible malicious threats and natural hazards and create safe, inclusive and accessible places that have high levels of amenity and do not undermine quality of life, community cohesion and resilience to due crime and disorder.

- 5.13.2 **Local Plan Policy DC1** seeks to ensure that new developments, new publicly accessible open spaces and new community and leisure facilities are inclusive and accessible, contribute to improving quality of life and reducing the incidence of crime and anti-social behaviour.
- 5.13.3 Discussions have taken place between the applicant's design team and the local police Designing Out Crime Officer and the Counter Terrorism Officer. The overall security strategy and design intent is considered acceptable at this stage and the next stage of the process is to continue dialogue with the applicant and architects to agree the detail of measures to be incorporated within the development. Full final details of how the proposed development would incorporate crime prevention measures to provide a safe and secure environment would therefore be secured by a condition.
- 5.13.4 The proposals are considered to be well designed and in accordance with the NPPF and Policy DC1 of the Local Plan which requires development to reduce the opportunities for criminal behaviour.

5.14 Archaeology

- 5.14.1 **London Plan Policy HC1** states that new development should make provision for the protection of archaeological resources. **Local Plan Policy DC1** states the following: 'The existing character of the borough is heavily influenced by a variety of historical, landscape and architectural assets. Some of these are of national importance, such as listed buildings and the Fulham Palace Moated Site, whereas others are of borough importance, including archaeological priority areas... and locally listed buildings of merit. However, whether they are of national or local importance, they should be considered in all developments in accordance with the policies of the National Planning Policy Framework (NPPF) and the associated Historic England Historic Environment Planning Practice Guide'. **Policy DC8** states that the council would conserve the historic environment by protecting, restoring and enhancing its heritage assets and sets criteria for planning applications. Supporting paragraph 5.2.3 states that where the preservation of remains in situ is not possible or is not merited, planning permission may be subject to conditions and/or formal agreement requiring the developer to secure investigation and recording of the remains and publication of the results.
- 5.14.2 The site is not located within an Archaeological Priority Area. The closest APA is located approximately 300m to the east and comprises Hammersmith Creek, Queen Caroline Street and the Broadway. A desk-based archaeology assessment was prepared. The assessment was submitted with the ES on the basis that the proposal comprises a potentially large major development which could harm heritage assets of archaeological interest, including significant remains which are present on the site. The authors' view however is that the site has low archaeological potential and due to past activity at the site, it was not considered necessary to prepare a specific EIA chapter on the potential for significant impacts on archaeology. Given the identified low potential for archaeological remains within the site and depth of made ground, archaeological works would likely take the form of a watching brief. If significant archaeological remains were encountered, then further archaeological fieldwork, post-excavation analysis and reporting, including publication may also be required.

5.14.3 Historic England's – The Greater London Archaeological Advisory Service (GLAAS) provides archaeological advice to the borough and were consulted. To date no response has been received in respect to this application. Although the site has been identified with a low potential to contain archaeological assets, a watching brief as set out above is recommended by officers to be undertaken during the basement and ground works in accordance with an approved Written Scheme of Investigation (WSI). This would be secured by condition.

5.15 Socio-economic Benefits

5.15.1 **London Plan Policy E2 (C)**, states that the applicant should show how a proportion of low cost and flexible business space would be incorporated into the proposals to provide workspace suitable for small and medium sized enterprises.

5.15.2 **Local Plan Policy E1** requires flexible and affordable space suitable for small to medium enterprises in new large business development. **Local Plan Policy E4** requires the provision of appropriate employment and training initiatives for local people of all abilities in the construction of major developments including visitor accommodation and facilities.

5.15.3 The applicant seeks to work with the borough and local training, employment and education agencies to maximise local take up of these positions. From the proposed outputs of the development the Council will secure 10% of the construction costs which will be offered as local procurement contracts and are secured for the local economy together with delivering by way of a contribution secured by obligation 25 apprentices, 64 work placements and 30 full-time operational phase workers. The proposal also has the potential to create new jobs for local people once the development is operational and is expected to generate approximately 301 net direct jobs once the development is operational.

5.15.4 It is considered that the social and economic benefits derived from the development are significant public benefits and represent the delivery of the council's spatial vision and strategic objectives set out within the Local Plan as well as representative of the opportunity the development presents. Officers therefore consider that the proposal, subject to s106 legal agreement to secure the benefits identified and agreed, is in accordance with London Plan Policy E2 and Local Plan Policies E1 and E4.

5.16 Accessibility and Safety

5.16.1 **Local Plan Policy DC1** requires all development to be of a high quality and should have an approach to accessible and inclusive urban design. **Policy D2** requires new buildings to follow the principles of accessible and inclusive design. **Planning SPD Key Principles DA1, DA4, DA5, DA6, DA7, DA8, DA9, DA11, DA12 and DA13** requires all applications to ensure the buildings are designed to be accessible and inclusive to all who may visit or use the building, to remove barriers to all members of the community and how the accessibility will be managed when operational, provide proportion of hotel rooms to be for use by disabled people, have minimum widths and gradients for accesses, essential lifts, toilets and other required facilities and to engage and consult with disabled people.

- 5.16.2 **London Plan Policy E10** specifically requires that 10% of hotel rooms are delivered as wheelchair accessible units from the outset or that 15 per cent of new hotel bedrooms are accessible in accordance with the requirements of 19.2.12 of British Standard BS8300-2:2018 Design of an accessible and inclusive built environment. The application documents confirm that 10% of the hotel accommodation will be accessible or wheelchair adaptable and meet relevant standards.
- 5.16.3 **London Plan Policy D12** requires that, in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety. At Part B of the policy, all major developments are required to submit a Fire Statement prepared by a suitably qualified third party assessor. **London Plan Policy D5** requires developments to achieve the highest standards of accessible and inclusive design and be designed to incorporate safe and dignified emergency evacuation for all building users. In all developments where lifts are installed, as a minimum at least one lift per core (or more subject to capacity assessments) should be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building.
- 5.16.4 For the student accommodation 10% of the rooms, 72, will be wheelchair accessible with two accommodating ceiling track hoists and larger bathrooms in addition to direct connection to a bedroom for a support worker or companion. All 72 wheelchair accessible student bedrooms demonstrate Part M / BS8300 compliance including provisions (where fitted out) or suitability for the installation of fixtures and fittings as appropriate to independent / assisted access.
- 5.16.5 Four blue badge car parking spaces are provided on-site; 3 for the student use and one for the hotel. 22 of the internal and 6 of the external cycle storage spaces are for adapted/larger cycles and 5% of these are for trikes but could also be used for recumbent and tandems. An Inclusive Accessibility Management Strategy is secured by way of condition.
- 5.16.6 The Mayor's Stage 1 response required a revised Fire Statement and this was submitted by the applicant and has been reviewed by the GLA who have concluded that it satisfactorily addresses the requirements of London Plan Policy. The Planning Policy Guidance was revised in August 2021 to require applications submitted after 1st August 2021 for relevant buildings, such as the proposed building here, to submit a Fire Statement and for HSE to be consulted although at the time of writing no response has been received.
- 5.16.7 The north block features three cores, west, central and east. To the main central core with four lifts there is a firefighting lift however each of the bank of three lifts is suitably sized, as well as having the requisite controls to enable any of them to be assigned as an evacuation lift. The western core features a firefighting/evacuation lift. The eastern core does not feature any lift with the main core being within acceptable distances.
- 5.16.7 It is therefore considered that the proposal will provide a high quality environment for disabled and impaired members of the community and the commitments within the Access Statement are positive and deliverable by way of conditions. As such the proposal will comply with London Plan Policies E10, D5 and D12 Local Plan

Policies DC1 and DC2 as well as Planning Guidance SPD Key Principles DA1, DA4, DA5, DA6, DA7, DA8, DA9, DA11, DA12 and DA13.

6.0 SECTION 106 HEADS OF TERMS AND CIL

S106 Heads of Terms

- 6.1 **The NPPF** provides guidance for local planning authorities in considering the use of planning obligations. It states that 'authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations and that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition'.
- 6.2 **Local Plan Policy INFRA1** (Planning Contributions and Infrastructure Planning) advises that the council will seek planning contributions to ensure the necessary infrastructure to support the Local Plan is delivered using two main mechanisms 'Community Infrastructure Levy (CIL) and Section 106 Agreements (s106). The application site does not attract local borough CIL so relies on s106 for necessary infrastructure.
- 6.3 The application Heads of Terms are as follows:
- Social, physical, economic and transport infrastructure contribution (Strategic Policy HRA and INFRA1) of £3,972,750
 - Low Traffic Neighbourhood scheme contribution (Policy T1) of £364,460
 - Economy/jobs/local procurement contribution of £294,250 comprising local employment, skills and training targeting: 21 apprentices, 64 work placements and 30 full-time operational phase workers.
 - o Each apprentice and work placement attracts a contribution of £3,500
 - o Each full-time operational worker attracts a contribution of £3,500
 - o Local procurement amounting to 10% of the total construction cost
 - o Local procurement fee of £8,250
 - o Non-compliance with the agreed number of apprentices and placements attracting a contribution of £7,000 per apprentice/placement not created
 - 713 student units within the northern block
 - 50% affordable student housing at rents as defined by the Mayor for the coming academic year published in the Mayor's Annual Monitoring Report.
 - The applicant will, from the point of occupation, enter a new nomination agreement with one or more higher education provider for the approved student and affordable student accommodation
 - Tenure, number and location of affordable student housing
 - Carbon Offset payment of £664,290 for the North Building and £1,267,343 for the South Building less £288,700 paid to date and the outcome of the revised Energy Strategy secured by condition.
 - No business parking permits
 - No residential parking permits
 - Provision of 10% student wheelchair units
 - Blue badge parking
 - Monitoring fee of up to £5,000 per year

- Travel Plans for each land use to be monitored at years 1, 3 and 5 at a monitoring fee of £5,000 per submission (£15,000 in total)
- Travel Plan for the construction period with a monitoring fee of £5,000 per year of construction (estimated at £15,000 in total)
- Highway works by s278 agreement

Local and Mayoral CIL

- 6.4 This development would be subject to local and Mayoral CIL. The Mayor's CIL (Community Infrastructure Levy) came into effect in April 2012. This would contribute towards the funding of Crossrail. The GLA expect the Council, as the Collecting Authority, to secure the levy in accordance with London Plan Policy 8.3 and is chargeable in this case at £80 per square metre uplift in floor space (GIA).
- 6.5 Local CIL is levied on the proposed student accommodation at £80/m2 with the hotel use being zero rated. The proposed student offer is for 21,400sqm attracting a Local CIL charge of £1,712,000.

7.0 CONCLUSION

- 7.1 In considering planning applications, the Local Planning Authority needs to consider the development plan as a whole and planning applications that accord with the development plan should be approved without delay, unless material considerations indicate otherwise and any adverse impacts of doing so would significantly and demonstrably outweigh the benefits
- 7.2 In the assessment of the application regard has been given to the NPPF, London Plan, and Local Plan policies as well as guidance and it is considered that the proposal is in accordance with the development plan. The quantum of the proposed land uses and the resulting nature of the site does not give rise to any unacceptable impacts and will amount to sustainable development in accordance with the National Planning Policy Framework.
- 7.3 The proposed development fulfils the key economic, social and environmental objections of the NPPF. The presumption in favour of sustainable development requires approving development proposals that accord with an up-to-date development plan without delay, but that local planning authorities may take decisions that depart from an up-to-date development plan if material considerations in a particular case indicate that the plan should not be followed. The proposal is compliant with the development plan and the benefits demonstrably outweigh any harm identified.
- 7.4 The proposal is a revised version of the extant planning permission for the site which has established the principle of the hotel land use, the loss of the former social infrastructure and a greater height and massing than currently proposed. The current proposal would result in the redevelopment of a vacant site in a regeneration area and town centre location to provide a hotel building as consented and 713 student units of which 50% would be affordable. For the reasons set out in this report, officers consider the development would have a positive impact on the viability and vitality of the town centre, with substantial public gain with regard to employment opportunities during construction and operation.

- 7.5 The proposal would contribute strongly to building a strong, responsive and competitive local economy, that would contribute to the function of the town centre and would create further employment opportunities in a mixed and varied way leading to a range of uses. The redevelopment and the proposed uses would also contribute by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The proposed development will achieve an excellent sustainability rating, will exceed London Plan targets with regards to CO2 savings and would see a reduction of car parking spaces on site with the introduction of policy compliant cycle spaces and adapting to climate change.
- 7.6 It is considered that the proposals will deliver good quality architecture which optimises the capacity of the site with a good quality good hotel and student accommodation. The development would provide new high-quality public realm. The height, scale and massing of the proposed built form is appropriate and provides a satisfactory design response to the site and surrounding townscape at its edges. The elevations have an architectural character which provides interest across the frontages. The relationship between the built form and public realm would assist in the creation of a sense of place. Where harm has been identified to heritage assets it is considered this is outweighed by the substantial social, economic and environmental public benefits that the proposal would deliver.
- 7.7 The proposed development is considered to have an acceptable impact upon the amenities and living conditions within surrounding properties in respect of daylight, sunlight, over-shadowing, overlooking/privacy, noise, and vibration impacts. With regards to noise and privacy impacts, the proposals are acceptable on the basis that planning conditions are secured to limit the additional impacts to arise out of the development, including those during construction. Potential impacts in terms of air quality, light pollution, and noise would be acceptable regarding the various mitigation methods proposed which are secured by condition. In this regard, the development would respect the principles of good neighbourliness.
- 7.8 A high quality development is proposed and the principle of a re-developed site as set out is in accordance with the development plan when taken as a whole. It delivers substantial design, heritage and public benefits that are considered to outweigh the harm to designated heritage assets. 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.
- 7.9 Accordingly, it is recommended that the proposal be granted subject to the conditions listed, the completion of s106 and no contrary direction from the Mayor of London.