

Planning and Development Control Committee

Agenda

Tuesday 7 March 2023 at 7.00 pm

Main Hall (1st Floor) - 3 Shortlands, Hammersmith, W6 8DA

Watch the meeting live: <https://youtube.com/live/zwj-peolb6U>

MEMBERSHIP

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

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

Public Notice

This meeting is open to the public and press but spaces are limited. If you'd like to attend please contact: charles.francis@lbhf.gov.uk. The building has disabled access.

Should exempt information need to be discussed the committee will pass a resolution requiring members of the press and public to leave.

For details on how to register to speak at the meeting, please see overleaf.
Deadline to register to speak is 4pm on Thursday 2 March 2023

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

PUBLIC SPEAKING AT PLANNING AND DEVELOPMENT CONTROL COMMITTEE

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 Councillors, 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 is by email only. Requests should 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 March 2023

Item

Pages

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 - 7

To approve as an accurate record, and the Chair to sign, the minutes of the meeting of the Committee held on 6 December 2022.

**4. 260 - 262 NORTH END ROAD, LONDON, SW6 1NJ, LILLIE,
2022/03651/FUL**

8 - 44

- | | | |
|----|---|---------|
| 5. | STAMFORD BRIDGE STADIUM, FULHAM ROAD, LONDON, SW6
1HS, WALHAM GREEN, 2022/03649/ADV | 45 - 54 |
| 6. | WESTFIELD LONDON SHOPPING CENTRE, ARIEL WAY, LONDON,
SHEPHERD'S BUSH GREEN, 2022/03193/FUL | 55 - 71 |

London Borough of Hammersmith & Fulham



Planning and Development Control Committee Minutes

Tuesday 6 December 2022

PRESENT

Committee members: Councillors Omid Miri (Chair), Florian Chevoppe-Verdier (Vice-Chair), Rebecca Harvey, Nikos Soussous, Patrick Walsh, Alex Karmel and Adrian Pascu-Tulbure

Officers:

Allan Jones (Team Leader Urban Design and Heritage)

Neil Button (Principal Complex Application Officer)

Matthew Lawton (Deputy Team Leader, North Team)

Neil Egerton (Team Leader, North Team)

Fortune Adebisi (Senior Solicitor, Planning, Highways and Licensing Team)

David Abbott (Head of Governance)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Wesley Harcourt.

2. DECLARATION OF INTERESTS

There were no declarations of interest.

3. MINUTES

The minutes of the previous meeting held on 8 November 2022 were agreed as an accurate record.

4. LAND NORTH OF WESTFIELD SHOPPING CENTRE, ARIEL WAY, LONDON W12, SHEPHERD'S BUSH GREEN, 2021/01101/OUT

An addendum was circulated prior to the meeting that modified the report. The addendum can be found at Appendix 1.

Neil Button (Principal Complex Application Officer) presented the item.

The Committee heard representations from Kieran Hobbs (on behalf of the applicant) in support of the application.

The Committee voted on the officer recommendations as follows:

Recommendation 1:

FOR	Unanimous
AGAINST:	0
NOT VOTING:	0

Recommendation 2:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

1. That subject to there being no contrary direction from the Mayor of London, the Chief Planning Officer be authorised to grant planning permission upon the completion of a satisfactory legal agreement and subject to the conditions listed in the report.
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.

5. 43 BROOK GREEN, LONDON, W6 7EF, BROOK GREEN, 2022/00949/FUL

An addendum was circulated prior to the meeting that modified the report. The addendum can be found at Appendix 1.

Matthew Lawton (Deputy Team Leader, North Team) presented the item.

The Committee heard representations from Jacob Loftus (CEO of General Projects, the developer of the project) in support of the application.

Members requested that conditions 5 and 6 be amended to restrict hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800-1300hrs on Saturdays (and at no time on Sundays and Bank Holidays). Officers said those conditions could amended under delegated powers if recommendation 2 was agreed.

The Committee voted on the officer recommendations as follows:

Recommendation 1:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

Recommendation 2:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

1. That the Chief Planning Officer be authorised to grant permission upon the completion of a satisfactory legal agreement and subject to the conditions listed in the report.
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 conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

Meeting started: 7.06 pm
Meeting ended: 9.39 pm

Chair

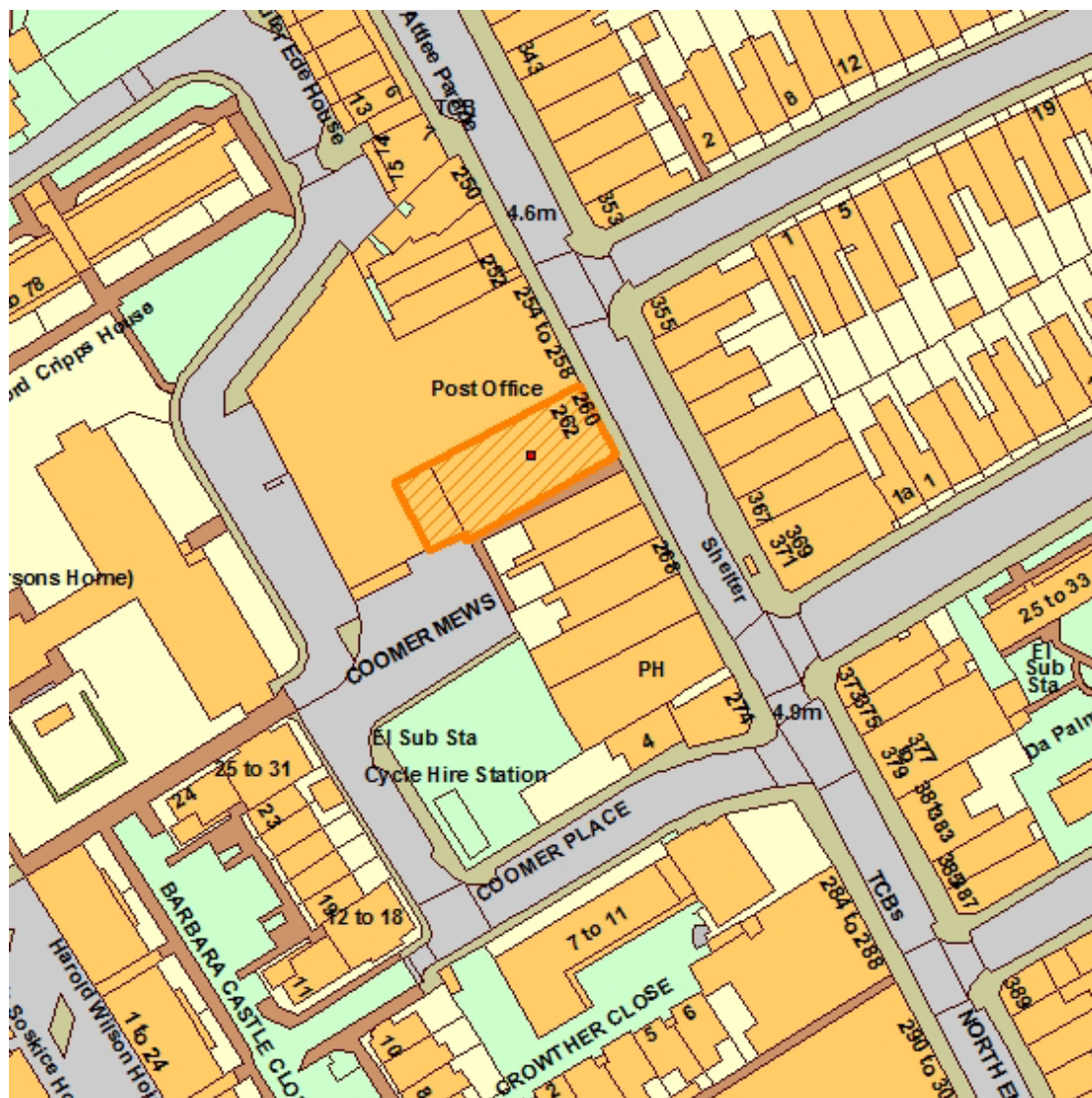
Contact officer: David Abbott
Governance and Scrutiny
E-mail: David.Abbott@lbhf.gov.uk

Agenda Item 4

Ward: Lillie

Site Address:

260 - 262 North End Road London SW6 1NJ



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For identification purposes only - do not scale.

Reg. No:

2022/03651/FUL

Date valid:

21.12.2022

Committee Date:

07.03.2023

Case Officer:

Graham Simpson

Conservation Area:

Applicant:

C/o Agent

Description:

Demolition of existing buildings at 260-262 North End Road; erection of a replacement part one, part three, part four storey, part five storey building comprising of one retail unit (Class E(a)), 394sqm office floorspace (Class E(g)) and 9 self-contained residential units (Class C3).

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 condition(s) listed below:
- 2) That the Committee resolve that the Chief Planning Officer, after consultation with the Head of Law and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed Heads of Terms of the legal agreement or conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

1) Time limit

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

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

2) Approved Drawings

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

260NER_01_110; 01_111; 01_112; 01_113; 01_114; 01_115;
02_110; 02_111; 02_112; 02_113;
03_110; 03_111; 03_112;
20_110; 20_111

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

3) Demolition and Construction Logistics Plan

The development hereby permitted shall not commence until a detailed Demolition and Construction Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. This shall be in accordance with Transport for London Guidance on Construction Logistics Plans and shall include the demolition phase of the development.

The CLP shall include, but not be limited to, the following details:

- (i) site logistics and operations;
- (ii) construction vehicle routing;
- (iii) details of the estimated number, size and routes of construction vehicles per day/week
- (iv) details of the use of Ultra Low Emission Zone (ULEZ) compliant Vehicles e.g. Euro 6 and Euro VI;
- (v) details of the access and egress arrangements of delivery locations on the site;
- (vi) details of any vehicle holding areas; and other matters relating to traffic management to be agreed as required
- (vii) efficiency and sustainability measures to be undertaken for the works
- (viii) membership of the Considerate Contractors Scheme.

The works shall be carried out in accordance with the relevant approved CLP. Approved details shall be fully implemented and retained and maintained throughout the construction phase of the development.

Reason: 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).

4) Demolition method statement and construction management plan

Prior to commencement of the development hereby approved, a demolition method statement and construction management plan shall be submitted to and approved in writing by the Council. 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.

Reason: 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).

5) AQDMP – Demolition Phase

Prior to the commencement of the demolition phase of the development hereby permitted, an Air Quality Dust Management Plan (AQDMP) in order to mitigate air pollution shall be submitted to and approved in writing by the Local Planning Authority. The AQDMP submitted shall be in accordance with the Councils AQDMP Template A and shall include the following details:

- a. Site Location Plan indicating sensitive off-site receptors within 50m of the red line site boundaries
- b. Construction Site and Equipment Layout Plan
- c. Inventory and Timetable of dust generating activities during Demolition site activities.
- d. Air Quality Dust Risk Assessment (AQDRA) that considers the potential for dust soiling and PM10 (human health) impacts for sensitive receptors off-site of the development within 250 m of the site boundaries during the demolition phase and is undertaken in compliance with the methodology contained within the Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014 and its subsequent amendments
- e. Site Specific Dust, and NOx Emission mitigation and control measures shall be in a table format and include mitigation for on-road and off-road construction traffic as required by the overall Medium/High Dust Risk Rating of the site.
- f. Details of Site Particulate (PM10) and Dust Monitoring Procedures and Protocols including locations of a minimum of 2 x MCERTS compliant (PM10) monitors on the site boundaries used to prevent levels exceeding predetermined PM10 Site Action Level (SAL) of 190 $\mu\text{g}/\text{m}^3$, measured as a 1-hour mean, calibration certificates of MCERTS compliant PM10 monitors. Within 24 hours of the installation of the PM10 monitors on site the internet-based log-in details to enable access to the real-time PM10 monitoring data shall be issued to Hammersmith & Fulham Council by e-mail to constructionairqualitymonitoring@lbhf.gov.uk. The data from the on-site Particulate (PM10) monitors shall also be made available on the council's ENVIMO construction site air quality monitoring register website
- g. Details of the Non-Road Mobile Machinery (NRMM) used on the site with CESAR Emissions Compliance Verification (ECV) identification that shall comply with the minimum Stage IV NOx and PM10 emission criteria of The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 and its subsequent amendments. This will apply to both variable and constant speed engines for both NOx and PM. An inventory of all NRMM for the first phase of demolition shall be registered on the NRMM register <https://london.gov.uk/non-road-mobile-machinery-register> prior to commencement of demolition works and thereafter retained and maintained until occupation of the development.
- h. Details of the use of on-road Ultra Low Emission Zone (ULEZ) compliant vehicles e.g., minimum Petrol/Diesel Euro 6 (AIR Index <https://airindex.com/> Urban NOx rating A) and Euro VI.

Developers must ensure that on-site contractors follow best practicable means to minimise dust, particulates (PM10, PM2.5) and NOx emissions at all times. Approved details shall be fully implemented and permanently retained and maintained during the demolition phases of the development.

Reason: In the interests of air quality, in accordance with Policy SI 1 of the London Plan 2021, and Policy CC10 of the Local Plan (2018).

6) AQDMP – Construction Phase

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

- a. Site Location Plan indicating sensitive off-site receptors within 50m of the red line site boundaries
- b. Construction Site and Equipment Layout Plan
- c. Inventory and Timetable of dust generating activities during construction site activities.
- d. Air Quality Dust Risk Assessment (AQDRA) that considers the potential for dust soiling and PM10 (human health) impacts for sensitive receptors off-site of the development within 250 m of the site boundaries during the demolition phase and is undertaken in compliance with the methodology contained within the Mayor of London The Control of Dust and Emissions during Construction and Demolition, SPG, July 2014 and its subsequent amendments
- e. Site Specific Dust, and NOx Emission mitigation and control measures shall be in a table format and include mitigation for on-road and off-road construction traffic as required by the overall Medium/High Dust Risk Rating of the site.
- f. Details of Site Particulate (PM10) and Dust Monitoring Procedures and Protocols including locations of a minimum of 2 x MCERTS compliant (PM10) monitors on the site boundaries used to prevent levels exceeding predetermined PM10 Site Action Level (SAL) of 190 $\mu\text{g}/\text{m}^3$, measured as a 1-hour mean, calibration certificates of MCERTS compliant PM10 monitors. Within 24 hours of the installation of the PM10 monitors on site the internet-based log-in details to enable access to the real-time PM10 monitoring data shall be issued to Hammersmith & Fulham Council by e-mail to constructionairqualitymonitoring@lbhf.gov.uk. The data from the on-site Particulate (PM10) monitors shall also be made available on the council's ENVIMO construction site air quality monitoring register website
- g. Details of the Non-Road Mobile Machinery (NRMM) used on the site with CESAR Emissions Compliance Verification (ECV) identification that shall comply with the minimum Stage IV NOx and PM10 emission criteria of The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 and its subsequent amendments. This will apply to both variable and constant speed engines for both NOx and PM. An inventory of all NRMM for the first phase of construction shall be registered on the NRMM register <https://london.gov.uk/non-road-mobile-machinery-register> prior to commencement of construction works and thereafter retained and maintained until occupation of the development.
- h. Details of the use of on-road Ultra Low Emission Zone (ULEZ) compliant vehicles e.g., minimum Petrol/Diesel Euro 6 (AIR Index <https://airindex.com/> Urban NOx

Prior to any works at ground floor and above, samples including brickwork, stone and metal cladding, windows, balustrades and roofing materials shall be submitted to, and approved in writing by, the Council. The development shall be carried out in accordance with the approved details; and permanently retained as such.

Reason: To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, to preserve the character and appearance of the area in accordance with policies D1 and D4 of the London Plan (2021) and Policies DC1, DC2, and DC4 of the Local Plan 2018.

7) Preliminary Risk Assessment

No development shall commence until a preliminary risk assessment report, in connection with land contamination, 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; and a statement of whether a site investigation is necessary to address these potentially unacceptable risks. All works must be carried out in compliance with the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Reason: Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The 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, and in accordance with Policy CC9 in the Local Plan 2018.

8) Site Investigation Scheme

No development shall commence until a site investigation scheme, if a site investigation is to be required under the approved preliminary risk assessment, 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. The site investigation should then progress in accordance with the agreed site investigation scheme. All works must be carried out in compliance with the approved details 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.

Reason: Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The 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, and in accordance with Policy CC9 of the Local Plan 2018.

9) Quantitative Risk Assessment Report

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 the site investigation undertaken in compliance with the approved site investigation scheme if required by the approved preliminary risk assessment 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 approved preliminary risk assessment based on the information gathered through the approved site investigation to confirm the existence of any remaining pollutant linkages which would require the submission of a remediation method statement and determine the remaining risks posed by any contamination to human health, controlled waters and the wider environment. All

works must be carried out in compliance with the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land contamination (Defra 2004) or the current UK requirements for sampling and testing.

Reason: Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The 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, and in accordance with Policy CC9 of the Local Plan 2018.

10) Remediation Method Statement

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, if deemed to be required in the approved quantitative risk assessment, 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. This statement will also include a plan to verify that the required remediation works are undertaken in line with the remediation method statement which will be compiled into a verification report. The remediation should then progress in accordance with the agreed remediation method statement. All works must be carried out in compliance with the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Reason: Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The 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, and in accordance with Policy CC9 of the Local Plan 2018.

11) Verification Report

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 if required by the approved quantitative risk assessment, 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 appropriate waste Duty of Care documentation 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 method statement to be submitted and approved by the Council and verification of these works included in the verification report. All works must be carried out in

compliance with the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Reason: Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The 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, and in accordance with Policy CC9 of the Local Plan 2018.

12) Onward Long-Term Monitoring Methodology

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 setting out where further monitoring is required past the completion of development works (as identified in the approved site investigation scheme or the approved remediation statement or the approved verification report) to verify the success of the remediation undertaken. If required, 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 the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Reason: Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The 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, and in accordance with Policy CC9 of the Local Plan 2018.

13) Detailed drawings

Prior to any works at ground floor and above (save for demolition and site clearance works), detailed drawings at a scale of no less than 1:20 of all typical bays including windows, doors, entrances and gates, shall be submitted to and approved in writing by the Council and the development shall be carried out in accordance with such details as have been approved.

Reason: To ensure a satisfactory external appearance, in accordance with Policies DC1, DC2, and DC4 of the Local Plan 2018.

14) No other alterations

No plant, water tanks, water tank enclosures, external rainwater goods, air-conditioning units, ventilation fans, extraction equipment, flues or other plant equipment and associated external pipework or ducting shall be fitted to the exterior of the building unless otherwise shown on the approved drawings.

Reason: 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, DC2, and DC4 of the Local Plan 2018.

15) No permitted development rights

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

To ensure that the Council can fully consider the effect of telecommunications equipment upon the appearance of the buildings in accordance with Policies DC1, DC2, and DC4 of the Local Plan 2018.

16) Advertisements

No advertisements shall be displayed on the development hereby approved without details of the advertisements having first been submitted to and approved in writing by the Council.

Reason: In order that any advertisements displayed on the building are assessed in the context of an overall strategy, to ensure a satisfactory external appearance and to preserve the integrity of the design of the building, in accordance with Policies DC1, DC2, DC8 and DC9 of the Local Plan 2018.

17) Flood Risk Assessment

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

Reason: 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).

18) Surface Water Management Strategy

The development hereby approved shall not commence until details of a revised Surface Water Management Strategy. Details should review the inclusion of rainwater harvesting for re-use. The measures shall thereafter be permanently retained for the life of the development.

Reason: To reduce the impact of flooding to the proposed development and future occupants, in accordance with Policies CC2 and CC3 of the Local Plan (2018).

19) Enhanced sound insulation (adjoining residential)

Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value $D_{nT,w}$ 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.

To ensure that the amenity of occupiers of the development site is not adversely affected by noise from transport [industrial/ commercial noise sources], in accordance with Policies CC11 and CC13 of the Local Plan (2018).

20) Sound insulation (adjoining commercial)

Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/ walls separating the commercial parts of the premises from dwellings. Details shall demonstrate that the sound insulation value $D_{nT,w}$ is enhanced by at least 10dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the criteria of BS8233:2014 within the dwellings/ noise sensitive premises.

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

21) External sound level

Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the external sound level emitted from plant/ machinery/ equipment and mitigation measures as appropriate. 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.

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

22) External artificial lighting

Prior to commencement of the development, details of external artificial lighting shall be submitted to and approved in writing by the Council. 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 Notes For The Reduction Of Light Pollution 2011'. 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.

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

23) Ventilation Strategy

Prior to commencement of above ground works of the development hereby permitted, a Ventilation Strategy Report to mitigate the impact of existing poor air quality for the Hotel use (Class C1) shall be submitted to and approved in writing by the Local Planning Authority. This is applicable to all receptor locations where the Annual Mean Nitrogen Dioxide (NO₂), and Particulate (PM₁₀, PM_{2.5}) concentrations are equal to 30ug/m-3, 20ug/m-3 and 10 ug/m-3 respectively and where current and future predicted pollutant concentrations are within 5 % of these limits. The report shall include the following information:

- a) Details and locations of the ventilation intake locations at rear roof level or on the rear elevations of all floors
- b) Details of restricted opening windows (maximum 200 mm for emergency purge ventilation) for all hotel guest rooms on all floors
- c) Details and locations of ventilation extracts, to demonstrate that they are located a minimum of 2 metres away from the air ventilation intakes, in order to minimise the potential for the recirculation of extract air through the supply air ventilation intake in accordance with paragraph 8.9 part 'C' of Building Standards, Supporting Guidance, Domestic Ventilation, 2nd Edition, The Scottish Government, 2017
- d) Details of the independently tested mechanical ventilation system with Nitrogen Dioxide (NO₂) and Particulate Matter (PM_{2.5}, PM₁₀) filtration with ventilation intakes on the rear elevation to remove airborne pollutants. The filtration system shall have a minimum efficiency of 75% in the removal of Nitrogen Oxides/Dioxides, Particulate Matter (PM_{2.5}, PM₁₀) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890:2016.

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

Reason: In the interests of air quality, in accordance with Policy SI 1 of the London Plan 2021, and Policy CC10 of the Local Plan (2018).

24) Ventilation Strategy compliance

Prior to occupation of the development, details of a post installation report of the approved ventilation strategy as required by condition 27 to mitigate the impact of existing poor air quality shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

Reason: In the interests of air quality, in accordance with Policy SI 1 of the London Plan 2021, and Policy CC10 of the Local Plan (2018).

25) Zero Emissions Heating & Energy Plant

Prior to occupation of the relevant part of the development hereby permitted, details of the installation/commissioning certificates 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 Hotel use shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation of the relevant part of the development and thereafter permanently retained and maintained.

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

26) Low Emission Delivery and Servicing Plan

Prior to occupation of the development hereby permitted, a Low Emission Delivery and Servicing Plan (LEDSP) shall be submitted to and approved in writing by the Local Planning Authority. The LEDSP report shall include the following information:

- a) Use of Zero Exhaust Emission Vehicles in accordance with the emissions hierarchy (1) Walking Freight Trolleys (2) Cargo bike (3) Electric Vehicle, (4) Alternative Fuel e.g., CNG, Hydrogen
- b) Frequency of deliveries and collections
- c) Reduction and consolidation of deliveries and collections e.g., Waste,
- d) Re-timing of deliveries and collections outside of peak traffic time periods of 07:00-10:00 and 16:00-19:00 hrs;
- e) Facilities and measures that will minimise the impact of vehicle emissions from increasing personal deliveries
- f) Vehicle movements, and operations of the loading bay (s) as identified on the approved drawings
- g) Quiet loading/unloading mitigation including silent reversing measures in accordance with Building Design Guidance for Quieter Deliveries, TFL, June 2018,

The measures/scheme shall be implemented in accordance with the approved details prior to occupation of the development hereby permitted, and thereafter be permanently retained in this form.

Reason: In the interests of air quality, in accordance with Policy SI 1 of the London Plan 2021, and Policy CC10 of the Local Plan (2018).

27) Secured by Design

No works above ground level shall commence until a statement of how Secured by Design requirements are to be adequately achieved has been submitted to and approved in writing by the council. The development shall be carried out and completed in full accordance with the approved details and permanently retained as such.

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

28) Accessibility

A minimum of 10% of all dwellings hereby approved shall be capable of meeting the needs of wheelchair users and shall be designed and capable of adaptation, in accordance with the requirements of 19.2.12 of British Standard BS8300-2:2018 (or any such subsequent version of this guidance).

Reason: To ensure that the development provides accessible accommodation in accordance with Policy HO6 of the Local Plan (2018) and Policies D5 and D7 of the London Plan (2021).

29) Terraces

Other than the areas explicitly identified on the approved drawings as a balcony, no other part of any roof of the new buildings 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 any elevation of the application properties to form access onto the roofs.

Reason: 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 noise and disturbance and loss of privacy contrary to Policies HO11 and CC11 of the Local Plan (2018).

30) Roof terrace hours of use

The roof terrace at third floor level to the North Road elevation shall only be used between 0800hrs and 2100hrs Monday to Sunday, and shall not be used at any other time. No music (either acoustic or amplified) shall be played at any time on any of the terraces.

Reason: To ensure that the amenities of the occupiers of surrounding residential properties are not unduly affected as a result of noise and disturbance, in accordance with Policies DC1, HO11 and CC11 of the Local Plan (2018).

31) Screening details

Prior to occupation of the Development hereby permitted, details of the privacy screen to the south elevation of the communal space at first floor level, which should achieve a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3

and shall have a height of 1.7m above the finished floor level, 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 protect the amenities of neighbouring occupiers in terms of overlooking and privacy in accordance with Policy HO11 of the Local Plan (2018)

32) Travel Plan

Prior to commencement of the development, a full and detailed Travel Plan shall be submitted to and approved in writing by the Council and thereafter the development shall be carried out and operated in accordance with the agreed details contained within the plan.

Reason: To ensure and promote sustainable and active travel to and from the site and thereby reduce negative impact on traffic, congestion and parking stress in the local area, in accordance with London Plan policies and policy T2 and T3 of the Local Plan (2018).

33) Cycle parking

The development hereby approved shall be carried out and completed in accordance with the details of the proposed storage of 31 cycles (14 long-stay in connection with the commercial unit, and 17 long-stay in connection with the residential units) as follows;

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There development shall not be occupied until the cycle storage provision has been made in accordance with the agreed details, and it shall be permanently retained and maintained for the life of the development.

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).

34) Refuse storage

No part of the development hereby approved shall be occupied prior to the provision of the refuse storage enclosures, as indicated on the approved drawings. The refuse storage enclosures shall be permanently retained thereafter in accordance with the approved details.

Reason: To ensure that the use does not give rise to smell nuisance and to prevent harm to the character and appearance of the area arising from the appearance of accumulated rubbish, in accordance with Policies DC8, CC6 and CC7 of the Local Plan 2018.

35) Delivery and Servicing Plan

Prior to occupation of the Development hereby permitted, an updated Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Local

Planning Authority. Details shall include the management and times of deliveries, emergency access, collection of waste and recyclables, times and frequencies of deliveries and collections, silent reversing methods, quiet loading/unloading measures, location of loading bays and vehicle movements. The approved details shall be implemented prior to occupation and the DSP hereby permitted shall thereafter operate in accordance with the approved details. The DSP shall be regularly monitored and reviewed and any subsequent modifications or alterations to the DSP should be submitted to and approved in writing by the LPA.

Reason: To ensure that satisfactory provision is made for refuse storage and collection and to ensure that the amenity of occupiers of the surrounding premises and the development are not adversely affected by noise and that servicing activities do not adversely impact on the highway, in accordance with Policy T4 of the London Plan 2021 and Policies T2, T4, T5, CC11 and CC13 of the Local Plan 2018.

36) Green infrastructure

Prior to commencement of development (excluding site clearance and demolition) details for construction of a green infrastructure (including details of planting species and maintenance) shall be submitted to and approved by the local planning authority. The green infrastructure shall be constructed and planted up in full accordance with the approved details within the first available planting season following completion of buildings. Any plants which die, are removed, become seriously damaged and diseased within a period of five years from completion of these buildings shall be replaced in the next planting season with others of similar size and species. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

Reason: In order that the Council may be satisfied as to the details of the development in the interests of visual amenity of the area in accordance with policy OS5 of the Local Plan 2018.

37) Healthy Streets assessment

Prior to commencement of the development, a Healthy Streets assessment in accordance with Transport for London guidance (including an Active Travel Zone assessment) shall be submitted to and approved in writing by the Council. The measures within the approved Healthy Streets assessment shall be implemented prior to first occupation of the development.

Reason: To ensure the adequate mitigation measures for cyclists and pedestrians in accordance with Policy T3 and T4 of the London Plan (2021) and Policy T1 of the Local Plan (2018).

38) Residential use

The residential units at this address shall only be used as residential units falling within Class C3 of the Town & Country Planning (Use Classes) Order 1987 (as amended). The residential units shall not be used as housing in multiple occupation

falling within Class C4 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 (as amended).

Reason: The use of the property as a house in multiple occupation rather than as single residential units would raise materially different planning considerations that the council would wish to consider under a full planning application, in accordance with Policies DC1, HO1, HO2, HO4, HO5, HO8 and HO11 of the Local Plan (2018).

39) Fire Statement

The development shall be carried out and completed in full accordance with the details contained within the approved Fire Statement (Prepared by Accendo Fire Safety Services, dated 9 December 2022, Rev 0). No part of the development shall be used or occupied until all mitigation, measures and means within the approved document have been implemented in full and shall thereafter be retained for the lifetime of the building hereby approved.

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

40) Commercial use

The commercial part of the development hereby permitted shall only be used as the retail unit (Class E(a)) and office floorspace (Class E(g)), and for no other purpose (including any other separate purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

In granting this permission, the Council has had regard to the special circumstances of the case. Certain other uses within the same use class may be unacceptable due to effect on residential amenity or traffic generation, in accordance with Policies DC1, DC4, HO11, CC11, CC13 and T1 of the Local Plan (2018).

Justification for approving application:

1. Land Use: The principle of the proposed mixed use commercial and residential development is acceptable. The proposals would achieve a sustainable development by providing much-needed housing that would contribute to the Borough housing targets. The additional commercial space would help to retain the existing employment generating use that would have a positive impact on the local economy. The proposal is considered to be in accordance with Policies HO1, HO4, HO11, E2 and E4 of the Local Plan (2018).
2. Housing: The quality of accommodation, including internal design and layout of the new residential units, is considered to be of high quality having regard to the Mayor's Design Guidelines and London Plan (2021) Policy D6 and Table 3.1, together with Policies HO3, HO6, and HO11 of the Local Plan (2018).

3. Design: The development is considered to comply with Local Plan (2018) Policies DC1 and DC4 which require a high standard of design in all new build developments, compatible with the scale and character of existing development and its setting, and London Plan (2021) Policies D3 and D4 which seek a high quality in design and architecture, requiring new developments to have regard to the pattern and grain of existing development.
4. Residential Amenity: The impact of the proposed development upon adjoining occupiers is considered to be acceptable. The proposal would not have an unacceptably harmful impact on neighbouring residential amenity in terms of light, outlook or privacy and noise and disturbance. The commercial use would not result in unacceptable noise and disturbance to nearby residents, subject to conditions. In this regard, the development would respect the principles of good neighbourliness, and would therefore be acceptable in accordance with Policies HO11 and DC4 of the Local Plan (2018).
5. Accessibility and Safety: Subject to appropriate conditions, the development would provide a safe and secure environment for all users, and would provide ease of access for all people, including disabled people, in accordance with Policies DC1, DC2, HO6 and HO11 of the Local Plan (2018) and Policy D5 of the London Plan (2021).
6. Highways matters: It is considered that the scheme would not have a significant further impact on the highway network or local parking conditions, and is thus considered to be acceptable. Satisfactory provision would be made for cycle parking and future occupiers of the net new units would be prevented from obtaining on-street parking permits, to help prevent overspill of parking onto the local highways. There are available public transport and other services nearby and adequate provision for storage and collection of refuse and recyclables would be provided. The development thereby accords with Local Plan (2018) Policies T1, T3, T4, T5 and T7 as well as CC7 and London Plan (2021) Policies T4, T5 and T6.
7. Environment: The impact of the development with regards to land contamination, flood risk and air quality are considered to be acceptable subject to the recommended conditions, in accordance with Local Plan (2018) Policies CC9, CC10, CC3 and CC4.

That the applicant be informed as follows:

- 1) In determining this application, the local planning authority has worked in a pro-active and positive manner with the applicant to foster the delivery of sustainable development, in accordance with the requirements of paragraph 38 of the National Planning Policy Framework (2018).

Officer Report

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

All Background Papers held by case officer named above:

Application form received: 6th September 2018
Drawing Nos: see above

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

Consultation Comments:

Comments from:

Dated:

Neighbour Comments:

Letters from:

Dated:

OFFICERS REPORT

1.0 SITE DESCRIPTION, RELEVANT HISTORY AND PROPOSALS

Site and Surrounding Area:

- 1.1 This application site includes an existing part one, part two storey mid terrace building with a shop at ground floor and ancillary storage and office space above. The site is located on the western side of North End Road and forms part of a commercial parade of similar two-storey buildings fronting North End Road, with various single, two and three storey elements to the rear. The site backs onto Coomber Road car park and circulation areas for the Clem Attlee Estate.
- 1.2 This site is located within the Fulham Town Centre. The property is not located within a conservation area, but can be seen from the Sedlescome Road Conservation Area which lies to the east on the opposite side of North End Road.
- 1.3 The site has public transport accessibility level (PTAL) of 5 on a scale of 1- 6b with 6b having the highest PTAL. There are several bus stops located within a short distance along North End Road. The site is also located within Flood Zones 2 and 3.

Relevant Planning History:

- 1.4 There are a number of planning records relating to 260/262, North End Road from the mid to late 1980s and mid-1990s, most of which relate to the display of adverts, one of which relates to the provision of a shopfront; and all of which were approved.
- 1.5 In 2001, planning permission (2001/01023/FUL) was granted for the erection of a rear extension at first floor level, to provide storage space for use in connection with the ground floor shop.
- 1.6 In 2021, planning permission (2018/02953/FUL) was refused for the demolition of existing buildings, erection of a replacement part one, part three, part four storey, part five storey building comprising of two A1 retail shops, B1 offices (369 sqm) floorspace and 9 self-contained flats. The application was refused on the following grounds:
 - 1) The proposed mix of uses does not optimise the housing capacity and contribution to affordable housing on this site.
 - 2) The proposal owing to its overall scale, massing and external appearance would introduce a dominant and poor-quality development which would be incongruous and incompatible with the scale and character of existing development and its setting, failing to provide a positive response to the local design context and townscape.
 - 3) The proposal would provide a poor quality of residential development with an uncomfortable sense of arrival, communal entrance and safe access for future occupiers.
 - 4) The proposal would provide an unacceptable quality of living conditions to the future occupiers of 4 of the 9 units due to the lack outdoor amenity space, contrary to policies D6 of the London Plan 2021 and HO4 of the Local Plan 2018.
- 1.7 The subsequent appeal against the above refusal was dismissed by the Planning Inspectorate in June 2022. The Inspector's decision concluded that although the proposal would not harm the character and appearance of the area, it would reasonably maximise the housing capacity for the site, and would provide adequate outdoor amenity space, it would fail to provide acceptable living conditions for its occupiers with respect to the safety of the pedestrian entrance.

Proposed Development:

- 1.8 This application follows on from the above refusal scheme and also involves the demolition of existing buildings at 260-262 North End Road; erection of a replacement part one, part three, part four storey, part five storey building comprising of one retail unit (Class E(a)), 394sqm office floorspace (Class E(g)) and 9 self-contained residential units (Class C3).
- 1.9 The main difference between the current application and the previous refusal, is that the proposals now include residential access directly from North End Road to address the single reason for the appeal being dismissed.

2.0 CONSULTATION RESPONSES (INTERNAL AND EXTERNAL)

- 2.1 The application was advertised by site and press notices and individual notification letters were sent to 512 neighbouring properties.
- 2.2 No representations received.
- 2.3 Thames Water raise no objections.
- 2.4 Metropolitan Police: no objections subject to conditions on Secured by Design details.

3.0 PLANNING CONSIDERATIONS

- 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. Additionally, for sites in Conservation Areas, the Planning (Listed Buildings and Conservation Areas) Act 1990 is also relevant.
- 3.2 Collectively these 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 of 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 (NPPF)

- 3.4 The NPPF (2021) 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 latest 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. As Hammersmith & Fulham is one of the 32 London Boroughs, the London Plan forms part of the development plan for the borough.

Local Plan

- 3.7 The Council adopted the current 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 role of the development plan is to guide decision making on planning applications and inform investment in social and physical infrastructure.
- 3.8 The 'Planning Guidance' Supplementary Planning Document (SPD) 2018 is also a material consideration in determining planning applications. It provides supplementary detail to the policies and is organised around key principles.

PLANNING ASSESSMENT

- 3.9 The main planning considerations in this assessment include:
- Principle of Development / Land Use;
 - Residential standards of Accommodation
 - Design, Heritage Asset and Local Character;
 - Residential Amenity;
 - Transport & Highways;
 - Environmental Matters (flood risk, air quality, contamination etc.).

LAND USE

Employment

- 3.10 Local Plan Policies E1 and E2, which supports the retention, enhancement and intensification of existing employment uses, are relevant in the proposal.
- 3.11 The justification of Local Plan Policy E2 however states that there may be some sites in employment use that are capable of more intensive use to accommodate additional uses, particularly residential. Where this is appropriate, the Council will seek to ensure that floorspace is retained within mixed use schemes for employment uses for which there is a demonstrable need.

In dismissing the June 2022 appeal for virtually the same scheme the Inspector took into account the supporting text to Local Plan Policy E1 (retention of employment) which 'states that there is a demand for small and medium business sites with a high demand for units between 93m² and 465m². The amount of office space proposed would fit within this range' (para 17).

- 3.12 The existing site is underused and outmoded. The proposed mixed-use retail, office and residential development would result in the retention of employment uses on site as well as provide an upgraded modern facility.
- 3.13 The proposal are in line with Local Plan E1 and E2.

Residential Supply

- 3.14 Policy H1 of the London Plan (2021) states that 66,000 net additional units should be delivered per annum in London. Of this, LBHF has a target to deliver 1,609 net additional dwellings per annum. London Plan Policy H2 supports housing on small sites. The need to increase housing supply is reiterated in Local Plan (2018) Policy HO1.
- 3.15 The proposed mix use scheme would result in a net increase of 9 residential units which would contribute to the Borough's targets in accordance with the abovementioned policies.
- 3.16 The proposal provides nine net additional residential units and would contribute towards the borough's housing targets. The proposal accords with London Plan Policy H1 and Local Plan (2018) Policy HO1.

Residential mix

- 3.17 Policy HO5 of the LP 2018 requires a mix of housing types and sizes in development schemes, especially increasing the proportion of family accommodation. The justification to Policy HO5 states 'there is a particular need in this borough for more family sized housing (3 or more bedrooms)'.
- 3.18 Policy HO5 of the Local Plan encourage a mix of accommodation. The proposal would include 9 flats comprising 2 x studio, 3 x one-bed, 3 x two-bed and 1 x three-bed units. The proposed mix is considered appropriate for the site.

AFFORDABLE HOUSING

- 3.19 London Plan Policy H4 (Affordable Housing Thresholds) normally requires that affordable housing be provided on sites which include 10 or more homes and that negotiations should take account of development viability. Local Plan Policy HO3 states that to maximise affordable housing supply, the Council will seek affordable housing contributions on schemes of 11 or more dwellings. In seeking, the maximum reasonable amount of affordable housing, the Council take into account: site size and site constraints; financial viability; individual circumstances and characteristics of the site.
- 3.20 The justification to Policy HO3 (Paragraph 6.26) makes clear that on schemes of 10 or less dwellings which have a maximum combined gross floorspace of more than 1,000 square metres (GIA), the Council will also seek for affordable housing where there is considered to be capacity for more units.
- 3.21 Although, the proposed 9 unit scheme (with a combined floorspace of 936sqm) falls below the threshold for affordable housing a contribution towards affordable housing has been considered as part of the planning assessment.
- 3.22 In dismissing the recent appeal, the Inspector's report acknowledged that the Local Plan 'as a whole would support both residential and office use above the retail use...The appellant has opted for office floor space, which is reasonable and accords with policy. Were the residential floorspace designed inefficiently, or part of the site left undeveloped, that could justify a request for additional units to be

provided and the need for affordable housing to be triggered. But that is not the case here where the site would be fully developed and the dwellings are not excessively large. Therefore, there is no reason to consider additional housing should be preferred.' (para 18). Conditions would be attached to the permission to ensure that the office space could not be converted.

3.23 Officers accept that London Plan (2021) Policy D3 requires that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. Officers consider that the proposal represents a comfortable residential density for the site, when design, quality and transport considerations are taken into account.

3.24 Based on the physical constraints of this site, it would not be appropriate to seek additional massing to provide more units without a harmful visual impact. Any increase in the massing of the proposal would result in the floors towards the rear becoming visible from North End Road and the Sedlescombe Conservation area.

3.25 The proposal in its current form is considered to be at its maximum volume in terms of its envelope with regards to residential amenity. The site dimensions and surrounding context have been the determining factors to establish the most suitable building layout, internal arrangement and density configuration for the development. Any increase in bulk could also result in an unneighbourly development in terms of outlook, increased sense of enclosure and daylight and sunlight. It is therefore accepted that no further bulk could reasonably be added to the site. The development is considered to be at its maximum acceptable envelope. It follows, therefore that the proposal does appropriately optimise the housing capacity for the site and it would be unreasonable to require affordable housing.

3.26 Overall, in land use terms the proposed mixed-use development would optimise development on this brownfield site. The proposals result in the retention and intensification of the existing commercial premises with improved facilities and maintaining an active frontage to the street.

3.27 The proposals accord with London Plan Policy H2 which supports housing on small sites, London Plan policy H4 and Local Plan Policy

QUALITY OF ACCOMMODATION

3.28 London Plan Policy D6 outlines housing quality and standards including internal space standards. 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 tenures.

3.29 Local Plan Policies HO4 and HO5 seeks to ensure that all housing development is provided to a satisfactory quality. This approach is reflected in Local Plan Policy HO11, and is supported by Housing Standards Key Principles HS1 and HS2 of the Planning Guidance SPD.

Internal Space:

3.30 The proposed 9 residential units would comprise:
- 2 x studio unit at 38sq m (minimum requirement of 37sq m),

- 3 x one-bed units, between 51sq m and 61sq m (minimum requirement of 50sq m),
- 3 x two-bed units at 61 sq m (minimum requirement of 61sq m); and
- 1 x three-bed unit at 91 sq m (minimum requirement of 86sq m).

3.31 The floorspace of each of these units all meet the minimum standards. Each of which meet or exceed the minimum internal floorspace standards of London Plan Policy D6, with the habitable rooms sizes to each unit satisfactory against the Nationally Described Space Standards (2015).

External Amenity Space:

3.32 London Plan Policy D6, states that 'A minimum of 5sqm of private outdoor space should be provided for 1-2-person dwellings and an extra 1sqm should be provided for each additional occupant.' Policy HO4 of the Local Plan and Key Principle HS1 seek that new dwellings benefit for suitable and appropriate external amenity space. Policy requires that where balconies/terraces are provided they must be designed to respect visual and neighbouring amenity. Any balconies provided to meet amenity space requirements should have a minimum depth and width of 1500mm.

3.33 All the units would have access to their own direct access to external amenity areas, each having a private balcony of between 5sq m and 8sq m. sqm and including a minimum depth and width of 1.5m. Given the generous internal floor areas for these proposed flats the amenity space is considered satisfactory.

3.34 The Inspector accepted amended plans during the appeal to address the concerns about amenity space and the proposals now comply with the London Plan requirements. In this instance, site constraints make it impossible to provide any more amenity space and, in these circumstances, the proposed provision of amenity space for the 2 family units would be acceptable.

3.35 Overall, the proposal is considered to provide an acceptable quality of living condition to the occupiers of the proposed development. The proposals are satisfactory when considered against London Plan Policy D6, Policy HO4 of the Local Plan and Key Principle HS1.

Daylight

3.36 BRE guidance (Site Layout Planning for Daylight and Sunlight 2022) provides a method for calculating the luminance of a room called Daylight Factor (DF).

3.37 The applicants have submitted Daylight and Sunlight report has been prepared by a daylight consultant. Notably, the proposals meet the Daylight Factor test which relates to daylight within a room and the proposed rooms will receive sufficient daylight. This is because the habitable rooms within the scheme are largely south facing. Officers are satisfied that the proposed dwellings would include adequate openings to maximise daylight. Having reviewed the daylight submissions, officers have no reason to question the conclusions of the report. The proposals are therefore considered to accord with Policy HO11 of the Local Plan 2018.

Accessibility:

- 3.38 Policy HO6 of the LP 2018 seeks to secure high quality accessible homes in all developments that include housing. London Plan (2016) Policy 3.8 (Housing Choices) seeks to ensure that 90% of new housing meet Building Regulation requirement M4(2). To comply with this requirement developments should be step free access and should normally have a lift where a dwelling is accessed above or below the entry level.
- 3.39 The proposed the upper floor flats and offices would have access via the provision of lifts for each use respectively. This arrangement is considered to be acceptable and in compliance with Policy HO6.

Noise and Disturbance:

- 3.40 Local Plan Policies HO11 and CC11 are aimed at ensuring that residents of future housing are not unduly affected by noise and disturbance from adjoining sites or the wider setting. SPD Noise Key Principle NN3 concerning the sound insulation between dwellings states that "...careful consideration should be given to stacking and layout of rooms in relation to adjoining walls/floors/ceilings."
- 3.41 The proposed stacking of the flats would be on top of one another and close to the commercial use at ground floor level and offices to the on the upper floors. The Council's Public Protection team have considered the proposals and raise no objections subject to conditions, securing enhanced sound insulation measures, a pre-commencement noise assessment, and details of noise and vibration abatement, the proposal would be considered acceptable.
- 3.42 Subject to conditions the proposed development would not unduly harm the amenities of future provide a satisfactory quality of residential accommodation for future occupiers, in accordance with Policies HO11 and CC11 of the Local Plan, and Key Principle NN3 of the Planning Guidance SPD.

DESIGN AND HERITAGE

- 3.43 The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The NPPF also requires that proposals should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
- 3.44 The NPPF states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Part 12 of the NPPF outlines the requirement for good design and Paragraph 127 sets out that planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and

distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

3.45 Chapter 3 (Design) of the London Plan 2021 seeks to secure the delivery of good design through a variety of ways. Policies D3 (Optimising Site Capacity through the Design-Led Approach), D4 (Delivering Good Design), D6 (Housing Quality and Standards) and D8 (Public Realm) are particularly relevant to the consideration of this application. Policy D3 highlights that all development must make the best use of land by following a design-led approach that optimises the capacity of sites, through careful consideration of issues such as form and layout, experience, alongside consideration of quality and character. Policy D4 highlights that where appropriate, visual, environmental and movement modelling/assessments should be undertaken to analyse potential design options for an area, site, or development proposal. These models, particularly 3D virtual reality and other interactive digital models alongside use of design review should, where possible, be used to inform decision-taking, and to engage Londoners in the planning process. Policy D6, promotes a series of quality and standards new housing development should aim to achieve. Policy D8 sets a series of criteria to ensure that ensure the public realm is well-designed, safe, accessible, inclusive, attractive and well-connected.

3.46 Local Plan Policies DC1 and DC2 are particularly relevant to the assessment of design. Policy DC1 (Built Environment) states that all development within the borough should create a high-quality urban environment that respects and enhances its townscape context and heritage assets. There should be an approach to accessible and inclusive urban design that considers how good design, quality public realm, landscaping and land use can be integrated to help regenerate places. Policy 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 DC3 (Tall Buildings) identifies four areas within which tall building may be appropriate, including White City Regeneration Area; the policy also sets a framework to assess proposals for tall buildings in those areas.

3.47 Local Plan Policy DC8 seeks to protect, restore or enhance the quality, character, appearance and setting of the borough's conservation areas and its historic environment including listed buildings.

Demolition

3.48 The proposals concern the demolition of the existing buildings occupying the application site, extending from the North End Road frontage to the Coomber Road frontage at the rear. The existing buildings to be demolished are of limited architectural, historical, or visual merit and no objection is raised to their removal/demolition subject to suitable high-quality replacement development.

Design and Heritage

- 3.49 The application site is not situated within a Conservation Area and does not feature any designated/non-designated heritage assets. However, the site is located within the immediate setting of the Sedlescombe Road Conservation Area to the east. On the North End Road frontage there is currently a shop with an upper floor of almost 2 storeys in height above. This is the pattern for most of the terrace i.e. single storey shops with a set back, 2 storey upper floor, all laid out in the same building line. The street has a strong linear character defined by buildings of fairly consistent height.
- 3.50 The proposed replacement building would line up with the front elevation of the ground floor building line of adjacent properties on North End Road to the south, and with the stepped forward building line at first and second floor level to the north of the site. The top floor has been amended to be centralised and stepped back from the front elevation in order to reduce its dominance and views from along North End Road, so that the emphasis is on the parapet line rather than the overall height of the set back top floor.
- 3.51 The North End Road frontage is designed as a rhythmic five bay order, continuing the existing linear character of the street. The ground floor retail units and new entrances to the flats and offices above is detailed as a reconstituted stone colonnade. The scheme has been revised since the previous application to omit the recessing of the two of the bays closest to the alleyway, retaining the existing arrangement. The office block frontage facing the street, which will be aligned with 258 North End Road has been articulated to respond to nearby Victorian elevations with brick piers and reconstituted lintels. A recessed layer of glazed brick will add colour and depth to the front elevation.
- 3.52 To the rear on the west side, the building will be more apparent from Coomber Road car park and the Clem Attlee Estate which has a jumbled and incoherent streetscene and townscape. There are no significant views to take account of from the surrounding estate. The proposed building will be set back significantly from existing residential blocks. The current view is of the unresponsive back of buildings and therefore, the proposal has taken the opportunity to create more attractive elevations in this locality. As a response to this backland urban environment, the residential elevations were articulated as a five storey tower block and a four storey middle block which is set back above ground level to form an open area at first floor level. The scale and massing of proposals, including a part 4, part 5 storey development to the rear has been carefully considered and represents a transitional scale of development; this would enable a similar scale of development to come forward on the adjacent site fronting Clem Attlee Court, which could complementing the scale of the adjacent Michael Stewart House. The design and materiality of the scheme, is considered to represent a high quality of design which would improve the character and appearance of the local area, particularly the North End Road frontage. As such, the proposal is considered acceptable, given the scale, massing and existing pattern of development in the surrounding context outside of any conservation area, and its appearance remaining sympathetic to the streetscape.
- 3.53 Considering the impact upon the Sedlescombe Road Conservation Area, the character and special interest of this area is mainly focused upon the quality of residential terraces; and the arts and crafts style of properties. Given complementary scale of proposals to the existing character of North End Road, alongside the high quality design and materiality of the scheme, proposals are not

considered to result in any harm to the setting of the Conservation Area and would be in accordance with Policy DC8 of the Local Plan (2018).

3.54 Overall, the proposed scale, massing, design, and external finishes (subject to conditions) of the development are considered appropriate and would contribute positively to the townscape of this part of North End Road and Coomer Road. The development would therefore be acceptable in accordance with the relevant provisions of the NPPF (2018), London Plan (2021) Policies D1, D3, D4 and D5 and Policies DC1, DC2, DC8 and DC11 of the Local Plan (2018).

Secure by Design:

3.55 London Plan Policy D11 and Local Plan Policy DC2 requires proposals to meet Secured by Design principles. The submitted Design and Access Statement notes that a number of security and secure entry measures proposed to be incorporated within the development, to include access control systems, well-lit and overlooked external access, and secured, covered, and illuminated cycle storage.

3.56 The recent appeal was dismissed on a single ground in relation to poor access to the flats at the rear of the site, which was limited to either via the enclosed oppressive alley running along the side of the site between No. 264 and the application site, or from the car park and servicing area to the rear. The proposals have been revised to address this by including a separate main residential access directly from North End Road next to the office entrance.

3.57 While it is acknowledged that the secondary residential entrance would be retained to the rear, it is considered this would likely be used more for servicing, with the entrance off of North End Road being the primary entry point. In this circumstances, officers consider that the revised access arrangements satisfactorily address, the Inspectors reason for dismissing the appeal.

3.58 The Metropolitan Police's Secure by Design officer raises no objections subject to further details of the access control and security rated equipment and fittings. These details would be secured by condition.

3.54 Officers consider that the proposals now accord with London Plan Policy D11 and Local Plan Policy DC2.

RESIDENTIAL AMENITY

3.59 Local Plan Policy DC2 states all proposals must be formulated to respect the principles of good neighbourliness. Policy HO11 (Detailed Residential Standards) state that the council will ensure that the design and quality of all new housing, including new build, conversions and change of use, is of a high standard and that developments provide housing that will meet the needs of future occupants and respect the principles of good neighbourliness. Key Principles HS6, HS7, and HS8 of the Planning Guidance SPD seeks to protect the existing amenities of neighbouring residential properties in terms of outlook; daylight, sunlight, and overshadowing, privacy, and noise and disturbance.

- 3.60 Policies CC11, CC12 and CC13 concern environmental nuisance and require all developments to ensure that there is no undue detriment to the general amenities enjoyed by neighbouring occupiers.

Outlook:

- 3.61 Planning Guidance SPD Key Principle HS6 notes that the proximity of a development can have an overbearing and dominating effect detrimental to the amenities of adjoining residential occupiers. Although it is dependent upon the proximity and scale of the proposed development, a general standard can be adopted by reference to a line produced at an angle of 45 degrees from a point at ground level or at 2m on the rear curtilage. On-site judgement will be a determining factor if any part of the proposed building extends beyond these lines.
- 3.62 To the north and north-west, the site is surrounded by two storey commercial development with no affected windows. The closest residential property to the site is No.264 North End Road to the south which has habitable room windows in its rear elevation at first floor level, it is considered that adequate outlook would be retained. Immediately to the rear of No.264 is the existing car park which would be retained. Also, the ground floor footprint of the proposed building is set away from the shared boundary because of an alleyway between the two properties and the proposed building includes a generous set back at first floor away from the alleyway on the party boundary with No.264 North End Road. Towards the rear, the 5 storey element of the proposed building is towards the rear of the site 7m away from the No. 264 and 3m of the flank elevation of that property. Officers consider that a satisfactory sense of openness would be retained.
- 3.63 Based on an on-site judgement, officers consider that the resulting siting of development would retain a satisfactory sense of openness to the nearest existing windows and would not have an undue impact to neighbouring occupiers' existing residential amenities. The proposals accord with Policy DC2 and HO11 of the Local Plan, and Key Principle HS6 of the Planning Guidance SPD.

Daylight/Sunlight/Overshadowing:

- 3.64 The British Research Establishment (BRE) guide on 'Site layout planning for daylight and sunlight', set out good practice for assessing daylight and sunlight impacts for new development. In urban and city centre areas, BRE Guidelines advise that the guidance be applied flexibly.
- 3.65 The applicants have submitted a Daylight and Sunlight report which has been carried out in line with the BRE guidance. In total 26 windows within the closest residential properties at 264, 266 and 357-361 North End Road have been considered in the daylight assessment

Daylight:

- 3.66 The BRE Guidance sets out the method of assessing daylight to or within a room, the Vertical Sky Component (VSC) method.
- 3.67 The VSC method measures the amount of sky that can be seen from the centre of an existing window and compares it to the amount of sky that would still be capable

of being seen from that same position following the erection of a new building. The measurements assess the amount of sky that can be seen by converting it into a percentage. An unobstructed window will achieve a maximum level of 40% VSC. The BRE guide advises that if the VSC is greater than 27% then enough skylight should still be reaching the window of the existing window.

3.68 If the VSC is both less than 27% and less than 80% of its former value, occupants of the existing building will notice the reduction in the amount of daylight. However, the Guidance makes clear that these values are advisory and para 2.2.1 states that 'Different criteria may be used based on the requirements for daylighting in an area viewed against other site layout constraints.

3.69 All 26 of the assessed windows pass the VSC test. Sufficient information has therefore been submitted to assess the proposal's full impact on daylighting to neighbouring residential properties. Having reviewed the daylight submissions, officers have no reason to question the conclusions of the report. The proposals are therefore in compliance with policies DC1, DC2 and HO11 of the Local Plan 2018.

Sunlight and Overshadowing:

3.70 To assess loss of sunlight to an existing building, the BRE guidance suggests that all main living rooms of dwellings, and conservatories, should be checked if they have a window facing within 90 degrees of due south. The guidance states that kitchens and bedrooms are less important, although care should be taken not to block too much sun. The Annual Probable Sunlight Hours (APSH) predicts the sunlight availability during the summer and winter for the main windows of each habitable room that faces 90 degrees of due south. The summer analysis covers the period 21 March to 21 September, the winter analysis 21 September to 21 March. The BRE Guidance states a window may be adversely affected if the APSH received at a point on the window is less than 25% of the annual probable sunlight hours including at least a 5% of the annual probable sunlight hours during the winter months and the percentage reduction of APSH is 20% or more.

3.71 In respect of overshadowing, the BRE Guidelines recommend that for it to appear adequately sun lit throughout the year at least half of a garden or amenity space should receive a least 2 hours of sunlight on 21 March. If, because of new development, an existing garden or amenity area does not meet the above, and the area which can receive 2 hours of sunlight on the 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.

3.72 The development meets the targets for annual probable sunlight hours (APSH).

Privacy:

3.73 Planning Guidance SPD Key Principle HS7 states that new windows should normally be positioned so that they are a minimum of 18m away from existing residential windows as measured by an arc of 60 degrees taken from the centre of the proposed window. In addition, a roof terrace/balcony is unacceptable if it would result in an additional opportunity for overlooking and consequent loss of privacy.

3.74 The rear windows to the proposed replacement building have been positioned to comply with Key Principle HS7. In the form proposed, the development would not

result in additional opportunities for overlooking or loss of privacy. Any overlooking from the proposed first floor communal access route would be prevented by the proposed planting and privacy screening along the southern boundary of the first floor, details of which are to be secured through condition.

- 3.75 The proposal would not result in a loss of privacy or overlooking and therefore accords with Policy DC2 and HO11 of the Local Plan, and Key Principle HS7 of the Local Plan in this respect.

Noise and Disturbance:

- 3.76 Planning Guidance SPD Key Principle HS8 adds that roof terraces or balconies likely to cause harm to the existing amenities of neighbouring properties by reason of noise and disturbance will not be supported.
- 3.77 The residential properties would have access to a terrace or area of external amenity space to the rear of the development, with a communal amenity space at first floor level. The modest size (between 5 sq m and 8sq m sqm, with the exception of the three bed unit with a terrace of 12sq m at first floor level) of the private terraces to the residential units together with their relationship with adjoining properties, means that it is unlikely that these spaces would unduly harm the amenities of adjoining occupiers as a result of additional noise and disturbance.
- 3.78 Having regard to the size of the proposed office terrace (27sqm), together with its third floor location and positioning 5m from the adjoining property at 264 North End Road, it is considered that the terrace has the potential to harm the existing amenities of adjoining occupiers as a result of additional noise and disturbance. It would be necessary to control the hours of use of the terraces to ensure that the development would not harm the existing amenities of adjoining occupiers in terms of noise and disturbance. This is to be secured by condition.
- 3.79 The first-floor level layout has been configured the publicly accessible area at that level to be for access only. In this form, which would not encourage the type of social gathering that could result in noise and disturbance, the arrangement is considered acceptable in terms of impact on neighbouring residential amenities. The proposed development is therefore considered to comply with Policies DC4, HO11, and CC11 of the Local Plan (2018), and SPD Key Principle HS8.

TRAFFIC AND HIGHWAYS

Servicing and Deliveries

- 3.80 The total number of future servicing and delivery trips has been estimated based on a TRICS assessment which is the industry standard tool for predicting trip generation. The B1 office (396sqm) is likely to generate 1 delivery per day. Typical office deliveries include water supplies, stationery and ad hoc Amazon, supermarket or internet deliveries. The 9 residential units are expected to generate 1 delivery per day.

3.81 The applicants have submitted a draft Delivery Servicing Plan as part of a Transport Statement, which will ensure that the likelihood of conflicts with pedestrians and other vehicles will be minimised and that the servicing of the site will not affect the free flow or environmental condition of the public highway. The applicant benefits from a right of access from the development to the service yard located to the rear of site which is accessed via Coomber Road. Servicing and deliveries would therefore take place from the service yard in Coomber Road. If the Council were minded to grant planning permission a separate condition could be made to secure the full Delivery and Service Management Plan.

Car Parking:

3.82 Policy T4 of the Local Plan (2018) requires all new development to conform to the car parking standards of the London Plan. The site has a good PTAL rating of 4 and in this case, it means that the development is expected to be car-free in accordance with Policy T4. No off-street parking would be provided for either the commercial or residential parts of the development. Prohibition of future residents to obtain parking permits is to be secured through section 16 of the Greater London (General Powers) Act 1974, and would be included as part of a S106 legal agreement. This is to ensure the development would not result in harm to existing on-street parking stress levels and the amenities of local residents.

Cycle Parking:

3.83 Local Plan Policy T3 seeks to increase and promote opportunities for cycling and walking and states that new development to include provision of accessible and safe secure parking within the boundary of the site.

3.84 The application indicates that 17 cycle spaces are to be provided at ground floor level for the residential part of the site, with 14 within a cycle stores at ground, first, second floor levels for the commercial parts. This is considered acceptable and is to be secured by condition.

Refuse and Recycling:

3.85 Local Plan Policy CC7 states that new developments, including conversions should aim to minimise waste and should provide convenient facilities for future occupiers.

3.86 The commercial and residential waste will be stored separately. The residential and retail bin stores will be located at ground level to the rear of building with access from the Coomer Road service yard. Refuse operatives will have access to the stores which will be locked. Waste generated by the office will be stored internally at the rear of each office on each floor. The waste and recycling will be taken out by the cleaning company as per LBHF policy. Highways is satisfied with this arrangement, which would accord with Key Principle WM7 of the Planning Guidance SPD. This is secured by condition.

Construction Impacts:

3.87 With regards to the potential impact of the construction phase on nearby properties, in order to mitigate any adverse impacts as far as possible, a condition is proposed requiring a Construction Management Plan to be agreed with the council prior to

works commencing on site, including controls on matters including noise, vibration, lighting, delivery locations, and restriction of hours of work. Whilst it may not be possible to completely avoid any impact on the external seating area of the cafe, the impacts will be short-term, mitigated as far as possible, and would not be a reason for refusal of the application.

- 3.88 A condition is also proposed requiring a Construction Logistics Plan (CLP) to be submitted and agreed with the council prior to works commencing on site, to ensure that the construction phase does not adversely impact on local highways, in accordance with Policy T7 of the Local Plan (2018).
- 3.89 Overall, in terms of highways and transport implications, subject to appropriate condition, the proposal is judged to comply with Policies CC7, T1, T2, and T3 of the Local Plan and relevant Transport Key Principles of the Planning Guidance SPD.

ENVIRONMENTAL CONSIDERATIONS

Flood Risk:

- 3.90 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. This is echoed within London Plan Policy SI 12.
- 3.91 Local Plan Policy CC3 requires that new development reduce the use of water and be designed to take account of increasing risks of flooding. Policy CC4 states that new development would be expected to manage surface water run off by implementing a range of measures, such as sustainable drainage systems (SuDs) where feasible and the use of water efficient fittings and appliances.
- 3.92 The site is within the Environment Agency's Flood Zone 3, with a Flood Risk Assessment (FRA) submitted in support of the application. The site is protected by flood defences such as the Thames Barrier and local river walls, and if these were breached or over-topped, the site could be impacted by flooding. Surface water flood risk is considered low for the site, though there is a 'hotspot' nearby.
- 3.93 No basement level development is proposed and the ground floor level does not contain any residential uses. The vulnerability to flooding is therefore considered to be low with no requirement to include specific flood protection measures at ground floor level. Overall, the flood risks to the development have been adequately assessed within the FRA and subject to the implementation of the measures proposed which could be secure through condition if the Council were minded to grant planning permission, the Council's Environmental Policy Officer raises no objections on flood risk grounds.
- 3.94 The proposals accord with Policies SI 12 of the London Plan and CC3 and CC4 of the Local Plan.

Sustainable Drainage Systems (SuDS):

- 3.95 The application proposes integrating a 1st floor community amenity space and gardens and living roofs at the 3rd and 4th floor levels. Water butts are also

proposed along with some underground geocellular storage to manage surface water on-site in line with the requirements of London Plan 'Drainage Hierarchy', Policy SI 13, and Local Plan Policy CC4.

- 3.96 In broad terms, Officers consider this approach acceptable subject to further detailed design work to confirm the full details of how surface water would be managed on-site including the rainwater harvesting features, the geocellular storage tank and the living roofs and other landscaping, and maintenance information in-line with the London Plan Drainage Hierarchy's preferred SuDs measures. This would be secured by condition.
- 3.97 The proposals accord with Policy SI 13 of the London Plan and Local Plan Policy CC4.

Air Quality:

- 3.98 London Plan Policy SI 1 and Policy CC10 of the Local Plan seek to reduce the potential adverse air quality impacts of new developments by requiring appropriate consideration and mitigation of air quality issues.
- 3.99 The development site is within the borough wide Air Quality Management Area (AQMA). The site is in an area of very poor air quality due to the road traffic emissions from North End Road. The Council's Environmental Quality team have considered the proposal and have recommended conditions relating to Ventilation Strategy; a Ultra Low Emission Strategy; Low Zero emission gas Air Source Heat Pumps/Electric boilers; and an Air Quality Dust Management Plan. This will be secured via condition.
- 3.100 The proposals accord with Policy London Plan Policy SI 1 and Policy CC10 of the Local Plan.

Contamination:

- 3.101 Local Plan Policy CC9 state that the Council will support the remediation of contaminated land, and that it will take measures to minimise the potential harm of contaminated sites and ensure that mitigation measures are put in place.
- 3.102 Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. Conditions are attached 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.

FIRE SAFETY

- 3.103 London Plan Policy D12 states that, in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety and ensure that they:
- identify suitably positioned unobstructed outside space:
 - a) for fire appliances to be positioned on
 - b) appropriate for use as an evacuation assembly point are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the

event of a fire; including appropriate fire alarm systems and passive and active fire safety measures

- are constructed in an appropriate way to minimise the risk of fire spread
- provide suitable and convenient means of escape, and associated evacuation strategy for all building users
- develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in
- provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.

3.104 The applicant has provided a Fire Safety Strategy Report with the application, which includes details of means of escape; protection against internal fire spread (linings and structure); protection against external fire spread; and access and facilities for firefighting. Officers have reviewed the submitted document and are satisfied that points 1-6 of London Plan (2021) Policy D12 have been fully considered and addressed within the submitted document.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Mayoral CIL:

- 3.105 Mayoral CIL came into effect in April 2012 and is a material consideration to which regard must be had when determining this planning application. This development will be subject to a London-wide community infrastructure levy. The relevant Mayoral CIL rate for new development Hammersmith and Fulham is £80 per sqm (GIA) of floorspace created.
- 3.106 An estimate of £70,070.23 based on the new residential and commercial floorspace has been calculated. The GLA expect the Council as the collecting authority to secure the levy in accordance with London Plan Policy DF1.

Local CIL:

- 3.107 The Council has also set a CIL charge from September 2015. The CIL Charging Schedule identifies charging levy areas and the site falls within Zone Central B. Within this zone the rate for Class C3 development is £200/sqm, while the rates for shop floorspace is £80/sqm and none for office space. An estimate of £ 139,798.97 based on the new residential and commercial floorspace has been calculated.

4.0 PLANNING OBLIGATIONS:

- 4.1 London Plan Policy DF 1 and Local Plan Policy INFRA1 recognise the role of planning obligations in mitigating the effects of development and provides guidance of the priorities for obligations in the context of overall scheme viability.
- 4.2 In the event that planning permission was resolved to be granted, the applicant would be required to enter into a legal agreement. The Legal Agreement will include the following clauses:

(1) Contribution to economic development (£13,875) including the following:

- a. Contribution of £10,500 to provide two construction period apprenticeships, one of which will be provided directly by the developer
- b. 10% of labour employed on the construction of the development to be H&F residents
- c. Contribution of £3,375 towards facilitating the Council in supporting local Small to Medium Enterprises to bid for contracts tendered in the supply chain
- d. 10% of build costs to be spent locally on H&F businesses
- e. Submission of delivery and monitoring plans
- f. 10% local labour target during the first 24 months of the operational phase (based on employees being within one of the Council's target groups, otherwise a target of 20% applies)

(2) On-street car parking permit-free development

(3) Provision of a Travel Plan with Year 1, Year 3 and Year 5 monitoring review by the Council, with a monitoring fee (£3000) per review

(4) AQDMP Compliance monitoring of £6000 per annum of the demolition and construction phases of the development.

(5) A commitment to meet the costs of the Council's associated legal fees.

5.0 CONCLUSION

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

5.2 In the assessment of the application regard has been given to the NPPF, London Plan, and Local Plan policies as well as guidance.

5.3 For the reasons given above, it is considered that the proposal would be of an acceptable appearance. The design of the building would be appropriate in the context of its surroundings and would not have a detrimental impact upon the existing residential amenities of surrounding occupiers or on traffic generation in the area. The proposal would result in a net increase in the provision of office space and retain sufficient commercial floorspace. The proposal would result in a net increase in the provision of residential accommodation and would provide an acceptable standard of accommodation for its occupiers. In these respects, and subject to conditions and a legal agreement, the proposal is considered acceptable in accordance with the relevant policies of the London Plan (2021) and Policies HO1, HO3, HO6, DC1, DC2, DC8, T3, T4, T7, CC1, CC2, CC3, CC4, CC7, CC9, CC10, CC11, CC12 and CC13 of the Local Plan (2018).

5.4 A package of obligations has been secured to mitigate the impacts of the development on the highway and to provide employment and training opportunities for local residents. In these respects, the proposals comply with the relevant policies of the NPPF (2021), the London Plan (2021), the Local Plan (2018)

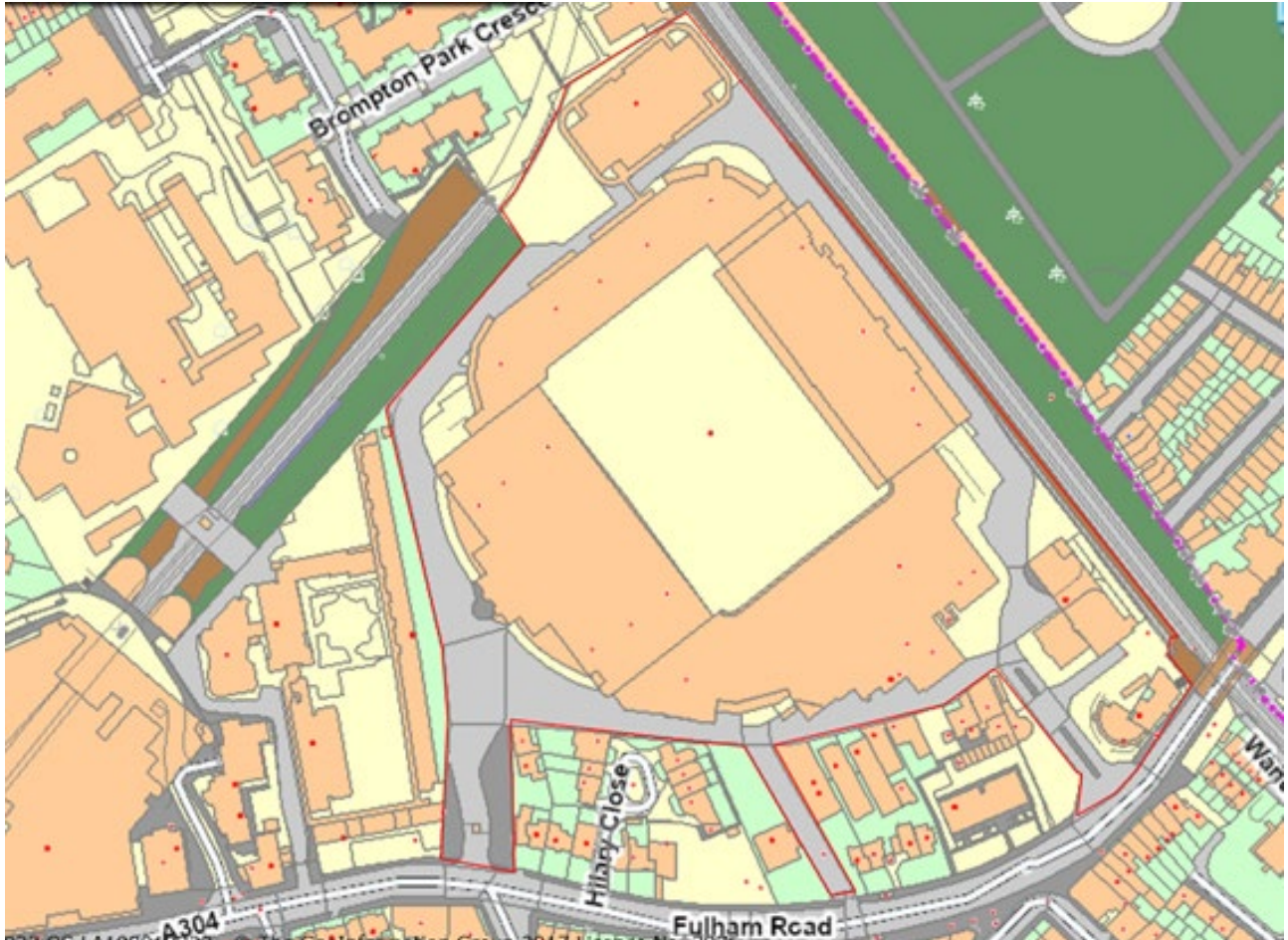
and the relevant Key Principles within the Planning Guidance Supplementary Planning Document (2018).

- 5.5 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 the conditions listed, and the completion of a s106 legal agreement.

Ward: Walham Green

Site Address:

Stamford Bridge Stadium Fulham Road London SW6 1HS



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For identification purposes only - do not scale.

Reg. No:

2022/03649/ADV

Case Officer:

Tom Scriven

Date Valid:

19.12.2022

Conservation Area:

Committee Date:

07.03.2023

Applicant:

Chelsea Football Club Ltd
C/O Agent

Description:

Display of an internally illuminated led video screen measuring 7m (high) x 4m (width) at the entrance to the North Lower Tier (north eastern elevation) of the Matthew Harding Stand of Stamford Bridge Football Stadium.

Application Type:

Display of Advertisements

Officer Recommendation:

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

Conditions:**Time**

- 1) The period of this consent shall expire 5 years from the date of this notice.

Condition required to be imposed by the Town and Country Planning (Control of Advertisements) Regulations 2007.

Approved Drawings

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

SG-1.29

SG-1.30

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

Level of Illumination

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

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

Hours of Illumination

- 4) The LED screen hereby permitted shall only be illuminated between the hours of 7:00-22:00 on Chelsea FC home matchdays and between 7:00-20:00 on all other days. In addition to this, the illumination shall be switched off for the period of two hours before sunrise and one hour after as well as one hour before sunset and two hours after. For the remainder of the time, outside the permitted hours, the advertisement shall be switched off and shall not display any graphics.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by artificial lighting and that protected species are not impacted by the illumination, in accordance with Policies OS4, CC12 and CC13 of the Local Plan (2018).

Silent Display – No Audio

- 5) The two LED screens hereby permitted shall be used only for silent display purposes, and there should be no audio associated with their display.

To ensure that the amenities of neighbouring resident / businesses are not unduly affected by additional noise and disturbance in accordance with policies HO11 and CC13 of the Local Plan (2018).

Justification for Approving the Application:

- 1) The proposal would result in acceptable signage, which would be in keeping with, and would not harm the character and appearance of the surrounding area (including designated heritage assets). There would be no significant harm to visual amenity, residential amenity, biodiversity or highway safety and the proposal would be in accordance with Policies DC1, DC8, DC9, T6, HO11, OS4, CC12 and CC13 of the Local Plan (2018) and Key Principles 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: 16th December 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:
Royal Borough Of Kensington And Chelsea

Dated:
10.01.23

Neighbour Comments:

Letters from:

Dated:

26 Waterford road London sw62dr	01.02.23
56 WATERFORD ROAD London SW6 2DR	06.02.23
2 Moore Park Road London SW6 2JT	29.01.23
30A Holmead Road London SW6 2JD	30.01.23
2 Moore Park Road Fulham London SW6 2JT	29.01.23
6 Melbourne Terrace, Moore Park Road London SW6 2JU	30.01.23
60 WATERFORD ROAD LONDON SW6 2DR	31.01.23
39 Waterford Road London SW6 2DT	23.01.23
2 Billing Place London SW10 9UN	31.01.23
16 MOORE PARK ROAD Fulham LONDON SW6 2JS	31.01.23
17 Moore Park Road London SW6 2JB	29.01.23
37 Britannia Road London SW6 2HJ	30.01.23
67 Britannia road London SW62JR	30.01.23
6 Melbourne Terrace, Moore Park Road London SW6 2JU	30.01.23
67 Waterford Road London SW62DT	30.01.23
10 Moore Park Road London SW62JS	30.01.23
12 Moore Park Road London SW62JS	30.01.23
37 Holmead Road London SW6 2JD	02.02.23
70 Waterford Road London SW6 2DR	03.02.23
3 Holmead Road London Sw62JE	30.01.23
55 Britannia Road London SW6 2JR	04.01.23

7 Hilary Close Fulham Road London SW61EA	24.01.23
4, Moore Park Road London SW6 2JT	27.01.23
5 Melbourne Terrace Moore Park Rd London SW6 2JU	30.01.23
7 Maxwell Road London SW6 2HT	30.01.23
5 Holmead road London SW6 2JE	30.01.23
20 Rumbold Road London SW6 2HX	30.01.23
27 Maxwell Road London SW6 2HT	30.01.23
46 Britannia Road London SW6 2JP	31.01.23
53 Brompton Park Crescent London SW6 1SW	05.01.23
59 Waterford road London SW62DT	30.01.23
69 Moore Park Road London SW6 2HH	30.01.23
67 Britannia road London SW6 2JR	30.01.23
31 Maxwell Road London SW6 2HT	29.01.23
5 Maxwell Road London SW6 2HT	29.01.23
46 Waterford Road London SW6 2DR	30.01.23
51 Moore Park Road Fulham SW62HP	31.01.23
35, Waterford road London SW6 2DT	30.01.23
41 Britannia Road London SW62HJ	15.02.23

1.0 BACKGROUND

- 1.1 The application relates to Stamford Bridge Stadium, the home of Chelsea Football Club, with its main access on the northern side of Fulham Road. To the south of the main stadium along the Fulham Road frontage are Chelsea Studios, Hilary Close and Bovril Court which include mainly residential properties and some artists' studios. To the north lies the District Line underground railway track. Immediately, to the east is an overground railway line and beyond that is Brompton Park Cemetery (Grade 1 Listed). To the west is the Sir Oswald Stoll 4 storey blocks of flats.
- 1.2 The stadium is not within a conservation area, but it is adjacent to the Moore Park and The Billings & Brompton Cutting Conservation Areas. There are several Buildings of Merit to the south and west of the site on Fulham Road, within Chelsea Studios and the Sir Oswald Stoll developments.

Relevant planning history:

- 1.3 The site has an extensive planning history and the most relevant history is set out below:

In November 2002, advertisement consent was approved (ref 2022/02030/ADV) for the display of various signs including:

- 2 internally illuminated fascia signs, 2 externally illuminated banner signs, 1 illuminated kinetic feature wall, 2 non-illuminated projecting signs to West Stand Entrance elevation;
- 1 internally illuminated LED video screen (7m wide x 4m high) and 2 non-illuminated fascia signs on the exterior elevation of Megastore;
- 1 internally illuminated LED video screen measuring (5m wide x 3m high), 1 non-illuminated sign, 1 internally illuminated projecting sign and 1 non-illuminated sign to be painted onto East Stand;
- 1 non-illuminated sign to Matthew Harding Stand elevation;

- 1 non-illuminated painted logo on exterior of Chelsea Museum elevation;
- 1 non-illuminated sign to ticket office elevation.

In 2017, planning permission was granted (ref 2015/05050/FUL) for the demolition of the existing stadium and buildings and the erection of a new 60,000 capacity football stadium (Class D2) with ancillary stadium-related uses including a Combined Heat and Power (CHP) plant, Club shop, kiosks and museum; restaurant/café (Class A3); together with the construction of a decking platform over the District Line railway to the north-west and a decking platform over the Southern mainline railway to the east; external concourse areas; associated excavation works; new pedestrian access from Fulham Broadway Station and Fulham Road; new vehicular access via Wansdown Place; car parking; landscaping and related works.

In 2017, planning permission was granted (ref 2017/01619/FUL) for alterations to an existing shopfront to include: an additional new window display at first floor, new logos and changing of existing yellow metal panels at entrance to white panels with LED rear illumination and perforated metal.

In 2017, advertisement consent was approved (ref 2017/01620/ADV) for 2 non-illuminated box aluminium fascia signs above entrance and 1 applied to the existing perforated panels at first floor; and 2 signs spray applied to the existing perforated panels at first floor.

In 2012, advertisement consent was approved (ref 2012/02471/ADV) 1 internally illuminated screen mounted to the pillar of the front entrance; 1 internally illuminated graphic sign and 1 internally illuminated logo and company name sign fixed to new cladding to entrance, including shadow lighting feature detail to angular joints; 1 stainless steel Delta logo set flush into concrete runway, including installation of LED lighting strips running length of the concrete runway.

In 2008, advertisement consent was approved (ref 2008/01894/ADV) for an internally illuminated fascia sign and projecting sign on east elevation of the stadium.

Proposal:

- 1.4 The current advertisement application relates to the northern corner of the stadium. The proposals involve the display of 1 internally illuminated LED video screen (7m high x 4m wide) at the entrance to the North Lower Tier (north eastern elevation) of the Matthew Harding Stand.

2.0 PUBLICITY AND CONSULTATION

- 2.1 The application has been publicised by means of statutory site notices and press notices. In addition, 42 individual notification letters have also been sent to occupiers adjoining the site. In response, 39 letters of objection were received from 36 separate addresses, the concerns raised can be summarised as follows:

- Impact on Brompton Cemetery (Grade I Listed)
- Impact on character of the area and Conservation Areas (Moore Park and The

Billings & Brompton Cutting Conservation Areas)

- Light pollution / illumination
 - Number of adverts proposed
 - Impact upon wildlife after dark
 - Use of screen in relation to licensing application including for films and videos
 - Neighbouring amenity in relation to a separate licensing application: increase in visitor disruption and antisocial behaviour with associated adverse impact on litter, noise/disturbance, traffic/parking
 - Insufficient consultation
- 2.3 Royal Borough Of Kensington And Chelsea did not raise any objections to the proposals.
- 2.4 Officer Comment: The impact upon the cemetery, Conservation Area, general character of the area, residential amenity and wildlife are assessed below within the relevant sections of this report.
- 2.5 When deciding applications for advertisement consent, we can only have regard to visual amenity and public safety in respect of illumination and highway safety. The concerns raised in relation to the licensing application are therefore not relevant to the current proposal. The activities around the Stadium concourse including the exhibition of films, performance of live music and the playing of recorded music are not a material consideration for this advertisement application. The applicants have confirmed that the screen would not be used in association with any such activities and conditions would be attached to restrict the use of audio and hours.
- 2.6 The public consultation was carried out in line with statutory requirements (see paragraph 2.1 above). Notification letters were sent to immediate neighbours and the application was advertised by way of a site and press notices.

3.0 PLANNING CONSIDERATIONS

- 3.1. The relevant considerations in this case, are the policies in the National Planning Policy Framework [NPPF] (2021), The London Plan (2021) and the Hammersmith and Fulham Local Plan (2018), the Planning Guidance Supplementary Planning Document [SPD] (2018) and Advertisement Regulations are:
- Amenity including impact on heritage assets
 - Public safety

Visual Amenity (Design and heritage)

- 3.2. The site is not located within a conservation area; however, it is adjacent to the Moore Park and The Billings and Brompton Cutting Conservation Areas. In addition, Brompton Park Cemetery (Grade 1 Listed) lies to the east beyond the railway line and there are several Buildings of Merit to the south and west of the site on Fulham Road, within Chelsea Studios and the Sir Oswald Stoll developments.
- 3.3. Paragraph 136 of the NPPF states that the quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which

should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Paragraph 199 of the NPPF requires great weight to be given to the conservation of designated heritage assets when considering the impact of any proposals on their significance.

- 3.4 Accordingly, Policy D8 of the London Plan (2021), Policies CC12, DC8, DC9 and T1 of the Local Plan 2018 and Key Principles AH1, AH2, BM2 and CAG3 of the Planning Guidance Supplementary Planning Document (SPD) 2018 are relevant considerations to the determination of this application.
- 3.5 Amongst other things, sub-paragraph B of London Plan Policy D8 states that proposals should seek to ensure the public realm is well-designed, attractive, related to the local and historic context. Specifically, 'lighting, including for advertisements, should be carefully considered and well-designed in order to minimise intrusive lighting infrastructure and reduce light pollution'.
- 3.6 Policy CC12 of the Local Plan requires advertisements to be appropriate for their intended use, utilise the minimum amount of light necessary to achieve its purpose, be energy efficient and provide adequate protection from glare and light spill.
- 3.7. Local Plan Policy DC8 states that the council will conserve the significance of the Borough's historic environment by protecting, restoring, or enhancing its heritage assets, including the borough's conservation areas.
- 3.8 Local Plan Policy DC9 ensures that a high standard of design of advertisements which are in keeping with the character of their location and do not have an unacceptable impact on public safety. The council will resist excessive or obtrusive advertising and illuminated signage which adversely affect the character or public safety. Large adverts such as digital screens, will be acceptable where they are of an appropriate scale with their surroundings and where they do not have a detrimental impact on areas sensitive to the visual impact of hoardings such as conservation areas, listed buildings and other heritage assets, residential areas, open spaces or waterside land.
- 3.9 SPD Key Principle CAG3 states that proposals should not have a harmful impact upon the character and appearance of Conservation Areas. Key Principle AH2 supports the protection of heritage assets. SPD Key principles TR28 and SDC1 outline that developments including external lighting should control the potentially adverse impacts that it could cause.
- 3.10 Officers have carried out an assessment of the impact of the proposal on visual amenity and of the potential impact on the character and appearance of the Moore Park and The Billings and Brompton Cutting Conservation Areas, Brompton Park Cemetery (Grade 1 Listed) and nearby Buildings of Merit.
- 3.11 The Matthew Harding Stand is located on the north west side of the stadium with its primary entrance on the north corner. The proposal consists of 1 internally illuminated LED video screen (7m high x 4m wide) that would face the opposing Chelsea Museum towards the rear of the site. As a result, the primary views of the sign would be from within the site and the impact upon wider character would be

very limited.

- 3.12 Views of the screen would be from limited vantage points within the site. The primary views would be from the concourse area between the stadium and Chelsea FC Museum building to the north which would prevent the advert from being seen from that direction.
- 3.13 The north east boundary of the stadium site includes a solid boundary wall and past that is a railway line. Beyond the railway sidings, is the Brompton Cemetery and there is a high brick wall between these two areas. The land and properties on the other side of the railway fall within the Billings & Brompton Cutting Conservation Area.
- 3.14 The proposed advertisement screen would be located approximately 60m from the boundary wall of the cemetery - it would be largely screened from within the cemetery due to the existing high boundary wall and its oblique north facing angle towards the Museum rather than north east towards the cemetery and the Conservation Area. Whilst there would be the potential for some views through perforated features within the boundary wall, these would be restricted in nature. In addition to this, any views afforded would be against the backdrop of the existing stadium which includes signage and lighting in this area.
- 3.15 Conditions would be attached to any consent to mitigate the impact of illumination associated with the advertisement. The conditions would control the levels of light and the permitted hours of use which would constrain the impact of illumination into the night. The hours of use would be limited to between 7:00 and 22:00 on match days and 20:00 on non-match days.
- 3.16 Overall, officers consider that the advertisement due to its siting, orientation, commercial setting and controlled illumination which is subject to conditions would not harm the character of the area or setting of nearby heritage assets. On this basis the proposals would be acceptable with regards to Policies DC8 and DC9 of the Local Plan and Key Principle AH2 of the Planning Guidance SPD.

Highways and Transport

- 3.17 Local Plan Policy T6 states that development will not be permitted it would prejudice the effectiveness of roads to distribute traffic. In support of this, SPD Key Principle TR28 (Advertisements and Transport) requires the consideration of public safety and the refusal of applications where public safety is compromised.
- 3.18 The proposed advertisement screen is located to the rear of the application site away from the public highway; given its orientation, it would not be visible from the roads surrounding the site. On this basis, there would be no impact upon the operation of the highway or highway safety. Therefore, the proposal would comply with to policies T6 and DC9 of the Local Plan and SPD Key Principle TR28.

Neighbouring Amenity

- 3.19 Local Plan Policy HO11 seeks to ensure that all development respects the principles of good neighbourliness. CC12 relates to the detrimental impact that developments can have on residential amenity as a result of light pollution. CC13

relates to the control of potentially polluting uses including noise impacts and seeks to ensure any such impacts are suitably mitigated.

- 3.20 The LED advertisement screen would be located at the rear of the site, a significant distance from the residential neighbours at Sir Oswald Stall building and any views from those properties would be obscured by the stadium. Similarly views from the nearest neighbours in Brompton Park Crescent would be physically obstructed by the existing Club Museum building.
- 3.21 Regarding noise, no audio would be associated with proposed use for the advertisement screen. to use audio. A condition would be attached to ensure this Given the distances and siting of the stadium buildings between the nearest residential properties; officer consider that the proposals would not result in any adverse impact in terms of noise.
- 3.22 Overall, the proposed advertisement would be acceptable in respect of residential amenity for neighbouring occupiers in accordance with Local Plan Policies HO11, CC12, CC13.

Biodiversity

- 3.23 Local Plan Policy OS4 states that nature conservation areas and green corridors identified on the Policies Map (and shown on Map 7 and listed in Appendix 4) will be protected from development likely to cause demonstrable harm to their ecological (habitats and species) value.
- 3.24 Part of the overground railway line, on the boundary to the north of the site has been identified as a nature conservation area. The proposed advertisement screen would be close proximity to the railway cutting and the cemetery, both of which have the potential to support wildlife.
- 3.25 The screen would be sited in close proximity to existing light sources within the stadium and would be orientated so that it would not directly face towards the railway line or cemetery. However, given the size of the screen and levels of illumination involved there would still be the potential for an impact upon wildlife and in particular foraging bats. The Council's Ecological officers have considered the proposals and raise no objections subject to a condition requiring that the screen be switched off during the greatest period of likely activity around dawn and dusk. Subject to this restriction it is considered that the proposal would not unacceptably impact upon bats in the vicinity of the site.
- 3.26 Based on this the use of the screen would not significantly impact upon wildlife within the above identified areas. Therefore, officers conclude that the proposals would accord with Local Plan Policy OS4.

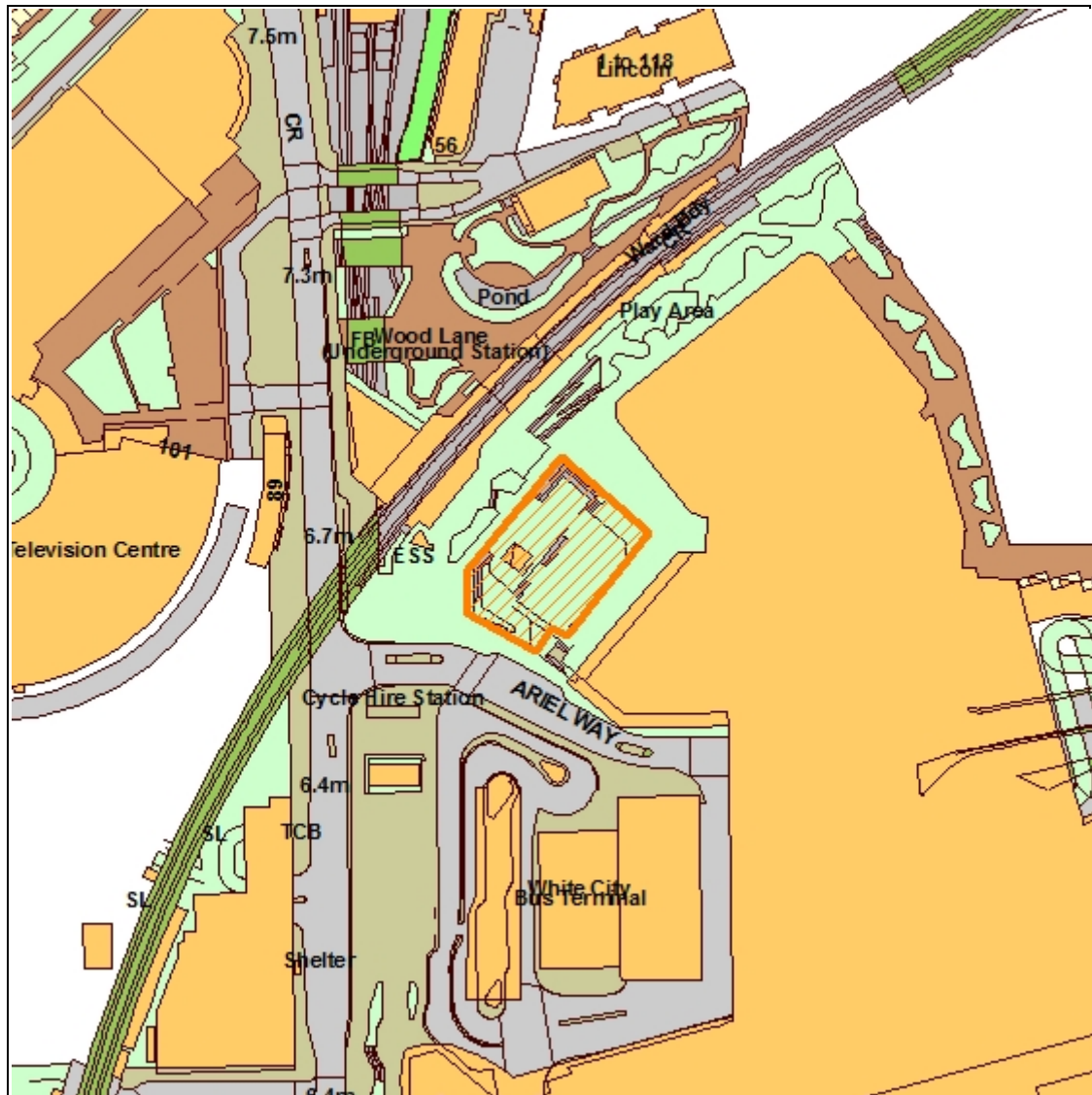
4.0 CONCLUSION

- 4.1 Overall, the proposed single LED screen advertisement would have an acceptable impact in terms of visual amenity (including impact on heritage assets), public highway safety, residential amenity and nature conservation. The proposals would accord with the relevant policies in the London Plan 2021, Local Plan 2018 and SPD 2018.

Ward: Shepherd's Bush Green

Site Address:

Westfield London Shopping Centre Ariel Way London



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For identification purposes only - do not scale.

Reg. No:

2022/03193/FUL

Case Officer:

Anisa Aboud

Date Valid:

11.11.2022

Conservation Area:

Committee Date:

07.03.2023

Applicant:

Westfield Europe Ltd.
C/o Agent C/O AGENT

Description:

Temporary use of the Square as an Ice Rink (use class F2 (d)), Christmas Tree and associated temporary structures for a temporary period between 1st November and 31st January inclusive on an annual basis for three years ending January 2025.

Drg 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 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 conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

Conditions:

- 1) The temporary use of the site as a Christmas/winter event space is permitted for a limited period of 3 years only, on an annual basis between November and February only, commencing November 2022 until the 31st January 2025:-

Annually, in respect of the Christmas tree, this should be displayed only until 10th January 2024 for the 2023/2024 festive season and only until 10th January 2025 for the 2024/2025 festive season, after which date the Christmas tree shall be taken down and removed from the site, and the site shall be returned to its original condition.

Annually, in respect of the ice rink and associated structures, the use is to cease by the 31st January. The rink and associated structures hereby approved will be removed by 12th February 2024 for the 2023/2024 festive season and by 12th February 2025 for the 2024/2025 festive season, following which the site shall be returned to its original condition.

In the interests of proper planning and to ensure that the use does not have a significant impact upon the existing amenities of neighbouring residents, in accordance with Policies CC11, CC13, DC1, DC4, DC9 and HO11 of the Local Plan (2018).

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

Site Location Plan (WL-WestfieldSquare-Planning-Ice Rink22-171022-Ice Rink Location Plan), Site/Block Plan (180321-WF-01-ICE-RINK-PLANKRP-0SU), Proposed NE Elevation (WL-WestfieldSquare-Planning-Ice Rink22-171022-Ice Rink Screen-NE-Elevation), Proposed SE Elevation (WL-WestfieldSquare-Planning-Ice Rink22-171022-Ice Rink Screen-SE-Elevation), Structures & Rink Elevations (180321-WF-01-ICE-RINK-PLAN-RP-8EL), Cassette Floor Section (180321-WF-01-ICE-RINKPLANK-RP-7SE), Barrier Layout (180321-WF-01-ICE-RINKPLANK-RP-4BA), Flood Covering Plan (180321-WF-01-ICE-RINKPLANK-RP-3FC), Structure & Rink Structure Plan (180321-WF-01-ICE-RINKPLANK-RP-2ST), Structure & Rink Floor Plan (180321-WF-01-ICE-RINKPLANK-RP-1FP), Visualisation Images, Design and Access Statement, (by Westfield Ltd.), Cover letter (NTR Planning Ltd.).

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.

- 3) The uses hereby permitted shall operate only between the hours of 10am to 9pm each day (except Christmas Day) and the Christmas tree lighting shall be switched off at 11pm each day.

To ensure that the amenities of surrounding occupiers are not unduly affected by noise and other disturbance, in accordance with Policies CC11, CC12, CC13, DC1, DC4, and HO11 of the Local Plan (2018).

- 4) The materials used in the construction of the welcome/skate exchange tent and associated temporary structures hereby approved shall be in accordance with the details specified in the annotations of the approved drawings. Thereafter, no further alterations or additions shall be made to the appearance of the same without planning permission first being obtained.

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

- 5) Noise from uses and activities within the development site shall not exceed 5dBA above the lowest existing background sound level in accordance with the criteria of BS8233:2014 at neighbouring noise sensitive/ habitable rooms and private external amenity spaces in order to prevent any adverse impact.

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

- 6) External artificial lighting at the development shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals in the 'Guidance Note 01/20: Guidance Notes for the Reduction of Obtrusive Light'. Lighting should be minimized, and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Notes.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting, in accordance with Policies CC12, CC13, DC1, DC4 and HO11 of the Local Plan (2018).

- 7) The development hereby approved shall operate as set out in the Design and Access Statement prepared by Westfield Ltd. The annual construction and dismantling will be made via Marathon Way and deliveries will be made outside of peak times. 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 other times, including Sundays and Public/Bank Holidays. Should the constructing timescale or routings change, the applicant shall submit a Construction Logistics Plan (CLP) with the revised timing/routing/and trip generation for construction vehicles to the Local Planning Authority.

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.

Justification for Approving the Application:

- 1) The proposed temporary use of the Square as an Ice rink, Christmas and associated temporary structures are considered of an acceptable appearance and would not cause any significant harm to the amenities of neighbouring properties. Further, the development is considered not to adversely impact on the character and appearance of the nearby Conservation Areas. In these respects, the development accords with Policies DC1, DC4, DC8 and HO11 of the Local Plan (2018).

The proposal is acceptable in land use terms. It is compatible with the objectives of the White City Regeneration Area and the Shepherd's Bush Town Centre. The development is considered acceptable with no significant adverse impact in terms of additional noise and disturbance to surrounding residential amenity, nor does it impact negatively on transport. The temporary use is compatible with the surrounding uses within Westfield Shopping centre and ensures the vitality and viability of the centre, as well as enhancing the diversity on offer, whilst also supporting leisure facilities in the area. In this respect the proposal complies with Policies WCRA, WCRA1, TLC1, TLC2, CF3, CC11 and CC13 of the Hammersmith and Fulham Local Plan (2018) and relevant Key Principles 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: 2nd November 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:
Transport For London - Land Use Planning Team
Transport For London - Land Use Planning Team

Dated:
09.12.22
06.12.22

Neighbour Comments:

Letters from:
5 Endeavour Square Stratford London E20 1JN

Dated:
13.12.22

1.0 SITE DESCRIPTION

- 1.1 The Application Site sits within the wider Westfield Masterplan, and specifically relates to part of Westfield Square (or Relay Square), the major public realm space within the Phase 2 extension to the existing Westfield Shopping Centre.
- 1.2 The wider Westfield London site covers approximately 16.6 hectares (40 acres) of land situated west of the A3220 and the West London Railway Line, south of Ariel Way, east of Wood Lane and north of the residential streets comprising Bulwer Street, Caxton Road, and Shepherd's Bush Place.
- 1.3 The site is within the White City East sub-area of the White City Regeneration Area (WCRA), and the Shepherds Bush Town Centre, as identified in the Borough's Local Plan. The WCRA is also designated as an Opportunity Area in the London Plan. The framework for the WCRA marks the site as one for housing, commercial, creative & academic uses as part of a mixed-use area.
- 1.4 The site is not within any of the borough's Conservation Areas, however the Wood Lane Conservation Areas sits to the North of the site context. The site is close to both the DIMCO buildings (Grade II listed) and the former BBC Television Centre (Grade II listed).
- 1.5 The site benefits from an excellent Public Transport Accessibility Level (PTAL) of 6a, the highest possible level. The site is opposite the White City Bus Station which has public access for passenger alighting and boarding at stops and routing for buses to depart the site all around the site's perimeter. White City bus station is served by ten bus routes and two routes pass along Ariel Way east-west. The site is also within close proximity and walking distance, approximately 0.1 miles of Wood Lane Underground, 0.3 miles of White City Underground Station, and 0.6 miles of Shepherd's Bush Underground, Overground and Railway station.

2.0 RELEVANT PLANNING HISTORY:

- 2.1 There is a long complex planning history relating to Westfield. The history most relevant to this application is as follows:
 - Previous consents for a Christmas event space at Westfield include:
 - Planning permission was granted in October 2012 for the temporary use of Southern Terrace adjacent to Westfield shopping centre's south west entrance as a Christmas event space to include the temporary erection of two domes. Temporary permission was granted for the use to operate until 7th January 2013, on or before which date the use must be discontinued, the buildings and related structures and equipment taken down and removed from the site, and the site be made good to its original condition.
 - Planning permission was granted in October 2015 for the temporary use of Southern Terrace adjacent to Westfield shopping centre's south west entrance as a Christmas event space to include the erection of a temporary building (Christmas Grotto) clad with LED panels with a maximum height (9.12 metres) x length (16.66 metres) x width (9.96 metres) (Ref: 2015/01978/FUL). Temporary permission was granted for the use to operate until 10th January 2016, on or

before which date the use must be discontinued, the buildings and related structures and equipment taken down and removed from the site, and the site be made good to its original condition.

- Advertisement consent was granted in December 2015 for the display of internally illuminated LED digital screens to the eastern, northern, southern, and western elevations of the Christmas Grotto for a temporary period expiring on 10th January 2016.
- Planning permission was granted in October 2016 (ref; 2016/03470/FUL) for temporary use of part of the Southern Terrace adjacent to Westfield shopping centre's south west entrance as a Christmas event space (Christmas Grotto) to include the erection of a temporary building clad with LED panels. (Temporary period annually).
- Advertisement consent was granted in November 2016 (ref; 2016/03471/ADV) for Display of internally illuminated LED digital screens to the eastern, northern, southern and western elevations of the Christmas Grotto for a temporary period annually.
- Planning permission was granted in October 2017 (ref; 2017/03193/FUL) for; Temporary use of part of the Southern Terrace adjacent to Westfield shopping centre's south west entrance as a Christmas event space (Christmas Grotto) to include the erection of a temporary building clad with LED panels for a temporary period only.
- Advertisement consent was granted in October 2017 (ref; 2017/03190/ADV) for; Display of internally illuminated LED digital screens to the eastern, northern, southern and western elevations of the Christmas Grotto for a temporary period only.
- Planning permission was granted in September 2018 ref: 2018 2018/02277/FUL for: Temporary use of part of the Southern Terrace adjacent to Westfield shopping centre's south west entrance as a Christmas event space to include the erection of a temporary building clad with LED panels for a temporary period only.
- Advertisement consent was granted in September 2018 ref: 2018/02278/ADV for: Display of internally illuminated LED digital screens to the eastern, northern, southern and western elevations of the Christmas Grotto for a temporary period only.
- Planning permission was granted in September 2020 ref: 2020/01799/FUL for change of use of Relay Square (also known as Westfield Square) for temporary use as an outside cinema (Use Class D2) including the retention of a digital LED screen
- On 24th December 2020 permission was granted for the temporary use of part of Westfield Square as a Christmas event space to include the erection of 6 no. wooden cabins, installation of 9 no. igloo seating pods and a 20.8m high Christmas Tree (2020/02802/FUL).
- Most recently consent was granted on 23rd December 2021 for the temporary use

of part of Westfield Square as a Christmas event space to include erection of carousel and ticket booth, container bar with covered external seating area; installation of 9no igloo seating pods and a 21m high Christmas Tree (2021/03551/FUL).

- 2.2 The current application seeks planning permission for the temporary use of part of the Square as an Ice Rink (use class F2 (d)), Christmas Tree and associated temporary structures for a temporary period between 1st November and 31st January inclusive on an annual basis for three years - 2022/23 (retrospective), 2023/24 and 2024/25 after which the site would be returned to its former state.

- 2.3 The works include:

To use both the upper and the lower square as a festive ice-skating rink, with associated ancillary structures erected in both areas as follows:

Upper Square -

- o Erection of an outdoor ice-skating rink (approximately 38m by 28m);
- o Christmas Tree, located centrally within the ice rink (max height 21m);
- o Four temporary structures (BOH, Zamboni, store/office/first aid tents);
- o Temporary Flood lights.

Lower Square -

- o Temporary structure for use as a welcome tent/skate exchange (40m by 12m);
- o Ticket Booth;
- o Star Shaped Entrance Feature.

- 2.4 The applicants have a three-year lease agreement with their ice rink partner and are seeking a recurring annual permission for the use of the square as an ice rink from the 1st November until the 31st of January the following year. In each year (22/23, 23/24, 24/25), the seasonal use of the square for ice skating and the associated temporary structures would be required for a temporary period of 3 months (late October to end January) only. The ice rink and all associated structures would be removed by the middle of February at which time the Square would be returned to its former condition and use, as outdoor amenity space for Westfield shopping centre.

- 2.5 The ice skating would operate with ticketed access to members of the public. Customers would pay for their tickets at the ticketing booth located adjacent to the lower square and enter via the skate exchange entrance structure in the lower square, where they exchange their footwear for ice skates, after which they are invited onto the ice rink to take up a 45 minute skating session. Sessions are proposed to run from 10am to 9pm daily (except Christmas Day), with 15mins break between sessions, for ice rink maintenance. The ice rink itself will occupy the majority of the upper square, with a Christmas tree in the centre. It will be bounded by a 1.5m high safety enclosure but is otherwise open. There are 4 x ancillary back of house structures, which will be used for ancillary office, storage (Zamboni), first aid and plant located parallel to the upper square.

- 2.6 The ice rink will be lit by 12 no. truss towers, with 2 no. LEDJ Spectra Floodlights (max LUX level of 1.746 @ 2m). The light will be focused on the ice rink with

minimal out-spill.

- 2.7 Officers note that the ice rink and associated structures and the Christmas tree, were in situ/use between November 2022 and the end of January 2023. These have since been cleared from the site.

3.0. PUBLICITY AND CONSULTATIONS

- 3.1 The application was advertised in the local press and via site notice that referred to the application's potential effect on the character of the Conservation Area and that it was a major application. Notification letters were not sent as the application site has no immediate adjoining residential neighbours. No representations were received.

External & Statutory Consultees

- 3.2 Transport for London (TfL): TfL has raised no objection to the proposed development, however considered that the following would need to be addressed:
- Cycle Parking details
 - Operational timings to be conditioned
 - Potential impact on the public transport network
 - Annual construction via Marathon Way and deliveries will be outside peak times should be conditioned, if any changes then CLP required.
 - Crowd Management Plan (Dispersal Plan)
 - A Staff Travel Plan

4.0 PLANNING CONSIDERATIONS

Policy Framework

- 4.1. The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England. 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).
- 4.2. In this instance the statutory development plan comprises the London Plan 2021, LBHF Local Plan 2018 and the LBHF Planning Guidance SPD 2018.
- 4.3. The National Planning Policy Framework - NPPF (2021) 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. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

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

5.0 PLANNING ASSESSMENT

- 5.1 The main planning issues raised by the submitted development proposal that should be considered are;
- Land Use;
 - Design and Conservation;
 - Highways Implications;
 - Amenity Impacts (principally noise and disturbance and light pollution);
 - Environmental Considerations (Sustainability and Energy; Flood Risk; Land Contamination; Air Quality);

LAND USE

- 5.2 The site lies within the White City East sub-area of the White City Regeneration Area (WCRA), and the Shepherds Bush Town Centre, as identified in the Borough's Local Plan (2018).
- 5.3 The White City Regeneration Area (WCRA) is also designated as an Opportunity Area in the London Plan, where necessary social and other infrastructure to sustain growth is encouraged including where appropriate, containing a mix of uses (London Plan, Policy 2.13). Local Plan Strategic Policies WCRA and WCRA1 recognise the need to focus regeneration and growth within the WCOA by promoting a range of uses.
- 5.4 The London Plan (2021) sets out that the opening of the Westfield London Shopping Centre has raised the status of Shepherds Bush to a Metropolitan Town Centre and identifies (table A1.1) that Shepherd's Bush has the potential to be upgraded to an International Town Centre within the Town Centre Network. International centres provide London's globally renowned retail and leisure destinations, with excellent levels of public transport accessibility, the environment is of the highest architectural quality, and is interspersed with internationally recognised leisure, culture, heritage, and tourism destinations.
- 5.5 The Application Site sits within the wider Westfield Masterplan, and specifically relates to Westfield Square (or Relay Square), the major public realm space within the Phase 2 extension to the existing Westfield Shopping Centre. The site is a suitable location for leisure, recreation, cultural and entertainment facilities. This activation of the public square is considered to be beneficial to the opportunity area generally. The proposal will add to the existing range of facilities on offer in White City and Shepherd's Bush town centre, as well as complimenting the existing and proposed uses within the various surrounding developments including

Westfield.

- 5.6 The temporary nature of the use is such that its impact would be limited and would operate in line with the original intent of the Square as a public space which offers flexibility in usage, in accordance with both London Plan and Local Plan policies. A condition is attached to ensure that all structures associated with the application will be removed within the time limit period and the site reinstated once the temporary use ceases.
- 5.7 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.
- 5.8 In terms of Policy TLC5, the proposed temporary entertainment use (Christmas events space) 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 planning documentation, which sets controls on the hours of operation to no later than 21:00 hours, Mondays-Sundays less than the policy guidelines for this predominantly commercial location. A condition will be attached to the permission to control the hours of operation.
- 5.9 As the site's planning history demonstrates Westfield Square has successfully been used as a Christmas events space for the wider Westfield Shopping Centre development over the years and it is considered that the proposals would complement the retail outlets of the centre and increase the footfall and the vitality and viability of the centre as an attraction. No objections are raised in terms of land use.
- 5.10 The proposed development is therefore considered to be in accordance with the abovementioned policies which seek to promote entertainment uses that will further diversify the mix of uses within the town centre and provide economic and social regeneration benefits to LBHF and London.
- 5.11 The proposal in terms of visual amenity, environmental nuisance and transport and highway impacts is considered later in this report.

DESIGN AND CONSERVATION

- 5.12 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 high-quality urban environment that respects and enhances its townscape context and heritage assets. Policy DC2 (Design of New Build) sets out to ensure that new build development will be of a high standard of design and compatible with the scale and character of existing development and its setting. Policy DC8 (Heritage and Conservation) states that the council will conserve the significance of the Borough's historic environment by protecting, restoring, or enhancing its heritage assets, including the borough's conservation areas.

- 5.13 The character of the area is a busy urban location characterised by a main road highway (Wood Lane) and large-scale commercial property and the height and bulk of Westfield Shopping Centre. In this context the proposed welcome tent/skate exchange structure, associated temporary back of house structures and Christmas Tree are not considered to be unduly obtrusive.
- 5.14 The ice rink is to be located on the upper level of the square with the Christmas tree located centrally within this space and to measure 21m in height. The welcome tent/skate exchange structure is to be located on the lower square and would measure approximately 40m x 12m. The four temporary structures are positioned parallel to the upper square. They measure approximately 2.4m in height with a diameter of 3.7m and are constructed of PVC, polycarbonate and aluminium. The wooden cabins are grouped to the northern area of the square and would each feature a dual pitched roof and measure 2.4m in height, 1.98 width and 2.12m length.
- 5.15 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

- 5.16 The application site is not situated in a Conservation Area, however Wood Lane Conservation Area lies to the north of the site and the former BBC Television Centre (Grade II listed) lies to the west and the DIMCO building to the south (Grade II listed). 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 and the DIMCO building. 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.
- 5.17 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 DC8 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.

HIGHWAYS IMPLICATIONS

- 5.18 In determining this application, consideration has been given to the requirements of Policies T1, T2, T4, T5, T6, T6.5 and T7 of the London Plan, as well as the Healthy Streets for London strategy, published by TfL in 2017, in assessing the effects on the local highway network along with the proposed car parking, cycling parking and servicing requirements. London Plan Policy T6 and T6.5 state that proposals should encourage the reduction in the need to travel, especially by car.
- 5.19 Policies T1, T2, T3, T4, T5 and T7 of the Local Plan which relate to traffic impact/transport assessments, car parking standards, cycle parking, encouraging walking have been considered. Policy CC7 sets out the requirements for all new developments to provide suitable facilities for the management of waste.
- 5.20 The site is very well connected to all modes of travel including public transport options, and pedestrian and cycle network facilities, with a Public Transport Accessibility Level (PTAL) of 6a, one of the highest possible levels. A range of public transport facilities are available within a short walk, including bus and underground services. The site is located within close distance of a range of everyday amenities. Staff and visitors accessing the site will therefore benefit from excellent access to public transport. The Site also enjoys excellent accessibility by walking and cycling and is located within close distance of a range of everyday amenities.
- 5.21 The Design and Access Statement confirms that no additional permanent staff would be employed as a result of the Christmas event space. As part of an established retail development, there is capacity within the existing employment figures to operate this seasonal attraction.
- 5.22 The applicant, through experience of operating temporary Christmas events at Westfield Square in the past, do 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.
- 5.23 The roads surrounding the site are located in Controlled Parking Zone (CPZ) G with parking restrictions in place Monday to Sunday (incl bank holidays, except Christmas Day and Easter Sunday) 9am to 10pm.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

- 5.24 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 Westfield and White City Place. 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.

Trip Generation

- 5.25 The site is located within an area of excellent public transport accessibility, located close to West Kensington London Underground Station. Given the location of the site and excellent public transport links it is expected that few people would need to arrive by car. Furthermore, the level of transport links are considered to ensure that the intensification of the use at the site would not result in any transport capacity issues subject to the measures outlined above.

Installation/De installation works

- 5.26 The applicant states that the tree installation will require a 2 day installation in late October, with the lights also being switched on from early November. The tree will remain in-situ until early January when the lights will be turned off, the de-rig will then start within the second week of January and will be removed in one day.
- 5.27 All construction material for the Christmas tree/ice rink will be delivered through Marathon Way. TfL have commented on the application and requested that the annual construction and any associated deliveries should be made outside of peak times. Should the constructing timescale or routing change from that estimated in this submission, the applicant should be required to submit a CLP with the revised timing/routing/ and trip generation for construction vehicles. This will be secured by condition.
- 5.28 It is noted that signage and marshalling will be provided to minimise impacts on the Westfield estate. TfL has requested that a Crowd Management Plan (Dispersal Plan) that identifies impacts on TfL services should be prepared. Officers consider that due to the temporary nature of the proposed works, the existing Crowd Management Plan secured for the wider Westfield retail development would satisfy this requirement. TfL have also requested a Staff Travel Plan which encourages modal shift for staff, however given that the proposal does not generate additional staff, the ice rink will be operated by existing Westfield hospitality staff, Officers consider this is not necessary as the wider Westfield development has an effective Staff Travel Plan in place, of which this application would fit within.

AMENITY IMPACTS

Daylight, Sunlight and Overshadowing

- 5.29 Local Plan Policy DC2 (Design of New Build) refers to impact generally and the principles of 'good neighbourliness'.
- 5.30 As there are no residential properties in close proximity to the site (within 20m), with the closest existing properties being 200m to the west along Macfarlane Road and wood Lane, 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

- 5.31. London Plan Policy D14 (Noise) sets out measures to reduce, manage and mitigate noise to improve health and quality of life.
- 5.32 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.
- 5.33 The Design and Access statement confirms that the skating sessions will be complemented with appropriate background music. The applicants are willing to accept a condition controlling noise emissions from music to 5bd above normal background levels. This would ensure that the proposal accords with Local Plan policy CC11 and London Plan policy D14 .

Light Pollution

- 5.34 Local Plan Policy CC12 (Light Pollution) seeks to control the adverse impacts of lighting arrangements including that from signage and other sources of illumination.
- 5.35 The ice rink will be lit by 12 no. truss towers, with 2 no. LEDJ Spectra Floodlights (max LUX level of 1.746 @ 2m). The light will be focused on the ice rink with minimal out-spill. The upper square, on which the ice rink is proposed is in any event enclosed on two sides by the large commercial Westfield buildings, with a large internally lit glazed area and an illuminated advertisement facing the Square. Notwithstanding, a condition ensuring that vertical illumination 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'.
- 5.36 As such officers consider that the proposal accords with the requirements of Policies CC12 of the Local Plan 2018.

ENVIRONMENTAL CONSIDERATIONS

Sustainability and Energy

- 5.37 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.
- 5.38 Given the temporary nature of the proposals, it is considered that the proposal would not give rise to carbon emissions and would not meet the requirements for BREEAM assessment given their open nature.

Flood Risk

- 5.39 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.

5.40 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.

5.41 The application site is not within a flood risk zone and has a low risk of surface water flooding. Similarly, given the temporary nature of the proposals, it is not considered to give rise to flood risk concerns that would require a Flood Risk Assessment.

Land Contamination

5.42 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.

5.43 London Plan Policy SD1 encourages the strategic remediation of contaminated land.

5.44 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.

5.45 Similarly, given the temporary nature of the proposals, no earthworks which involve breaking into the ground are proposed and as such the proposal is not considered to give rise to any land contamination concerns.

Air Quality

5.46 Paragraph 124 of the NPPF states that planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas.

5.47 London Plan Policy SI 1 states that development proposals should minimise increased exposure to existing poor air quality and make provision to address local problems of air quality (particularly within Air Quality Management Areas (AQMAs) and where development is likely to be used by large numbers of those particularly vulnerable to poor air quality, such as children or older people). Policy

5.48 Policy CC10 of the Local Plan explains that the Council will reduce levels of local air pollution and improve air quality in line with the national air quality objectives. The site is located within an Air Quality Management Area which covers the whole borough due to the exceedance of the annual mean nitrogen dioxide (NO₂) in the area. Given the proximity of Wood Lane Underground Station and local bus routes, it is anticipated the majority of visitors to the site would use public transport or other sustainable modes of transport which will help minimise negative air quality impacts from the development. No objection has been raised by the Council's Air Quality Team.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

5.49 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.

6.0 CONCLUSION

6.1 The proposal would comply with the development plan. The proposal would represent an acceptable temporary use for this Public Square. The proposal is consistent with the Council's policies for the area, in relation to arts, cultural and entertainment uses. The use is considered to be compatible with other cultural, entertainment uses in the vicinity. The proposed use of the site will be beneficial to the wider seasonal economic rejuvenation of the site and wider area. It is considered that the proposed temporary use of Westfield Square for Christmas events space would function in line with the intended use of the Public Square and its flexibility of uses. On this basis it is considered that the proposal is consistent with the requirements of the policies Policy HC5 of the London Plan 2021 and Policy WCRA of the Local Plan 2018.

6.2 The supporting information addresses the issues operational issues pertaining to the proposed use in terms of installation/deinstallation, and noise management. These are recommended to be controlled by a number of conditions to ensure that the event operates in accordance with the documents. Subject to appropriate conditions the temporary use is considered acceptable.

6.3 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 the conditions listed.

7.0 RECOMMENDATION

7.1 Therefore, officers support the proposals in line with the recommendations at the start of the report.