

Planning and Development Control Committee

Agenda

Tuesday 7 June 2022 at 7.00 pm Main Hall (1st Floor) - 3 Shortlands, Hammersmith, W6 8DA

MEMBERSHIP

Administration:	Opposition
Councillor Omid Miri (Chair)	Councillor Alex Karmel
Councillor Florian Chevoppe-Verdier (Vice-Chair)	Councillor Adrian Pascu-Tulbure
Councillor Wesley Harcourt	
Councillor Rebecca Harvey	
Councillor Nikos Souslous	
Councillor Patrick Walsh	

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. If you would like to attend the meeting in person please contact: <u>charles.francis@lbhf.gov.uk</u> You can also watch live on YouTube: <u>https://youtu.be/bVM_gf1s5Ks</u>

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 <u>4pm on Tuesday 31st May 2022.</u>

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

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

PUBLIC SPEAKING AT PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Members of the public are welcome to attend the Planning and Development Control Committee meeting.

Who can speak?

Only the applicant or their agent and people who have commented on the application as part of the planning department consultation process in support or against will be permitted to speak at the meeting. They must have been registered to speak before addressing the committee. Ward Councillors may sometimes wish to speak at meetings even though they are not part of the committee. They can represent the views of their constituents. The Chair will not normally allow comments to be made by other people attending the meeting or for substitutes to be made at the meeting.

Do I need to register to speak?

All speakers except Ward Councillor must register at least two working days before the meeting. For example, if the committee is on Wednesday, requests to speak must be made by 4pm on the preceding Friday. Requests received after this time will not be allowed. Registration will be by email only. Requests are to be sent to speakingatplanning@lbhf.gov.uk 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.

Planning and Development Control Committee Agenda

7 June 2022

<u>Item</u>

<u>Pages</u>

1. APOLOGIES FOR ABSENCE

2. DECLARATION OF INTERESTS

If a Councillor has a disclosable pecuniary interest in a particular item, whether or not it is entered in the Authority's register of interests, or any other significant interest which they consider should be declared in the public interest, they should declare the existence and, unless it is a sensitive interest as defined in the Member Code of Conduct, the nature of the interest at the commencement of the consideration of that item or as soon as it becomes apparent.

At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a disclosable pecuniary interest or other significant interest may also make representations, give evidence or answer questions about the matter. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken.

Where Members of the public are not allowed to be in attendance and speak, then the Councillor with a disclosable pecuniary interest should withdraw from the meeting whilst the matter is under consideration. Councillors who have declared other significant interests should also withdraw from the meeting if they consider their continued participation in the matter would not be reasonable in the circumstances and may give rise to a perception of a conflict of interest.

Councillors are not obliged to withdraw from the meeting where a dispensation to that effect has been obtained from the Standards Committee.

3. MINUTES

5 - 8

To approve as an accurate record, and the Chair to sign, the minutes of the meeting of the Committee held on 20 April 2022.

4. 14 SEDGEFORD ROAD, LONDON W12 0ND, WORMHOLT, 9 - 23 2021/03218/FUL 9 - 23

5. 25 - 36 FITZJAMES AVENUE, LONDON W14 0RR, AVONMORE, 24 - 44 2022/00702/FUL

6.	LAND BOUNDED BY 58 WOOD LANE AND WESTWAY, LONDON W12 7RZ, COLLEGE PARK AND OLD OAK, 2021/03751/FUL	45 - 93
7.	OLD OAK COMMON STATION, OLD OAK COMMON LANE, LONDON NW10 6DZ, COLLEGE PARK AND OLD OAK, 2022/01251/OPDOBS	94 - 102
8.	OLD OAK COMMON STATION, OLD OAK COMMON LANE, LONDON NW10 6DZ, COLLEGE PARK AND OLD OAK, 2022/01249/OPDOBS	103 - 117

Agenda Item 3

London Borough of Hammersmith & Fulham

Planning and Development Control Committee Minutes



Wednesday 20 April 2022

1. APOLOGIES FOR ABSENCE

Apologies for absence were provided by Councillor Rebecca Harvey. Apologies for lateness were provided by Councillor Asif Siddique

2. DECLARATION OF INTERESTS

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

There were no declarations of interest.

3. <u>MINUTES</u>

The minutes of the meeting held on 8 March 2022 were agreed.

OPENING REMARKS FROM THE CHAIR OF THE COMMITTEE

The Chair explained that Councillor Matt Thorley would not be standing for reelection at the May elections. She thanked him for his years of service as a Hammersmith and Fulham ward Councillor and a member of the Planning and Development Control Committee (and in particular, his time as Chair from 2013 to 2014).

Councillor Rachel Leighton confirmed it was her last meeting as Chair of the Planning, Development and Control Committee as she would not be standing for re-election at the May election. She thanked the Committee for all its support, the officers for their assistance and all those members of the public that had attended and spoken before the Committee over the last four years.

Through the Chair, Councillor Alex Karmel remarked the Chair, and her husband (the former Chair) would be sorely missed for their impartiality, fairness and evenhandedness on the Planning and Development Control Committee. On behalf of the Opposition, the Chair and her husband were wished all the very best for the future.

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

4. <u>M&S WHITE CITY SITE, 54 WOOD LANE, LONDON W12 7RQ, COLLEGE</u> PARK AND OLD OAK, 2021/02896/VAR

At the start of the item, the Chair confirmed that if Councillor Asif Siddique missed a substantial part of either item, then he would not be permitted to vote on that particular item.

The Committee voted on the recommendations for application 2021/02896/VAR as follows:

Officer Recommendation 1:

For: 5 Against: 1 Not Voting: 0

Officer Recommendation 2:

For:	
5	
Aga	inst:
0	
Not	Voting:
1	_

RESOLVED THAT:

Planning Application 2021/02896/VAR be approved subject to:

- That Subject to there being no contrary direction from the Mayor for London; that the Committee resolve that 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 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.

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

5. <u>430 - 432 UXBRIDGE ROAD, LONDON W12 0NR, WORMHOLT AND WHITE</u> <u>CITY, 2021/03899/FUL</u>

The Committee voted on the recommendations for application 2021/03899/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 2021/03899/FUL be approved subject to:

- 1. That the Chief Planning Officer be authorised to grant planning permission upon the completion of a satisfactory legal agreement and subject to the conditions listed.
- 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 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.

Through the Chair, Councillor Natalia Perez thanked Councillor Rachel Leighton for her leadership of the Planning and Development Control Committee and wished her all the best for the future. Councillor Natalia Perez (as Chair of the Licensing Committee) also thanked Councillor Matt Thorley for his roles on both the Planning and Development Control Committee and Licensing Committee.

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

Meeting started: 7.00 pm Meeting ended: 8.05 pm

Chair

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

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

Ward: Wormholt

Site Address:

14 Sedgeford Road London W12 0ND



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Reg. No: 2021/03218/FUL

Case Officer: Elliot Brown

Date Valid: 04.11.2021

Committee Date: 07.06.2022

Conservation Area:

Applicant:

Mr Andrew Elbake 81 Jeymer Drive Greenford HA2 9AS

Description:

Erection of a rear roof extension; erection of a rear extension at second floor level over part of the existing back addition; erection of a single storey rear extension, to the side and rear of the existing back addition; installation of 3no rooflights in the front roofslope; conversion of existing property from a 6 room HMO into a 7 room HMO. Drg Nos: 0076/EXT-06/SP REV A (11.02.22); 0076/EXT-07/SP REV A (11.02.22); 0076/EXT-08/SP REV A (11.02.22); 0076/EXT-09/SP REV B (22.02.22); 0076/EXT-10/SP REV A (11.02.22); 0076/EXT-01/SP REV B (07.03.22); Bicycle Storage Details.0076/EXT-05/SP REV A (11.02.22);

Application Type:

Full Detailed Planning Application

Officer Recommendation:

1) That the Committee resolve that 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:

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 approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission.

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

4) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value DnT,w + Ctr [and L'nT,w] of at least 5dB above the Building Regulations value, for the floor/ceiling/wall structures separating different types of rooms/ uses in adjoining dwellings, namely [eg. living room and kitchen above bedroom of separate dwelling]. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

5) Prior to commencement of the development hereby approved, a construction management plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs 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. Approved details shall be implemented throughout the project period.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site, in accordance with Policies CC11, CC12 and CC13 of the Local Plan (2018).

6) Prior to occupation of the development hereby permitted, the installation commissioning certificate of the Zero Emission Electric boiler(s) for the supply of space heating and hot water to the seven room HMO shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

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

7) Prior to the occupation of the development hereby permitted, the windows at ground floor level in the north elevation [refs.0076/EXT-05/SP REV A (11.02.22)

and 0076/EXT-09/SP REV B (22.02.22)] shall be fitted with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, and shall be non-opening and fixed shut up to a height of 1.7m above the finished floor level. The windows shall thereafter be permanently retained as approved.

To protect the amenities of adjoining occupiers in terms of privacy and overlooking in accordance with Policy HO11 of the Local Plan (2018).

8) No part of any roof of the single storey ground-floor extension, second-floor rear extension or rear roof extension hereby approved shall be used as a roof terrace or other form of open amenity space. No alterations shall be carried out; nor planters or other chattels placed on the roofs. No railings or other means of enclosure shall be erected on the roofs, and no alterations shall be carried out to the property to form access onto the roofs.

The use of the roofs as a terrace would increase the likelihood of harm to the existing residential amenities of the occupiers of neighbouring properties as a result of overlooking, noise and disturbance, contrary to Policies HO11 and CC11 of the Local Plan (2018).

9) The proposed cycle storage hereby approved shall be installed in accordance with the approved drawing No. 0076/EXT-01/SP REV B (07.03.22) and the Bicycle Storage Details document prior to occupation of the proposed Sui Generis HMO, and shall thereafter be permanently retained.

To encourage and support the increased use of bicycles, in accordance with Policy T5 of the London Plan (2021) and Policy T3 of the Local Plan (2018).

10) Prior to occupation of the Sui Generis HMO hereby approved, details of the proposed refuse and recycling storage for future occupants shall be submitted to, and approved in writing by, the local planning authority. The refuse and recycling storage shall be installed in accordance with the approved details prior to occupation of the Sui Generis HMO, and shall thereafter be retained for the lifetime of the development.

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

Justification for Approving the Application:

 The proposed development would provide a good quality large-scale House in Multiple Occupation, which would contribute towards the provision of accommodation for single people who cannot afford self-contained residential accommodation. Furthermore, the proposal would mitigate against detrimental harm to neighbouring amenity, the character and appearance of the parent building and the surrounding area and highways. In these respects, the proposal would be consistent with Policy T5 of the London Plan (2021), Policies HO8, CC11, HO11, DC1, DC4, DC8, T1, T3 and T4 of the Local Plan (2018) and Key Principles HS4, HS6 and HS7 of the Planning Guidance Supplementary Planning Document (2018).

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

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

Application form received: 7th October 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

Consultation Comments:

Comments from:	Dated:
Thames Water - Development Control	09.11.21
Crime Prevention Design Advisor - Hammersmith	26.11.21

Neighbour Comments:

Lattara fram

Letters from:	Dated:
19 Sedgeford Road London W12 0NA	18.11.21
1, Sedgeford Road London W12 0NA	27.11.21
2 Aycliffe Road Shepherds Bush London W12 0LL	05.12.21
5 Sedgeford Road Shepherd's Bush LONDON W12 0NA	24.11.21
8 Sedgeford Road Shepherd's Bush W12 0ND	05.12.21
16 Sedgeford Rd London W12 0ND	24.11.21
8 Sedgeford Road London W12 0ND	12.11.21
23 Sedgeford rd London W120na	12.11.21

Datad

COMMITTEE REPORT

1.0 BACKGROUND AND RELEVANT PLANNING HISTORY

- + Background
- 1.1 The proposals relate to No.14 Sedgeford Road, which is a two-storey end of terrace building situated at the junction of Aycliffe Road and Sedgeford Road. The subject property is currently in use as a small-scale house of multiple occupation (HMO), which falls within a C4 use class. Paragraph 6.65 of the Local Plan (2018). The Council's HMO licencing team have confirmed that the subject property has a current mandatory HMO licence (Ref. MAN-0010-00704-61719-x148) for a 6-bedroom property with a maximum occupancy of 6 people.
- 1.2 The application site is not situated within a Conservation Area, though the Cleverly Estate Conservation Area is situated less than 30m to the north-east of the application site. A number of the residential blocks within the Cleverly Estate Conservation Area are locally listed Buildings of Merit.
- 1.3 The application site is situated within the Environment Agency's Flood Risk Zone 1.
- + Relevant planning history
- 2018/00394/FUL Erection of a single storey rear extension, to the side and rear of the existing back addition.
- 1.4 The above FUL application was granted planning consent on 05.04.2018. The extension projected 3m beyond the rear wall of the existing back addition.
- 2021/01847/FUL Erection of a rear roof extension; erection of a single storey rear extension, to the side and rear of the existing back addition; installation of 3no rooflights in the front roofslope; installation of a new door and window to replace the existing window to the side of single storey back addition; installation of new doors and windows to replace the existing doors at ground floor level to the rear elevation; conversion of existing property from 4 bedroom HMO into 8 self-contained residential units (Class C3). This application was withdrawn prior to determination.
- 2.0 PUBLICITY, CONSULTATIONS AND SITE VISIT
- 2.1 The application was publicised by way of letters of notification to neighbouring properties.
- 2.2 Eight (8) representations have been received, which object to the proposal on the grounds summarised below:
- The proposed 7-bedroom HMO would result in an overdevelopment of the subject building, resulting in an overcrowded and potentially unsafe building, which would be out of keeping with the character of the street, which predominantly consists of family housing.
- The proposal would have a harmful impact upon neighbouring amenity, especially with

regard to privacy/overlooking, noise (from the increased number of future occupants), outlook and a sense of enclosure;

- The proposed ground-floor extension, by reason of its proposed material finishes, would be out of keeping with the character and appearance of the Conservation Area. Were planning permission to be granted, a condition should be considered requiring that a London stock brick boundary wall is erected along the flank boundary fronting Aycliffe Road (to replicate that of No.16 Sedgeford Road).
- The proposal would result in an increased demand for parking within the locality of the application site.
- The previous planning application (Ref. 2021/01847/FUL) referred to an existing 4bedroom HMO within the proposal description, whereas the current planning application refers to an existing 6-bedroom. It is unclear as to how the configuration of existing bedrooms has increased between the submission of the two applications, when no work has been carried at the subject property;
- The proposal would result in the potential loss of family housing; Officer comment: street is 88% houses and 12% flats/bedsits. This would not change
- The proposed 7 bedsits represents in reality a minimum doubling of tenants (assuming shared bedrooms), as the house would have originally been built for 4 occupants;
- There has been a history of anti-social behaviour within the rear garden of the subject property;
- There has been a history of neglect and dilapidation of the subject property, and the proposed HMO usage may exacerbate this;
- The proposal does not show any provision for refuse and recycling. This raises concern and the potential issue of litter and vermin, if adequate provision is not provided;
- The proposal does not indicate what leisure space (if any) would be available to future occupants.
- The proposal includes 6 en-suite bathrooms, 1 separate bathroom and 1 separate W/C. Accordingly, concern is raised that in relation to drainage and sewerage.
- The proposed loft plan shows a storage room, which is likely to be converted into a bedroom in future. What measures would be in place to prevent the store room not being occupied?
- There is an error on the 'applicant details' section of the application form, with the address line and post code not matching up;
- No details of fire safety have been provided.
- 2.3 Officer response: The material planning considerations raised will be assessed within this committee report. Officers note that the following concerns fall outside the scope of planning:

- Drainage and sewerage would fall under the scope of Building Regulations, and accordingly would not be material planning considerations;

External Responses

2.4 Thames Water - Thames Water have raised no objection to the proposed development in terms of the water network and water treatment infrastructure capacity.

3.0 POLICY FRAMEWORK

- 3.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England.
- 3.2 Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act).
- 3.3 In this instance the statutory development plan comprises the London Plan (2021) and the Local Plan (2018). A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application.
- + National Planning Policy Framework (2021)
- 3.4 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and was revised 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.
- 3.5 The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
- + London Plan
- 3.6 The London Plan was published in March 2021. It sets out the overall strategic plan for London and a fully integrated economic, environmental, transport and social framework for the development of the Capital over the next 20-25 years. It forms part of the development plan for Hammersmith and Fulham.
- + Local Plan
- 3.7 The Council adopted the new Local Plan on 28 February 2018. The policies in the Local Plan together with the London Plan make up the statutory development plan for the borough. The Planning Guidance Supplementary Planning Document (SPD) (February 2018) is also a material consideration in determining planning

applications. It provides supplementary detail to the policies and is organised around key principles.

- 4.0 PLANNING CONSIDERATIONS
- 4.1 The relevant considerations in this case, to be assessed against the policies in the National Planning Policy Framework [NPPF] (2021), The London Plan (2021) and the Hammersmith and Fulham Local Plan (2018) and the Planning Guidance Supplementary Planning Document [SPD] (2018) are:
- Principle of the proposal and housing supply.
- Quality of the accommodation that is proposed or might be lost.
- Design and Impact upon the character and appearance of the surrounding area (including designated heritage assets).
- Impact upon neighbouring amenity.
- Highways/parking and refuse/recycling.
- Flood risk.
- Land contamination.
- Fire safety.

PRINCIPLE OF THE PROPOSAL AND HOUSING SUPPLY

- 4.2 Officers acknowledge that a number of the representations received have raised concern that the proposed HMO accommodation would be out of keeping with the predominant character of the housing stock within the locality of the application site, and that it could result in the loss of family housing.
- 4.3 Nevertheless, as previously outlined in Paragraph 1.1 of this committee report, Officers highlight that the subject property has a current mandatory HMO licence (Ref. MAN-0010-00704-61719-x148) for a 6-bedroom property with a maximum occupancy of 6 people. Accordingly, the current usage of the subject property would be a small-scale HMO (C4 use class), rather than a single-family dwelling (C3 use class). Accordingly, the proposal would not result in the loss of family housing. For this reason, Officers consider that Policy HO2 (Housing Conversion and Retention) of the Local Plan (2018) would not be an applicable consideration for the current planning application.
- 4.4 Policy HO8 (Hostels and Houses in Multiple Occupation) of the Local Plan (2018) specifies that the acceptability of planning applications for new HMOs or the loss of existing HMOs will be considered in relation to the following criteria:
- a) The quality of the accommodation that is proposed or might be lost;
- b) The impact of the accommodation on the locality; and
- c) the local need for the proposed or existing HMO accommodation.

4.5 Paragraph 6.65 of the Local Plan (2018) specifies that the Council recognises the role that hostels and HMOs play in providing accommodation for single people who cannot afford self-contained accommodation. Accordingly, subject to the proposal being consistent with the criteria set out within Policy HO8 of the Local Plan (2018), Officers raise no objection to the principle of the proposal or the impact upon housing supply.

QUALITY OF THE ACCOMMODATION THAT IS PROPOSED OR MIGHT BE LOST

- 4.6 Officers consider that the Council's 'Standards and Guidance for Houses in Multiple Occupation' (April 2020) is a key consideration when assessing the quality of the proposed HMO. The proposed internal layout would consist of:
- Ground Floor Three en-suite bedrooms, a kitchen/dining room and a separate W/C;
- First Floor Three en-suite bedrooms and a separate storage area;
- Roof Level One en-suite bedroom, a kitchen and a store room.
- 4.7 The maximum occupancy allowed for the property would be twelve (12) people, because where there is no separate living room provided (as is the case in the subject application), the minimum room size for rooms used as sleeping accommodation increases to 10.2sqm for one-person and to 15sqm for two-people. Based on this criteria, the individual room size of the proposed bedrooms would limit the proposed large-scale HMO to a maximum of twelve people. Furthermore, in HMOs occupied by ten or more people, the larger of the two kitchens would be required to have some additional cooking facilities and storage in place. As demonstrated on the proposed ground-floor plan, the ground-floor kitchen/dining room would include two ovens/hobs and two sinks, with sufficient provision of countertops for food preparation.
- 4.8 Each habitable room would be directly served by at least one window, whilst all future occupants would have access to the existing rear garden amenity space, via the ground-floor kitchen/dining room. Additionally, annotations on the submitted drawings demonstrate that the required FD30 fire doors would be installed to all rooms.
- 4.9 Officers therefore consider that the proposed extensions and reconfiguration of the premises providing a large-scale HMO would be consistent with the standards set out within the Council's Standards and Guidance for Houses in Multiple Occupation' (April 2020), and resultantly, the proposal would be considered to provide a good-quality large-scale HMO contributing to the range of accommodation in the area, and would be consistent with Policy HO8 of the Local Plan (2018).
- DESIGN AND IMPACT UPON THE CHARACTER AND APPEARANCE OF THE SURROUNDING AREA (INCLUDING DESIGNATED HERITAGE ASSETS)
- 4.10 Policy DC1 of the Local Plan (2018) notes that all development should seek to create a high-quality urban environment which respects and enhances its townscape setting, whilst Policy DC4 notes that all alterations and extensions to existing buildings should be a subservient addition to the parent building and

compatible with the scale and character of existing development, neighbouring properties and their settings.

- 4.11 At ground-floor level, a single-storey extension to the side and rear of the existing back addition is proposed. Key Principle HS4 of the Planning Guidance SPD (2018) specifies that planning permission will not normally be granted for any extension if:
- (i) the proposed extension would exceed 3.5m in length;
- (ii) the proposed extension would extend to within 4m of the rear boundary of the application site; or
- (iii) the proposed extension would cover more than 50% of the rear garden of the application site.
- 4.12 Annotations on the proposed ground-floor plan demonstrate that the proposed ground-floor extension would feature a depth of 3.5m beyond the existing rear wall. Furthermore, the proposed site plan and measurements taken via aerial imagery demonstrates that the ground-floor extension would ensure a minimum separation of 4m between the rear boundary of the application site and the rear elevation of the proposed extension and would ensure that at least 50% of the existing rear garden is retained. This element of the proposal would therefore be consistent with Key Principle HS4 of the Planning Guidance SPD (2018), ensuring a subservient addition to the parent building.
- 4.13 Annotations on the submitted drawings specify that the material finish of the proposed ground-floor extension would be painted white render, to match the existing material finish of the parent building's rear elevation.
- 4.14 The proposal would also include a rear roof extension and a second-floor rear extension, which would be sited atop part of the existing back additions roof. The 70-degree mansard design of these additions, coupled with their modest scale and grey tile material finish, would be considered sufficient to ensure a satisfactory visual appearance. There are other examples of this form of development in the terrace, and as such this is in keeping with the existing pattern of development in the street.
- 4.15 Site visit, street photography and aerial imagery highlights that front rooflights are common within the immediate locality of the application site. As such, Officers raise no objection to the principle of the proposed front rooflights. As designed, these would appear proportionate to the front roof-slope, ensuring a satisfactory visual appearance.
- 4.16 Site photographs and street imagery indicates that the existing flank boundary fence fronting Aycliffe Road is in a state of disrepair. The proposal would involve the replacement of the existing flank and rear boundary fence with a new 1.8m high timber fence. The replacement timber fence would be an improvement in comparison to the existing fencing, and therefore would be considered to enhance the appearance of the surrounding area.
- 4.17 Overall, the proposed external alterations are considered to be of a scale,

massing, design and material which would ensure a subservient addition to the parent building, in keeping with the existing pattern of development in the area and preserving the character and appearance of the surrounding area. In this respect, the proposal would be consistent with Policies DC1 and DC4 of the Local Plan (2018).

IMPACT UPON NEIGHBOURING AMENITY

- 4.18 Policy HO8 of the Local Plan (2018) specifies that the impact of the proposed HMO accommodation on the surrounding locality will be an important consideration. Meanwhile, Policy HO11 of the Local Plan (2018) specifies that proposals for extensions will be considered acceptable where it can be demonstrated that there is no detrimental impact upon the privacy, light and outlook enjoyed by neighbouring occupants.
- 4.19 No.12 Sedgeford Road adjoins the southern flank boundary of the application site. Planning records demonstrate that No.12 also features a rear roof extension, as well as a second-floor rear extension. No.12's second-floor rear extension is of a greater depth than that proposed to No.14 under the current planning application. The proposed ground-floor extension would feature a depth of 3.5m and a flat roof design with a maximum height of 3m. This is considered an acceptable scale and massing which would mitigate against detrimental harm to the amenity of No.12's occupants, with regard to outlook, light and a sense of enclosure.
- 4.20 Aycliffe Road separates the flank boundaries of the application site and No.16 Sedgeford Road, ensuring a separation of at least 13m (as measured via aerial imagery). Officers consider that this, together with the scale, massing, design and materials of the proposed external alterations, would be sufficient to mitigate against detrimental harm to the amenity of No.16's occupants, with regard to outlook, light and a sense of enclosure. Annotations on the proposed elevation drawing confirms that the flank elevation windows to the proposed ground-floor extension would be obscure-glazed and fixed shut below 1.7m above finished floor level. Officers consider that this would mitigate against detrimental harm to the amenity of No.16's occupants.
- 4.21 The flank boundary of No. 2 Aycliffe Road adjoins the rear boundary of the application site. Resultantly, the flank wall of No.2 directly faces the rear elevation of the application site. No.2 features one obscure-glazed flank window at roof level. Accordingly, Officers consider that the proposed external alterations would not result in any detrimental harm to the amenity of No.2's occupants, with regard to outlook, light, privacy and a sense of enclosure.
- 4.22 The proposal would involve the change of use of the existing small-scale HMO to a large-scale HMO with a maximum potential occupancy of 12 people. This would result in the potential net-gain of 6 occupants within the subject property over the current position. Whilst acknowledged that this could result in the opportunity for greater noise transmission between the application property and existing adjoining dwellings, Officers consider that this concern could be addressed by attaching conditions relating to the installation of enhanced sound insulation, and such conditions are included in the condition list.

HIGHWAYS/PARKING AND REFUSE/RECYCLING

+ Highways/parking

- 4.23 Policy T1 of the Local Plan (2018) seeks to encourage the provision and use of public transport and bicycles, to improve congestion and air quality within the Borough. Policy T5 of the London Plan (2021) specifies that cycle parking should be fit for purpose, secure and well-located, with the following standards for residential accommodation:
- 1 space per studio unit or 1-person, 1-bedroom dwelling
- 1.5 spaces per 2-person, 1-bedroom dwelling
- 2 spaces per all other dwellings
- 4.24 Policy T4 of the Local Plan (2018) specifies that car parking permit free measures will be required on all new development unless evidence is provided to show that there is a significant lack of public transport available.
- 4.25 The proposal does not include the provision of off-street parking for future occupants. In light of the application site's PTAL 3 rating, which indicates good accessibility to public transport, and to prevent increased levels of parking stress from occupants of the proposed residential accommodation, Officers recommend that a legal agreement restricting the issuing of on-street car parking permits for the future residents of the proposed HMO are included. Subject to this, the proposal would be considered to prevent increased parking stress and congestion within the locality of the application site, in accordance with Policies T1 and T4 of the Local Plan (2018).
- 4.26 Where a sui generis usage is proposed (as is the case with the current proposal), Policy T5 of the London Plan (2021) specifies that cycle storage provision should be in accordance with the most relevant other standard. Officers consider that use class C3 - C4 would be the most relevant standard in this instance. Accordingly, the proposal would need to provide a total of 2 bicycle storage spaces to be compliant with Policy T5, Table 10.2 of the London Plan (2021).
- 4.27 The proposed site plan REV B (07.03.22) highlights that cycle storage for two bicycles would be located to the side of the subject property. Accompanying bicycle storage details sets out that the storage would consist of a timber enclosure, which would provide secure, weather-proof and accessible cycle storage, consistent with Policy T5 of the London Plan (2021).
- + Refuse/recycling
- 4.28 Policy CC7 of the Local Plan (2018) specifies that all developments should aim to minimise waste and should provide convenient refuse and recycling storage facilities.
- 4.29 Whilst refuse and recycling storage is not depicted upon the proposed site plan, Officers consider that there would be sufficient off-street storage space to the side of the subject property, in a similar location to the proposed cycle storage. A condition is therefore recommended, requesting further details of the proposed refuse and recycling storage facilities to be provided prior to occupation of the

large-scale HMO.

FLOOD RISK

4.30 Policy CC3 of the Local Plan (2018) specifies that the Council will require a site-specific flood risk assessment for all proposals which are located within the Environment Agency's Flood Risk Zone 2 and 3. The application site lies within the Environment Agency's Flood Risk Zone 1, and accordingly a flood risk assessment is not required by Policy CC3 of the Local Plan (2018). The proposal would therefore be considered to mitigate against harmfully exacerbating the application site's flood risk.

LAND CONTAMINATION

4.31 Policy CC9 of the Local Plan (2018) specifies that when development is proposed on or near a site that is known to be, or there is good reason to believe may be, contaminated, or where a sensitive use is proposed, an applicant should carry out a site assessment and submit a report of the findings in order to establish the nature and extent of the contamination. The proposal would not introduce a usage more sensitive than the existing usage, and the Council's Land Contamination team have reviewed the proposal and raised no objection. Accordingly, Officers raise no objection to the proposal in relation to Policy CC9 of the Local Plan (2018).

Legal Agreement

- 4.32 In dealing with planning proposals, local planning authorities consider each on its merits and reach a decision based on whether the application accords with the relevant development plan, unless material considerations indicate otherwise. Where applications do not meet these requirements, they may be refused. However, in some instances, it may be possible to make acceptable development proposals which might otherwise be unacceptable, through the use of planning conditions or, where this is not possible, through planning obligations. London Plan (2021) Policy DF1 recognises the role of planning obligations in mitigating the effects of development and provides guidance on the priorities for obligations in the context of overall scheme viability.
- 4.33 In this instance, site-specific planning obligations would be included in the S106 agreement and would include the following:
- Prohibition of future residents to obtain parking permits as secured through section 16 of the Greater London (General Powers) Act 1974;

5.0 CONCLUSION

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

good-quality HMO accommodation, which plays a key role in providing accommodation for single people who cannot afford self-contained accommodation, without having an unacceptable impact on the amenity of surrounding occupants, subject to conditions relating to enhanced sound insulation, and without harm to the character and appearance of the parent building or the surrounding area.

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

6.0 RECOMMENDATION

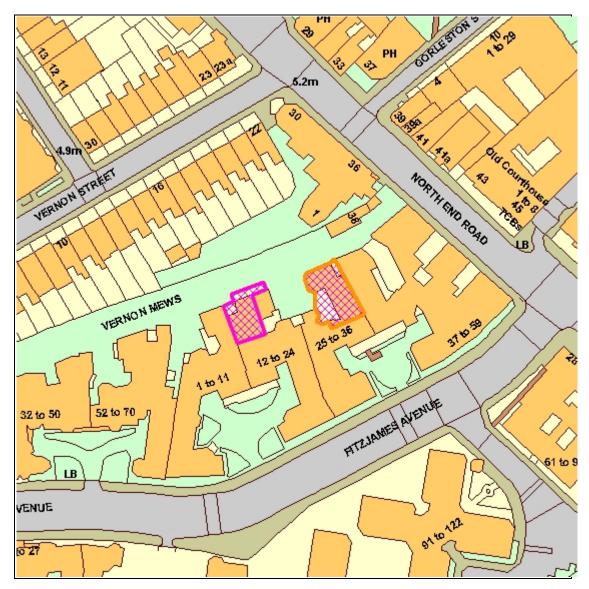
6.1 It is recommended that planning permission be approved in line with the recommendations above.

Agenda Item 5

Ward: Avonmore

Site Address:

25 - 36 Fitzjames Avenue London W14 0RR



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Reg. No: 2022/00702/FUL

Date Valid: 14.03.2022

Committee Date: 07.06.2022

Case Officer: Grace Harrison

Conservation Area:

Constraint Name: Fitz-George And Fitzjames Conservation Area - Number 19

Applicant:

Mr Jonathan Milburn 77 Portland Road Notting Hill London W1 4LJ

Description:

Change of use of the lower ground floor on the northern side of the building from a storage area for storage lockers, plant equipment and bicycles, to a two bedroom self-contained residential flat; external alterations at lower ground floor level including installation of new windows and doors, increasing the size of some existing window openings and treatment to existing external courtyard; and the creation of a new cycle storage in the lower ground floor of 11-24 Fitzjames Avenue to offset the space currently used for cycle storage within the lower ground floor of 25-36 Fitzjames Avenue.

Drg Nos: 0201 Rev. P-00; 0302 Rev. P-00; 0303 Rev. P-00.

Application Type:

Full Detailed Planning Application

Officer Recommendation:

1) That the Committee resolve that the Chief Planning Officer be authorised to grant permission upon the completion of a satisfactory legal agreement and subject to the conditions listed below;

2) That the Committee resolve that the Chief Planning Officer, after consultation with the 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:

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).

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

In order to ensure full compliance with the planning permission hereby approved

and to prevent harm arising through deviations from the approved plans, in accordance with Policies DC1, DC4, DC8, DC11 and HO11 of the Local Plan (2018).

3) No part of the development hereby approved shall be commenced until the details of the new, relocated cycle store have been submitted to, and approved in writing by, the Council. Thereafter, the development shall not be occupied until the cycle storage has been provided in accordance with the agreed details, and permanently retained as such thereafter.

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

4) The development shall be carried out in accordance with the details contained within the Flood Risk Assessment (Herrington Consulting, July 2019 and Groundwater Impact Assessment (GB Card and Partners, July 2019) submitted with this application. All flood prevention and mitigation measures should be installed in accordance with the approved details prior to the occupation of the development and thereafter be permanently retained and maintained.

To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site, and to reduce the impact of flooding to the proposed development and future occupants, in accordance with Policy CC2 and CC3 of the Local Plan (2018).

5) Prior to the occupation of the basement accommodation hereby approved, a nonreturn valve and pump device should be installed to prevent sewage 'back-surging' into the basement in times of heavy rain and to allow the property's sewage to continue to flow properly into the sewer network.

To protect the new basement accommodation from flooding, as recommended by Thames Water and in accordance with Local Plan (2018) Policy CC2, London Plan (2015) Policy 5.12 and Part 10 of the National Planning Policy Framework (2019).

6) Prior to commencement of the development hereby approved, a Construction Management Plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs 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. Thereafter the approved details shall be implemented throughout the project period. To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

7) The sound insulation value DnT,w and L'nT,w shall be enhanced by at least 10dB above the Building Regulations value, for the floor/ceiling structures separating different types of rooms/ uses in adjoining dwellings. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

8) Prior to occupation of the development hereby permitted, details of the installation/commissioning certificate of the Zero Emission MCS certified Air/ Water Source Heat Pumps or Electric Boilers to be provided for space heating and hot water for each of the three self-contained residential units (Class C3) shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of air quality, in accordance with Policy CC10 of the Local Plan (2018).

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

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

10) No development shall commence until a site investigation scheme is submitted to and approved in writing by the Council. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall

provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

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

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

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

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

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

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

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

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

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

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

To ensure that construction works do not adversely impact on the operation of the public highway, in accordance with Policies T1 and T7 of the Local Plan (2018).

16) All new windows and doors shall be formed of timber and painted white, and permanently retained in this form thereafter.

To ensure a satisfactory appearance and to preserve the character and appearance of the building and the Fitz-George and Fitzjames Conservation Area, in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

17) All new balustrades and screening shall be formed of glass, and permanently retained as such thereafter.

To ensure a satisfactory appearance and to preserve the character and appearance of the building and the Fitz-George and Fitzjames Conservation Area, in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

18) All refuse and recycling generated by the occupants of the new dwelling shall be stored in the existing communal refuse storage bins for the building. At no time shall refuse or recycling bags be placed on the street.

To ensure satisfactory provision for the storage of refuse and recycling on site, and thereby prevent it being stored on the highway, in accordance with Policy CC7 of the Local Plan (2018).

19) The development hereby approved shall not be occupied until statement of how Secured by Design requirements are to be adequately achieved has been submitted to and approved in writing by the council. Thereafter the development shall not be occupied until the approved measures have been fully implemented and they shall be permanently retained as such thereafter.

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

Justification for Approving the Application:

- 1) Principle: The proposed development would make a small positive contribution towards the quantity of the borough's housing stock, helping to achieve the London Plan (2016) and Local Plan (2018) target of 1,031 residential units per year through new build, conversion of change of use. The proposed enlargement of the existing basement is also considered to be acceptable in principle when assessed against Policy DC11 of the Local Plan (2018).
- 2) Quality of Accommodation: The proposed development provides an acceptable standard of living accommodation, in accordance with Paragraph 123 of the NPPF (2019), Policy 3.5 of the London Plan (2016) and Policies HO4 and HO11 of the Local Plan (2018) which all require residential development to be of the highest quality internally.
- 3) Flood risk: The risk of flooding to the new unit has been satisfactorily addressed by way of the proposed flood risk mitigation measures, in accordance with Policies CC3 and CC4 of the Local Plan (2018).
- 4) Highways: The proposed development has made satisfactory provision for cycle storage and refuse storage. Subject to conditions restricting the right of occupants to hold parking permits, the development would not contribute to on-street parking stress. For these reasons the development complies with Policies T3, T4 and CC7 of the Local Plan (2018).
- 5) Design and Heritage: The lightwells and external alterations associated with the development would be discreetly located to the rear of the building and would not be visible from the street, and only minimally visible from neighbouring properties and surrounding areas. The character and appearance of the Fitz-George and Fitzjames Conservation Area would be preserved, in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018). The development would also accord with the provisions of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

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

Application form received: 11th March 2022 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

Consultation Comments:

Comments from:	Dated:
Thames Water - Development Control	17.03.22
Crime Prevention Design Advisor - Hammersmith	24.03.22

Neighbour Comments:

Letters from:

Dated:

Flat 103 North End House LONDON W14 0RY	30.03.22
23 Fitzgeorge Avenue London W14 0SY	08.04.22
21 Fitz-george Avenue London W14 0SY	11.04.22
11A Fitz-george Avenue London W14 0SY	13.04.22
25 Fitzgeorge Avenue London W14 0SY	23.03.22
Level 4 Clockwork Building 45 Beavor Lane London W6 9AR	24.03.22
17 Fitzjames Avenue London W14 0RP	08.04.22
35 Fitzjames Avenue London W14 0RR	11.04.22
39 Fitzgeorge Avenue London W140SZ	29.03.22
15a Fitzgeorge Avenue London W140SZ	07.04.22
26 Fitzjames Avenue London W14 0RR	12.04.22
25A Fitzjames Avenue London W14 0RR	12.04.22
25A Fitzjames Avenue London W14 0RR	08.04.22
25A Fitzjames Avenue London W14 0RR	12.04.22
15a Fitzgeorge Ave London W14 0SY	08.04.22
25A Fitzjames Avenue London W14 0RR	12.04.22
-	

OFFICER'S NOTES

1.0 BACKGROUND

- 1.1 The application relates to the basement of a five-storey (plus loft level) mansion block located on the northern side of Fitz-James Avenue. The application site is located within a wider development of Victorian mansion blocks that run along Fitz-James and Fitz-George Avenue. The wider development of mansion blocks was built in the mid to late 1800s, with each mansion block having its own unique plan and design.
- 1.2 The application property, and the surrounding mansion blocks, are located within the Fitz-George and Fitz-James Conservation Area. The mansion blocks on the northern side of Fitz-James Avenue (including the application block) are on the Council's register of Locally Listed Buildings of Merit. The Conservation Area itself is relatively small and is centred along the mansion blocks of Fitz-James and Fitz-George Avenue.
- 1.3 The property is located within the Environment Agency's Flood Risk Zone 2.

2.0 RELEVANT HISTORY

2.1 This application follows a recent application which was refused and subsequently dismissed at appeal (LBHF Ref. 2021/00378/FUL and appeal Ref.

APP/H5390/W/21/3278813) for the same development. The Council's reason for refusal for the earlier application was as follows:

- (i) "The outlook from the new flat would be extremely constrained by the tall, sixstorey surrounding building and give rise to a significant sense of enclosure for future occupants, given the high walls of the surrounding mansion blocks. Considered in conjunction with the fact that there would be very little direct sunlight receivable to the flat, objections are raised to the quality of the accommodation that would be provided. In this respect, the proposed development would provide a substandard level of accommodation contrary to Policy HO11 of the Local Plan (2018)."
- 2.2 The Inspector for the above appeal concluded that the development was acceptable in terms of residential quality, however, they found that the Council's suggested conditions restricting the right of future occupiers to apply for parking permits did not meet the six tests set out in the NPPF. However, they considered that in the absence of any other means of controlling the ability of the future occupants to hold parking permits, the development would be likely to contribute towards parking stress in the area and the appeal was dismissed on these grounds.
- 2.3 Over the past decade the Council has received a number of planning applications for new basement flats underneath various mansion blocks on both sides of Fitz-George and Fitz-James Avenues.
- 2.4 Other than the most recent application referred to above, the planning history for this specific site is as follows:
- 2.5 Planning permission was refused on 8 January 2021 (Ref. 2020/02906/FUL) for change of use of the lower ground floor on the northern side of the building from a storage area for storage lockers, plant equipment and bicycles, to a two bedroom self-contained residential flat; external alterations at lower ground floor level including installation of new windows and doors, increasing the size of some existing window openings and treatment to existing external courtyard; internal alterations including the demolition of some internal partition walls, a complete refit out of internal space, and the creation of a new cycle storage in the lower ground floor of 11-24 Fitzjames Avenue to offset the space currently used for cycle storage within the lower ground floor of 25-36 Fitzjames Avenue. This application was not appealed.
- 2.6 Planning permission was refused on 23rd April 2013 for a 2-bed flat (Ref. 2012/04213/FUL). That scheme involved installing new windows and doors; creating two lightwells along the northern building elevation and associated external alterations. This was refused on three grounds:
- (i) Noise and disturbance to surrounding residents as a consequence of the size of the proposed private amenity space
- (ii) Poor and inadequate cycle provision
- (iii) Insufficient refuse and recycling storage
- 2.7 The application was dismissed at appeal on 18th February 2014 (ref. APP/H5390/A/13/2202545). The Inspector stated that:

- (i) The proposal, to the rear of the mansion block, would ensure no detrimental impact on the conservation area.
- (ii) The amenity space for the flat would be of low quality and would not be used intensively for outdoor activities, therefore the amenity space would not result in noise and disturbance to neighbouring properties.
- (iii) The proposed replacement cycle parking was not of equal quality to existing cycle storage and would not encourage bicycle usage but that this matter could be addressed by providing cycle parking in an alternative location on the estate.
- (iv) The estate has a porterage service with large bin areas for communal waste, and so refuse could be adequately stored on site.
- 2.8 In determining the application, the Inspector also raised the following:
- (i) There was insufficient information provided to demonstrate that the existing car parking spaces could continue to be used following the provision of the lightwells to the north.
- (ii) Accessibility is an issue, though this may not be possible to resolve given the constraints to the property; this needs to be weighed against the benefits of providing an additional flat.
- (iii) The daylighting levels in bedrooms would not be ideal but the daylight to the living room would appear to just exceed the recommended minimum values; though he was unsure if the plans put forward for approval would achieve the stated ADF figures.
- (iv) Pipes within the application site, and which serve the existing building, would need to be removed and the applicant would need to resolve this and impacts of the scheme on the overall building structure would need to be addressed at building regulations stage.
- 2.9 A non-determination appeal was allowed for planning application 2013/02636/FUL which was for the change of use of lower ground storage area on the northern side of the building into a two bedroom self-contained flat; installation of new windows and doors; excavation to form two lightwells along the northern building elevation and external alterations, including re-configured planter and cycle provision. This application was allowed at appeal (Ref. APP/H5390/A/14/2218074). The applicant states that this proposal was never implemented, giving rise to the requirement for this new application.
- 2.10 In reaching their decision on the above appeal, the Planning Inspectorate stated that:
- (i) The previous proposal was dismissed on specific, narrow grounds which the appellant has sought to address in this proposal.
- (ii) Use of the proposed courtyard would not lead to harm to the living conditions of residents above the proposal site.

- (iii) The appellant now proposes to create further covered cycle accommodation elsewhere in the basement, rather than re-providing it in a location exposed to the elements.
- (iv) The application now includes confirmation of parking land ownership and a plan of how existing car parking spaces could be re-arranged with tracking details.
- 2.11 A subsequent planning application was refused on 10 September 2014 (ref. 2014/01948/FUL) at Planning and Development Control Committee for Use of the lower ground floor as a 2-bed flat, to replace storage and cycle parking; involving the creation of lightwells to the northern elevation, installation of windows and doors; excavation in the area outside the proposed flat, to allow stairs through a lightwell into the new dwelling. This application was not subject to an appeal.
- 2.12 The application was refused on five grounds:
- (i) Poor quality residential accommodation;
- (ii) Detrimental impact on the character and appearance of the conservation area;
- (iii) Noise and disturbance from the large external amenity area;
- (iv) Increased density in an already densely developed area, poor quality accommodation for future occupiers;
- (v) The proposal would create a precedent for similar unacceptable development in this location which would have a cumulative impact.
- 2.13 An application was approved on 17 April 2018 for formation of a covered cycle store for up to 20 bikes (ref. 2018/00467/FUL) to be positioned in place of existing car parking spaces directly opposite the current application site.
- 2.14 On 8 January 2021 an application (Ref. 2020/02906/FUL) was refused for 'Change of use of the lower ground floor on the northern side of the building from a storage area for storage lockers, plant equipment and bicycles, to a two bedroom self-contained residential flat; external alterations at lower ground floor level including installation of new windows and doors, increasing the size of some existing window openings and treatment to existing external courtyard; internal alterations including the demolition of some internal partition walls, a complete refit out of internal space, and the creation of a new cycle storage in the lower ground floor of 11-24 Fitzjames Avenue to offset the space currently used for cycle storage within the lower ground floor of 25-36 Fitzjames Avenue.'
- 2.15 The above application was refused on two grounds:
- (i) The large outdoor amenity space would give rise to harmful noise and disturbance for properties on flats above;
- (ii) The outlook to the unit would be unduly constrained and subject to an unacceptable sense of enclosure by the high walls of the mansion block surrounding the site.

2.16 There are extant planning permissions for similar basement developments on the estate, all of which are for one flat each, including:

2017/03111/FUL - 49A Fitz-George Avenue

2017/03284/FUL - 49-67 Fitz-George Avenue

2017/04828/FUL - Flat 3, 29-47 Fitz-George Avenue

2019/02510/FUL - Flat 4, 29-47 Fitz-George Avenue

2019/02511/FUL - Flat 5, 9-27 Fitz-George Avenue

2019/02512/FUL - Flat 6, 49-67 Fitz-George Avenue

CURRENT APPLICATION

2.17 The current application is for change of use of the lower ground floor on the northern side of the building from a storage area for storage lockers, plant equipment and bicycles, to a two bedroom self-contained residential flat; external alterations at lower ground floor level including installation of new windows and doors, increasing the size of some existing window openings and treatment to existing external courtyard; and the creation of a new cycle storage in the lower ground floor of 11-24 Fitzjames Avenue to offset the space currently used for cycle storage within the lower ground floor of 25-36 Fitzjames Avenue.

3.0 PUBLICITY AND CONSULTATION RESPONSES

3.1 Fourteen objection comments have been received, all from addresses on Fitzjames Avenue. The concerns raised by local residents are summarised below:

Safety and structural integrity

- Lightwells and other structural alterations could compromise the fabric of the 120-year old building;

Disruption from construction

- Disruption caused by the proposed construction will be significant for those living in affected blocks;

Impact on upon shared building services and communal internal and external spaces.

- Lightwells on the north side would restrict movement of emergency vehicles through the service road;
- Rerouteing services will interrupt the supplies for a long time to flats above;
- Parking space for residents could be reduced

Impact on street parking stress and traffic congestion on the Avenue

- The local CPZ is already overwhelmed and parking on the street is huge issue; adding another household will add to the parking problem;

Poor quality of new residential accommodation

- There is practically no natural light and no sunshine will every reach the patio which is a deep well, prone to flooding and very damp;
- There will be no way to install disability aids or make adjustments for residents should there be a need to do so

Flood risk to new dwelling

- The lightwells and basement spaces flood in heavy rain;

Harm to Conservation Area

- The proposed development is overbearing and out of scale or out of character in terms of its appearance compared with existing development in the vicinity; damages the existing high quality and unique character of this mansion estate;
- Trees might be removed from the rear of the blocks.

Impact on existing residents

- Noise from the outdoor space would echo and cause serious inconvenience to occupants in surrounding blocks;
- Overlooking, loss of privacy and impact on safety;
- The only access is past the whole of Vernon Mews which is inconvenient and would impact on their quality of life;
- 3.2 Responses were also received from the Metropolitan Police Designing Out Crime Officer No objection provided Secure by Design principles are complied with.
- 4.0 PLANNING CONSIDERATIONS
- 4.1 The proposed development needs to be assessed against the relevant policies and standards set out in the National Planning Policy Framework (2019), the London Plan (2021), the Mayor's Supplementary Planning Guidance on Housing (March 2016) and the Council's Local Plan (2018) and Planning Guidance Supplementary Planning Document (2018).
- 4.2 The relevant planning considerations in this case are land use; residential density; quality of the proposed residential accommodation; design and conservation; impact on neighbours; highways and parking, and environmental matters.

LAND USE

- 4.3 The planning application seeks to utilise existing storage areas located in the basement level of the mansion block (including private lockers, caretakers' workshop, and a communal cycle store) to provide a two-bedroom dwelling with private external amenity space created within an existing lightwell that is currently inaccessible.
- 4.4 The NPPF identifies the need for additional housing and sets out ways in which Planning can boost the delivery of housing through preparation of policy documents. Policy H1 of the London Plan (2021) states that LBHF has a target to deliver 1609 net additional dwellings per annum to 2031, superseding the former, lower, London Plan targets reflected in Policy HO1 of the Local Plan (2018).
- 4.5 The proposed development would result in the delivery of one additional dwelling on a windfall site. The proposal would contribute, in a very small way, to the

delivery of new housing in the borough. As the surrounding area is in residential use, the proposed development is considered to be compatible with the existing land use in the immediate area.

Density

- 4.6 Policy HO4 of the Local Plan seeks to ensure that development proposals achieve the optimum intensity of use compatible with local context, design principles and with public transport capacity. The application site is located in Public Transport Accessibility Level (PTAL) 6a, which is excellent. The new London Plan (2021) moves away from specifying appropriate density using numerical ranges, towards considering the matter on a site-by-site basis (Policy GG2 - Making the best use of land and Policy D3 - Optimising site capacity through the design-led approach). By itself, the proposal would increase the residential density of the estate by a very small amount, but the application is to be considered in the context of other extant planning permissions for new basement flats elsewhere on the estate (as described in paragraph 2.7).
- 4.7 It is therefore important to consider the cumulative impact of basement developments on the estate. The main considerations in respect of density are considered to be parking stress; the capacity of shared services including refuse storage; and noise and disturbance, especially from the new amenity spaces. These matters will be considered in the relevant sections below. If the development was found to be acceptable in these respects, then no objections would be raised in terms of residential density alone.

QUALITY OF RESIDENTIAL ACCOMMODATION

- 4.8 Housing is a key consideration in the assessment of applications for new developments. The London Plan (2021) seeks delivery of housing that is of a high quality of design. Policy D6 'Housing quality and standards' says that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. The Mayor's Housing SPG provides detailed guidance which seeks to assist in the design of new housing to ensure that new developments are of the highest quality and make a difference to the quality of life of new residents. The SPG is clear that increasing output of housing is not a simple end in itself new housing must also enhance the environment, improve choice and affordability and provide better quality homes. Further guidance on how to achieve high quality residential design is also set out at a local level Local Plan Policy HO11 (Detailed residential standards).
- 4.10 Policy HO11 says that the Council will ensure that the design and quality of all new housing is of a high standard. To assess this, the following considerations will be taken into account:
- Floor area
- Accessibility for disabled people
- Amenity and garden space provision
- A safe and secure environment
- Car parking and cycle parking
- Attenuation of surface water run off
- Sustainable energy matters

- Provision of waste and recycling storage facilities
- Noise insulation and layout to minimise noise nuisance between dwellings
- Protection of existing residential amenities

Internal and external space

- 4.11 London Plan (2021) Policy D6 and Table 3.1 places a significant new focus on internal space standards for new dwellings. The purpose of the policy is to ensure that all new homes are fit for purpose and offer the potential to be occupied over time by households of all tenure. London Plan Table 3.1 sets out the minimum gross internal area for new flats and states that a two-bedroom flat that can accommodate four people, as is the case here, should have a minimum internal area of 70 sqm. The proposed flat would have a total floor area of 114 sq.m. The Nationally Described Space Standard recommends that the main double/twin bedroom has a floor area of at least 11.5sqm and that one double bedroom should be at least 2.75m wide and second double bedrooms at least 2.55m wide. The proposed flat's double bedrooms would be 18sqm and 15sqm respectively with adequate space for storage/ furniture. There would be two bathrooms and a sizeable kitchen/living/diner of 45sqm. The flat is considered to be acceptable in terms of size.
- 4.12 The Nationally Described Space Standard (DCLG, 2015) also says that the minimum floor to ceiling height should be 2.3m for at least 75% of the Gross Internal Area. The section drawings in the application show that a 2.5m floor to ceiling height can be achieved, without the need to excavate below the existing floor level. A series of plans have been submitted with the application indicating that it will be necessary to re-route existing pipes and cabling within the space. The internal works required to undertake the conversion are not a planning matter and would be properly dealt with via a Building Regulations application, but Officers are satisfied that the required floor-to-ceiling height could be achieved.

Privacy

- 4.13 The proposed development would be located at basement level, to the rear of the mansion block. The proposed development would incorporate an area of private amenity space directly in front of the proposed dwelling, within an existing lightwell that is presently inaccessible to residents. To facilitate access, new doors are proposed within the north elevation of the block at basement level. The hardstanding at ground level, adjacent to the proposed amenity space, is occupied by car parking spaces, this use would continue if the development were to be carried out. In addition to car parking, the rear access also provides a service route and a secondary pedestrian access/emergency escape to the block.
- 4.14 The lower position of the proposed flat and the set-back created by the proposed private courtyard would all ensure that opportunities for overlooking from residents moving around the rear access would be limited. The location of the dwelling at lower ground floor level would only allow glimpsed views into its habitable rooms from flats at upper levels and so would not result in a detrimental impact on the privacy of residents below. The external amenity space, on the other hand, would be directly and almost entirely overlooked by flats on upper levels. Given that this fact would be readily apparent to prospective occupiers, it is reasoned that the benefit of having outdoor space would most likely be outweighed by its lack of

privacy. Given there are no other reasonable alternatives to provide outdoor space in an alternative location, the courtyard's lack of privacy is not considered to be a reason for refusal in this instance. In terms of size it provides a good level of amenity for the future occupants of the flat.

Outlook and internal light levels

4.15 In Officers' assessment of the most recent application, which was refused on grounds of poor outlook and heightened sense of enclosure for the occupants of the new flat, it was judged that the space was of insufficient quality and would lead to an excessively oppressive living space due to the high walls of the mansion block which surround the courtyard amenity space. The Inspector for the subsequent appeal did not agree with the Council on this point, stating that:

"The outlook from the flat would be somewhat constrained by the basement location and the height of the surrounding blocks. However, the flat would not be without outlook by reason of views out towards a modest courtyard and by reason of the large, glazed openings. There would be a limited but welcome view out towards trees and foliage and the sky beyond. Therefore, the available outlook would not result in any unacceptable sense of enclosure for future occupiers of the flat." (Para 8 of the appeal decision).

- 4.16 The appeal decision is a material consideration of significant weight in the determination of the application. In view of the fact that an Inspector so recently concluded that an identical proposal would be compliant with Policy HO11 of the Local Plan (2018), Officers consider that it would not be reasonable to continue to object to the proposals on this basis.
- 4.17 A Daylight and Sunlight Assessment report has been submitted with the application (by Herrington Consulting Ltd.) dated October 2020, providing the Average Daylight Factor results for each of the rooms in accordance with the guidance set out in the BRE's 'Site Layout Planning for Daylight and Sunlight A Good Practice Guide'. The BRE guide states that the following would be an acceptable ADF for a typical development that would provide a well-lit room.

Bedrooms - 1% Living rooms - 1.5% Kitchens - 2%

- 4.18 The results show that Bedroom 1 would have an ADF of 1.2%, Bedroom 2 would have an ADF of 1.0% and that the living/kitchen/diner would have an ADF of 2.0%, all of which are in accordance with the BRE's guidance. These results represent the trees to the rear of Fitz-James Avenue having been modelled as opaque features. It is noted that in reality, these trees will not be completely opaque, and a varying degree of daylight will be able to pass through the tree throughout the year depending on the leaf cover. Having reviewed the report, Officers have no reason to disagree with its conclusions or results.
- 4.19 The Daylight and Sunlight Assessment (October 2020) reports that the height of the surrounding buildings and north-west facing aspect means that the proposed flat would receive very little direct sunlight throughout the year, with Bedroom and 2 and the main living kitchen diner receiving none at all in winter. Nevertheless,

the daylight and sunlight levels overall are considered to be acceptable and no objections are recommended to be raised on these grounds.

4.20 For the above reasons it is considered that no objections continue to be raised on the grounds of residential quality, in accordance with Local Plan (2018) Policy HO11.

Inclusive access

- 4.21 Accessibility requirements are incorporated into the Building Regulations 2010. Local Plan Policy HO6 states that 90% of new housing should meet Building Regulations Approved Document M (Access to and use of buildings), specifically the optional requirement M4(2) - 'Accessible and adaptable dwellings'. The remaining 10% must be built to the Approved Document M's optional requirement M4(3) - 'Wheelchair user dwellings'.
- 4.22 However, paragraph 6.57 of the Local Plan recognises that "there may be circumstances where it is not possible to achieve all the full M4(2) requirements. The policy therefore allows for some flexibility in achievement of the criteria, but the council will require assessments to show why the requirements cannot be met." Similarly, the Mayor's SPG (para 2.3.10) states that on developments of four storeys or less, these accessibility requirements "should be applied flexibly to ensure that residential or mixed use development is deliverable" and that this need for flexibility may bear particularly on small scale developments, where the depth and width of a plot and height restrictions may inhibit the overall floor plate and massing of a dwelling.
- 4.23 The need to exercise flexibility with accessibility requirements is considered to be especially relevant in this case, which represents conversion of space within a historic mansion block rather than a new build. It is accepted that it would not be possible to provide level access internally, given the existing lift does not extend to basement level and it would not be reasonable to expect the entire lift system to be replaced and extended to accommodate a single flat. It is considered that the site is unlikely to be desirable or practical for those with mobility impairments. On balance, it is considered that the circumstances of this particular site are exceptional and would not reoccur frequently throughout the borough. Therefore, the lack of compliance with the optional requirement M4(2) standard is not considered to be justification for refusal of the application in this instance. The minimum Building Regulations M4(1) standard would be required through the Building Regulations process.

Safe and secure environment

4.24 Local Plan Policies DC1 and DC2 require proposals to provide a safe and secure environment. A condition is recommended to secure details of the development meets "Secured by Design" requirements, to be confirmed with the Metropolitan Police's Crime Prevention Design Advisor prior to the development commencing.

IMPACT ON NEIGHBOURS

4.25 The proposal would see the creation of an outdoor amenity space of 14sq.m., compared to the previous proposal which saw the entire existing lightwell given

over to amenity space extending to approximately 36sq.m. Officers considered the previous proposal to give rise to significant harm to the amenities of neighbours by virtue of noise and disturbance, contrary to Policy CC11 of the Local Plan (2018). However the reduction in the size of the accessible amenity space is considered to overcome these issues, and its shape (long and narrow) is also considered to mitigate against its potential use for large gatherings. Its size is now in accordance with the guidance set out in the supporting text for Key Principle HS8 of the Planning Guidance SPD (2018).

4.26 Existing residents raised objections based on the impact of the construction. Whilst it is not possible for planning applications to be refused on the grounds of disturbance from the construction phase, if the application was found to be acceptable in all other respects, a condition could be attached requiring a Construction Management Plan to be agreed with Noise and Nuisance Officers prior to work commencing in accordance with Policies CC11 and CC13 of the Local Plan.

DESIGN AND CONSERVATION

4.27 The site is located within the Fitz-George and Fitz-James Conservation Area and is a locally listed Building of Merit. Policy DC8 of the Local Plan states that applications affecting designated heritage assets will only be permitted if the significance of the heritage asset is conserved or enhanced. Officers are satisfied that the proposed external alterations, including replacement windows and the replacement of existing windows with new French door openings, would be in keeping with the traditional character of the building. They would be in a very discreet location on the building and not visible from any public areas. No harm would be caused to the heritage assets and the proposals comply with Policies DC4 and DC8 of the Local Plan (2018).

FLOOD RISK

4.28 The site is located within the Environment Agency's Flood Zone 2. A Flood Risk Assessment has been submitted with the application which includes a new residential unit at lower ground floor level. This states that flood mitigation measures will be installed including the use of flood resilient methods of construction and materials and that floor levels will not be lowered. The Council's Environmental Policy Office does not object providing these details are complied with and a new pumped sewer surcharge device is fitted to any new plumbing. If the proposals were otherwise acceptable, conditions could be attached with regards to these matters. The proposal is in compliance with Policies CC3 and CC4 of the Local Plan (2018).

REFUSE STORAGE

4.29 It is suggested that the existing waste management procedure, where estate staff collect refuse from outside front doors six times a week and take it to the communal bins to the rear of the blocks on the northern side of the road, would also be applied to the new units. The paladins are then collected by LBHF twice weekly. This arrangement is considered to be acceptable and, following Officers' inspection of the situation on site prior to collection day, it was clear that there would be capacity for the additional refuse generated by this proposal (in addition

to that generated by the other proposals for the other consented flats on the estate. For these reasons no objections are recommended to be raised in terms of Local Plan (2018) Policy CC7.

CAR PARKING

4.30 Local Plan (2018) Policy T4 sets maximum parking standards in relation to residential development and states that all residential developments in areas with good transport accessibility should aim for significantly less than 1 space per unit. The site benefits from a Public Transport Accessibility Level (PTAL) of 6a, which is excellent, and is in close proximity to West Kensington and Barons Court Underground stations, and Kensington (Olympia) Overground station in addition to a number of bus stops on North End Road. The application does not propose any additional parking spaces. If the application was acceptable in all other respects, a legal agreement could be entered into to ensure that the occupants of the new unit were not issued parking permits for the street, in the interests of preventing parking stress on Fitz-James Avenue, in accordance with Policy T4 of the Local Plan (2018). The proposals would not result in any changes to the current parking layout to the rear of the site.

CYCLE PARKING

4.31 The existing indoor basement cycle storage is proposed to be moved to accommodate the proposal, to a new location within the basement of No.12-24 Fitz-James Avenue, in an area currently identified on the plans as a staff mess room. The proposed new location is larger than the existing store. Officers note residents' comments that the proposed store, in an adjacent block, would not be as convenient as the current store. Whilst there may be a short distance further to travel to store or retrieve one's cycle, the distance is not considered to be excessive and this is not considered to be grounds for refusal of the application. If the application was found to be acceptable in other respects, a condition would be attached requiring details of the new storage area to ensure compliance with West London Cycle Parking Guidance and Policy T3 of the Local Plan (2018).

PLANNING OBLIGATIONS/ LEGAL AGREEMENT

- 4.32 In dealing with planning proposals, local planning authorities consider each on its merits and reach a decision based on whether the application accords with the relevant development plan, unless material considerations indicate otherwise. Where applications do not meet these requirements, they may be refused. However, in some instances, it may be possible to make acceptable development proposals which might otherwise be unacceptable, through the use of planning conditions or, where this is not possible, through planning obligations. London Plan (2021) Policy DF1 recognises the role of planning obligations in mitigating the effects of development and provides guidance on the priorities for obligations in the context of overall scheme viability.
- 4.33 In this instance, site-specific planning obligations would be included in the S106 agreement and would include the following:
- Prohibition of future residents to obtain parking permits as secured through section 16 of the Greater London (General Powers) Act 1974;

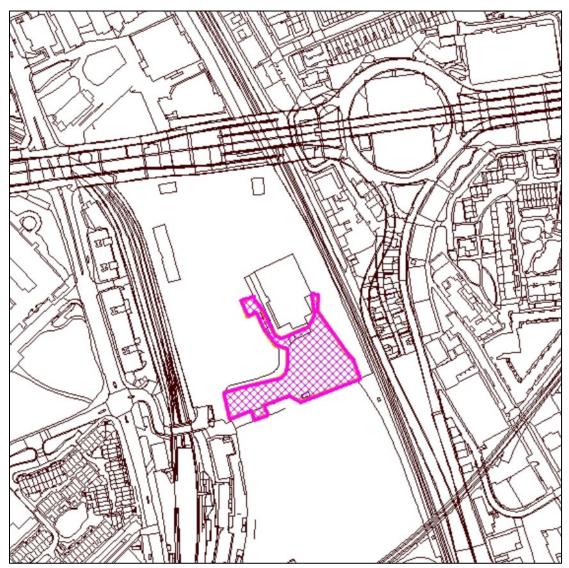
5.0 RECOMMENDATION

5.1 It is recommended that planning permission be approved in line with the recommendations above.

Ward: College Park and Old Oak

Site Address:

Land Bounded By 58 Wood Lane and Westway London W12 7RZ



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Reg. No: 2021/03751/FUL

Date Valid: 23.11.2021

Committee Date: 07.06.2022

Case Officer: Jacques Du Plessis

Conservation Area: Wood Lane Conservation Area - Number 42

Applicant:

Mr Oliver Royds 3 Fulton Road Wembley HA9 0SP

Description:

Erection of five temporary structures measuring 11.5m to 26.1m in height to provide; two theatre event spaces; restaurant / exhibition / food hall space; wellbeing and collaborate space; and ancillary front of house space for a temporary period of 10 years, together with temporary access via a proposed link bridge to the south, landscaping and associated works. Drawing Nos: See Condition No.2

Application Type:

Full Detailed Planning Application

Officer Recommendation:

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

Conditions:

TEMPORARY PERMISSION

1. The use is permitted only for a limited period only and shall be discontinued on or before 31st June 2032 upon which all the temporary associated structures and equipment hereby approved shall be removed from site and the site shall be restored to its former condition.

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

DRAWINGS

2. The development hereby permitted shall be carried out in accordance with the following drawings and documents submitted:

Location Plan (P-TTL-LC-21-001); Block Plan (P-TTL-LC-21-003); Uses Ground Floor (P-TTL-LC-21-004); Uses Upper Ground (P-TTL-LC-21-005); Uses Level One (P-TTL-LC-21-006); Uses Level Two (P-TTL-LC-21-007); Elevations (P-TTL-LC-21-008); Street (P-TTL-LC-21-025); Access (P-TTL-LC-21-029); Lighting (P-TTL-LC-21-036); and Site Levels (P-TTL-LC-21-045).

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 D1, D2, D3, D4, D5, D8, D9, D11, D12, D13, HC1, HC3, HC4 and G7 of the London Plan 2021, and Policies DC1, DC2, DC3, DC4, DC7 and DC8 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

GROSS FLOORSPACE

3. Overall gross maximum floor space by land use, notwithstanding the provisions of the Town and Country Planning (Use Classes Order 1987) (as amended) or (General Permitted development) Order 1995 (as amended) or any subsequent act, shall not exceed the following:

Theatre / Events (Sui Generis): 1,792 sqm Food and Drink (Use Class E(b)): 1,093 sqm Experience Atrium / Exhibit (Sui Generis): 708 sqm Gym / Fitness (Use Class E(d)): 564 sqm Offices / Collaborate (Use Class E(g)(i)): 251 sqm Rooftop Bar / Terrace (Sui Generis): 398 sqm

To ensure the development carried out does not exceed the cumulative maximum floor space, in accordance with the approved plans and to ensure a suitable mix and distribution of land uses within the development, in accordance with the NPPF 2018, Policies D1, D5, D8, HC1, HC5 and HC6 of the London Plan 2021, and Policies TLC1, TLC5, CF1, and CF2 of the Local Plan 2018.

CONSTRUCTION LOGISTICS PLAN

4. Prior to commencement of the development hereby permitted, a Construction Logistics Plan shall be submitted and approved in writing by the Local Planning Authority. These shall include details of the proposed control measures and monitoring for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 08:00 to 18:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. The details shall also include the numbers, size and routes of construction vehicles, any vehicle holding areas and access arrangements, delivery locations on the site, details of a Low Emission Vehicle Strategy, 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, and other matters relating to traffic management to be agreed. The Construction Logistics Plan shall be implemented in accordance with the approved

details throughout the relevant project period.

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 local residents and the area generally, in accordance with Policies DC1, T1, T2, DC2, CC6, CC10, CC8 and CC12 of Local Plan 2018.

CONSTRUCTION MANAGEMENT PLAN

5. Prior to commencement of the development hereby permitted, a management plan shall be submitted to and approved in writing by the Local Planning Authority. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 -1300hrs on Saturdays with no works permitted on Sundays and Bank Holidays, 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. Approved details shall be implemented throughout the project period.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site, in accordance with Policies CC11, CC12 and CC13 of Local Plan 2018.

HOARDINGS

6. Prior to commencement of the development hereby permitted, a scheme for temporary fencing and/or enclosure of the site shall be submitted to and approved in writing by the Local Planning Authority. The temporary fencing and/or enclosure shall thereafter be retained for the duration of the demolition and 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, unless consent is sought from the Local Planning Authority.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policies D1 and D8 of the London Plan 2021, Policies DC1 and DC8 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

NOISE AND NUISANCE

Sound Insulation of commercial/ industrial building envelope

3. Prior to commencement of the development hereby permitted, details of sound insulation of the building envelope and other mitigation measures, as appropriate shall be submitted to and approved in writing by the Local Planning Authority. 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 shall be implemented prior to occupation of the development and thereafter be permanently retained.

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.

External sounds level

4. Prior to commencement of the development hereby permitted, details of the external sound level emitted from plant/ machinery/ equipment and mitigation measures as appropriate 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 will 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 the development and thereafter be permanently retained.

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

Anti-vibration measures

5. Prior to commencement of the development hereby permitted, details of antivibration measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall ensure that machinery, plant/ equipment, 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 the development and thereafter be permanently retained.

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

Extraction and Odour Control system for non-domestic kitchens

6. Prior to commencement of the development hereby permitted, details 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 Appendix 4G of the LBHF Planning Guidance Supplementary Planning Document - February 2018 shall be submitted to and

approved in writing by the Local Planning Authority. Approved details shall be implemented prior to the commencement of the use and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by cooking odour, in accordance with Policy CC13 of the Local Plan 2018.

Floodlights, Security lights and Decorative External Lighting

7. Prior to commencement of the development hereby permitted, details of external artificial lighting shall be submitted to and approved in writing by the Local Planning Authority. Lighting contours shall be submitted to demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations of the Institution of Lighting Professionals in the 'Guidance Note 01/20: Guidance Notes for the Reduction of Obtrusive Light'. Details should also be submitted for approval of measures to minimise use of lighting and prevent glare and sky glow by correctly using, locating, aiming and shielding luminaires. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

Illuminated signs and advertisements

8. Notwithstanding the details shown on the approved drawings, prior to the display of any illuminated sign(s)/advertisement(s), details shall be submitted to and approved in writing by the Local Planning Authority. Details shall demonstrate that the recommendations of the Institution of Lighting Professionals in the 'Guidance Note 01/20: Guidance Notes for the Reduction of Obtrusive Light'. will be met, particularly with regard to the 'Professional Lighting Guide No 5, 2014 - Brightness of Illuminated Advertisements'. Approved details shall be implemented prior to use/ display of the sign/ advertisement and thereafter be permanently retained.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by artificial lighting, in accordance with Policies CC12 and CC13 of the Local Plan 2018.

Construction / Dismantling Works

9. Construction / Dismantling Works shall be carried out in accordance with Transport for London requirements. Deliveries to and dispatches from the site will be between 10:00 and 16:00 (i.e. outside of the network peak periods) Mondays to Fridays and between 10:00 and 13:00 on Saturdays and at no othertimes, including Sundays and Public/Bank Holidays. Construction / Dismantling Works and associated activities audible beyond the site boundary for the development hereby permitted shall be between 0800-1800hrs Mondays to Fridays and 0800-1300hrs on Saturdays; and no working on Sundays or Public Holidays. No reversing shall take place onto the public highway and all vehicles will enter and exit the site in forward gear. Contact details including accessible phone contact to persons responsible for the site works shall be on public displayfor the duration of the works. The approved details shall be implemented throughout the project period.

To ensure that construction / dismantling works do not adversely impact on the operation of the public highway, and the amenities of local residents and the area generally, in accordance with Policies T1, T6, T7, CC10, CC11, CC12 and CC13 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

Setting up and clearing away

10. Operations carried out by persons responsible for the setting up and clearing away of events and their associated vehicles shall only take place between the hours of 10.00 to 16:00 hours Monday to Saturday (i.e. outside of the network peak periods) and with no clearing away activity after 20:00 on Sunday and Public/Bank Holidays.

To ensure that the activities of the neighbourhood are not unduly affected by noise and disturbance in accordance with Policy CC11 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

Operating Hours

11. Members of the public shall not be on the site in connection with the uses hereby permitted other than between the hours of 06:30 to 00:00 Sunday to Thursday AND 06:30 to 00:30 Friday and Saturday including Public/Bank Holidays.

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

Maximum Capacity

12. The maximum combined capacity for all uses hereby permitted shall not exceed 2,500 guests / visitors in total at any one time.

To ensure that the use of the open area is not so intensive as to generate levels of activity that would be harmful to the setting of the adjacent Conservation Area, would not lead to potential noise and disturbance which could be harmful to the amenities adjoining residents, in accordance with Policies TLC5, DC8, CC13 and T2 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

Food / Drink Deliveries

13. No deliveries nor collections / loading nor unloading associated with the Food and Drink (Use Class E(b)) and Rooftop Bar / Terrace (Sui Generis) shall occur at the development hereby approved between Monday to Friday other than between the hours of 10.00 and 16.00 and 18.00 and 21.00, and 9.00 to 18.00 Saturdays, and not at all on Sundays.

To ensure that servicing and deliveries are carried out without any significant impact on the flow of traffic and the local highway network and to prevent harm to the amenities of surrounding occupiers by reason of noise and disturbance, in accordance with Policies T1 and T7 of the London Plan 2021, Policies CC10, CC11, CC12 and CC13 of the Local Plan 2018 and Key Principles of the PlanningGuidance SPD 2018.

Audience Dispersal Plan

14. Prior to first use of the development hereby permitted, an updated Audience Dispersal Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be operated otherwise than in accordance with the Audience Dispersal Plan as approved for the lifetime of the development.

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

CONTAMINATED LAND

Preliminary Risk Assessment Report

15. Prior to commencement of the development hereby permitted, a preliminary risk assessment report shall be submitted to and approved in writing by the Local Planning Authority. This report shall comprise: adesktop study which identifies all current and previous uses at the site and surrounding area as well as the potential contaminants associated with those uses; a site reconnaissance; and a conceptual model indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and those planned at the site; and a qualitative risk assessment of any potentially unacceptable risks arising from the identified pollutant linkages to human health, controlled waters and the wider environment including ecological receptors and building materials. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

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

Site Investigation Scheme

16. Prior to commencement of the development hereby permitted, a site investigation scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall be based upon andtarget the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

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

Quantitative Risk Assessment Report

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

This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policies CC9 and CC13 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

Remediation Method Statement

18. Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, a remediation method statement is submitted to and approved in writing by the Council. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model

Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing. Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site.

This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policies CC9 and CC13 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

Verification Report

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

This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policies CC9 and CC13 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

Onward Long-term Monitoring Methodology Report

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

This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policies CC9 and CC13 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

AIR QUALITY

NRMM and On Road Vehicle Emission compliance (Construction)

- 21. Prior to the commencement of the construction phase of the development hereby permitted, details of Nitrogen Oxides (NOx) and Particulates (PM10, PM2.5) emission control of Non-Road Mobile Machinery (NRMM) and On Road Vehicles in order to mitigate air pollution shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:
 - 1. Details of the Non-Road Mobile Machinery (NRMM) used on the site with CESAR Emissions Compliance Verification (ECV) identification that shall comply with the minimum Stage IV NOx and PM10 emission criteria of The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 and its subsequent amendments. This will apply to both variable and constant speed engines for both NOx and PM. An inventory of all NRMM for the first phase of demolition shall be registered on the NRMM register <u>https://london.gov.uk/non-road-mobile-machinery-register</u> prior to commencement of demolition works and thereafter retained and maintained until occupation of the development;
 - 2. Details of the use of on-road London Ultra Low Emission Zone (ULEZ) compliant vehicles from on-site contractors and suppliers of services and materials to the site e.g. minimum Petrol/Diesel Euro 6 (AIR Index Urban NOx rating A) and Euro VI;

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

To comply with the requirements of the NPPF, Policy SI 1 of the London Plan 2021 and Policy CC10 of the Local Plan 2018.

Zero Emission Heating & Energy Plant compliance

22. Prior to occupation of the development hereby permitted, details of the installation certificates of the Zero Emission MCS certified Air/ Water Source Heat Pumps, and Zero Emission emergency generators to be provided for space heating and hot water for each of the five self-contained temporary structures (Class E) shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

To comply with the requirements of the NPPF, Policy SI 1 of the London Plan 2021 and Policy CC10 of the Local Plan 2018.

Ultra-Low Emission Strategy

23. Prior to occupation of the development hereby permitted. an Ultra-Low Emission Strategy (ULES) for the operational phase of the development in order to mitigate the impact of air pollution shall be submitted to and approved in writing by the Local Planning Authority. The Ultra-Low Emission Strategy must detail the remedial action and mitigation measures that will be implemented to help mitigate the development's air pollution impacts, in particular the emissions of NOx and Particulates (PM10, PM2.5) from on-road vehicle transport by the use of Ultra Low Emission Zone (ULEZ) compliant Vehicles in accordance with the emissions hierarchy (1) Cargo bike (2) Electric Vehicle, (3) Alternative Fuel e.g. CNG, Hydrogen, LPG, (4) Petrol/Diesel Euro 6 (AIR Index https://airindex.com/Urban NOx rating A) and Euro VI. A monitoring report of the implementation of the ULES shall be submitted on annual basis to the LPA. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

To comply with the requirements of the NPPF, Policy SI 1 of the London Plan 2021 and Policy CC10 of the Local Plan 2018.

Aerobic Food Digester (AFD)

24. Prior to occupation of 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.

To comply with the requirements of the NPPF, Policy SI 1 of the London Plan 2021 and Policy CC10 of the Local Plan 2018.

DRAINAGE

25. Prior to the commencement of the development hereby permitted, information shall be submitted to confirm how surface water will be managed on-site in-line with the London Plan Drainage Hierarchy's preferred SuDS measures, including rainwater collection for re-use where feasible, for approval in writing by the Local Planning Authority. The measures 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 retained in this form for the lifetime of the development.

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 SI 13 of The London Plan 2021 and Policy CC4 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

ENERGY

26. Prior to the commencement of the development hereby permitted, information shall be submitted to confirm how carbon emissions will be reduced through onsite energy efficiency and low/zero carbon technologies such as solar PV Panels for approval in writing by the Local Planning Authority. The carbon savings achieved by these measures should be quantified. No part of the development shall be used or occupied until it has been carried out in accordance with the approved details and shall be retained in this form for the lifetime of the development.

In the interests of energy conservation and reduction of CO2 emissions, in accordance with Policies SI 2, SI 3 and SI 4 of the London Plan 2021, and Policies CC1 and CC2 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

SUSTAINABILITY

27. Prior to commencement of the development hereby permitted, a Sustainability Statement shall be submitted to and approved in writing by the Local Planning Authority to confirm the sustainable design and construction measures to be integrated. Theses should achieve high standards of sustainability and be retained and maintained for the lifetime of the development.

To demonstrate compliance with the requirements of Policy CC2 of the Local Plan 2018 on Ensuring Sustainable Design and Construction.

REFUSE

28. Prior to the occupation of the development hereby permitted details of refuse and recyclable storage enclosures shall be submitted to and approved in writing by the Local Planning Authority. All the refuse/recycling generated by the development hereby approved shall be stored within the approved areas and shall be permanently retained thereafter in accordance withthe approved details.

To protect the environment and to ensure that satisfactory provision is made for refuse/recycling storage and collection, in accordance with Policy SI 2 of the London Plan 2021 and Policies CC6 and CC7 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

29. No removal of refuse nor bottles/ cans to external bins or areas at the development shall be carried out other than between the hours of 10:00 and 16:00 and 18:00 and 21:00 on Monday to Friday and 10:00 to 18:00 on Saturdays, Sundays and Public/BankHolidays.

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

NOISE / NUISANCE

30. The external sound level emitted from plant/ machinery/ equipment shall be

lower than the lowest existing background sound level by at least 10dBA in order to prevent any adverse impact. An 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. Any necessary mitigation measures shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

31. Any extract / ventilation system and ducting shall comprise of sufficient antivibration measures / proprietary anti-vibration isolators and any fan motors shall be vibration isolated from the casing and adequately silenced.

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

32. No chairs or tables shall be set out on any forecourt of the development.

To ensure that the use does not give rise to conditions which would be detrimental to the amenities of surrounding occupiers by reason of noise and disturbance occasioned by the use of this area in compliance with Policies CC11 and CC13 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

33. Prior to any events with amplified music or amplified loud voices emitted taking place a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Details shall include, event noise thresholds, monitoring procedures, notification of noisy events to the planning authority and community liaison measures.

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

34. Vertical illumination of neighbouring premises from all external artificial lightingrelating to the development hereby approved shall be in accordance with the recommendations of the Institution of Lighting Professionals in the 'Guidance Note 01/21 for the reduction of obtrusive light 2021'. Measures should be put inplace to minimise use of lighting and prevent glare and sky glow by correctly using, locating, aiming and shielding luminaires.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting, in accordance with Policies CC12 and CC13 of the Local Plan and Key Principles of the Planning Guidance SPD 2018.

ACCESS

St James (White City Living) Pedestrian Access Link

35. The development hereby permitted shall only operate whilst the License between St James Group Limited and Troubadour Theatre Limited dated June 2022, or a satisfactory replacement to the Local Planning Authority's approval, is in place allowing access through St James' White City Living development and across the proposed pedestrian access bridge into the proposed development hereby permitted between the hours from 6:30 until 23:00 Mondays to Sundays.

To ensure the accesses and proposed roads do not compromise highway safety or the safety of pedestrians on the footway, in accordance with Policies T1, T2 and D5 of the London Plan 2021, and Policies T4 and T5 of the Local Plan 2018.

Pedestrian Bridge Details

36. Prior to commencement of the development hereby permitted, details of the proposed pedestrian bridge providing access along the southern boundary from the St James' White City Living development to the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The pedestrian bridge shall be constructed in accordance with the approved details.

To ensure the development provides ease of access for all users, in accordance with Policy D5 of the London Plan 2021, Policy DC1 of the Local Plan 2018 and Principles DA1, DA4, DA5, DA6, DA7 and DA11 of the Planning Guidance SPD 2018.

Pedestrian Bridge Delivery

37. The development hereby permitted shall not operate or be occupied until the proposed pedestrian bridge approved under Condition 36 has been constructed in accordance with the approved plans, made available for the development hereby permitted and retained / maintained for the lifetime of the development.

To ensure the accesses and proposed roads do not compromise highway safety or the safety of pedestrians on the footway, in accordance with Policies T1, T2 and D5 of the London Plan 2021, and Policies T4 and T5 of the Local Plan 2018.

Safe use of drop-off locations

38. Prior to first occupation of the development hereby permitted, a scheme shall

be submitted to and approved in writing by the Local Planning Authority which demonstrates how the risk of collisions between vehicles (including any construction vehicles) and pedestrians accessing and leaving the proposed venue will be mitigated through design. The scheme shall address the management of deliveries, stopping of Blue Badge Holder vehicles and taxis. The scheme shall be implemented in accordance with the approved details prior to first occupation and remain in place for the lifetime of the development.

To ensure that deliveries and dropping off can occur without compromising highway safety or the safety of pedestrians on the footway, in accordance with Policies T1, T2 and D5 of the London Plan 2021, Policies HO6, T1 and T5 of the Local Plan 2018 and SPD Key Principle TR6 2018.

Level Access

39. The thresholds of public entrance doors to the structures and integral doors shall be at the same level as the adjoining ground level fronting the entrances to ensure level access.

To ensure the development provides ease of access for all users, in accordance with Policy D5 of the London Plan 2021, Policy DC1 of the Local Plan 2018 and Principles DA1, DA4, DA5, DA6, DA7 and DA11 of the Planning Guidance SPD 2018.

Inclusive Access Management Plan

40. Prior to first use of the development hereby permitted, an Inclusive Access Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be operated otherwise than in accordance with the Inclusive Access Management Plan as approved and thereafter be permanently retained for the lifetime of the development.

To ensure that the proposal provides an inclusive and accessible environment in accordance with the Policy D5 of the London Plan 2021 and Policy E3 of the Local Plan 2018.

SAFETY

Venue Management Plan

- 41. Prior to first use of the development hereby permitted, a Venue Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Venue Management Plan shall include details of:
 - operational timings for the shows;
 - measures to protect, manage and control crowds in operational and emergency situations;
 - details for crowd management in an emergency/evacuation strategy;
 - emergency vehicle access routes;
 - staff training in relation to security matters;
 - provision of advice to customers regarding personal safety;

- premises access control measures;
- a public address system;
- Threat Vulnerability Risk Assessment; and
- Blast Mitigation Assessment.

The report shall be submitted to and approved in writing by the local planning authority, in consultation with the Metropolitan Police (to confirm that the standards specified are proportionate and appropriate). The development shall then be carried out in accordance with the report. The venue shall be managed in accordance with the details approved and maintained thereafter as such for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

To ensure that the amenity of occupiers of the development site / surrounding premises is not adversely affected and the development incorporates the necessary access and safety measures in accordance with Policies D11 and D12 of the London Plan 2021 and Policies CC11 and CC13 of the Local Plan 2018.

Planning Fire Safety Strategy

42. Prior to first use of the development hereby permitted, a Planning Fire Safety Strategy shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out in accordance with the approved strategy for the lifetime of the development.

To ensure that the development incorporates the necessary fire safety measures in accordance with Policy D12 of the London Plan 2021.

CAR / CYCLE PARKING

43. Prior to the first occupation of the development hereby permitted, details of the provision of three accessible parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The three accessible spaces shall be made available on site and shall be permanently retained for the lifetime of the development.

To ensure the development provides ease of access for all users, in accordance with Policies D5 and T5 of the London Plan 2021, Policy DC1 of the Local Plan 2018 and Principles DA1, DA4, DA5, DA6, DA7 and DA11 of the Planning Guidance SPD 2018.

44. Prior to first use of the development hereby permitted, details of cycle storage facilities shall be submitted to and approved by the Local Planning Authority. Cycle storage shall be provided in accordance with the approved details prior to first use of the development and retained plus maintained for the lifetime of the development.

To ensure the provision of bicycle spaces in accordance with Policies T3 and T4 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

DESIGN

45. No alterations shall be carried out to the external appearance of the building, including the installation of air-conditioning units, ventilation fans or extraction equipment not shown on the approved drawings.

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policies DC1 and DC2 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

TREES

46. Prior to the commencement of the development hereby approved all the trees in the proximity of the development hereby approved shall be protected from damage in accordancewith BS5837:2012 during construction works.

To ensure that trees are retained and to prevent harm during the course of construction, in accordance with Policies OS4 and OS5 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

PERMITTED DEVELOPMENT

47. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting that principal Order with or without modification), no additional 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.

To ensure that the visual impact of telecommunication equipment upon the surrounding area can be considered, in accordance with Policies D4, D8 and HC1 of the London Plan 2021; Policies DC1, DC2 and DC8 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

ECONOMIC AND EMPLOYMENT STRATEGY

- 48. Prior to first use of the development hereby permitted, a revised Economic and Employment Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall set out details, procedures and delivery plans to maximise the opportunities for local residents to access employment offered by the development. The strategy shall address but not be limited to the following;
- a) At least 10% of the employment associated with the project will be of local (Hammersmith and Fulham) residents secured by a Delivery Plan.
- b) Pre-recruitment training is provided for local residents to give them better access to the jobs secured by a Training Plan.
- c) All jobs suitable for local residents are advertised with the Council's employment support team, WorkZone.

- d) Troubadour reports quarterly evidence to the Local Planning Authority of local residents employed and the proportion of local residents employed including names, postcodes, job titles and job start dates of local residents, employed, total number of people employed on the project, and training delivered for those local residents.
- e) At least 10% of the spend on the events is spent on local (Hammersmith and Fulham based) businesses.
- f) Troubadour reports quarterly evidence to the Local Planning Authority of local businesses, and the proportion of local spend, included in their supply chain including names and postcodes of local businesses, the contract they have been commissioned for, the value of that contract and the total spend on events.
- g) Troubadour works with the Council's supply chain partner, MTW Consultants, to help engage and support local businesses to successfully bid for contracts in the supply chain.
- h) Details of free / discounted tickets to local Hammersmith and Fulham residents and businesses
- i) Engage with local arts organisation to maximise opportunities for involvement in the performance programme.
- j) Details of a ticketing levy towards Troubadour Trust to support local initiatives in the community (Hammersmith and Fulham).

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

Justification for Approving the Application:

- 1) Land Use: The proposed temporary use is considered to be acceptable in land use terms and is compatible with the White City Regeneration Area which is well served and accessible by public transport. The proposed development is therefore considered acceptable, on balance, and in accordance with Policies GG2, SD1, SD10, S1 and E11 of the London Plan 2021 and Policies WCRA and WCRA1 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.
- 2) Design: The proposed temporary structures has a massing which responds to the proposed spaces and surrounding townscape at its edges in accordance with Policies D1, D5, D11, D12, D14 and HC1 of the London Plan 2021 and Policies DC1, DC2 and DC3 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.
- 3) Transport: There would be no adverse impact on traffic generation and the scheme would not result in congestion of the road network. Conditions would secure satisfactory construction / dismantling works. Satisfactory provision would be made for blue badge car parking and cycle storage. Adequate provision for storage and collection of refuse and recyclables would be provided. The accessibility level of the site is very good and is well served by public transport. External impacts of the development would be controlled by conditions. 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 T1, T2, T3, T4, T5, T6, T6.5 and T7 of the London Plan 2021, Policies T1, T6, T7, CC10, CC11, CC12 and CC13 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.
- 4) Impact on Neighbouring Properties: The impact of the development upon existing and future adjoining occupiers are considered acceptable with no significant impact 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 Policies D4, D8 and D14 of the London Plan 2021 and Policies CC11 and CC13 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.
- 5) Safety and Access: Conditions would ensure the development would provide a safe and secure environment for all users in accordance with Policies D11 and D12 of the Local Plan 2021 and Policy DC1 of the Local Plan 2018. The development would provide level access and dedicated parking spaces for wheelchair users. Conditions would ensure the proposal would provide ease of access for all persons, including disabled people. Satisfactory provision is therefore made for users with mobility needs, in accordance with Policies D11 and D12 of the London Plan 2021, Policy DC1 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.
- 6) Sustainability and Energy: Conditions would ensure that information is submitted for approval by the Local Planning Authority to confirm how carbon emissions will be reduced through on- site energy efficiency and low/zero carbon technologies such as solar PV Panels. The proposed development therefore accords with

Policies SI 2, SI 3 and SI 4 of the London Plan 2021, and Policies CC1 and CC2 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

- 7) Flood Risk: Conditions will ensure that information is submitted for approval to confirm how surface water will be managed on-site in-line with the London Plan Drainage Hierarchy's preferred SuDS measures, including rainwater collection for re-use where feasible. The development would therefore be acceptable in accordance with the NPPF, Policy SI 13 of The London Plan 2021 and Policy CC4 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.
- 8) Land Contamination: Conditions will ensure that the site would be remediated to an appropriate level if required. The proposed development therefore accords with Policies CC9 and CC13 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.
- 9) Economic Development: Planning obligations to offset the impact of the development and to make the development acceptable in planning terms. An Economic and Employment Strategy is secured by condition which shall set out details, procedures and delivery plans to maximise the opportunities for local residents to access employment offered by the development to ensure the proposed temporary use delivers wider benefits by way of generating employment opportunities for local residents and companies in accordance with Policies FRA, FRA1, E4 and CF3 of the Local Plan 2018.

LOCAL GOVERNMENT ACT 2000LIST OF BACKGROUND PAPERS

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

Application form received: 22nd November 2021Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2021The London Plan 2021 LBHF - Local Plan 2018 LBHF – Planning Guidance Supplementary Planning Document2018

Consultation Comments:

Comments from:	Dated:
Crime Prevention Design Advisor - Hammersmith	22.12.21
Cinema Theatre Association	23.12.21
Crime Prevention Design Advisor - Hammersmith	16.12.21
Historic England London Region	16.12.21
Royal Borough Of Kensington And Chelsea	16.12.21
Transport For London - Land Use Planning Team	07.12.21
Civil Aviation Authority - Safety Regulation Group	06.12.21
Thames Water - Development Control	09.12.21
Royal Borough Of Kensington And Chelsea	06.12.21
Network Rail	17.01.22
Metropolitan Police Licensing Officer	21.12.21
Historic England London Region	10.12.21
Crime Prevention Design Advisor - Hammersmith	09.12.21
Ministry Of Defence	11.01.22
Crime Prevention Design Advisor - Hammersmith	13.01.22
St James	22.12.21

Neighbour Comments:

Letters from:

Dated:

MAIN REPORT

1. SITE AND SURROUNDINGS

- 1.1 The Application Site (the site) is vacant land (1.5 Ha) located within the southern part of the Imperial College Masterplan. The site comprises an area of former industrial/ open storage area which has been cleared in preparation for future development by Imperial College. The site is relatively flat and comprises an area of largely concrete hardstanding, and landscaping, following the clearance of the site. Previously the site contained a number of buildings, parking areas and shipping containers used by Dairy Crest as a distribution and bottling plant for milk supplies to London.
- 1.2 The site is located a short distance to the east of Wood Lane. accessible via Depot Road. The north of the site is bordered by Scale Space, a meanwhile-use development, with the Westway and Imperial College White City Campus beyond. To the west the site is bordered by Depot Road, and Depot Road Bridge, and to the south by the St James Residential Development, and Westfields beyond. To the east, the site is boarded by the railway line, and the borough boundary with the Royal Borough of Kensington and Chelsea. Stable Way is occupied by a traveller site with A3220 running north to south. The traveller site accommodates the nearest residential properties to the application site. The White City Housing Estate and Wood Lane Housing Estate lies to the west. The area surrounding the application site is a mixture of residential and commercial uses, with a number of developments occurring close to the site including the St James Residential Development.
- 1.3 The site forms part of the larger Imperial College Masterplan site, which is being redeveloped with an outline application granted permission as part of a large, multi-phase Masterplan until 2044. This part of the site is expected to come forward for development in Masterplan phase 2 during 2028 2034. This includes development of the southern part of the site to continue the masterplan regeneration. This would include the residential tower element to be located in the proposed location of the Light City development.

Designations

1.4 The site is industrial brownfield land and is thus identified as a regeneration area. It is designated in the White City Opportunity Area (WCOA) in the London Plan and the White City Regeneration Area (WCRA) in the H&F Local Plan. The WCOA covers approximately 110 hectares at the eastern edge of the borough and along the boundary with the Royal Borough of Kensington and Chelsea (RBKC). The site is located within the White City East Regeneration Area (WCRA1) as designated in the Local Plan 2018. The site is in Flood Zone 1 and lies

within the Wood Lane Conservation Area. There are no listed buildings or buildings of merit on the site.

Transport

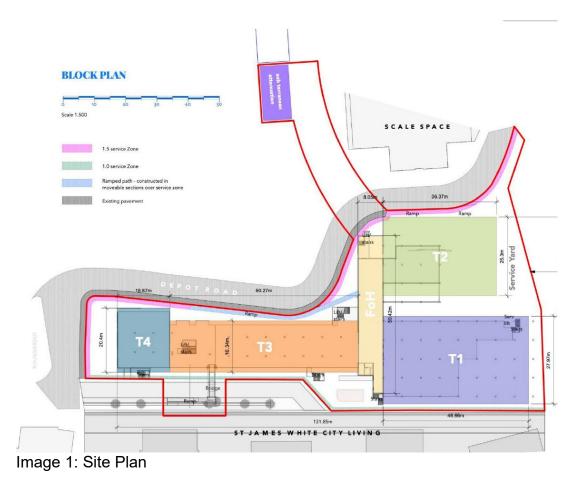
- 1.5 Vehicular access to the site is currently provided via an established entrance from Depot Road. These entrances currently provide vehicular access to the site for service and emergency vehicles. The site benefits from pedestrian access from the south via the St James development, to the north through to Scale Space and Imperial College and to the west over Depot Road Bridge.
- 1.6 The site has very strong transport links and enjoys a Public Transport Accessibility Level (PTAL) of between 5 to 6a (Very Good). The site is within a five-minute walk to White City Underground Station and Wood Lane Underground Station. White City Station and Wood Lane Station serves the Central Line and the Hammersmith and City and Circle Lines respectively. There are also several bus routes which serve Wood Lane, while Shepherds Bush Overground Station, although a bit further afield, provides additional public transport options.

2. PLANNING HISTORY

- 2.1. The site and surrounding area have extensive historic planning records relating to the Imperial College Masterplan. The following is relevant planning history in relation to the current application:
- 2.2. April 2021 (2018/00267/OUT): Outline planning permission granted for a mixed use development delivered as a phased masterplan comprising 7 development zones and accommodating up to 178,102 sqm of research & development, offices and other business uses (Use Class B1) in 6 - 13 storey buildings; up to 373 residential units (Use Class C3) in 18 - 32 storey buildings; a hotel up to 8 storeys and associated facilities (Use Class C1); community and/or leisure uses and retail, cafes, restaurants and bars (Use Classes D1 and/or D2, A1-5) together with access, bridge over the railway (Central Line), parking, servicing and landscaping; and the demolition of Stadium House.
- 2.3. This application seeks to replace a similar temporary development at the Gateway Site known as The White City Place Theatre as follows:
- March 2018 (2017/03837/FUL): Planning permission granted for the temporary change of use of existing car park and installation of temporary structures to form two theatre event spaces with ancillary structures for front of house circulation, bar, foyer, toilet space, back of house storage, office, changing areas and installation of plant equipment.

3. THE PROPOSAL

- 3.1. Planning Permission is sought for a temporary theatre and events venue known as 'Light City' for a 10-year period until June 2032 after which the site would be returned to its former state.
- 3.2. The venue would be operated by White City Theatre Limited ('the applicant') and is similar in nature to a previous temporary theatre which was in place at White City Place from 2019 until the pandemic which was run by the same operator. The applicant has an established record of delivering meanwhile uses for theatre and the arts on similar sites. These include the Kings Cross Theatre between 2014 and 2016, Wembley Park Theatre which started in 2017 and is still in place, an outdoor cinema at Meridian Water in 2020 and film studios with offices and workshops also at Meridian Water. These have attracted high-profile productions and have been successful.
- 3.3. The venue will comprise of the following uses over four floors;
- a) Building T1: Located to the east of the site
- Measuring 26.1m high, 46.7m in length and 27.97m wide
- Upper Ground Floor: Theatre 1 (1,067m2 / 2,000-seater) (Sui Generis)
- b) Building T2: Located to the east of the site
- Measuring 23.3m high, 36.4m in length, and 25.3m wide
- Upper Ground: Theatre 2 (725m2 / 1,000-seater) (Sui Generis)
- c) Building T3: Located to the centre of the site
- Measuring 15.6m high, 60.4m in length, and 16.3m wide
- Ground: Restaurant Space (Use Class E) (621m2 / 100-seater)
- Ground: Experience Atrium (199 sqm)
- Level 1: Food Hall (472m2 / 200 capacity)
- Level 2: Exhibit Space (509m2)
- d) Building T4: Located to the west of the site
- Measuring 15.6m high, 20.4m in length and 16.87m wide
- Ground: Wellbeing (Use Class E: 295 sqm.
- Level 1: Wellbeing (Use Class E): 269 sqm.
- Level 2: Collaborate (251 sqm) (Use Class E)
- e) Front of House: Located to the centre of the site
- Measuring 11.5m high, 50.4m in length, and 8m wide
- Upper Ground: Front of House (428m2)
- Level 2: Roof Top Bar (Sui Generis) (398m2 / 75 capacity)
- f) Back of House: Located to the east of the site
- Ground Floor: Kitchen, WCs (1,302m2)



Access

- 3.4. Public pedestrian access to the site would be via Depot Road from the west but mainly through the St James' Residential Development from the south via a new pedestrian access bridge. This southern access will join the main pedestrian routes from the Imperial College campus to the north with St James' to the south and will be open to the public until 11pm. Access to and through the site would be free, however specific shows hosted in the theatre spaces would be charged and ticketed. These would be sold online through the website, as well as over the phone and in person.
- 3.5. A customer dispersal policy has been proposed in order to minimise the potential for noise disturbance from customers leaving the premises. An hour period has been allowed for drinking up time, to help reduce the mass exit of patrons at the end of the evening.

Design

3.6. The structures which have been chosen are a combination of scaffolding and traditional cladding products. The applicant has developed their own methodology for the installation of these structures and has used these structures previously for the Venue at White City Place.

Materials

3.7. The majority of the structures will be constructed from a scaffolding (steel) based substructure with a Trimo or polycarbonate outer layer. Glazed door units will be installed in public areas. Glazed window units will be installed, with transparent polycarbonate walling and roof panels to allow natural light into the premises. Ramps and steps to the relevant building control requirements will be installed to allow access for all to the spaces.



Image 2: Light City with St James White City Living consented outline

Parking

3.8. Blue badge holder parking is proposed on the site and would be accessed by Depot Road. No other car parking is proposed as part of the development.

Maximum Number of Guests

3.9. The venue will be capable to cater for up to 3,000 visitors per matinee and evening performance throughout the week. However, until the new pedestrian / vehicular bridge consented under the Imperial College Masterplan has been completed the venue will be limited to only one show in the evenings with a maximum capacity of 2,000 people. There will be 200 staff employed, of which 50 would be full-time and 150 would be employed on a part-time basis.

Operational Timings

- 3.10. Overall Venue (Site Open to public): 06:30–00:00 Sunday to Thursday / 06:30–00:30 Friday to Saturday including Public/Bank Holidays.
- 3.11. Venue servicing (to include set up and clearance of events) (not audible outside venue): 10.00 to 16:00 hours Monday to Saturday (i.e. outside of the network peak periods) and with no clearing away activity after 20:00 on Sunday and Public/Bank Holidays.

Adverts

3.12. A separate advertisement consent application (Ref: 2021/03752/ADV) has been submitted for associated signage, for the same period. Advertising is proposed across the development, including two LED screens to the east elevation and one LED screen to the west elevation. Illuminated lettering is proposed to the south, north and west elevations. Full graphic walls to the north, south and west elevations are further proposed. Lighting is proposed across the site, along the paved areas on lighting columns and on the building structure itself. In total 11 areas of advertisements are proposed.

Submitted Documents

- 3.13. The applicant has submitted the following in support of the application and revised proposals:
- Application Form (D-TTL-LC-21-001);
- Cover Letter (D-TTL-LC-21-002);
- Design & Access Statement (D-TTL-LC-21-005);
- Letter to Landowner Imperial (D-TTL-LC-21-006A);
- Letter to Landowner St James (D-TTL-LC-21-006B);
- Transport Assessment;
- Operational Timings (D-TTL-LC-21-010);
- Environmental Statement (D-TTL-LC-21-011);
- Plant & Equipment PDF Document D-TTL-LC-21-012);
- Access Statement PDF Document D-TTL-LC-21-014);
- Sound Impact Assessment PDF Document D-TTL-LC-21-015);
- Sound Management Protocol (Draft) PDF Document D-TTL-LC-21-016);
- Flood Risk Assessment (D-TTL-LC-21-017);
- Community Benefits and Jobs (D-TTL-LC-21-018);
- CIL Form (D-TTL-LC-21-019);
- Dispersal Plan (D-TTL-LC-21-020);
- Site Images (D-TTL-LC-21-021);
- Drainage Strategy (D-TTL-LC-21-022);

- Location Plan (P-TTL-LC-21-001);
- Block Plan (P-TTL-LC-21-003);
- Uses Ground Floor (P-TTL-LC-21-004);
- Uses Upper Ground (P-TTL-LC-21-005);
- Uses Level One (P-TTL-LC-21-006);
- Uses Level Two (P-TTL-LC-21-007);
- Elevations (P-TTL-LC-21-008);
- Street (P-TTL-LC-21-025);
- Access (P-TTL-LC-21-029);
- Emergency Exits (P-TTL-LC-21-030);
- Water Waste (P-TTL-LC-21-031);
- Signage (P-TTL-LC-21-035);
- Lighting (P-TTL-LC-21-036); and
- Site Levels (P-TTL-LC-21-045).

AMENDMENTS

- 3.14. During the application process the following changes have been made to the application;
- Closure of the St James link to be 11pm Mondays to Sundays rather than 10:30pm Mondays to Sundays to allow majority of visitors to leave the venue via the proposed St James' southern access rather than Depot Road.
- Theatre T1 (2,000 capacity) to finish performances at 10pm (30 minutes earlier than initially proposed)
- There will be no parallel show in Theatre 2 (1,000 capacity) during the evenings
- Matinee shows will only be on Saturdays and Sundays

4. PUBLICITY AND CONSULTATIONS

Residents

4.1. The application was advertised in the local press and on-site notices that referred to the application's potential effect on the character of the Conservation Area and that it was a major application. In addition, 2183 local addresses were sent written notice of the application. No representations were received from neighbouring properties.

Amenity Groups

4.2. The Theatres Trust: The proposals will bring a number of benefits. It will activate an otherwise vacant site, which will enhance the area bringing in visitors and acting as a catalyst for development within the Masterplan area. Just like the earlier White City scheme before it, this will contribute to the borough's cultural offer and broaden access to the arts for local people. Therefore, the trust is supportive of the granting of planning permission on a time-limited basis.

4.3. James Group Ltd: Following a number of consultation meetings with White City Theatre / Troubadour Theatre since June 2019 the St James White City Living team confirms they have no objections to the proposals.

Technical Consultations

- 4.4. Transport for London (TfL): TfL has no in principal objection to the proposed development, however the following would need to be addressed:
- Cycle Parking details
- Accessible Parking Spaces details
- Potential impact on the public transport network
- New pedestrian route design/access details
- Servicing, storage and deliveries details
- A full Construction Logistics Plan (CLP)
- 4.5. London Underground/DLR Infrastructure Protection: Confirmed that they have no comment to make on this planning application.
- 4.6. Metropolitan Police (Design Out Crime Officer): Reviewed the details submitted and also met with the applicant and officers 24 January 2022 to discuss the overall scheme, crime prevention, security and safety, including counter terrorism measures. Crime prevention and community safety are material considerations. The officer commented that if the Council is to consider granting consent for this scheme they would seek that a condition be attached to secure the submission of a Venue Management Plan.
- 4.7. Metropolitan Police (Counter Terrorism Security Advisor): The applicant should employ the services of a suitably qualified Security Consultant from the Register of Security Engineering Specialist (RSES) to conduct a full security Risk Assessment taking into account current and emerging threats and risks to areas that may be attractive to terrorists. This will allow them to prioritise areas, manage risk and mitigate accordingly. Mitigations could include blast mitigation glazing, hostile vehicle mitigation and use of appropriate street furniture in the public realm to reduce opportunities to conceal and hide IEDs. Locations could be aggregated areas, crowded spaces, Night time economy areas, locations where large crowds can gather for events etc. Security planning should be; Impact Driven, Vulnerability-led, and Threat informed.
- 4.8. Ministry of Defence (MOD): The proposed development falls within the statutory safeguarding Aerodrome Height Zone surrounding RAF Northolt. The MOD confirms that the MOD has no statutory safeguarding objection to this application.
- 4.9. Historic England (GLAAS): On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek

the views of your specialist conservation advisers, as relevant. It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals.

- 4.10. Network Rail: Due to the close proximity of the proposed works to Network Rail's land and the operational railway, Network Rail strongly recommends that the applicant / developer engages with Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing. This will allow our ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway.
- 4.11. Royal borough of Kensington and Chelsea (RBKC): Raises no objections to the proposals but requests that an informative be attached to any consent stating that no vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction.
- 4.12. Thames Water (TW): With regards to foul water sewerage network infrastructure capacity and surface water raises no objection to the proposals submitted. TW recommends and informative be attached to any permission stating that TW will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves TW pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 4.13. Civil Aviation (Airport Safeguarding): Reviewed the proposals against safeguarding criteria and confirm they have no safeguarding objections to the proposed development.

5. POLICY CONTEXT

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

London Plan (2021)

Policy GG5 (Growing a good economy)
Policy SD1 (Opportunity Areas)
Policy SI 2 (Minimising greenhouse gas emissions)
Policy SI 3 (Energy infrastructure)
Policy SI 12 (Flood risk management)
Policy SI 13 (Sustainable drainage)
Policy E9 ((Retail, markets and hot food takeaways)
Policy E10 (Visitor Infrastructure)
Policy HC1 (Heritage conservation and growth)

Policy HC5 (Supporting London's culture and creative industries)

Policy HC6 (Supporting the night-time economy)

Policy D4 (Delivering Good Design)

Policy D5 (Inclusive Design)

Policy D8 (Public Realm)

Policy D11 (Safety, security and resilience to emergency)

Policy D12 (Fire safety)

Policy D14 (Noise)

Policy HC5 (Supporting London's culture and creative industries)

Policy HC6 (Supporting the nigh-time economy)

Policy T2 (Healthy Streets)

Policy T4 (Assessing and mitigating transport impacts)

Policy T5 (Cycling)

Policy T6 (Car Parking)

Policy T6.5 (Non-Residential disabled persons parking)

Policy T7 (Deliveries, servicing and construction)

<u>Local Plan (2018)</u>

Strategic Policy WCRA (White City Regeneration Area) Strategic Site Policy WCRA1 (White City East)

Policy TLC1 (Hierarchy of Town and Local Centres)

Policy TLC5 (Managing Impact of Food, Drink and Entertainment Uses)

Policy CF1 (Supporting Community Facilities and Services)

Policy CF3 (Enhance and Retention of Arts, Culture, Entertainment,

Leisure, Recreation and Sport Uses)

Policy E1 (Employment Uses)

Policy E4 (Local Employment, Training and Skills Development)

Policy DC1 (Built Environment)

Policy DC8 (Heritage and Conservation)

Policy DC9 (Advertisements)

Policy CC1 (Reducing Carbon Dioxide Emissions)

Policy CC3 (Minimising Flood Risk and Reducing Water Use)

Policy CC6 (Strategic Waste Management)

Policy CC7 (On site Waste Management)

Policy CC10 (Air Quality)

Policy CC11 (Noise)

Policy CC12 (Light Pollution)

Policy T2 (Transport)

Policy T3 (Opportunities for Cycling and Walking)

Policy T5 (Parking for Blue Badge Holders)

Policy T7 (Construction and Demolition Logistics)

6. PLANNING CONSIDERATIONS

Policy Framework

6.1. 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. 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).

- 6.2. In this instance the statutory development plan comprises the London Plan 2021, LBHF Local Plan 2018 and the LBHF Planning Guidance SPD 2018.
- 6.3. The National Planning Policy Framework (NPPF) is a material consideration in planning decisions and is supported by the Planning Practice Guidance (PPG) which sets out national planning policies and how these are expected to be applied. The NPPF sets out a presumption in favour of sustainable development.

PLANNING ASSESSMENT

- 6.4. The main planning issues raised by the submitted development proposal that should be considered are;
- Land Use;
- Design and Conservation;
- Highways Implications and Parking;
- Accessibility;
- Amenity Impacts (Daylight and Sunlight; Noise and Vibration; Light Pollution);
- Environmental Considerations (Sustainability and Energy; Flood Risk; Sustainable Drainage; Ecology, Trees, Landscaping and Public Realm; Land Contamination; Air Quality; Archaeology);
- Economic Considerations
- Crime Prevention; and
- Community Infrastructure Levy (CIL)

LAND USE

- 6.5. The application site forms part of the wider Imperial College site located within the White City Regeneration Area as designated in the Local Plan. Strategic Policy WCRA1 of the Local Plan 2018 seeks regeneration in White City East for a mixed-use urban quarter within a high-quality environment. Proposals for development in White City East should be mixed use providing housing, employment, including creative and academic based industries, community uses, a major research and academic hub, leisure facilities as well as small-scale retail.
- 6.6. Policy WCRA of the Local Plan 2018 also includes an expectation of the creation of some 10,000 new jobs for the White City Opportunity Area.
- 6.7. London Plan (Policy HC5) supports the use of vacant land for pop-ups and meanwhile / temporary uses for cultural and creative activities

during the day and at night in order to stimulate vibrancy and viability. Policy CF1 (Supporting Community Facilities and Services) of the Local Plan 2018 states that the council will work with its strategic partners to provide borough-wide high quality accessible and inclusive facilities and services for the community by improving the range of leisure, recreation, sports, arts, cultural and entertainment facilities by also seeking new or enhanced facilities where appropriate and viable in particular major new leisure, arts, sports and recreation facilities in the White City Regeneration Area.

<u>Theatre Event Space including office space, wellbeing areas,</u> restaurant and food hall (Sui Generis/ Use Class E)

- 6.8. Some 4,800m2 of event space is proposed within the temporary structures. This includes two auditoriums, collaborative office space, wellbeing areas, restaurant and food hall.
- 6.9. The site is located within the White City Regeneration Area and the primary land use in the area is retail located at the Westfield Shopping Centre as well as established destination centres such as Shepherd's Bush Market and Shepherd's Bush Green. The site immediately north of the application site, Imperial College White City Campus is becoming an important educational and commercial centre in the area. The area west of the site is predominantly residential with a mix of leisure, community and health facilities as well as some local shops. The site immediately south of the application site, is a residential development known as St James'.
- 6.10. The site is a suitable location for leisure, recreation, cultural and entertainment facilities. This activation of the vacant derelict space is considered to be beneficial to the opportunity area generally. The proposal will enhance the area bringing in visitors and acting as a catalyst for development within the Masterplan area, contributing to the borough's cultural offer and broaden access to the arts for local people. Further, the proposal would activate this vacant space whilst supporting local businesses that are seeking to recover from the impacts of COVID-19. The temporary nature of the use is such that its impact would be limited and would not undermine the long term objectives to regenerate the area, in accordance with both London Plan and Local Plan policies. A condition is attached to ensure that all structures associated with the application will be removed within the time limit period and the site reinstated once the temporary use ceases.
- 6.11. White City Theatre Limited is renowned for delivering meanwhile theatre productions. They have produced and managed a number of high-quality, large-scale events in sensitive city centre locations across London and have worked successfully with key stakeholders including local authorities. These events include the previous temporary theatre which was in place in White City from 2019 until the pandemic, the Kings Cross Theatre, and Wembley Park Theatre.

6.12. Local Plan Policy TLC5 (Managing the Impact of Food, Drink and Entertainment Uses) controls the hours of operation for Class A3, A4 and A5 uses. Policy TLC5 allows for hours of operation to be extended where the use would not be likely to cause adverse impacts on the amenity of the surrounding area. The policy requires food and drink establishments as well as arts, culture, entertainment and leisure uses to be subject to conditions controlling hours of operation, as follows: a. except in predominantly commercial areas, such as parts of town centres - premises shall not be open to customers later than the hour of 23:00; and

b. within predominantly commercial areas, such as parts of town centres - premises shall not be open to customers later than the hour of 24:00.

- 6.13. In terms of Policy TLC5, the proposed mix of food and drink stalls is intended to provide further diversity, attracting residents, visitors and tourists to the site. The impact of the activities would be subject to licensing restrictions and would operate in accordance with the submitted, which sets controls on the hours of operation to no later than 23:00 hours, Sunday to Wednesday, and 23:30 hours Thursday to Saturday.
- 6.14. As such officers consider the temporary use appropriate in this instance and do not see any merit in further impact analysis being undertaken as the proposed uses are consistent with the supported land uses that are identified in the relevant site-specific policies in the Local Plan 2018.
- 6.15. It is considered that the proposed provision of a temporary theatre and associated uses would contribute to the overall mix of uses within the site until the approved mixed-use development is implemented, which is consistent with the requirements of the WCRA policies with regard to employment generation in the area and provision of leisure facilities as well as small-scale retail.

7. DESIGN AND CONSERVATION

- 7.1. **The NPPF** states that the 'Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.' LBHF Design and Conservation Team have reviewed and input into the design process of the development since pre-application stages and consider that the proposals represent good design in the context of the regeneration area and as a temporary development, thus complying with the NPPF.
- 7.2. Together with **London Plan 2021 Policy HC1**, Local Plan policies require development proposals to incorporate exemplary standards of

sustainable and inclusive design. **Policy DC1** (Built Environment) requires all development proposals within the borough to create a highquality urban environment that respects and enhances its townscape context and heritage assets. **Policy DC2** (Design of New Build) sets out to ensure that new build development will be of a high standard of design and compatible with the scale and character of existing development and its setting. **Policy DC8** (Heritage and Conservation) states that the council will conserve the significance of the Borough's historic environment by protecting, restoring, or enhancing its heritage assets, including the borough's conservation areas. **Policy DC9** (Advertisements) requires a high standard of design of advertisements, which should be in a scale and in keeping with the character of their location and should not have an unacceptable impact on road safety.

Design

- 7.3. The main primary components involve the installation of a large scaffolding structure which would house the two theatres and associated uses within. The structures are demountable and built using reusable products, with the majority of the structures being relocated from the previous White City Theatre development which was located to the west of the application site on South Africa Road. Some sections of the Light City development will be created from new materials, with the same structure design with a Trimothern and twin wall polycarbonate roofing and cladding system. The proposed arched framed scaffolding structures would be attached to a floating concrete grid floor system, of which 90% will be relocated from White City. The structures would have a maximum height of 26.1m reducing in height to a minimum of 11.5m towards the west of the site. The structures would have a maximum length of 132m and a width of 60m, reducing in width towards the west. The structures occupy a large proportion of the site, with the remaining areas proposed to be used for servicing, circulation and light landscaping. Glazed door units will be installed in public areas, with back of house doors made from wood or metal and painted in line with the building colour scheme. Glazed window units will be installed, with transparent polycarbonate walling and roof panels to allow natural light into the premises. The building would be finished in a greys, yellow and white colour palette.
- 7.4. The proposed structures would incorporate two theatres to the east of the site, indicated as T1 an T2, including a back of house area. Moving towards the west of the site, there would be a front of house area, restaurant, food hall and exhibition area located across three levels, indicated as T3. Furthest to the west, a wellbeing and collaborative office space are proposed across three levels, indicated as T4. An atrium and roof top bar are further incorporated within the site.
- 7.5. The structures are of a temporary nature and the prefabricated nature of the buildings are supported from an environmental point of view and would lessen any impact on amenity during the short construction

period. Given the temporary nature of the structures it is considered that the design is appropriate and broadly complies with the objectives of the London Plan and Policies DC1, DC2 and DC8 of the Local Plan 2018.

Heritage Impacts

- 7.6. The site lies within Wood Lane Conservation Area which is centred around the grade II listed BBC Television Centre in order to protect the setting of the landmark from any insensitive development nearby. To the south-west of the application site on the eastern side of Wood Lane lies the locally listed White City Underground Station, built in 1947.
- 7.7. The proposed development would have a temporary impact on the character and appearance of Wood Lane Conservation Area, in an area which has recently been subject of significant and ongoing development. The proposals would have very limited intervisibility from key views of surrounding heritage assets, including the Grade II Listed Television Centre. As such, the development is not considered to result in any harm to adjacent heritage assets; and the character and appearance of the Wood Lane Conservation Area would be preserved by the development.
- 7.8. Officers have assessed the impact of the proposal on the adjacent heritage assets and consider that it is in line with national guidance in the NPPF. Officers also consider that the proposals would be in accordance with Policies DC1, DC2 and DC3 of the Local Plan 2018 and Policy HC1 of the London Plan 2021. The proposed scheme would also accord with Sections 66 and 72 of Planning (Listed Buildings and Conservation Areas) Act 1990.

8. HIGHWAYS IMPLICATIONS AND PARKING

- 8.1. **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.
- 8.2. Local Plan Policy T1 supports The London Plan and states that all development proposals will be assessed for their contribution to traffic generation and their impact on congestion. Policy T2 relates to transport assessments and travel plans and states "All development proposals will be assessed for their contribution to traffic generation and their impact on congestion, particularly on bus routes and on the primary route network". Policies T3, T4, T5 and T7 relate to opportunities for cycling and walking, vehicle parking standards, blue badge holders parking and construction and demolition logistics.

- 8.3. The Site is very well connected to all modes of travel including public transport options, vehicle access and pedestrian and cycle network facilities, with a Public Transport Accessibility Level (PTAL) of 5-6a, one of the highest possible levels. A range of public transport facilities are available within a short walk, including bus, underground and rail services. The Site also enjoys good accessibility by walking and cycling and is located within close distance of a range of everyday amenities. A Transport Statement has been prepared by the applicant to support the planning application.
- 8.4. The principal objective of the Transport Statement is to facilitate and encourage sustainable travel methods to and from the site and to actively discourage the use of private vehicles. In this case, the proposal would not provide any off street car parking other than three accessible parking spaces. Instead, the use of sustainable transport modes (walking and cycling) and use of public transport modes (Tube, Buses, Trains) are encouraged. Given the site's location and good public transport links the expectation is that a large proportion of persons visiting the site would not arrive by private vehicles.
- 8.5. Planning conditions will ensure that residual impacts during the construction stage will be mitigated thereby avoiding damaging impacts during the construction phase.
- 8.6. The applicant, through experience at their King's Cross temporary theatre, does not expect that many visitors will travel by car, however for those that do, car parking is available in privately run car parks located within walking distance to the venue (at Westfields). No car parking is proposed as part of the development, within a high PTAL location, in accordance with the London Plan.
- 8.7. The roads surrounding the site are located in Controlled Parking Zone (CPZ) O with parking restrictions in place Monday to Saturday from 0900-1700. Due to this they offer short parking opportunities for those visiting the proposed site.

Cycle Parking

8.8. The applicant's previous experience has indicated that very few people cycle to a show due to many people still 'dressing for the theatre'. However, if people do wish to cycle there is a Santander Cycle Hire Dock located close to the site on the eastern side of Wood Lane, with 36 bikes available to hire. There is also public cycle parking available, located at White City Place and Westfield. This will provide enough capacity for those wishing to cycle to the venue without impacting on existing users and therefore complies with Policies T3 of the Local Plan 2018.

Blue Badge

8.9. Three parking spaces for blue badge holders are to be provided in accordance with the standards set out in the London Plan 2021. These will be available on a first come first serve basis bookable in advance and the proposals therefore complies with Policy T5 of the Local Plan 2018.

Delivery and Servicing

- 8.10. Local Plan Policies CC6 and CC7 seeks to ensure that the Council pursue waste management facilities within new development, notably through means of ensuring that all developments proposed suitable waste and recycling storage facilities.
- 8.11. The existing access to the west of the site via Depot Road will be used for deliveries and service vehicles. A condition will ensure that no deliveries nor collections / loading nor unloading associated with the theatre shall occur at the development between Monday to Friday other than between the hours of 10:00 and 16:00 and 18:00 and 21:00, and 09:00 to 18:00 on Saturdays, and 9am to 6pm Saturdays, and not at all on Sundays.

Trip Generation

8.12. Whilst the peak demand (for both venues being used simultaneously) would be capable of accommodating circa 3,000 people, the venue would be restricted to only provide one show in the evening with a maximum capacity of 2,000 people. These people will not all arrive at the same time, and operational staff would ensure that there is a staggered entrance time for different events. The venue space would be opened at the same time as the foyer and circulation spaces to allow audience members to enter the venue and will not be held in the foyer prior to doors opening.

Travel Plan

8.13. The developer is committed to implementing a Green Travel Plan to actively encourage both staff and visitors the use of non-car modes of travel and ensure the sustainability of the development. The objectives of the Travel Plan are to ensure that the development does not impact on the safety or amenity of adjacent residents or employees of businesses near the development.

St James' White City Living Access

8.14. Troubadour Theatre Limited and St James Group Limited has agreed a Licence (dated June 2022) which allows the proposed development to be accessed by visitors through the White City Living Development and across the proposed pedestrian bridge into the Light City venue between the hours of 6:30 to 23:00 Mondays to Sundays. A condition will ensure that the proposed development shall only operate whilst the

License between St James Group Limited and Troubadour Theatre Limited is in place allowing adequate access from the south. This is to prevent Depot Road having to accommodate the majority of visitors leaving the site after 10pm when the evening show will finish.

- 8.15. The S106 Legal Agreement (dated 16 December 2015 between LBHF and St James Group) for the White City Living development secures On-Site Routes which permits the general public to have continuous access to and over these On-Site Routes at all times free of charge. The On-Site Routes includes a pedestrian route from Wood Lane through the White City Living development up to the new pedestrian bridge which forms part of this application to access the Light City venue.
- 8.16. With the License in place and the secured routes through the White City Living development officers consider that the access to the proposed venue do not compromise highway safety or the safety of pedestrians on the footway, in accordance with Policy T1, T2 and D5 of the London Plan 2021, and Policies T4 and T5 of the Local Plan 2018.
- 8.17. In summary, the Council's Highway officers consider that traffic impact is not harmful in the planning balance and further the proposal provides a new pedestrian link across the site. The proposal is therefore considered to accord with Policies T1, T2, T3, T5, T6 and T6.5 of the London Plan 2021 and Policies CC6, CC7, T1, T2, T3, T4 and T5 of the Local Plan 2018.

9. ACCESSIBILITY

- 9.1. **London Plan Policy D5** (Inclusive Design) seek to ensure that development proposal achieve the highest standards of accessible and inclusive design.
- 9.2. **Local Plan Policy DC1** (Built Environment) require new development to be designed to be accessible and inclusive to all who may use or visit the proposed buildings.
- 9.3. **Principle DA1** (Inclusive design) of the Planning Guidance SPD requires that new buildings are designed to be accessible and inclusive to all who may use or visit the building.
- 9.4. The applicant submitted an Access Statement and is committed to providing a venue that is accessible to as many of their visitors as possible. According to the Access Statement the designing of the theatre venue to be inclusive has been one of the founding principles that has driven the design and layout of the overall temporary event space. It is intended that all elements of the site layout and design will be considered equally for those users who are disabled as for those without impairment. The site will be created to ensure that flat and level access both to, around and within the venue is made available.

Disabled patrons will also have a choice of level accesses to and from the venue.

9.5. Officers consider these provisions satisfy the requirements of the above policies and the proposal is acceptable on accessibility terms subject to conditions ensuring safe use of drop-off locations, level access and the submission of an Inclusive Access Management Plan to ensure compliance with Policy D5 of the London Plan and Policy DC1 of the Local Plan.

10. AMENITY IMPACTS

Daylight, Sunlight and Overshadowing

- 10.1. **Local Plan Policy DC2** (Design of New Build) refers to impact generally and the principles of 'good neighbourliness'.
- 10.2. As there are no residential properties in close proximity to the site (within 20m), with the closest existing properties being 60m to the west and future residential properties to be 40m to the south, a light pollution assessment was not required. Officers consider that the proposal would not result in detrimental impacts in terms of loss of daylight or sunlight nor result in harm from overshadowing given the scale and nature of the development.

Noise and Vibration

- 10.3. **London Plan Policy D14** (Noise) sets out measures to reduce, manage and mitigate noise to improve health and quality of life.
- 10.4. Local Plan Policy CC11 (Noise) advises that noise and vibration impacts will be controlled by locating noise sensitive development in appropriate locations and protected against existing and proposed sources of noise through design, layout and materials. Noise generating development will not be permitted if it would materially increase the noise experienced by occupants/users of existing or proposed noise sensitive areas in the vicinity.
- 10.5. The applicant has submitted a Venue Noise Management Plan. A stringent noise control programme will be exercised throughout preparation for and performance of theatrical events incorporating amplified music to ensure that music and entertainment noise breakout is routinely minimised in so far as is reasonably practicable. No objection is raised by the Council's Noise and Nuisance officers to the proposed development or land uses subject to conditions.
- 10.6. The applicant also submitted an Audience Dispersal Plan which will minimise the potential for noise disturbance from customers leaving the premises. The dispersal plan is designed to help mitigate the impact of audience members leaving the venue. Sufficient staff will be available

at the end of the evening to manage a controlled shut down of the premises and maintain good order as customers leave. After 22:00 staff will maintain positions at the exit doors and remind patrons to leave the venue quietly. There are limited outside areas for audience use, associated with this application. A roof top bar is proposed within the centre of the development, set away from the nearest residential areas. Door supervisors or staff will regularly monitor and manage external areas to ensure that customers are not causing a disturbance to residents. During construction works, best practice measures will be implemented to reduce noise effects associated with the works.

10.7. The proposal is therefore considered to accord with Policy CC11 of the Local Plan 2018.

Light Pollution

- 10.8. Local Plan Policy CC12 (Light Pollution) seeks to control the adverse impacts of lighting arrangements including that from signage and other sources of illumination.
- 10.9. The existing vacant site will be replaced with the temporary entertainment venue, however a condition ensuring that vertical illumination of neighbouring premises from all external artificial lighting relating to the development shall be in accordance with the recommendations of the Institution of Lighting Professionals in the 'Guidance Note 01/21 for the reduction of obtrusive light 2021'.
- 10.10. As such officers consider that the proposal accords with the requirements of Policies CC12 of the Local Plan 2018.

11. ENVIRONMENTAL CONSIDERATIONS

Sustainability and Energy

- 11.1. The proposal has been considered against **Policies SI 1, SI 3 and SI 4** of the London Plan 2021 and Policies CC1 and CC2 of the Local Plan which promote sustainable design, adaption to climate change and carbon emissions reductions.
- 11.2. The commitment to delivering sustainability objectives is considered in Energy Assessment submitted in support of this application. However, as the designs and proposed measures could change at the detailed design stage and officers recommend that the Energy Strategy is revised and resubmitted pre-commencement to confirm the measures to be integrated and to show that the minimum CO2 reduction target is achieved.
- 11.3. Officers consider that, subject to conditions requiring the submission of a revised Energy Strategy, the proposed development accords with

relevant policies of the London Plan and Policies CC1 and CC2 of the Local Plan 2018.

Flood Risk

- 11.4. **London Plan Policy SI 12** (Flood Risk Management) states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed.
- 11.5. **Local Plan Policy CC3** (Minimising Flood Risk and Reducing Water Use) requires that new development is designed to take account of increasing risks of flooding.
- 11.6. An Environmental Statement (ES) has been submitted but this would not be acceptable to demonstrate compliance with Local Plan Policy CC2 on sustainable design and construction. The ES notes that the site is in the Environment Agency's Flood Zone 1 which is true and therefore the site is low risk in terms of flooding from the River Thames.
- 11.7. In terms of surface water flood risk, the site is not in a surface water flooding hotspot, although the council's Surface Water Management Plan shows that in an intense storm there may be some low-level ponding of water on the site. The commitment to collect rainwater from the roofs of the venue spaces and use it for the flushing of toilets where possible is welcomed.
- 11.8. Subject to the submission of details by way of condition of the drainage and attenuation measures to be implemented officers consider that the proposed development would be acceptable in accordance with Policy SI 13 of the London Plan 2021, policy requiring flood risk assessment and development to mitigate flood risk, Policies CC3 and CC4 of the Local Plan 2018 which requires development to minimise future flood risk.

Sustainable Drainage

- 11.9. **London Plan Policy SI 13** (Sustainable Drainage) states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.
- 11.10. **Local Plan Policy CC4** (Minimising Surface Water Run-Off) states that new development will be expected to minimise current and future flood risk and that sustainable urban drainage will be expected to be incorporated into new development to reduce the risk of flooding from surface water and foul water.
- 11.11. The proposed scheme will discharge into the foul and surface water drainage network that was installed as part of the Scale Space development, completed in 2020. However, the Scale Space system is

only considered part of the 0.6Ha Troubadour Application Site. Currently, 0.27Ha of the Western portion of the Troubadour plot discharges into the Scale Space network, through a single connection that feeds into a manhole within the adjacent access road directly to the North of the Application Site. The Scale Space network is controlled by a flow control device downstream from the attenuation tank installed just West of the Scale Space development. The current Thames Water and planning application approved flow limit is 18.2 l/s. The proposal is to maintain the current 18.2 l/s restriction on the site's surface water discharge rate and increase onsite attenuation to account for the larger catchment area.

- 11.12. The Drainage Strategy (SuDS) submitted is subject to a condition requiring the submission of a revised document that reflects further detailed design work on the basis of it not demonstrating clear compliance with the London Plan and Local Plan policies on the management of surface water run-off. However, officers do consider that the fundamental engineering aspects are adequate to deliver a strategy that delivers the required quality of drainage.
- 11.13. Subject to the submission of details by way of condition of the drainage and attenuation measures to be implemented officers consider that the proposed development would be acceptable in accordance with Policy SI 13 of the London Plan 2021, policy requiring flood risk assessment and development to mitigate flood risk, Policies CC3 and CC4 of the Local Plan 2018 which requires development to minimise future flood risk.

Ecology, Trees, Landscaping and Public Realm

- 11.14. London Plan Policy G5 (Urban Greening) states that development proposals should integrate green infrastructure from the beginning of the design process, which could include tree planting; green roofs and walls; and soft landscaping. London Plan Policy G7 (Trees and Woodlands) seeks the retention of trees wherever possible, and states that any loss should be replaced and additional trees should be planted where possible.
- 11.15. **Local Plan Policy OS5** (Greening the Borough) seeks to enhance biodiversity and green infrastructure in the borough.
- 11.16. No outdoor amenity spaces are proposed as part of the application due to site coverage of the proposed temporary structures. There will be no loss of existing trees as part of the scheme.
- 11.17. As such the proposal is considered to be in accordance with London Plan Policies G5 and G7 and Policy OS5 of the Local Plan 2018.

Land Contamination

- 11.18. **NPPF Paragraph 183** states planning decisions should ensure that sites are suitable for its new use taking account of ground conditions and after remediation the land should not be capable of being determined as contaminated land.
- 11.19. London Plan Policy SD1 encourages the strategic remediation of contaminated land.
- 11.20. **Local Plan Policy CC9** ensures that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works.
- 11.21. Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. Although the development will not break ground conditions will be attached to any approval to minimise any potential risk and ensure that mitigation measures are put in place if required.
- 11.22. No objection is raised by the Council's Contaminated Land Officers to the proposed development or land uses subject to attaching all the standard contaminated land conditions to any approval in order to comply with Policy SD1 of the London Plan and Policy CC9 of the Local Plan.

Air Quality

- 11.23. LBHF was designated as an Air Quality Management Area (AQMA) in 2000 for two pollutants - Nitrogen Dioxide (N02) and Particulate Matter (PM10). The main local sources of these pollutants are road traffic and buildings (gas boiler emissions).
- 11.24. **NPPF Paragraph 124** relates to air quality, and it states planning decisions should ensure that any new development in air Quality Management Areas is consistent with the local air quality action plan.
- 11.25. **London Plan Policy SI 1** seeks that development proposals minimise pollutant emissions and promote sustainable design and construction to reduce emissions from the demolition and construction of the buildings; not worsen existing poor-quality air quality. Where additional negative air quality impacts from a new development are identified, mitigation measures will be required to ameliorate these impacts. This approach is consistent with paragraphs 120 and 124 of the NPPF. Further the Mayor of London's Environment Strategy (2018) provides a framework of policy which aims to improve air quality in London.
- 11.26. **Local Plan Policy CC10** explains that the Council will reduce levels of local air pollution and improve air quality in line with the national air quality objectives.

- 11.27. The development proposals state that it will aim to connect to the local mains electricity network, which is supported, but will otherwise reply on Zero emission emergency generators. A condition is secured that prior to the operation of the development details of the Zero Emission power generator units shall be submitted to the council. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained for the lifetime of the development.
- 11.28. In summary, officers consider that subject to the condition mentioned above the development meets with policy requirements. Officers therefore consider that the proposed development accords with London Plan Policy SI 1 and Local Plan Policy CC10 and that there are no material considerations which indicate that planning permission should not be granted.

Archaeology

- 11.29. **NPPF Paragraph 194** relates to archaeology and requires developers to submit appropriate desk-based assessments where a development site has the potential to include heritage assets with archaeological value.
- 11.30. **London Plan Policy HC1** (Heritage conservation and growth) advises that development should incorporate measures that appropriately address the site's archaeology.
- 11.31. **Local Plan Policy DC8** (Heritage and Conservation) advises that new development should respect and enhance the historic environment of the Borough, including archaeological assets.
- 11.32. The application proposes temporary structures and will not comprise of any foundations. Officers therefore consider that the proposed development will not impact on archaeology and accords with the NPPF, Policy HC1 of the London Plan 2021 and Policy DC8 of the Local Plan 2018.

12. ECONOMIC CONSIDERATIONS

Employment

- 12.1. A key consideration **within the NPPF** is the desire to secure economic growth in order to create jobs and prosperity along with securing the wellbeing of communities.
- 12.2. **London Plan Policy HC5** (Supporting London's culture and creative industries) states that development proposals should consider the use of vacant properties and land for pop-ups or meanwhile uses for cultural and creative activities during the day and at night-time to

stimulate vibrancy and viability and promote diversity in town centres, Cultural Quarters and other areas.

- 12.3. Local Plan Policy E1 (Providing for a Range of Employment Uses) and Policy E2 (Land and Premises for Employment Uses) relate to the provision of a range of employment uses and the retention of land and premises capable of providing accommodation for employment or local services.
- 12.4. In economic and employment terms, the proposed development is expected to generate in excess of 200 temporary jobs during the operational phase, through a mix of full and part-time positions. As such, the development would have a residual moderate beneficial effect on the local economy. In total, including the construction phases, employment levels will reach over 450 all on London Living wage or above. The applicant regularly works with local recruitment organisations to recruit local unemployed jobseekers and this would be the intention for the propose development within the borough. Staff receive intensive induction training and are supported and encouraged to expand their experience and progress to supervisor and duty management roles within the organisation. Further work experience is offered between departments such as front of house team to stage management.
- 12.5. The applicant has provided information on the benefits that have been provided to local communities as part of their other successful venues including free and donated tickets to local community and youth groups, and local schools and tickets sold via ticket schemes for young people aged 18-25. Troubadour Trust is the applicant's organisation that raises money through a 50p levy on ticket sales and has been used to deliver a number of projects within a borough they have previously worked within. It is the applicant's intention to offer similar activities and incentives for their work at Light City and they are currently investigating ways of working with other local theatre and event venues, organisations and local groups.
- 12.6. A condition will be attached to any approval requiring the submission of an Economic and Employment Strategy for approval by the Local Planning Authority. The strategy shall set out details, procedures and delivery plans to maximise the opportunities for local residents to access employment offered by the development.
- 12.7. The proposal is therefore considered to accord with aspirations of the NPPF, Policy HC5 of the London Plan and Local Plan Policies E1, E2 and E4.

13. CRIME PREVENTION

13.1. **London Plan Policy D11** (Safety, security and resilience to emergency) seeks to ensure and maintain a safe and secure

environment in London that is resilient against emergencies including fire, flood, weather, terrorism and related hazards as set out in the London Risk Register.

- 13.2. The development would provide clear sightlines with lighting and open circulation activated by White City Place and the existing public landscaped area providing passive surveillance in accordance with the above policies.
- 13.3. The Boroughs Counter Terrorism Security Advisor and the Design Out Crime Officer of the Metropolitan Police reviewed the details submitted and also met with the applicant and officers to discuss the overall scheme, crime prevention, security and safety, including counter terrorism measures. The officers commented that the applicant should conduct a full security Risk Assessment and that a condition should be attached to any approval to secure the submission of a Venue Management Plan for approval.
- 13.4. The Ministry of Defence (MOD) also commented that the proposed development falls within the statutory safeguarding Aerodrome Height Zone surrounding RAF Northolt but confirmed that the MOD has no statutory safeguarding objection to this application.
- 13.5. In summary, officers consider the proposals to be acceptable subject to a condition requiring the submission of a Venue Management Plan to ensure compliance with Policy D11 of the London Plan 2021.

14. COMMUNITY INFRASTRUCTURE LEVY (CIL)

14.1. Mayoral CIL came into effect in April 2012 and LBHF CIL came into effect on 1 September 2015 and are material considerations to which regard must be had when determining this planning application. This site is exempt from Borough CIL and is not liable for Mayoral CIL due to its temporary nature.

15. SUMMARY AND RECOMMENDATION

- 15.1. The proposal would see the activation of a vacant site to provide two auditoriums and event space within five adjoining temporary structures. The proposed uses are as follows;
- Theatre / Events (Sui Generis): 1,792 sqm
- Food and Drink (Use Class E(b)): 1,093 sqm
- Experience Atrium / Exhibit (Sui Generis): 708 sqm
- Gym / Fitness (Use Class E(d)): 564 sqm
- Offices / Collaborate (Use Class E(g)(i)): 251 sqm
- Rooftop Bar / Terrace (Sui Generis): 398 sqm
- Ancillary Front and Back of House uses.

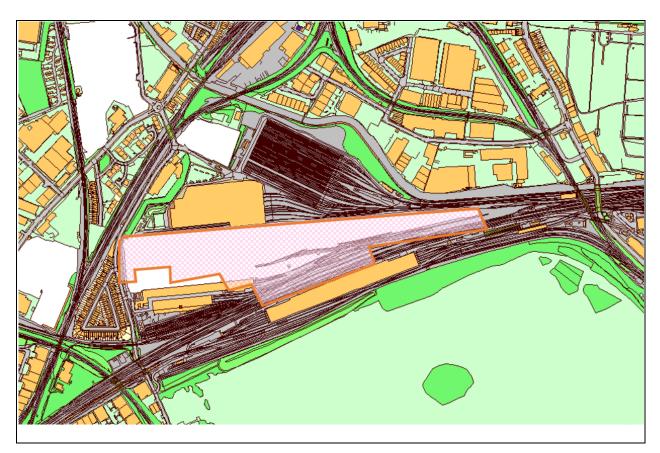
- 15.2. The site is located within the White City Regeneration Area and the primary land use in the area is retail located at the Westfield Shopping Centre as well as established destination centres such as Shepherd's Bush Market and Shepherd's Bush Green. It is considered that the site is a suitable location for temporary leisure, recreation, cultural and entertainment facilities. This activation of the vacant derelict space will be beneficial to the regeneration area generally. It is considered that the proposed provision of a temporary theatre venue would contribute to the overall mix of uses within the site until the approved Imperial College development is implemented, which is consistent with the requirements of the WCRA policies with regard to employment generation in the area and provision of leisure facilities as well as small-scale retail in accordance with Policy HC5 of the London Plan 2021 and Policy WCRA of the Local Plan 2018.
- 15.3. The venue would be limited to one evening show every day (Mondays to Sundays) with a maximum capacity of 2,000 people with the majority of visitors leaving the venue via the proposed St James White City Place pedestrian bridge which shall remain open Mondays to Sundays from 6:30 until 23:00hrs. A license has been agreed between St James Group Limited and Troubadour Theatre Limited to allow visitors to access the venue through the White City Living development and proposed pedestrian bridge. As long as this arrangement is in place officers consider the accesses would not compromise highway safety or the safety of pedestrians on the footway, in accordance with Policies T1, T2 and D5 of the London Plan 2021, and Policies T4 and T5 of the Local Plan 2018. The maximum number of people visiting the venue shall not exceed 2,500 people at any time.
- 15.4. If is considered that the proposals would not result in detrimental impacts to heritage assets and any temporary minor impacts are considered to be outweighed by the social, economic and environmental public benefits that the proposal would deliver in accordance with Policies DC1, DC2 and DC3 of the Local Plan 2018 and Policy HC1 of the London Plan 2021. The proposed scheme would also accord with Sections 66 and 72 of Planning (Listed Buildings and Conservation Areas) Act 1990.
- 15.5. Accordingly, it is recommended that the proposed development be granted planning permission for a temporary period of 10 years subject to the conditions listed.

Agenda Item 7

Ward: College Park And Old Oak

Site Address:

Old Oak Common Station, Old Oak Common Lane, London NW10 6DZ



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Reg. No: 2022/01251/OPDOBS

Case Officer: Sinead Winship-David

Date Valid: 03.05.2022

Committee Date: 07.06.2022

Conservation Area:

Applicant:

Old Oak and Park Royal Development Corporation Brent Civic Centre 32 Engineers Way Wembley HA9 0FJ

Description:

Consultation by OPDC on 22/0065/HS2OPDC Application under Schedule 17 of the High Speed Rail (London-West Midlands) Act 2017 for amendments to ancillary buildings approved as part of Old Oak Common station and associated works (OPDC ref: 20/0012/HS2OPDC) comprising of amendments to headhouses, ventilation structures and the cycle hub. Drg Nos:

Application Type:

Observations to OPDC

Officer Recommendation:

The Council raises no objections to the OPDC in relation to this application.

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

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

Application form received: 29th April 2022 Drawing Nos:

Policy documents: National Planning Policy Framework (NPPF) (2021) The London Plan (2021) OPDC - Post Submission Modified Draft Local Plan (2021)

Consultation Comments:

Comments from:

Neighbour Comments:

Letters from: None received. Dated:

Dated:

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OFFICER'S REPORT

1. BACKGROUND

- 1.1. The London Borough of Hammersmith and Fulham (LBHF) have been consulted on the above s17 application by the Old Oak and Park Royal Development Corporation (OPDC). The Council is consulted on all applications within the Old Oak and Park Royal Opportunity Area (the Opportunity Area) that fall within its borough boundary.
- 1.2. The 2011 Localism Act provided the Mayor with powers to set up Mayoral Development Corporations. The OPDC was established by a Statutory Instrument in January 2015, and was granted planning powers through a further Statutory Instrument in March 2015. The OPDC came into existence on 1 April 2015. On this date the OPDC became the local planning authority for the area, taking on planning functions including plan making powers and determination of planning applications. LBHF remains the highway authority for the area within the borough boundary.
- 1.3. The site is within the Old Oak and Park Royal Opportunity Area which is expected to accommodate at least 25,500 new homes and 65,000 new jobs. Policy H1 of the London Plan sets a ten-year housing target for the OPDC of 13,670 completions.
- 1.4. This application is being brought to Planning and Development Control Committee to give Members the opportunity to consider and endorse comments that officers recommend be submitted to OPDC. This application is made under s17 of the High Speed Rail (London-West Midlands) Act 2017.
- 1.5. Members should be aware that the application is scheduled to be presented to OPDC's Planning Committee meeting for a decision on the 7 July 2022 under reference 22/0065/HS2OPDC.

Site & Surroundings

- 1.6. The subject site is approximately 900m long from east to west and is bordered by the Crossrail Depot to the north, further operational railway land to the east, the Great Western Mainline (GWML) tracks and IEP Depot and rail sidings to the south, with Old Oak Common Lane and the Wells House Road residences to the west. The site area is 9.9 hectares.
- 1.7. The proposed Old Oak Common Station will be accessed from Old Oak Common Lane. The site is comprised of operational railway land occupied by the Great Western Railway (GWR) and Heathrow Express (HEx) depots, which have been demolished as part of the HS2 works.
- 1.8. The HS2 route through the administrative area of OPDC will enter LBHF from the Royal Borough of Kensington and Chelsea (RBKC) below Kensal Green Cemetery via the underground twinbore Euston tunnel before crossing under the Grand Union Canal into the OPDC administrative area. The route through the OPDC area will be approximately 4.5km in length. The majority of the route will be below ground with the exception of the HS2 station and associated

infrastructure, known as Old Oak Common station, which is the subject of this Schedule 17 Plans and Specifications submission.

- 1.9. The area directly to the north of the subject site is occupied by the Crossrail Depot and railway sidings. The Grand Union Canal is located to the north of the Crossrail Depot with large commercial and industrial uses on the north side of the canal. Willesden Junction station and residential uses lie further to the north.
- 1.10. To the east of the subject site are further operational railway lands with the open spaces of St Marys.Kensal Green Cemetery and Little Wormwood Scrubs recreation grounds lying beyond to the northeast and southeast respectively. Further residential areas including Kensal Town, Ladbroke Grove and North Kensington lie further to the east. Directly to the south is the Intercity Express Programme (IEP) Depot, beyond which lies Wormwood Scrubs. HM Prison Wormwood Scrubs is located at the south of Wormwood Scrubs, with additional educational, leisure and recreation facilities also present. Residential areas associated with White City and East Acton lie further to the south.
- 1.11. A number of industrial and commercial uses lie to the south-west with the Wider residential areas of West Acton lying further to the west and south-west. Old Oak Common Lane bounds the subject site to the west with the Wells House Road residences lying on the western side of Old Oak Common Lane. Park Royal Industrial Estate lies further west and northwest from the subject site.
- 1.12. The site is located within Flood Risk Zone 1. The St Mary's Kensal Green Cemetery and Little Wormwood Scrubs recreation grounds lying to the northeast and southeast respectively are designated Local Wildlife Sites. St Mary's Cemetery is within the St Mary's conservation with a number of listed structures (Grade II) associated with the cemetery uses. Wormwood Scrubs lies to the south of the subject site which is a Local Wildlife Site with areas within also being designated as a Local Nature Reserve.
- 2. PLANNING HISTORY
 - 2.1. The below applications relate to HS2 development at this site and are considered relevant to this application. The applications have been determined by OPDC as the Local Planning Authority, however, LBHF was provided the opportunity to comment on each submission.

20/0011/HS2OPDC – Application under Schedule 17 of the High Speed Rail (London – West Midlands) Act 2017 relating to works associated with the realignment of Old Oak Common Lane and replacement Great Western Mainline and Central Line bridges. Approved, LBHF raised an objection to the proposal.

20/0057/HS2OPDC – Application under Schedule 17 of the High Speed Rail (London – West Midlands) Act 2017 for approval of highway routes (conditions relating to road transport) to be used by large goods vehicles associated with the main works stage including main site enabling works, excavation works (main station box), under track crossing works, Stamford Brook Sewer works, piling and diaphragm wall works, installation of tower cranes, conveyor installation, decommissioning works, ground remediation works, satellite site A/B

enabling works, Wycombe line bridge demolition works and all other activities for the purposes and in connection with the scheduled and ancillary works for HS2 at four construction site compounds comprising Old Oak Common Station, Atlas Road, Willesden Euro Terminal and Satellite Sites A/B. Approved.

20/0013/HS2OPDC – Application under Schedule 16 of the High Speed Rail (London - West Midlands) Act 2017 relating to the onsite road layout associated with the new Old Oak Common station. Approved, LBHF did not object but did raise highways concerns.

20/0012/HS2OPDC – Application under Schedule 17 of the High Speed Rail (London-West Midlands) Act 2017 relating to above ground works associated with the new Old Oak Common station comprising main concourse, overbridges, stairs, escalators, lifts to conventional rail, conventional rail platforms and canopies, ventilation structures and associated works. Approved.

2.2. A further application has been submitted, ref. 22/0064/HS2OPDC, that will also be determined by OPDC's 7 July 2022 committee. The application is made under Schedule 17 of the High Speed Rail (London-West Midlands) Act 2017 for works associated with the urban realm for the new Old Oak Common station comprising earthworks; wetland area earthworks; retaining walls; bus canopies; fences and walls; bollards; seating; planters; cycle stands; lighting equipment; a DNO substation; hard and soft landscaping; road vehicle parks and onsite road layout. LBHF have been consulted on this application and Officer's recommendations are set out within a separate committee report for Member's consideration at the 7 June 2022 committee (LBHF ref. 2022/01249/OPDOBS).

3. PROPOSAL

- 3.1. The High Speed Rail (London West Midlands) Act 2017 (the Act) provides powers for the construction and operation of Phase One of High Speed Two. HS2 Ltd is the nominated undertaker in relation to the works subject to this Plans and Specifications submission. Section 20 to the Act grants deemed planning permission for the works authorised by it, subject to the conditions set out in Schedule 17. Schedule 17 includes conditions requiring the following matters to be approved or agreed by the relevant local planning authority:
 - o Construction arrangements (including large goods vehicle routes),
 - o Plans and specifications,
 - o Bringing into use requests, and
 - o Site restoration schemes.
- 3.2. The relevant scheduled works as set out under Schedule 1 of the Act to which this Schedule 17 submission relates are:

Work No. 1/1 - A railway (23.48 kilometres in length) partly in tunnel, commencing at a point 235 metres east of the junction of North Gower Street with Drummond Street passing north-westwards and terminating beneath a point 80 metres north-west of the bridge carrying Ickenham Road over the Marylebone to Aylesbury Railway. Work No. 1/1 includes shafts at Cobourg Street, Mornington Street, Granby Terrace, Parkway, Adelaide Road, Alexandra Place, Canterbury Works and Greenpark Way, a station at Old Oak Common

and a Crossover Box at Victoria Road'

'Work No. 1/15 - A railway (22.77 kilometres in length) partly in tunnel commencing by a junction with Works Nos. 1/1 and 1/16 at a point 40 metres north-east of the junction of Stanhope Street with Granby Terrace passing north westwards and terminating at a point 84 metres north-west of the bridge carrying Ickenham Road over the Marylebone to Aylesbury Line, and including shafts at Salusbury Road, Westgate, Greenpark Way, Mandeville Road and South Ruislip, a station at Old Oak Common and a crossover box at Victoria Road.'

- 3.3. The works submitted for approval relate to ancillary buildings within the wider Old Oak Common Station site. These buildings have previously been approved under ref. 20/0012/HS2OPDC which granted s17 consent for the new station. The current application seeks to amend the consented structures as follows:
 - Adjustments to the footprint and an increase in the height of the west portal and west core buildings to align with the urban realm design and to provide for flood mitigation;
 - Amendments to Approved Ancillary Buildings 13 portal and west core buildings to align with the urban realm design and to provide for flood mitigation;
 - Three of the above ground stair pressurisation vents have been incorporated into the design of the west portal building. These are designed as a sunken vent and involve earthworks;
 - Changes to the position, size and shape of the western vent shafts to align with the urban realm design;
 - Adjustments to the form and design of the east portal and east core buildings, including an increase in height due to flood mitigation to align with the urban realm design;
 - Adjustments to the eastern ventilation voids to align with the urban realm design; and
 - Redesign of the cycle hub to align with the urban realm design and as plant equipment associated with the station is no longer required to be located within the cycle hub building
- 3.4. The four headhouse structures east/west portal and east/west core are required across the station site, for the operation of the below ground HS2 station. Their location is determined by the below ground station box and tunnels. The headhouse structures serve as firefighter intervention points, escape and evacuation routes and contain the high-speed component of the mechanical and electrical plant (MEP) accommodation. This application seeks amendments to the above ground elements of the structures. Increases to the consented heights of the structures are proposed, ranging from 0.2m to 2.3m. The submission by HS2 advises that the increases in height are necessary to implement flood mitigation to the structures.
- 3.5. Minor amendments are proposed to ventilation shafts and voids across the site.

These changes primarily relate to the forms of the vents which HS2 advise are necessary to accommodate the on-site road layout and to better compliment the urban realm scheme.

- 3.6. The cycle hub is to be amended to omit four heat pumps which no longer need to be accommodated externally from the station. The design now allows for a dedicated cycle hub which would provide storage for 350 bicycles.
- 3.7. The amendments to the ancillary buildings and related earthworks require approval in accordance with paragraphs 2 and 3 of Schedule 17 of the Act.

4. PUBLICITY & CONSULTATION

- 4.1. This s17 application was submitted to OPDC who are the Local Planning Authority, and it is their statutory duty to consult on the planning application. However, there is no statutory requirement to undertake public consultation on Schedule 17 applications in the Act. Only Natural England, the Environment Agency and Historic England are required to be consulted, and only where the application relates to issues relevant to those organisations.
- 4.2. Notwithstanding the above, OPDC have undertaken the following additional consultations:
 - Neighbour notification letters sent to 326 properties
 - Consultation letters sent to relevant stakeholders (including LBHF, LB Ealing, RBKC, Brent Council, TfL and the GLA) and amenity groups
- 4.3. LBHF have not received any representations in relation to this application.

5. PLANNING FRAMEWORK

High Speed Rail (London – Midlands) Act 20147

- 5.1. The High Speed Rail (London West Midlands) Act 2017 (the 'Act') grants deemed planning permission for the construction of phase one of the High Speed Two (HS2) railway from London to the West Midlands. This deemed planning permission is subject to conditions set out in Schedule 17 ('conditions relating to deemed planning permission') of the Act. As the nominated undertaker for the delivery of HS2, High Speed Two Limited (HS2 Ltd) must apply to local planning authorities for the approval of certain details.
- 5.2. Paragraph 2 of Schedule 17 requires an application to be submitted for the approval of plans and specifications relating to above ground works. Paragraph 3 requires an application to be submitted for 'other construction works'.
- 5.3. In accordance with paragraph 2(5) of Schedule 17 of the Act, the relevant planning authority may only refuse to approve plans or specifications on the ground that:

(a) The design or external appearance of the building works ought to be modified –

(i) To preserve the local environment or local amenity,

(ii) To prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or

(iii) To preserve a site of archaeological or historic interest or nature conservation value,

and is reasonably capable of being so modified, or

(b) The development ought to, and could reasonably, be carried out elsewhere within the development's permitted limits.

5.4. Paragraph 3 (6) of Schedule 17 of the Act states the possible grounds for refusal or approval for the various types of other construction works.

Planning Policy

- 5.5. Planning policies are only relevant to the determination of the application insofar as they relate to the matters prescribed in paragraphs 2 and 3 of Schedule 17.
- 5.6. The relevant development plan documents for the application site area are:
 - London Plan (2021)
 - OPDC Post Submission Modified Draft Local Plan (2021)

6. ASSESSMENT

6.1. Urban Design & Heritage

6.1.1. The proposals contained within the s17 submission, relate to minor changes to a number of ancillary buildings associated with the development of the HS2 station. Following review of these amendments, the details of the proposed changes is considered acceptable and would not raise any additional urban design or heritage considerations.

6.2. Highways

- 6.2.1. The alterations to the ancillary structures have been informed by the development of the on-site road layout and flood mitigation. LBHF's comments on the on-site road layout are provided under ref. 2022/01249/OPDOBS.
- 6.2.2. The alterations to the cycle hub involve the removal of plant equipment that can be accommodated elsewhere within the station site. The proposals do not seek to change the cycle storage strategy. As such, LBHF would not raise any additional highways considerations.

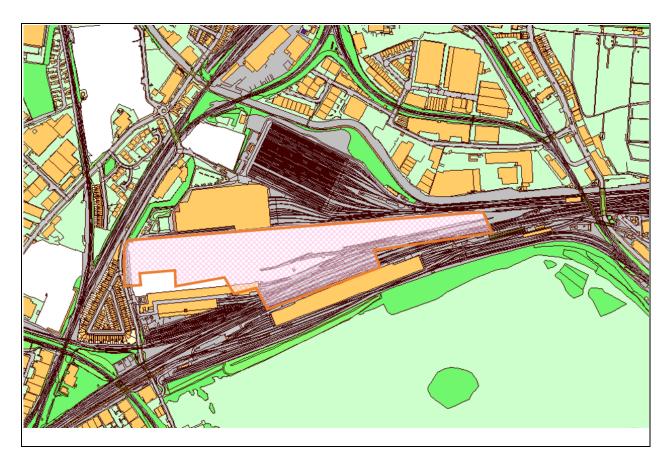
7. CONCLUSION & RECOMMENDATION

7.1. Officers recommend that the Council raises no objections to the OPDC in relation to this application.

Ward: College Park And Old Oak

Site Address:

Old Oak Common Station, Old Oak Common Lane, London NW10 6DZ



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<u>Reg. No</u>: 2022/01249/OPDOBS <u>Case Officer</u>: Sinead Winship-David

Date Valid: 03.05.2022

Committee Date: 07.06.2022

Conservation Area:

Applicant:

Old Oak and Park Royal Development Corporation Brent Civic Centre 32 Engineers Way Wembley HA9 0FJ

Description:

Consultation by OPDC on 22/0064/HS2OPDC Application under Schedule 17 of the High Speed Rail (London-West Midlands) Act 2017 for works associated with the urban realm for the new Old Oak Common station comprising earthworks; wetland area earthworks; retaining walls; bus canopies; fences and walls; bollards; seating; planters; cycle stands; lighting equipment; a DNO substation; hard and soft landscaping; road vehicle parks and onsite road layout. Drg Nos:

Application Type:

Observations to OPDC

Officer Recommendation:

The Council raises an objection to the proposed development for the following reason(s):

- Highway Impacts: Additional information is required to fully demonstrate that the road layout and associated features can operate safely and to further demonstrate compliance with the London Plan. Please refer to the attached committee report to read the full assessment of the proposal and the Council's requested revisions should permission be granted.
- 2) Insofar as it relates to the connectivity of Old Oak Common Station with the wider area, the design of the urban realm is unacceptable. LBHF strongly recommends that wider links and connectivity to Scrubs Lane, the Grand Union Canal and Wormwood Scrubs are delivered at an early stage of the development programme. Further details of LBHF's concerns in this regard are provided in the attached committee report.

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

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

Application form received: 29th April 2022 Drawing Nos:

Policy documents: National Planning Policy Framework (NPPF) (2021) The London Plan (2021) OPDC - Post Submission Modified Draft Local Plan (2021)

Consi	ultation	Comments:
001101	ancacion	00111101110

Comments from:

Dated:

Neighbour Comments:

Letters from: None received. Dated:

OFFICER'S REPORT

1. BACKGROUND

- 1.1. The London Borough of Hammersmith and Fulham (LBHF) have been consulted on the above s17 application by the Old Oak and Park Royal Development Corporation (OPDC). The Council is consulted on all applications within the Old Oak and Park Royal Opportunity Area (the Opportunity Area) that fall within its borough boundary.
- 1.2. The 2011 Localism Act provided the Mayor with powers to set up Mayoral Development Corporations. The OPDC was established by a Statutory Instrument in January 2015, and was granted planning powers through a further Statutory Instrument in March 2015. The OPDC came into existence on 1 April 2015. On this date the OPDC became the local planning authority for the area, taking on planning functions including plan making powers and determination of planning applications. LBHF remains the highway authority for the area within the borough boundary.
- 1.3. The site is within the Old Oak and Park Royal Opportunity Area which is expected to accommodate at least 25,500 new homes and 65,000 new jobs. Policy H1 of the London Plan sets a ten-year housing target for the OPDC of 13,670 completions.
- 1.4. This application is being brought to Planning and Development Control Committee to give Members the opportunity to consider and endorse comments that officers recommend be submitted to OPDC. This application is made under s17 of the High Speed Rail (London-West Midlands) Act 2017.
- 1.5. Members should be aware that the application is scheduled to be presented to OPDC's Planning Committee meeting for a decision on the 7 July 2022 under reference 22/0064/HS2OPDC.

Site & Surroundings

- 1.6. The subject site is approximately 900m long from east to west and is bordered by the Crossrail Depot to the north, further operational railway land to the east, the Great Western Mainline (GWML) tracks and IEP Depot and rail sidings to the south, with Old Oak Common Lane and the Wells House Road residences to the west. The site area is 9.9 hectares.
- 1.7. The proposed Old Oak Common Station will be accessed from Old Oak Common Lane. The site is comprised of operational railway land occupied by the Great Western Railway (GWR) and Heathrow Express (HEx) depots, which have been demolished as part of the HS2 works.
- 1.8. The HS2 route through the administrative area of OPDC will enter LBHF from the Royal Borough of Kensington and Chelsea (RBKC) below Kensal Green Cemetery via the underground twinbore Euston tunnel before crossing under the Grand Union Canal into the OPDC administrative area. The route through the OPDC area will be approximately 4.5km in length. The majority of the route will be below ground with the exception of the HS2 station and associated

infrastructure, known as Old Oak Common station, which is the subject of this Schedule 17 Plans and Specifications submission.

- 1.9. The area directly to the north of the subject site is occupied by the Crossrail Depot and railway sidings. The Grand Union Canal is located to the north of the Crossrail Depot with large commercial and industrial uses on the north side of the canal. Willesden Junction station and residential uses lie further to the north.
- 1.10. To the east of the subject site are further operational railway lands with the open spaces of St Marys.Kensal Green Cemetery and Little Wormwood Scrubs recreation grounds lying beyond to the northeast and southeast respectively. Further residential areas including Kensal Town, Ladbroke Grove and North Kensington lie further to the east. Directly to the south is the Intercity Express Programme (IEP) Depot, beyond which lies Wormwood Scrubs. HM Prison Wormwood Scrubs is located at the south of Wormwood Scrubs, with additional educational, leisure and recreation facilities also present. Residential areas associated with White City and East Acton lie further to the south.
- 1.11. A number of industrial and commercial uses lie to the south-west with the Wider residential areas of West Acton lying further to the west and south-west. Old Oak Common Lane bounds the subject site to the west with the Wells House Road residences lying on the western side of Old Oak Common Lane. Park Royal Industrial Estate lies further west and northwest from the subject site.
- 1.12. The site is located within Flood Risk Zone 1. The St Mary's Kensal Green Cemetery and Little Wormwood Scrubs recreation grounds lying to the northeast and southeast respectively are designated Local Wildlife Sites. St Mary's Cemetery is within the St Mary's conservation with a number of listed structures (Grade II) associated with the cemetery uses. Wormwood Scrubs lies to the south of the subject site which is a Local Wildlife Site with areas within also being designated as a Local Nature Reserve.

2. PLANNING HISTORY

2.1. The below applications relate to HS2 development at this site and are considered relevant to this application. The applications have been determined by OPDC as the Local Planning Authority, however, LBHF was provided the opportunity to comment on each submission.

20/0011/HS2OPDC – Application under Schedule 17 of the High Speed Rail (London – West Midlands) Act 2017 relating to works associated with the realignment of Old Oak Common Lane and replacement Great Western Mainline and Central Line bridges. Approved, LBHF raised an objection to the proposal.

20/0057/HS2OPDC – Application under Schedule 17 of the High Speed Rail (London – West Midlands) Act 2017 for approval of highway routes (conditions relating to road transport) to be used by large goods vehicles associated with the main works stage including main site enabling works, excavation works (main station box), under track crossing works, Stamford Brook Sewer works, piling and diaphragm wall works, installation of tower cranes, conveyor installation, decommissioning works, ground remediation works, satellite site A/B

enabling works, Wycombe line bridge demolition works and all other activities for the purposes and in connection with the scheduled and ancillary works for HS2 at four construction site compounds comprising Old Oak Common Station, Atlas Road, Willesden Euro Terminal and Satellite Sites A/B. Approved.

20/0013/HS2OPDC – Application under Schedule 16 of the High Speed Rail (London - West Midlands) Act 2017 relating to the onsite road layout associated with the new Old Oak Common station. Approved, LBHF did not object but did raise highways concerns.

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2.2. A further application has been submitted, ref. 22/0065/HS2OPDC, that will also be determined by OPDC's 7 July 2022 committee. The application is made under Schedule 17 of the High Speed Rail (London-West Midlands) Act 2017 for amendments to ancillary buildings approved as part of Old Oak Common station and associated works (OPDC ref: 20/0012/HS2OPDC) comprising of amendments to headhouses, ventilation structures and the cycle hub. LBHF have been consulted on this application and Officer's recommendations are set out within a separate committee report for Member's consideration at the 7 June 2022 committee (LBHF ref. 2022/01251/OPDOBS).

3. PROPOSAL

- 3.1. The High Speed Rail (London West Midlands) Act 2017 (the Act) provides powers for the construction and operation of Phase One of High Speed Two. HS2 Ltd is the nominated undertaker in relation to the works subject to this Plans and Specifications site restoration scheme submission. Section 20 to the Act grants deemed planning permission for the works authorised by it, subject to the conditions set out in Schedule 17. Schedule 17 includes conditions requiring the following matters to be approved or agreed by the relevant local planning authority:
 - o Construction arrangements (including large goods vehicle routes),
 - o Plans and specifications,
 - o Bringing into use requests, and
 - o Site restoration schemes.
- 3.2. The relevant scheduled works as set out under Schedule 1 of the Act to which this Schedule 17 submission relates are:

Work No. 1/1 - A railway (23.48 kilometres in length) partly in tunnel, commencing at a point 235 metres east of the junction of North Gower Street with Drummond Street passing north-westwards and terminating beneath a point 80 metres north-west of the bridge carrying Ickenham Road over the Marylebone to Aylesbury Railway. Work No. 1/1 includes shafts at Cobourg Street, Mornington Street, Granby Terrace, Parkway, Adelaide Road, Alexandra Place, Canterbury Works and Greenpark Way, a station at Old Oak Common

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3.3. The works submitted for approval are a site restoration scheme and comprise the works associated with the urban realm for the new Old Oak Common Station incorporate:

earthworks; wetland area earthworks; retaining walls; bus canopies; fences and walls; bollards; seating; planters; cycle stands; lighting equipment; a DNO (Distribution Network Operator) substation; hard and soft landscaping; road vehicle parks and, the onsite road layout.

- 3.4. The site restoration scheme requires approval in accordance with paragraphs 2 and 3 of Schedule 17 of the Act, and agreement in accordance with paragraph 12 of Schedule 17 of the Act.
- 3.5. The urban realm scheme is made up of a number of elements across the wider Station site as shown in Figure 1 below.

Western urban realm	Eastern urban realm
Intermodal area	
MALER ST. A.	
Arrival space OOC Lane	Old Oak Common Station
Wetland Common Station plaza	in the second

Figure 1 – Proposed urban realm scheme overview

4. PUBLICITY & CONSULATION

4.1. This s17 application was submitted to OPDC who are the Local Planning Authority, and it is their statutory duty to consult on the planning application. However, there is no statutory requirement to undertake public consultation on Schedule 17 applications in the Act. Only Natural England, the Environment Agency and Historic England are required to be consulted, and only where the application relates to issues relevant to those organisations.

- 4.2. Notwithstanding the above, OPDC have undertaken the following additional consultations:
 - Neighbour notification letters sent to 326 properties
 - Consultation letters sent to relevant stakeholders (including LBHF, LB Ealing, RBKC, Brent Council, TfL and the GLA) and amenity groups
- 4.3. LBHF have not received any representations in relation to this application.

5. PLANNING FRAMEWORK

High Speed Rail (London – Midlands) Act 20147

- 5.1. The High Speed Rail (London West Midlands) Act 2017 (the 'Act') grants deemed planning permission for the construction of phase one of the High Speed Two (HS2) railway from London to the West Midlands. This deemed planning permission is subject to conditions set out in Schedule 17 ('conditions relating to deemed planning permission') of the Act. As the nominated undertaker for the delivery of HS2, High Speed Two Limited (HS2 Ltd) must apply to local planning authorities for the approval of certain details.
- 5.2. Paragraph 2 of Schedule 17 requires an application to be submitted for the approval of plans and specifications relating to above ground works. Paragraph 3 requires an application to be submitted for 'other construction works'.
- 5.3. In accordance with paragraph 2(5) of Schedule 17 of the Act, the relevant planning authority may only refuse to approve plans or specifications on the ground that:

(a) The design or external appearance of the building works ought to be modified –

(i) To preserve the local environment or local amenity,

(ii) To prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or

(iii) To preserve a site of archaeological or historic interest or nature conservation value,

and is reasonably capable of being so modified, or

(b) The development ought to, and could reasonably, be carried out elsewhere within the development's permitted limits.

5.4. Paragraph 3 (6) of Schedule 17 of the Act states the possible grounds for refusal or approval for the various types of other construction works.

Planning Policy

- 5.5. Planning policies are only relevant to the determination of the application insofar as they relate to the matters prescribed in paragraphs 2 and 3 of Schedule 17.
- 5.6. The relevant development plan documents for the application site area are:

- London Plan (2021)
- OPDC Post Submission Modified Draft Local Plan (2021)

6. ASSESSMENT

6.1. Urban Design and Heritage

- 6.1.1. The design principles of the urban realm strategy are generally considered to represent a high quality of design. The scale, variety and detailing of public spaces and landscape features will provide a positive environment for local residents, visitors and those interchanging at the station to enjoy throughout the day. These features would also support the future development ambitions of key sites within the local area.
- 6.1.2. Whilst the general principles of key areas of the urban realm towards the west of the main station entrance are strongly supported, the experience of spaces to the northern/eastern aspect of the station environment would benefit from additional design development to ensure that these spaces maximise opportunities for passive surveillance and activity in order to become safe and attractive spaces overall. Delivery of the second (eastern) station access would also be encouraged in this regard.

Connectivity and permeability

- 6.1.3. The design of the urban realm strategy serves to create strong and meaningful pedestrian and cycle route connections between the station and Old Oak Common Lane. However, as has been discussed throughout pre-application discussions, it is disappointing that more strategic opportunities to integrate additional connectivity to Scrubs Lane, the Grand Union Canal and Wormwood Scrubs are not to be delivered by the urban realm from day one of the railway operations.
- 6.1.4. These wider links and connectivity would, (alongside provision of a secondary station entrance), be of particular benefit to Hammersmith and Fulham residents and support the ongoing regeneration and economic development activities within the White City opportunity area.
- 6.1.5. Although it is noted that the future provision of these routes is considered within the current supporting documents accompanying the Schedule 17 Submission, it is strongly encouraged that these connections are delivered at an early stage of the development programme to provide a robust and complete connectivity strategy.
- 6.1.6. The proposals do not raise any heritage considerations.

6.2. Highways

- 6.2.1. The highway works sought by this application are summarised as follows:
 - Onsite road layout;

- Provision of a car park;
- Bus shelter, drop off/pick up, taxi bay and accessible parking canopies;
- Cycle stands
- 6.2.2. LBHF have previously commented on a proposed onsite road layout (ref. 2020/00301/OPDOBS). This application was made under s16 of the Act, however, it is now necessary to secure consent under s17 owing to a change in land ownership. LBHF did not raise an objection to the previous application, however, concerns were raised regarding wayfinding, servicing, construction logistics, car parking and cycle storage. The road layout now proposed is largely the same as that previously consented, with some minor amendments in response to a Road Safety Audit and the development of the urban realm scheme.
- 6.2.3. LBHF Highway's officers have reviewed the proposals and raised a number of objections that are detailed below. These detailed comments are intended to inform OPDC of LBHF's objections.

Walking

- 6.2.4. The proposed access / movement strategy for pedestrians is unacceptable. Pedestrians approaching the site from the south may utilise the zebra crossing on Old Oak Common Lane (OOCL), as shown on drawing GA S8. There are no dropped kerbs indicated on plan and therefore it has not been sufficiently demonstrated that pedestrians or cyclists would be able to easily access the site. The applicant should provide further information regarding access to the site from OOCL from the south of the site access.
- 6.2.5. Pedestrians accessing the site from the north on Old Oak Common Lane are required to use the proposed staggered crossing to access the site facilities. It is unclear from the submitted information whether the island for the proposed staggered pedestrian crossing between the northern and southern footways is of sufficient width to accommodate pedestrian demand. There are concerns over the space provided for pedestrians to cross the proposed service road on OOCL. The applicant should provide additional information regarding the proposed crossing design to ensure that the proposed junction caters for future pedestrian demand.
- 6.2.6. The pedestrian crossing facilities, presented on drawing GA S1, on Old Oak Common Lane are proposed to be staggered. This approach is not supported as LBHF in conjunction with disability groups have committed to the provision of single stage crossings across the borough. The applicant is advised to revise the crossing design to meet the needs of disabled road users.
- 6.2.7. Pedestrians accessing the site from the north on Old Oak Common Lane, may enter the site utilising the footway to the north of the proposed bidirectional cycle path (drawings GA S1 & S2). Pedestrians would head eastbound on the footway adjacent to the cycle path and it is considered that there are insufficient opportunities for pedestrians to cross the service road and head towards the interchange facilities such as bus stops. The applicant should provide additional crossing points for pedestrians heading southbound across the service road from the northern footway to the public realm.

- 6.2.8. Drawing GA S5, presents a section of footway to the south of the proposed cycle path which measures 1.8 metres in width. The future connectivity between the site and Scrubs Lane could result in a significant increase in footfall to and from the east of the site. The Highway Authority (LBHF) expects all proposed footways/footpaths to measure at a minimum of 2.9 metres in width, in accordance with Transport for London's latest Pedestrian Comfort guidance (2019). The applicant should provide details relating to the pedestrian modelling undertaken to inform the proposed footway and crossing widths across the application site.
- 6.2.9. Sections of the proposed pedestrian route from the east of the application site to the station entrance is substandard (dimensions), convoluted and unattractive. The pedestrian route is within an area which is presented as back-of-house and lacking any future planning for an eastern connection to the site. It is unclear from the information submitted how pedestrians would access the train station in a convenient and safe manner. It is also noted that this route would not accord with Healthy Street principles and would require significant mitigation measures if included in a future Active Travel Zone assessment. The applicant should engage with the council to seek a satisfactory design which enables attractive, safe, and inclusive access to the site from the east.

<u>Cycling</u>

- 6.2.10. The proposed access strategy for cyclists is unacceptable. The rightturn from OOCL into the application site is proposed to take place over twostages (see GA S1), with cyclists bearing left into a dedicated cycle lay-by to wait before turning right across the left-hand lane into the service road. The proposed right-turn manoeuvre for cyclists from Old Oak Common Lane onto the proposed service road could result in confusion for cyclists and therefore conflict with other road users and would have highway safety implications. In addition, it is not clear from the submitted plans how cyclists leaving the site would access OOCL safely from the northern cycle path. Further details are required regarding priority for pedestrians and cyclists using the junction. Clarification is sought regarding the proposed signalisation of the junction on OOCL and the service road.
- 6.2.11. Sections of the proposed cycle path within the site are shown on plan (drawing GA S4) as measuring 2.5 metres in width. The proposed width is substandard, and the council would expect all cycle paths to measure a minimum of 4 metres in accordance with the latest version of the London Cycling Design Standards.
- 6.2.12. It is not clear how cyclists using the northern cycle path would access the station and proposed cycle parking facilities. The submitted plans do not provide a comprehensive strategy for cyclists accessing the southern areas within the site. Further information is required to demonstrate how cyclists would use the interchange and access the cycle parking facility.

Micro-mobility

6.2.13. The proposed interchange / public realm doesn't include or safeguard space micro mobility parking / storage / charging facilities. The development proposals are insufficient regarding parking provision for micro-mobility vehicles. The uptake of micro-mobility vehicles such as e-scooters and e-bikes are increasing in the borough and London-wide. It is therefore considered that parking provision for micro-mobility vehicles should be included within the designs for the application site. The applicant should update the site-wide parking provision to include provision for micro-mobility vehicles.

Internal Layouts

- 6.2.14. The proposed internal layout / public realm would be a vehicle dominated environment that doesn't prioritise pedestrian and cycle movements which is considered unacceptable. The design and internal layout of the proposed is considered to have been primarily dictated by location of internal roads and infrastructure for taxis and buses. It is evident that pedestrian and cycling movement within the interchange were a secondary consideration within the design. For example, the proposed service road creates severance between the northern footpath and segregated cycle path and the wider interchange. In addition, no crossing points are provided to facilitate north and south movements across the service road. For example, the design would not allow pedestrians travelling on the northern foot path to access bus facilities to the south.
- 6.2.15. The transport interchange area which includes the proposed bus stands, taxi rank and kiss and ride areas are presented on drawings GA S2 & S3. It is proposed that space for up to 18 taxis for pick-up are provided and will be accessed from the service road via a proposed taxi loop. Space for 12 private vehicles will be provided for kiss and ride purposes, also to be accessed from the service road and via the proposed private car loop. Space for up to 6 bus stops and 4 bus stands will be provided, to be accessed from the service road via a separate bus loop.
- 6.2.16. The transport interchange area is to be dominated by vehicles as demonstrated in swept-path analysis drawings and as a result the interaction with pedestrians must be managed carefully. This is contrary to Policy T1 of the London Plan (2021). The applicant should provide information regarding the Interchange audit and information on pedestrian modelling within the interchange area as required by Transport for London's Interchange Best Practice Guidelines (2021). These details are required to ensure pedestrians and cyclists have been prioritised in the design.
- 6.2.17. The information submitted does not include any specific information relating to Hostile Vehicle Mitigation measures. Further information is required as these measures may result in amendments to the public realm design.

Futureproofing

- 6.2.18. The proposed design of the public realm (internal layout) doesn't satisfactorily futureproof / safeguard pedestrian and cycle routes; routes from the east. LBHF and the OPDC have aspirations of delivering a connection between the east of the application site and Scrubs Lane in the future. As previously noted, the eastern area within the proposal is interpreted as a back-of-house area, with convoluted pedestrian routes to the station which would not be attractive for the use of pedestrians and does not satisfactorily futureproof the route from the east. It is further considered that inadequate land has been safeguarded for a future walking and cycling route from the east. This is contrary to London Plan policy T3(b).
- 6.2.19. The applicant should engage with the council to seek a satisfactory design which enables attractive, safe, and inclusive access to the site from the east. Drawing GA S5, presents a barrier on the carriageway which would prevent future access from the east for cyclists. Any approved gate should be removed once a connection from the east of the site has been established.

Further Details Required

- 6.2.20. Travel Plan The applicant is required to submit a Framework Travel Plan in accordance with Policy T4 of the London Plan (2021). The Travel Plan is required to ensure that measures and targets are in place to encourage and promote sustainable travel to and from the site. The Framework Travel Plan must be in accordance with Transport for London's latest guidance on Travel Plans.
- 6.2.21. Delivery & Servicing The applicant is required to submit a Delivery and Servicing Plan in accordance with Policy T7 of the London Plan (2021). The Delivery and Servicing Plan is required to ensure that the delivery and servicing requirements of the proposed development can be accommodated without adversely impacting the public highway. The Delivery and Servicing Plan must be in accordance with Transport for London's latest guidance on Delivery and Servicing Plans.
- 6.2.22. Cycle and Car Parking Management No information has been included regarding the management of car parking and vehicle waiting areas across the site. The shortfall of information raises concerns of potential abuse of the proposed private car loop associated with the proposed kiss and ride. The applicant is required to submit a cycle and car parking management plan.
- 6.2.23. Electric Vehicle and Low Emission Infrastructure No information has been provided relating to electric vehicle and other low emission charging infrastructure. Electric vehicle charging is required by London Plan policies (2021). In addition, some of the latest Transport for London buses are hydrogen powered and therefore details on any associated infrastructure are required to be submitted.
- 6.2.24. Wayfinding No information has been provided relating to wayfinding across the application site. The development proposal will result in high levels of pedestrian footfall across the site to various destination points and the lack

of wayfinding information is contrary to Policy T3 of the Local Plan (2018). The applicant is required to submit updated site plans including wayfinding information.

6.3. Other Environmental Matters

- 6.3.1. In line with HS2 Planning Forum Note 5 (Model Conditions) and Schedule 17 Statutory Guidance, the local planning authority may also only impose conditions on a Schedule 17 consent if they are relevant to the matter subject to the consent, relevant to the grounds referred to above and providing that the conditions do not seek to replicate other controls or commitments regarding HS2 (such as HS2 Phase One Environmental Minimum Requirements) or pre-empt future requests for approval or agreement.
- 6.3.2. The Environmental Minimum Requirements (EMR) are a suite of documents which sets out overarching environmental and sustainability commitments for the HS2 project. The EMRs include the following:

Environmental Memorandum – sets out the overarching requirements in relation to various environmental impacts of the scheme including nature conservation, ecology, water resources, flood risk, geological features, recreation and amenity impacts, landscape and visual, public open space, soils, agriculture and forestry, excavated material, waste management and climate change. It also sets out the approach for key environmentally sensitive worksites along the route, although none of these are within the OPDC area.

6.3.3. LBHF's Land Contamination team have requested a suite of conditions which would require the submission of details of site investigation, remediation and on-going monitoring. Contaminated land matters are dealt with through the Environmental Memorandum EMR and mitigation measures are detailed within the HS2 Phase 1 Environmental Statement. Accordingly, it would be unreasonable to request that OPDC attach conditions relating to contaminated land to the consent, should it be granted.

7. CONCLUSION & RECOMMENDATION

- 7.1. Given the highways issues identified within this report, and the concerns regarding the lack of connectivity to Scrubs Lane, the Grand Union Canal and Wormwood Scrubs, Officers consider the proposed urban realm strategy to be unacceptable.
- 7.2. Officers therefore recommend that the Council raises an objection to the proposed development for the following reason(s):
 - Highway Impacts: Additional information is required to fully demonstrate that the road layout and associated features can operate safely and to further demonstrate compliance with the London Plan. Please refer to the attached committee report to read the full assessment of the proposal and the Council's requested revisions should permission be granted.
 - 2) Urban Design: Insofar as it relates to the connectivity of Old Oak Common Station with the wider area, the design of the urban realm is unacceptable.

LBHF strongly recommends that wider links and connectivity to Scrubs Lane, the Grand Union Canal and Wormwood Scrubs are delivered at an early stage of the development programme. Further details of LBHF's concerns in this regard are provided in the attached committee report.