

Planning and Development Control Committee

Agenda

Wednesday 20 July 2022 at 7.00 pm
Main Hall (1st Floor) - 3 Shortlands, Hammersmith, W6 8DA

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

Public Notice

The meeting is open to the press and public but spaces are limited. If you would like to attend the meeting in person please contact: charles.francis@lbhf.gov.uk

You can also watch live on YouTube: <https://youtu.be/UyuY0241eqo>

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 Friday 15 July 2022.

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

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

PUBLIC SPEAKING AT PLANNING AND DEVELOPMENT CONTROL COMMITTEE

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

Who can speak?

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

Do I need to register to speak?

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

How long is provided for speakers?

Those speaking in support or against an application will be allowed three minutes each. Where more than one person wishes to speak for or against an application, a total of five minutes will be allocated to those speaking for and those speaking against. The speakers will need to decide whether to appoint a spokesperson or split the time between them. The Chair will say when the speaking time is almost finished to allow time to round up. The speakers cannot question councillors, officers or other speakers and must limit their comments to planning related issues.

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

What materials can be presented to committee?

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

What happens to my petition or deputation?

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

Planning and Development Control Committee Agenda

20 July 2022

<u>Item</u>	<u>Pages</u>
1. APOLOGIES FOR ABSENCE	
2. DECLARATION OF INTERESTS	
<p>If a Councillor has a disclosable pecuniary interest in a particular item, whether or not it is entered in the Authority's register of interests, or any other significant interest which they consider should be declared in the public interest, they should declare the existence and, unless it is a sensitive interest as defined in the Member Code of Conduct, the nature of the interest at the commencement of the consideration of that item or as soon as it becomes apparent.</p> <p>At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a disclosable pecuniary interest or other significant interest may also make representations, give evidence or answer questions about the matter. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken.</p> <p>Where Members of the public are not allowed to be in attendance and speak, then the Councillor with a disclosable pecuniary interest should withdraw from the meeting whilst the matter is under consideration. Councillors who have declared other significant interests should also withdraw from the meeting if they consider their continued participation in the matter would not be reasonable in the circumstances and may give rise to a perception of a conflict of interest.</p> <p>Councillors are not obliged to withdraw from the meeting where a dispensation to that effect has been obtained from the Standards Committee.</p>	
3. MINUTES	5 - 10
<p>To approve as an accurate record, and the Chair to sign, the minutes of the meeting of the Committee held on 5 July 2022.</p>	
4. 112 - 114 NORTH END ROAD AND 4 CHALLONER CRESCENT, LONDON W14 9PP, NORTH END, 2022/00670/FUL	11 - 60
5. 9 BEAUMONT AVENUE, LONDON W14 9LP, WEST KENSINGTON, 2022/01426/FUL	61 - 105

**6. 98 BRACKENBURY ROAD, LONDON W6 0BD, HAMMERSMITH
BROADWAY, 2021/04014/FUL**

106 - 124

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



Tuesday 5 July 2022

APOLOGIES FOR ABSENCE

Apologies for absence were provided from Councillors Wesley Harcourt and Nikos Souslous

DECLARATION OF INTERESTS

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

Councillor Alex Karmel declared interest in Item 4 – 80 Fulham Palace Road, as the owner of a neighbouring property was a friend (78A). Councillor Alex Karmel confirmed that he had attended two site meetings with both the owner and members of the applicant team. He remained in the meeting and voted on the item.

MINUTES OF THE MEETING HELD ON 7 JUNE 2022

The minutes of the meeting held on 7 June 2022 were agreed.

80 FULHAM PALACE ROAD, LONDON W6 9PL, HAMMERSMITH BROADWAY, 2021/03522/FUL

Councillor Alex Karmel declared interest in Item 4 – 80 Fulham Palace Road, as the owner of a neighbouring property was a friend (78A). Councillor Alex Karmel confirmed that he had attended two site meetings with both the owner and members of the applicant team. He remained in the meeting and voted on the item.

The Committee heard two representations in support. These were from the Applicant and a Lead member of a local resident's group.

The Committee voted on the recommendations for application 2021/03522/FUL as follows:

Officer Recommendation 1:

For:

4

Against:

2

Not Voting:

0

Officer Recommendation 2:

For:

6

Against:

0

Not Voting:

0

RESOLVED THAT:

Planning Application 2021/03522/FUL subject to the changes in the Addendum be approved subject to:

1. That the Chief Planning Officer be authorised to grant planning permission upon the completion of a satisfactory legal agreement and subject to the conditions listed below;
2. That the Chief Planning Officer, after consultation with the Assistant Director Legal Services and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed Heads of Terms of the legal agreement or proposed conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

WATERMEADOW COURT, WATERMEADOW LANE, LONDON SW6, SANDS END, 2022/00695/VAR

The Committee heard a representation from the Applicant speaking in support of the application.

The Committee voted on the recommendations for application 2022/00695/VAR as follows:

Officer Recommendation 1:

For:

5

Against:

0

Not Voting:

1

Officer Recommendation 2:

For:
6
Against:
0
Not Voting:
0

RESOLVED THAT:

Planning Application 2022/00695/VAR subject to the changes in the Addendum be approved subject to:

1. That the Chief Planning Officer be authorised to grant planning permission upon the completion of a satisfactory legal agreement and subject to the conditions listed below.
2. That the Chief Planning Officer, after consultation with the Assistant Director, Legal Services and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed Heads of Terms of the legal agreement or proposed conditions, which may include the variation, addition, or deletion of conditions, any such changes shall be within their discretion.

Meeting started: 7:00 pm
Finished: 8:35 pm

Chair

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

PLANNING AND DEVELOPMENT CONTROL COMMITTEE
Addendum 05.07.2022

REG REF.	ADDRESS	WARD	PAGE
2021/03522/FUL	80 Fulham Palace Road	Hammersmith Broadway	11
Page 12 – 13	<p>Amend condition 2: Delete drawing numbers '2000a; [All received February 2022]: 1999; 2001; 2002; 2003; 2004; 3000; 3001; 3002; 3003; 4000 and replace with</p> <p>'1999; 2000b; 2001b; 2002b; 2003b; 2004b; 3000; 3001; 3002b; 3003b; 4000; 5000; 5001; 5002; 5100; 5101; 5102' and add 'Flood Mitigation Addendum (dated 30/06/22)'</p>		
Page 14	<p>Amend condition 5, first paragraph delete last sentence and replace with: 'The AQDMP submitted shall be in accordance with the Council's AQDMP Template 'A' and shall include the following details:'</p> <p>Amend sub-paragraph 5(e), at the end add the additional text: 'Details of Site Particulate (PM10) and Dust Monitoring Procedures and Protocols including locations of a minimum of 2 x MCERTS compliant (PM10) monitors on the site boundaries used to prevent levels exceeding predetermined PM10 Site Action Level (SAL) of 190 µg/m-3, measured as a 1-hour mean, calibration certificates of MCERTS compliant PM10 monitors. The data from the on-site Particulate (PM10) monitors shall be made available on the council's construction site air quality monitoring register website'</p> <p>Delete sub-paragraph 5(f) and re-letter subsequent sub-paragraphs.</p>		
Page 15	<p>Condition 6, first paragraph, delete second sentence and replace with: 'The AQDMP submitted shall be in accordance with the Councils AQDMP Template 'C' and shall include the following details:'</p> <p>Sub-paragraph 6(e), at the end add the additional text: 'The data from the on-site Particulate (PM10) monitors shall be made available on the council's construction site air quality monitoring register website.'</p> <p>Delete sub-paragraph 6(f) and re-letter subsequent sub-paragraphs.</p> <p>Condition 6, at the end of condition, insert reason for condition: 'Reason: To comply with the requirements of Policy SI1 of the London Plan and Policy CC10 of the Local Plan (2018).'</p>		
Page 19	<p>Condition 14, at the beginning of the second sentence add: 'Prior to the commencement of the development hereby approved'</p> <p>Condition 15, at end of first sentence add: 'and Flood Mitigation Addendum (dated 30/06/2022).'</p>		
Page 24	<p>Condition 33, at end of first sentence delete: 'any purpose' and replace with 'any other purpose'</p>		
Page 44	<p>Para 9.9, after last sentence add:</p>		

'The obligation will cover the cost of a traffic regulation order which is necessary to designate an area for storing micro-mobility vehicles.'

Page 45

Insert additional paragraph 9.15:

'An obligation within the legal agreement will require the reinstatement and improvement of the public footpath on Distillery Lane along the site frontage. Furthermore, improvements will be secured between the application site and the entrance to Frank Banfield Park, as well as to the park entrance itself. This is to provide a safer access route for vulnerable road users. An obligation will further require the submission of a lighting assessment for Distillery Lane. This will establish whether additional street lighting columns are required or if enhancements are required to existing columns. The obligation will further secure the provision of additional street lighting and/or enhancements as identified in the lighting assessment. Finally, a scheme of wayfinding is to be secured through a s278 agreement along with alterations to the waiting restrictions on Distillery Lane. The details of the aforementioned obligations will be finalised with LBHF Highways when the applicant is entering into the s278 agreement.'

Page 50

Para 19.5 sub-paragraph 8, at the end add:
'and as set out in section 9 of this report'

Add new subparagraph 10:

'(10) Construction logistics monitoring and associated fees'

Late representation received on 01/07/2022 raising queries about: controls for construction management; materiality and the siting of windows. These matters are addressed in the officer report.

2022/00695/VAR

**Watermeadow Court,
Watermeadow Lane SW6**

Sands End

Page 52

Page 63

Condition 24 (Protection of Existing Trees) ADD "...in accordance with AECOM letter dated 29 October 2021 and Tree Protection Plan."

Page 78

Justification for approving the application – point 15 (line 3): DELETE "...by way of a commuted payment..."

Page 79

Para. 1.6. Add sentence to end of paragraph: "The height of Block A will be reduced as part of the proposals."

Page 86

Para. 4.19 (plus Page 95 - Para.6.11; Page 134 – Para. 22.7 and Page 135 – Para. 22.8). The Applicant seeks to clarify the following: The energy strategy approved as part of the extant permission was based on the use of gas boilers to top up the water temperature rather than utilising a CHP based system. The boilers have been removed as part of the new energy strategy with domestic ASHPs utilised instead.

Page 87

Para. 4.20 (reference to Basement Changes). The Applicant has requested that officers clarify that the proposals do not seek to alter the size of the basement, its general layout, the access arrangements, or car parking provision. This has already been permitted under the previous NMA application (ref: 2021/03777/NMAT).

Page 102

Para. 11.1 (Decanting of former residents): Last resident left the former Watermeadow Court development in 2016 (not 2019) as per Para. 2.3.

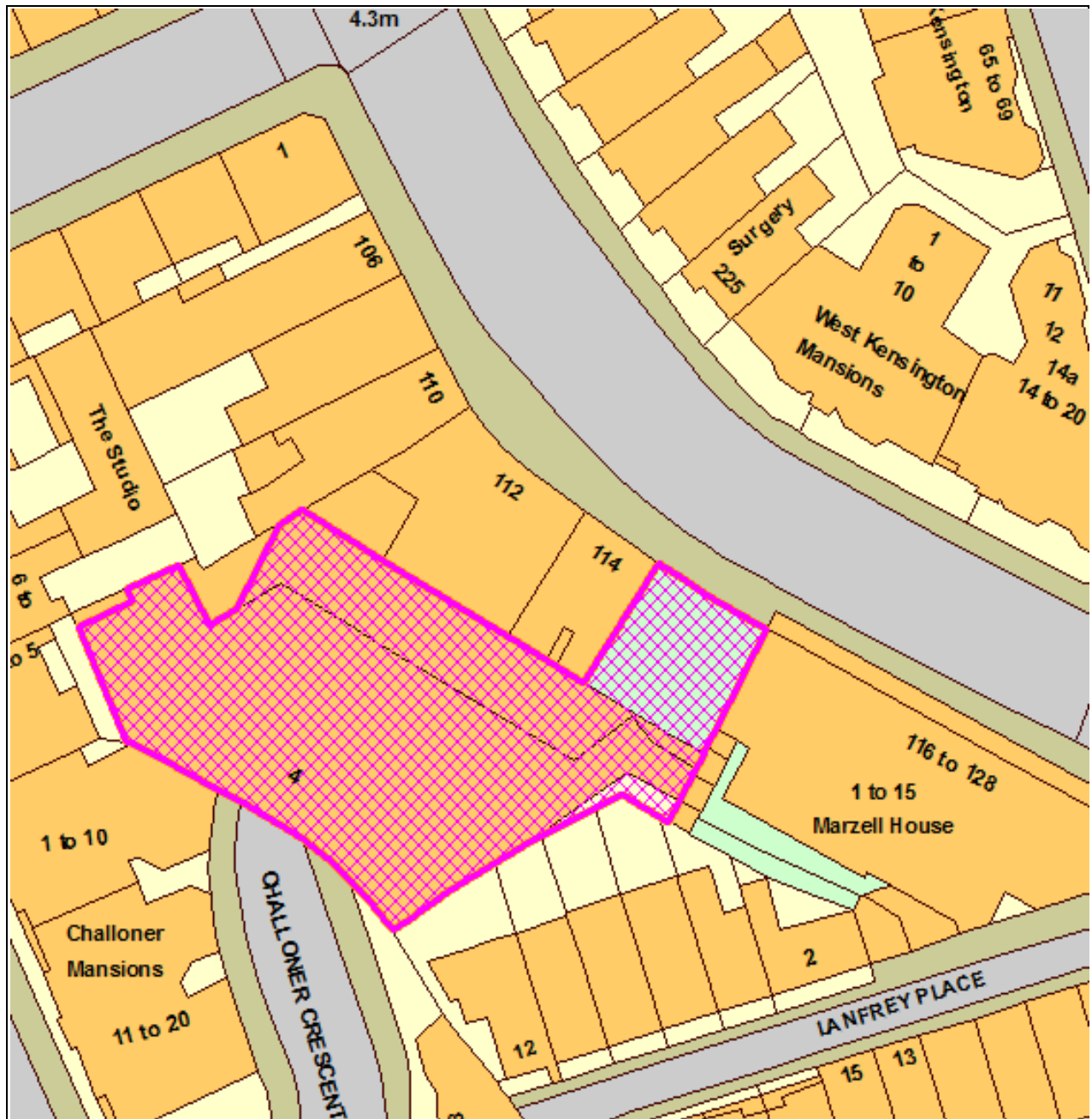
- Page 103 Para. 11.8 (4th line): Add: “The reason why the reason why LAR is being proposed instead of social rent is that the low cost rent housing is not facilitating a right of return for former residents who have been rehoused elsewhere. Such an approach is consistent with policy H8 of the London Plan and does not conflict with any other wider policy objectives in the development plan”.
- Page 119 Para. 19.19 (2nd line): Replace ‘basement’ with ‘baseline’
- Page 123 Para. 19.38 (4th Line): Replace ‘82%’ with ‘89%’
- Page 129 Para. 20.19 (last sentence): Delete (repetition with para. 20.20)
- Page 145 Para.34.3. Amend/Add the following to Heads of Terms:
g) Obligations towards employment, skills and training and local procurement as per the original S106 agreement including 26 apprentices, 11 work placements and 11 work experience placement.
h) Restrictions on residents’ parking permits as per the original S106.
i) Submission/implementation and monitoring of travel plan. Travel plan monitoring fee of £3,000 per submission (on years 1, 3 and 5) as per the original S106 agreement.
k) Developer to enter into a Highway Works Agreement under a s278 agreement for works considered necessary and include: re-instating kerbs along Townmead Road, Watermeadow Lan and Potters Road; Charlow Close stopped up and footway reinstated along Townmead Road; new vehicular accesses to be from Potters Road with the existing dropped kerbs along Potters Road reinstated as full height kerbs; alterations to the existing zig-zag road markings on Townmead Road and new sub-station dropped kerb access to be provided on Potters Road.
n) Obligation towards monitoring the Construction Management / Logistics Plans - £5000.
o) A commitment to meet the costs of the Council's associated legal fees.

Ward: North End

Expiry Date: 8th June 2022

Site Address:

112 - 114 North End Road And 4 Challoner Crescent London W14 9PP



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For identification purposes only - do not scale.

Reg. No:
2022/00670/FUL

Date valid:
09.03.2022

Recommendation Date:
29.06.2022

Committee Date:
20.07.2022

Case Officer;
Graham Simpson

Conservation Area:
Constraint Name: Baron's Court
Conservation Area - Number 27

Applicant:

Mr Hemal Amin
112-114 North End Road West Kensington London W14 9PP

Description:

Demolition of existing buildings and erection of a replacement part two, part three, part four storey building including a basement level with lightwells fronting Challoner Crescent, to provide a 38 bedroom hotel (Use Class C1); and associated works.

Application type:

Full Detailed Planning Application

Officer Recommendation:

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

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

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

05848_B1: 02_2199_REV 06; 02_2200_REV 07 ; 02_2201_REV 06; 02_2202_REV 07
02_2203_REV 09; 02_2204_REV 09; 04_2200_REV 06; 04_2201_REV 04
04_2202_REV 02; 05_2200_REV 04; 05_2201_REV 01 Flood Risk Assessment by gta
Civils Ref. 10440; Design Fire Consultants, dated 18 February 2022, Rev 00
Whole Lifecycle Carbon Assessment by Syntegra Consulting dated February 2022 (ref.
10440) Circular Economy Statement dated February 2022 (Ref. 19-6562) Basement
Construction Statement dated February 2022 (Ref. 19-6562)

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

3) Demolition Method Statement and Construction Management Plan

Prior to commencement of the development hereby permitted, a demolition method statement and a construction management plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works.

Approved details shall be implemented throughout the project period.

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, CC12 and CC13 of the Local Plan (2018).

4) 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 minimise the impacts of construction-related vehicle movements and facilitate sustainable construction travel to the site in accordance with policies T1 and T6 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

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 construction 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).

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) Basement Construction Statement

The development shall be implemented in accordance with the structural water-proofing measures within the Basement Construction Statement dated February 2022 (Ref. 19-6562) as hereby approved by the local planning authority. The measures shall be permanently retained thereafter.

Reason: To reduce the impact of flooding to the proposed development and future occupants, in accordance with Policies SI 12 and SI 13 of the London Plan (2021), and

Policy CC3 of the Local Plan 2018.

14) Flood Risk Assessment

The development shall be carried out and completed in full accordance with the details contained within the approved Flood Risk Assessment by GTA dated September 2020 (ref. 10440). No part of the development shall be used or occupied until all flood prevention and mitigation measures, including a water exclusion and water entry strategy to prevent a risk to life in the event of fluvial flooding, have been installed in accordance with the submitted details and the development shall be permanently retained in this form thereafter.

Reason: To reduce the impact of flooding to the proposed development and future occupants, in accordance with Policies CC3 and CC4 of the Local Plan (2018).

15) Sustainable Drainage Strategy

The development hereby permitted shall not be occupied until a revised Sustainable Drainage Strategy (SuDS Strategy), which details how surface water will be managed on-site in-line with the London Plan Drainage Hierarchy's prioritised SuDS measures, shall be submitted to and approved in writing by the Council, in consultation with the Environment Agency. Information provided in the SuDS Strategy shall include details on the design, location and attenuation capabilities of all proposed SuDS features. This includes provision of full details, including associated plans, of the proposed rainwater harvesting system, all soft landscaping features including the proposed swales and other permeable surfaces, including living roofs. The feasibility of managing run-off from impermeable surfaces by directing this into landscaped areas including tree pits should be assessed and integrated where possible. If included, full details, including location and drainage plans should be provided for permeable paving and attenuation tanks / crates. Full maintenance information for all SuDS features should also be provided. The SuDS Strategy shall be implemented in accordance with the approved details, and thereafter all SuDS measures shall be retained and maintained in accordance with the approved details and shall thereafter be permanently retained in this form.

Reason: To prevent any increased risk of flooding and to ensure the provision of sustainable drainage measures in accordance with Policy SI 13 of the London Plan 2021; and Policy CC3 and CC4 of the Local Plan 2018.

16) Sewer surcharge flood mitigation

Prior to commencement of the development hereby approved, details of the sewer surcharge flood mitigation to guard against sewer flows surcharging back up the system into the basement shall be submitted to and approved in writing by the Local Planning Authority. 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: To reduce the impact of flooding to the proposed development and future occupants, in accordance with Policies SI 12 and SI 13 of the London Plan (2021), and

Policy CC3 of the Local Plan 2018.

17) Fire Statement

The development shall be carried out and completed in full accordance with the details contained within the approved Fire Statement (Prepared by Design Fire Consultants, dated 18 February 2022, Rev 00). 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).

18) Build contract

No demolition pursuant to the development hereby permitted shall take place until a build contract for the redevelopment of the site in accordance with this planning permission has been entered into, and a copy has been submitted to and approved in writing by the Local Planning Authority. Written notice of the demolition works shall be submitted to the Local Planning Authority prior to the commencement of the relevant works.

Reason: To ensure the protection and re-provision of the building which is a positive contributor to the Barons Court Conservation Area and to avoid harm to the heritage asset and wider streetscene that would otherwise arise in accordance with Policies DC1, DC2, DC4 and DC8 of the Local Plan (2018) and Policy HC1 of the London Plan (2021).

19) Detailed drawings

Prior to the commencement of relevant works, drawings at a scale of 1:20 in plan, section and elevation of all external windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details as approved and thereafter permanently retained in this form.

Reason: To ensure a satisfactory external appearance and to prevent harm to the Barons Court Conservation Area in accordance with Policies DC1, DC2, DC4 and DC8 of the Local Plan (2018) and Policy HC1 of the London Plan (2021).

20) Materials samples

Prior to the commencement of the relevant works, full details of all materials and a sample panel shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to prevent harm to the Barons Court Conservation Area in accordance with Policies DC1, DC2, DC4 and DC8

of the Local Plan (2018) and Policy HC1 of the London Plan (2021).

21) No other alterations

No 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 Crabtree Conservation Area in accordance with Policies DC1 DC2, DC4 and DC8 of the Local Plan (2018) and Policy HC1 of the London Plan (2021).

22) 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 building, without planning permission first being obtained.

Reason: 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 DC8 of the Local Plan 2018.

23) 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.

24) Green infrastructure

The green infrastructure hereby approved (including paving, external hard surface, green walls and green/brown roof) shall be constructed and planted up in full accordance with the approved details following completion of buildings. 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 policies CC3, CC4 and OS5 of the Local Plan 2018.

25) No terraces

No part of any roof of the building 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 roof, and no alterations shall be carried out to any elevation of the application property to form access onto the roof.

Reason: The use of the roof 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, contrary to Policies CC11 and CC13 of the Local Plan (2018).

26) Obscure glazing (privacy)

The development hereby permitted shall not be occupied until the new upper floor windows at first, second and third floor levels (facing Challoner Mansions (1-10 and 12-20) have been installed so as to be non-openable and with obscure glazing to a height of 1.7 metres from the internal floor level, a sample of which shall have been submitted to and approved in writing by the Council prior to any development on site. Thereafter the window shall be retained in the form approved.

Reason: Such a use would be harmful to the existing residential amenities of neighbouring occupiers as a result of overlooking and loss of privacy, contrary to Policy DC1, HO11 and DC4 of the Local Plan (2018).

27) 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/m³, 20ug/m³ and 10 ug/m³ 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 (PM2.5, 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).

28) 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).

29) 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).

30) 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).

31) Aerobic Food Digesters

Prior to occupation of the development hereby permitted, details of the installation/commissioning of Aerobic Food Digesters (AFD) for the Hotel Use (Class C1) use in order to mitigate the impact of air pollution from vehicles associated with the removal of food waste shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

Reason: 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).

32) Waste and recycling storage

No part of the hotel hereby permitted shall be occupied prior to the provision of the waste and recycling storage as shown on approved drawing no. drawing B1_02_2200 Rev 07. The refuse and recycling storage for each use shall thereafter be permanently retained and maintained.

Reason: To ensure adequate provision for refuse and recycling within the development in accordance with Policy CC7 of the Local Plan (2018).

33) Cycle storage

Prior to the first occupation of the development hereby permitted, the employee cycle storage at ground floor level, shown on approved drawing no. B1_02_2200 Rev 07 shall be installed in full accordance with the approved details. The employee cycle storage shall thereafter be permanently retained and maintained.

Reason: To ensure adequate provision of cycle storage for employees in accordance with Policy T5 of the London Plan (2021).

34) Delivery and Servicing Plan

Prior to the first occupation of each use hereby permitted, a final Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority. The DSP shall detail the management of deliveries, emergency access, collection of waste and recyclables, times and frequencies of deliveries and collections/ silent reversing methods/ location of loading bays and vehicle movement at the site entrance and throughout the development. The DSP shall demonstrate that all servicing and deliveries shall take place from existing loading bays on North End Road.

The approved measures shall be implemented and thereafter retained for the lifetime of the development in the relevant part of the site.

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

35) Secured by Design

The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific Security needs of the development in accordance with the principles and objectives of Secured by Design. Details of these measures shall be submitted to and approved in writing by the local planning authority prior to commencement of the development and shall be implemented in accordance with the approved details prior to occupation.

Reason: To ensure that the development maintains and enhances community safety in accordance with Policy DC2 of the Local Plan (2018).

36) Accessibility

No less than 10% of the total hotel bedrooms hereby approved shall be fully accessible for wheelchair users and designed in accordance with the requirements of 19.2.12 of British Standard BS8300-2:2018 (or any such subsequent version of this guidance). A further 10% of hotel bedrooms shall be designed and capable of adaptation to the requirements of 19.2.12 of British Standard BS8300-2:2018. The hotel bedrooms shall thereafter be permanently retained in this arrangement.

Reason: To ensure the provision and retention of facilities for all, including disabled people, in accordance with Policy E10 of the Local Plan (2018).

37) Sound Insulation – building envelope

Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of sound insulation of the building envelope and other mitigation measures, as appropriate. Details shall demonstrate that noise from uses and activities is contained within the building/ development site and shall not exceed the criteria of BS8233:2014 at neighbouring noise sensitive/ habitable rooms and private

external amenity spaces. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

38) Acoustic Lobbies

Prior to commencement of the development, details shall be submitted to and approved in writing by the Council of the installation of acoustic lobbies to entrances and exits which would otherwise allow the emission of internal noise to neighbouring noise sensitive premises.

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

39) External Noise - plant

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.

40) Anti-vibration measures

Prior to commencement of the development, details of anti-vibration measures shall be submitted to and approved in writing by the Council. The measures shall ensure that machinery, plant/ equipment, extract/ ventilation system and ducting are mounted with proprietary anti-vibration isolators and fan motors are vibration isolated from the casing and adequately silenced. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

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

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

42) Refuse removal times

No removal of refuse nor bottles/ cans to external bins or areas at the development shall be carried out other than between the hours of 10:00 to 16:00 and 19:00 to 21:00 on Monday to Friday and 10:00 to 18:00 on Saturdays and at no time on Sundays and Public/Bank Holidays.

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

43) External artificial lighting

Prior to commencement of the relevant parts 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 1 For The Reduction Of Obtrusive Light 2021. 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 lighting does not adversely affect the amenity of occupiers of the development site/surrounding premises and natural habitat, in accordance with policy CC12 of the Local Plan 2018.

44) Light pollution

Prior to commencement of the relevant parts of the development, details of suitable façade glazing or external membrane, lighting periods within the area/structure on the south west elevations and mitigation measures to minimise light trespass, glare and sky glow from internally transmitted or reflected artificial light shall be submitted to and approved in writing by the council. 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 CC12 and CC13 of the Local Plan 2018.

45) Illuminated signs

Prior to the display of the illuminated signs or advertisements, details shall be submitted to and approved in writing by the Council, of artificial lighting levels (candelas/ m2 size of sign/advertisement). Details shall demonstrate that the recommendations of the Institution of Lighting Professionals in the 'Guidance Note 01/20: Guidance Notes for the Reduction of Obtrusive Light'. will be met, particularly with regard to the 'Professional Lighting Guide No 5, 2014 - Brightness of Illuminated Advertisements'. Approved details shall be implemented prior to use/ display of the sign/ advertisement and thereafter be permanently retained.

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

46) Delivery times

No deliveries nor collections/ loading nor unloading shall occur at the development hereby approved other than between the hours of 10:00 to 16:00 and 19:00 to 21:00 on Monday to Friday, 09:00 to 18:00 on Saturdays and at no time on Sundays and Public/Bank Holidays.

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

47) Amplified Noise

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

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

48) Whole Lifecycle Carbon Assessment

The development shall be implemented in accordance with the commitments in the Whole Lifecycle Carbon Assessment by Syntegra Consulting dated February 2022 (ref. 10440) as hereby approved by the local planning authority. The measures shall be permanently retained thereafter.

Reason: To improve energy efficiency and support the move towards a low carbon circular economy, in accordance with Policy SI 7 of the London Plan (2021), and Policy CC3 of the Local Plan 2018.

49) The development shall be implemented in accordance with the commitments in the

Circular Economy Statement dated February 2022 (Ref. 19-6562) as hereby approved by the local planning authority. The measures shall be permanently retained thereafter.

Reason: To improve energy efficiency and reduce waste, in accordance with Policy SI 7 of the London Plan (2021), and Policy CC3 of the Local Plan 2018.

50) Energy Strategy and Sustainability Statement

The development hereby permitted shall not be occupied before implementation of the sustainable design and construction measures, energy efficiency, low carbon and renewable energy measures detailed in the submitted Energy Strategy and Sustainability Statement. All details shall be implemented prior to occupation/use of the development hereby permitted, and thereafter be permanently retained.

Reason: To ensure a satisfactory external appearance and the integration of energy generation from renewable sources, consistent with the Mayor's sustainable design objectives in accordance with Policies SI 2 and SI 3 of The London Plan (2021), and Policies DC1, DC2, DC8, CC1 and CC2 of the Local Plan 2018.

51) Waste Management Plan

Prior to the first occupation of the hotel hereby permitted, full details of a Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The refuse and recycling storage for the hotel use shall thereafter be permanently retained and maintained.

Reason: To ensure adequate provision for refuse and recycling within the development in accordance with Policy CC7 of the Local Plan (2018).

52) Emergency exit

The doorway to Challoner Crescent shall remain closed at all times, other than for use for an emergency access only and for no other purpose.

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

53) Hotel use

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

Reason: In granting this permission, the Council has had regard to the particular circumstances of the case. The change of use could raise materially different planning

considerations and the council wishes to have an opportunity to consider such circumstances at that time, in accordance with Policies T1, E3, DC1, DC2, DC8, CC10, CC11, CC11, CC12 and CC13 of the Local Plan (2018).

54) Number of rooms

The Class C1 (hotel) use hereby approved shall have a maximum of 38 bedrooms.

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

55) Maximum stay period

The accommodation shall not be used as the sole or main residence of any of the occupiers and no person shall occupy the hotel for a continuous period of more than 30 days. A detailed register of all occupants shall be kept which will include names and contact details of individuals and the length of occupation. A copy of the register shall be made available at the request of the local planning authority.

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

Justification for approving application:

1. Land Use: The principle of the development is considered acceptable, as Officers consider that sufficient weight be afforded to the wider economic benefits of the development in providing a high-quality scheme, together with the employment and visitor generating hotel development, to outweigh the loss of the existing industrial use. The proposal complies with the NPPF (2021), Policies E9 and E10 of the London Plan (2021), and Policies FRA, TLC1, TLC2, E2 and E3 of the Local Plan (2018).
2. Design and heritage: The principle of the land use is considered acceptable. The loss of the existing building has been justified and the height, scale, massing, and detailed design of the replacement hotel building is acceptable within the local context, and would not harm the character and appearance of the application site and would appropriately connect the surrounding townscape. The proposal would make a positive contribution to the urban environment and would not cause undue harm to the setting of the Barons Court Conservation Area. The development is therefore acceptable in accordance with the principles of the NPPF (2021), Policies D1, D3 and D4 of the London Plan (2021), and Policies DC1, DC2 and DC8 of the

Local Plan (2018).

3. Residential Amenity and Impact on Neighbouring Properties: The impact of the proposed development upon adjoining occupiers is considered acceptable with no significant worsening of overlooking, loss of sunlight or daylight or outlook to cause undue detriment to the amenities of neighbours. Measures would be secured by conditions to minimise noise and disturbance from the operation of the hotel and any associated mechanical equipment to nearby occupiers from the development. In this regard, the development would respect the principles of good neighbourliness. The development would therefore be acceptable in accordance with Policies DC1, DC2, CC11 and CC13 of the Local Plan and EN1 of the Planning Guidance Supplementary Planning Document (2018).
4. Safety and Access: A condition will ensure the development would provide a safe and secure environment for all users in accordance with London Plan Policy D11 (2021) and Policy DC2 of the Local Plan (2018). The proposal would provide ease of access for all people, including disabled people, in accordance with Policies D5 and D11 of the London Plan (2021), Policies E3 of the Local Plan (2018) and Key Principles DA1, DA6 and DA9 of the Planning Guidance Supplementary Planning Document (2018).
5. Highways matters: Subject to conditions, and the completion of a satisfactory legal agreement relating to the submission of a Travel Plan, servicing and delivery plan, and a DLP and a CLP; funding towards highway improvements; together with the prevention of coach bookings there would be no adverse impact on traffic generation and the scheme would not result in congestion of the primary road network. The development would therefore be acceptable in accordance with the NPPF (2021), Policies T1, T3 and T4 of the London Plan (2021), Policies T1, T2, T3, T4, T5, CC7, CC9, CC10, CC11, CC12 and CC13 of the Local Plan (2018) and Policies TR1, TR2, TR3 and WM9 of the Planning Guidance Supplementary Planning Document (2018).
6. Flood Risk: A Flood Risk Assessment (FRA) has been submitted and has considered risks of flooding to the site and adequate preventative measures have respect the proposal is therefore in accordance with the NPPF (2021), Policy SI12 London Plan (2021), Policies CC2, CC3 and CC4 of the Local Plan (2018) and FR1 and FR3 of the Planning Guidance Supplementary Planning Document (2018).
7. Sustainability and Energy: Measures are proposed in relation to minimising energy use and CO2 emissions and sustainable design and construction. These will be secured by conditions with a carbon-off setting payment in lieu secured through Section 106 legal agreement. The development would therefore be acceptable in accordance with Policies SI 2, SI 7 and DF1 of the London Plan (2021), Policies of CC1 and CC2 of the Local Plan (2018) and SDC1 of the Planning Guidance Supplementary Planning Document (2018).
8. Air Quality: There will be an impact on local air quality because of the demolition, construction, and operation of the proposed development. However, conditions prior to the commencement of above ground works are included to mitigate the impact of the development and to ensure neutral air quality outcomes in accordance with Policy SI 1 of the London Plan (2021) and Policies CC10 and

CC13 of the Local Plan (2018).

9. Land Contamination: Conditions will ensure that the site would be remediated to an appropriate level for the sensitive residential and open space uses. The proposed development therefore accords with Policies CC11, CC12 and CC13 of the Local Plan (2018) and NN1, NN2 and NN3 of the Planning Guidance Supplementary Planning Document (2018).
10. Planning Obligations: The application proposes that its impacts are mitigated by way of carbon-off setting payment and financial contributions to fund construction related jobs and apprenticeships, a local procurement initiative, and improvements that are necessary as a consequence of the development. The proposed development would therefore mitigate external impacts and would accord with Policy DF1 of the London Plan (2021) and Policy INFRA1 of the Local Plan (2018).
11. Conditions: In line with the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, officers have consulted the applicant on the pre-commencement conditions included in the agenda and the applicant has raised no objections

That the applicant be informed as follows:

- 1) In determining this application, the local planning authority has worked in a proactive 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 (2021).
- 2) The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB
- 3) The applicant should contact the Environmental Quality team via e-mail to Environmental.Quality@lbhf.gov.uk or by phone on 0208 753 1081 as soon as possible to discuss the steps necessary to fulfil the contaminated land conditions.
- 4) You are advised that under Section 80 of the Building Act 1984 you are required to give the Council a minimum of 6 weeks notice of your intention to carry out any works of demolition of the whole or part of a building. You should submit your notice of intended demolition to the London Borough of Hammersmith and Fulham, Environmental Quality Team, Hammersmith Town Hall Extension, King Street, Hammersmith W6 9JU or email Environmental.Quality@lbhf.gov.uk.

Officer Report

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

All Background Papers held by case officer named above:

Application form received: 8th March 2022

Drawing Nos: see above

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

Consultation Comments:

Comments from:

Dated:

Neighbour Comments:

Letters from:

Dated:

1 challoner crescent London W149LE	27.03.22
1 challoner crescent London W149LE	12.04.22
8 Lanfrey Place London W149PY	27.03.22
Lower Ground Flat, 221 North End Road London W14 9NP	05.04.22
2 Lanfrey Place London W14 9PY	17.03.22
Flat 18 Challoner Mansions London W14 9LD	29.03.22
3A Perham Road London W14 9SR	12.04.22
20 challoner mansions Challoner street London W14 9LD	12.04.22
Flat 4 2 Challoner Crescent London W14 9LE	12.04.22
1 Challoner Crescent London W14 9LE	12.04.22
Flat 5 2 Challoner Crescent London W14 9LE	22.03.22
8 Lanfrey Place London W149PY	27.03.22
Flat 5 225 North End Road London W14 9NP	05.04.22
3 Challoner Crescent London W14 9LE	12.04.22
112 - 114 North End Road London W14 9PP	28.04.22
32 vereker road London W14 9JS	12.04.22
1 Perham Road Basement Flat London W14 9SR	16.03.22
3 Challoner Crescent London w14 9I3	13.04.22
4 Dunsdon Avenue Guildford GU27NX	12.04.22
Flat 5 Challoner Mansions Challoner Street London	12.04.22
110 North End Road London W14 9pp	12.04.22
No Address Given	22.03.22

Flat 6 1 Challoner Crescent London W14 9LE	12.04.22
Flat 5 225 North End Road London W14 9NP	05.04.22
Flat 5 225 North End Road London W14 9NP	05.04.22
4 Lanfrey Place London W14 9PY	20.03.22
4 Lanfrey Place London W14 9PY	12.04.22
108 /108A North End Road W14	12.04.22
1 Perham Road London W14 9SR	17.03.22
5 charlevile road West Kensington London W149jl	30.03.22
3 Challoner Crescent London W14 9LE	12.04.22
3 Challoner Crescent London W14 9LE	12.04.22
No Address Given	29.06.22

1.0. SITE DESCRIPTION

- 1.1. The application site (approximately 0.07 hectares) comprises part single, part two storey industrial buildings, formally in use as car repair premises (Use Class B2), with frontages both on North End Road and Challoner Crescent.
- 1.2. The surrounding area is characterised by a mix of uses with residential in Challoner Crescent, Challoner Street and Lanfrey Place with commercial uses along North End Road.
- 1.3. The site is within the Baron's Court Conservation Area and Flood Zone 3, and has a PTAL rating of 4. The application site does not include any statutorily listed buildings.

2.0. RELEVANT PLANNING HISTORY

- 2.1. In 2008, planning application (2008/03430/FUL) for change of use from workshop to MOT vehicle testing station was lapsed.
- 2.2. In 1997, planning permission was granted (1997/02168/FUL) for use of the former petrol station forecourt for the sale of cars.
- 2.3. In 2001, planning permission was refused (2001/02778/FUL) for erection of single storey building in front of existing garage comprising 656 square metres of floorspace for use as a wine and food bar (Class A3); erection of mechanical plant and acoustic screen to roof of new building; erection of a single storey bin store.
- 2.4. In 2001, planning permission was refused (2001/02779/FUL) for erection of a single storey building in front of existing garage comprising 656 square metres of floor space for use as a wine and food bar (Class A3); erection of mechanical plant and acoustic screen to roof of new building; erection of a single storey bin store.
- 2.5. In 2003, planning permission was granted (2003/01210/FUL) for redevelopment of site involving the erection of a single storey infill building comprising no. 2-3 Retail Units; retention of vehicular/pedestrian access to the existing building at the rear; no. 1 parking space, no.4 cycle spaces and refuse storage area.
- 2.6. In 2004, planning permission was granted (2004/02691/FUL) for alteration to

planning permission dated 13 October 2003 (ref: 2003/01210/FUL) relating to the design of the proposed shopfronts fronting North End Road.

- 2.7 In 2019 planning permission (2018/01161/FUL) was refused for demolition of the existing building and erection of a part three-storey, part four-storey, part five-storey building with basement level, to provide a mixed use development comprising 25 residential units plus B1 office units (570sqm) at basement level, with associated cycle storage, refuse storage and amenity space. The application was refused on the following grounds:
- Overdevelopment of the site with excessive residential density, resulting in substandard accommodation with inadequate daylight and sunlight, poor quality private amenity space, and poor outlook.
 - Overdevelopment in terms of visual amenity due to the proposed siting, excessive massing, bulk and height constituting an over dominant development, harmful to the character and appearance of the Conservation Area.
 - unneighbourly impact and result in an overbearing and increased sense of enclosure and loss of outlook to residential occupiers in Lanfrey Place and Challoner Crescent.
- 2.8 Following the refusal in 2019, preapplication advice was sought for an alternative 90-bed hotel scheme to replace the existing buildings on site. Officers advised that the proposals for the demolition of the existing car repair workshop and erection of a 90-bed hotel. Officers advised that the proposals could not be supported for the following reasons:
- in principle a 90-bed hotel scheme in this location is inappropriate. Outside a Town Centre or Opportunity Area hotels should not normally exceed 50 beds.
 - Overdevelopment, due to its siting, excessive mass, bulk and height, resulting in an adverse visual impact to the Conservation Area.
 - unneighbourly impact due to a overbearing, increased sense of enclosure and loss of outlook for the adjoining residential occupiers in Lanfrey Place and Challoner Crescent.
- 2.9 In 2020, a follow-up preapplication was submitted for a reduced circa 40 bed-hotel scheme. Officers were supportive in principle but raised concerns about the impact of the design, scale and massing on surrounding context and that improvements for urban greening could be made.
- 2.10 In 2020, the Planning Inspectorate dismissed an appeal against the non-determination of a planning application (2020/02350/FUL), for the demolition of existing buildings and erection of a replacement part one, part four storey building including a basement level with lightwells fronting Challoner Crescent, to provide a 43 bedroom hotel (Use Class C1) and associated works. The Inspectorate dismissed the appeal on the grounds that the proposal would have a harmful effect on the character and appearance of the surroundings, including the Conservation Area, in particular with regards to the rear section of the second floor and roof level elements which were considered exposed and therefore highly visible from Challoner Crescent and in long views from Perham Road.

3.0 PROPOSAL

- 3.1 The current application seeks planning permission for the demolition of existing buildings and erection of a replacement part two, part three, part four storey building including a basement level with lightwells fronting Challoner Crescent, to provide a 38 bedroom hotel (Use Class C1); and associated works.
- 3.2 The main differences between this application and the previous appeal scheme include a reduction in the proposed massing and setbacks away from the properties fronting Challoner Crescent and Lanfrey Place at second and third floor levels.

4.0 PUBLICITY AND CONSULTATIONS

Pre-application Consultation

- 4.1 The applicant undertook a programme of public engagement prior to the submission of this application. The applicant initially sent invitations to an consultation event to 1,000 local residents along with details of a website that provided further information on the proposal. In total, 79 residents responded to the consultation online and by post and raised the following concerns: the use of the site as a hotel; the proposed height and design; noise and disturbance; the creation of a new basement.
- 4.2 In response, the applicants made further amendments to their draft proposals including the following:-
- reduce the number of hotel rooms
 - Amend the design to be more sympathetic to surroundings
 - reduce the proposed massing at fourth floor
 - provided outline details of a construction method statement and construction management plan for the basement and other building operations
 - confirmed that access and servicing would be from North End Road only
 - no outdoor smoking or drinking areas
 - no roof top terraces
 - no windows to result in loss of privacy
 - existing boundary wall with Lanfrey Place to be retained
- 4.3 The applicant contacted North End ward councillors and local amenity groups.
- 4.4 The applicant sought pre-application advice from LB Hammersmith and Fulham prior to the submission of this application. Officers initially advised that the scale and massing needed to be reduced. In response, the applicant amended their proposals to include a much reduced third floor set back from the edges and altered the design to a more traditional 'townhouse' appearance in response to officer's comments.

Formal consultation

- 4.5 The application has been advertised by means of site notice. In addition to a press advert, neighbour letters have been sent out including 322 notifications to

neighbouring properties.

4.6 In total, excluding duplications, 31 letters have been received, including 28 objections and 3 letters of support. The grounds of the objections are summarised below:

- Unacceptable design and materials
- Overdevelopment of the site
- Excessive height and bulk
- Should be reduced by one storey in height
- Impact on the character of neighbouring buildings and the surrounding area
- Impact on 'Buildings of Merits' in the conservation area
- Over-dominant and overbearing
- Basement is excessive
- Loss of privacy and increased overlooking
- Loss of outlook
- Increased noise and pollution
- Loss of light and overshadowing
- Fire exit to be used for emergencies only
- Noise and disturbance from hotel bar
- Noise, disturbance and traffic impacts during demolition and construction
- Increased traffic movements and parking stress
- Increased air pollution
- Conflict between hotel pedestrian entrance and commercial delivery and servicing area
- Development would prejudice future development to the adjoining site 112-114 North End Road
- Development would require structures on adjoining property
- Construction and demolition management plans are inadequate
- Impact on neighbouring properties structurally
- Dust and pest control measures should be in place during works
- Noise and smell from extract ducting
- Lack of consultation
- Adverse impact on surrounding land values
- Hotel would lead to an increased crime rate
- Lack of need for hotels in the area
- Windows should be able to open

4.7 The letters of support refer to local economic benefits, bringing a derelict site back into use, and improving the visual appearance of the area.

4.8 The matters relating to the impact upon the character of the area and neighbouring amenity are fully considered in the assessment below. Regarding prejudicing future development, this hotel application is being considered on its own merits

4.9 Disruption and disturbance from building works would be controlled by separate legislation. However, conditions will be imposed where relevant in order to limit any impact, particularly in terms of neighbouring amenity and the operation of the highway.

External and Statutory Consultees

- 4.10 Thames Water have raised no objection subject to an informative.
- 4.11 Environment Agency have raised no comments.
- 4.12 Metropolitan Police raised no objections.

5.0 POLICY CONTEXT AND PLANNING CONSIDERATIONS

5.1. The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England. Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act).

5.2. In this instance the statutory development plan comprises the London Plan 2021, LBHF Local Plan 2018 and the LBHF Planning Guidance SPD 2018.

National Planning Policy Framework (NPPF).

5.3. 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.

5.4. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

The London Plan

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

The Local Plan

5.6. 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

Planning Considerations

5.7. The main planning considerations in the assessment of this application include the following:-
- loss of existing employment use

- the principle of a hotel use on the site
- design and visual amenity; including the impact on the surrounding heritage
- residential amenity of neighbouring occupiers
- highways impacts
- environmental matters

PLANNING ASSESSMENT

6. Land Use

Loss of Employment Floorspace

- 6.1 London Plan Policy GG1 (Building strong and inclusive communities) seeks to ensure that London continues to generate a wide range of economic and other opportunities.
- 6.2 Policy E1 (Range of employment) of the LP 2018 encourages the retention, enhancement and intensification of existing employment uses and specifically necessitates flexible space suitable for small and medium enterprises. The supporting text (para 7.3) to Policy E1 states that there are a large proportion of small to medium sized enterprises in the borough, and the Council is keen to provide a wide range of workspace to support existing and new businesses as well as respond to the changing behaviours of doing business.
- 6.3 Policy E2 (Land and Premises for Employment Uses) of the LP 2018 asserts that the Council will require the retention of land and premises capable of providing continued accommodation for employment or local services. Permission will only be granted for a change where an alternative use would give a demonstrably greater benefit that could not be provided on another site.
- 6.4 In terms of optimising the development benefits, the supporting text (Para 7.17) under Policy E2 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 employment floorspace is retained within mixed use scheme and this will include adequate replacement accommodation for small businesses". In assessing this, considerations would be given to the amount of full time equivalent jobs generated against the current use, the types of employment and how it accords with the H&F Economic Development Strategy (Para 7.12 under Policy E2).
- 6.5 The existing building includes 1,441sqm (GIA) employment floor space, and the proposals generate 1973sqm (GIA). There would be an increase in the full time equivalent staff from 12 for the existing use to 38 for the hotel use.
- 6.6 The hotel use would provide an acceptable numbers of jobs, meeting the Council's economic objectives. In addition, in the event of the proposal being recommended for approval, a contribution towards local procurement initiative which engages local businesses and prepares them to bid for suitable contracts. The proposals would accord with Policy E2 of the LP 2018.

Hotel Use

- 6.7 London Plan Policy E10 states that London's visitor economy and associated employment should be strengthened by enhancing and extending its attractions, inclusive access, legibility, visitor experience and management and supporting infrastructure, particularly to parts of outer London well-connected by public transport. The Policy seeks to achieve 58,000 net additional hotel bedrooms across London by 2041.
- 6.8 Local Plan Policy E1 states the Council will support the local economy and inward investment in the borough. Local Plan (2018) Policy E3 asserts that permission will be granted for new visitor accommodation and facilities within three town centres, the Earl's Court and West Kensington and White City Opportunity Areas. Outside of these identified areas, the following will be considered appropriate:
- Small scale hotels; and
 - Visitor accommodation related to major visitor attractions of sub-regional or greater significance in accordance with the provisions of London Plan.
- 6.9 The supporting justification to Policy E3 states that the existing and committed stock of hotels are considered adequate to meet the borough's share of anticipated growth within London within the next few years. Any further proposals for new hotels will be directed to the three town centres and identified areas, as these areas are considered the most appropriate to accommodate visitor accommodation. Small hotel schemes, normally not in excess of 50 bedrooms, will be considered in other areas of the borough where the scale is appropriate to public transport accessibility and surrounding uses. In many areas, a scale of less than 50 bedrooms is more likely to be appropriate.
- 6.10 The application site is outside of any Town Centre and identified regeneration and opportunity areas. The proposed 38-bed boutique hotel scheme in this location is therefore considered to be appropriate in terms of land use, complying with Policies E1 and E3 of the LP 2018.

7.0 DESIGN AND HERITAGE

Planning Policy Context:

- 7.1 The NPPF states that development should respond to local character and history and the surrounding environment and setting, whilst not preventing innovation but extends this to recognise a role for change and increased densities. The NPPF advocates a positive strategy for conserving and enhancing the historic environment, taking account of (amongst other things) the desirability of new development to make a positive contribution to local character and distinctiveness. The NPPF state that economic, social and environmental gains are to be sought jointly and simultaneously in order to deliver positive improvements in the quality of the built, natural and historic environment.
- 7.2 Paragraph 192 of the NPPF states that LPAs should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses; the positive contribution that conservation of heritage assets can make to sustainable communities; and the desirability of new

development making a positive contribution to local character and distinctiveness. Paragraph 193 requires great weight to be given to an asset's conservation (and the more important the asset, the greater the weight should be) when considering the impact of a proposed development on the significance of a designated heritage asset, irrespective of the amount of harm. Paragraph 196 states that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal 'including, where appropriate, securing its optimum viable use'. Paragraph 201 recognises that 'Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance'."

- 7.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also provides that, in respect of development affecting conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 7.4 London Plan Policy HC1 states that "Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities". London Plan Policy D3 (Optimising site capacity through the design-led approach) states that development should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions. Development should also respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character
- 7.5 Local Plan Policy DC1 requires all development within the borough to create a high-quality urban environment that respects and enhances its townscape context and heritage assets. Policy DC2 furthers the above, seeking that new build development be of a high standard of design, compatible with the scale and character of existing development and its setting. Development proposals must respect (a) the historical context of the site, (b) the scale, mass, form and grain of surrounding development, (e) good neighbourliness, (g) sustainability objectives, and, (h) the principles of accessible and inclusive design. 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. Additional guidance in respect of proposals to Buildings of Merit within Chapter 6 of the Planning Guidance SPD. Local Plan Policy DC11 concerns new basements and extensions to existing basements, and typically seeks to restrict basement development to one storey.

Assessment

- 7.6 The site lies in the centre of an irregular and diverse block enclosed by Victorian terraces and mansion blocks and a single storey parade of shops. Adjacent to the south-eastern corner of the site lies a 4-storey post-war block with an elongated footprint facing North End Road. Generally, the surrounding townscape comprises terraces with 3-4 storeys and mansion blocks of 4-7 storeys plus roof. Only the terraces to the south, in Lanfrey Place, and the retail parade and short terrace in fronting North End Road are lower with 1-2 storeys plus roof.
- 7.7 The site is currently occupied by a traditional, 2-storey high industrial shed with brick elevations and gabled roofs facing Challoner Crescent and a large horizontal element with a more modern industrial appearance set back behind a single storey parade of shops in North End Road. While the building appears to have been "wedged" into the irregular footprint of the centre of the block, the traditional south-western façade encloses the end of Challoner Crescent where it adds to the diverse character of the locality. Overall, the site has a clear commercial character which is typical for large urban blocks of the Victorian period when commercial land uses were closely mixed with residential uses, on land left-over after residential development.
- 7.8 The predominant building materials of the mansion blocks and terraces are London stock brick and red brickwork, with contrasting stucco façade features such as window bays and surrounds, cornices and balustrades.
- 7.9 The proposed structure on site comprises a replacement building that is set back from the site boundary in Challoner Crescent by a significant lightwell occupying the south-western boundary of the site. The building would have a similar footprint to the existing development at ground and first floor levels; and then set back from the north-western boundary at first floor level and from the south-eastern site boundary at second floor level in order to step back from the adjoining rear gardens. Overall, the building would have a 3 storey massing overall, plus a centralised mansard roof and therefore would be lower than the surrounding mansion blocks. In Challoner Crescent, the building would, through the centralised mansard exceed the height of the Victorian town houses in Challoner Crescent by one storey, however, the south-western most part of the building with its 2 storey massing would align with the height of No 3 Challoner Crescent that was later added to the end of the otherwise 3-storey terrace of town houses.
- 7.10 The façade treatment would be simple and modern, using brickwork with detailing such as decorative brick banding, reconstituted stone framing and metal window head panels that are employed to relate in a contemporary manner to the historic detailing and materials of the surrounding terraces and mansion blocks.
- 7.11 The ground floor of the Challoner Crescent elevation would be accentuated by a projection behind the lightwell intended to appear as a colonnade in reference to the decorative porticos and traditional façade hierarchy of the locally listed Challoner Crescent terrace.
- 7.12 The flank elevations to the south-east and north-west would be plain brick facades without openings. The centralised mansard roof would be fully clad in zinc panels to emulate a traditional roof in a contemporary form.

- 7.13 To ensure the quality of the development, conditions are attached requiring the submission of 1:20 details of the scheme, including details of bay studies and the mansard roof; a schedule of materials to be used will also be conditioned.
Heritage assessment
- 7.14 When considering the impact of a proposed development on the significance of a designated heritage asset, paragraph 199 of the NPPF (2021) states that "...great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 200 states that "any harm to or loss of, the significance of a designated heritage assets, (from its alteration or destruction, or from development within its setting), should require clear and convincing justification". Paragraph 203 states that "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."
- 7.15 The application site is located in the Barons Court Conservation Area. The existing buildings/structures occupying the site do not benefit from any designation as either statutory or local listings. There are several locally listed, (buildings of merit) abutting the boundaries of the site, including 3 Challoner Crescent, the group of buildings forming Challoner Mansions and 1-4 Challoner Street and the terrace of 106-110 North End Road.
- 7.16 As referenced elsewhere in this report, the earlier appeal decision, (application reference: (2020/02350/FUL)), is a material consideration which should be given regard in relation to the assessment of this application. Although the appeal scheme relates to a different proposal in terms of use and design, the inspector makes a number of key points in relation to heritage considerations:
- Challoner Crescent and its surroundings have a higher degree of significance to the Conservation Area as a whole than the North End Road surroundings. This area also has greater sensitivity in terms of the potential for smaller changes to the surroundings to have a greater effect on heritage assets.
 - The heavily altered 1920s building that currently occupies the site is of low architectural and historic interest. However, on the Challoner Crescent side in particular, its scale and unassuming appearance is such that it blends into the background and is not seen to compete with structures that contribute more positively to the character of the area.
 - In relation to the effects on the Challoner Crescent surroundings, the appeal site is prominently located within the cul-de-sac. There is also a notable contrast between the buildings that stand either side of the site.
- 3 Challoner Crescent (No 3) is a distinctive 2 storey Building of Merit with an attached single storey studio that is immediately adjacent to the site. The façade of No 3 is distinctive in appearance due in part to its white painted brickwork, multipaned windows (in particular the 9 paned window within the façade of the studio) and decorative corning/balustrade. On

the other side of the site, there is the more austere side elevation of Challoner Mansions which is plainer, most notably due to the large areas of exposed stock brick.

Designated heritage assets - Barons Court conservation area

- 7.17 The site lies within Barons Court Conservation Area. The conservation area is defined by the variety of residential developments which form cohesive groups, and by the large open space of Hammersmith Cemetery. The conservation area is significant for the early Victorian development of agricultural land to form a cemetery that would release pressure on smaller churchyards in London, and to create high quality residential suburbs around it. The application site is part of sub-area B of the conservation area appraisal that includes all Challoner Crescent properties, and that shares its eastern border with sub-area C, the latter covering the North End Road part of the conservation area. The sub-area B of the conservation area is considered to have high historical and aesthetic values that would be affected by the proposals.

Undesignated heritage assets:

- 7.18 The site is surrounded by 19th and early 20th Century mansion blocks and terraces grouped around the perimeter of the block. Some of these lying to the north-west, north-east and south of the site are designated as Buildings of Merit. In both main elevations of the site, in North End Road and Challoner Crescent, the buildings on site can be seen in context of the Buildings of Merit and other historic buildings that contribute to the character and appearance of the conservation area.

Impact of the proposals on the heritage assets

- 7.19 The proposal includes the demolition of all structures on site. The existing building's façade facing North End Road is set back behind the parade of shops and its modern industrial appearance with a flat roof is considered to detract from the character and appearance of the conservation area. This is a view confirmed through the earlier appeal decision, where the inspector concluded that the building that currently occupies the site is of low architectural and historic interest. The demolition of the building on site therefore is not considered to harm the significance of the identified heritage assets.
- 7.20 In the views from North End Road, the proposed building would form the backdrop to the retained retail/commercial developments, (activating the street), with a simple, modern elevational treatment and sympathetic materiality, that would not compete or appear incongruous with the surrounding historic building typologies. While the proposed height would broadly match the North End Road neighbours' heights. Although it is acknowledged that the upper floor mansard roof would be higher than the nearest property to the north at No. 110. However, this element would appear recessive given the notable setbacks from either side. In this form it is considered that the proposal would be of an acceptable scale not out of keeping with its surroundings given the location in the centre of the urban block.

- 7.21 The intimate character of the Challoner Crescent context with its historic buildings framing the new development requires a more sensitive, detailed approach to the design. The proposed scheme seeks to break up the massing to respond to this context. A 2 storey element would be introduced to create an appropriate relationship with 3 Challoner Crescent and has a simple detailing which allows the distinctive character of this development to continue to be read as the prominent feature within this setting. Beyond this, the building form increases to 3 storeys, plus a centralised mansard roof, which sits below the datum of the group of heritage assets in Challoner Street. Whilst the scale of this element is taller than the terrace of properties fronting North End Road, the recessive nature of the mansard roof and lower parapet detailing serves to create an appropriate relationship between these elements.
- 7.22 Given the varied context of the proposal site, it is considered that the scale, massing, and architectural detailing of the scheme forms an appropriate response to this context and would not result in any harm to the character or appearance of the Barons Court Conservation Area. Furthermore, the sensitive design of the proposal scheme is not considered to result in any harm to the setting of adjacent heritage assets.

Design and Heritage Conclusion

- 7.23 Overall, subject to conditions, the proposed works, due to their design, scale and situation, would not have any harmful impacts on the character, significance or setting of the above identified heritage assets. The works are designed sympathetically to the character of the site; the development would preserve the character and appearance of the Barons Court Conservation area and the special architectural or historic interest and setting of the Buildings of Merit.
- 7.24 Officers have assessed the impact of the proposal on the heritage assets and consider that it is compliant with s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is also in line with national guidance in the NPPF and strategic local policies on the historic environment and urban design.
- 7.25 The proposed development is also considered acceptable in accordance with the NPPF, Policies HC1, D1, D3 and D4 of the London Plan and Policies DC1, DC2, and DC8 of the Local Plan and Key Principles AH1, AH2 and CAG3 of the Planning Guidance SPD.

8. Residential Amenity

- 8.1 Local Plan Policy HO11 addresses detailed residential standards and, in seeking a high standard of design, seeks to ensure the protection of existing residential amenities; 'including issues such as loss of daylight, sunlight, privacy and outlook'. Policy DC2 advises that good neighbourliness in particular the amenities of the neighbouring properties, and other properties most directly affected by the proposal will be a key consideration when assessing proposals.
- 8.2 Key Principles HS6 and HS7 of the Planning Guidance SPD seek to protect the existing amenities of neighbouring residential properties, in terms of outlook, light,

and privacy.

- 8.3 The application site is bounded with residential properties on three sides. The neighbouring residential properties that would be potentially affected by the proposals at most have been identified to be No.8 - No.12 Lanfrey Place to the east, Challoner Mansions (1 - 10) and Challoner Courts (1- 3) to the west, and No. 108 - 110 North End Road to the north.

Outlook:

- 8.4 SPD Key Principle HS6 recognises that new development adjoining residential properties can influence the amenity of those properties by way of scale and massing which can have an overbearing impact. To assess such an impact, the general rule is that new development should not result in an infringing an angle of more than 45 degrees. The notional 45-degree line should be measured from either the ground level or at a height of 2m at the rear boundary of adjacent residential properties. If any part of the proposed building extends beyond these lines then on-site judgement will be a determining factor in assessing the impact on the existing amenities of neighbouring properties.
- 8.5 The existing two-storey commercial premises cover the entire site, and therefore the existing building already falls within the 45-degree line. On-site judgement will therefore be the determining factor in this case. The most affected properties are at Lanfrey Place, Challoner Mansions, Challoner Court and North End Road.

No.6 to No.12 Lanfrey Place and Challoner Mansions

- 8.6 The existing building has a boundary wall with No.6 to No.12 Lanfrey Place (rear gardens less than 9m) at a height of approximately 6.8m. As the boundary wall is to be retained, only the proposed second and third floors would be visible from these neighbouring properties. The south east elevation of the new building would be adjacent to the rear of Nos 8, 10 and 12 Lanfrey Place. The second floor and third floors would be 3m and 5.8m in height above the shared boundary wall level. The proposed second and third floors would respectively be setback at least 5m and 9.4m away from the shared boundary – this stepped profile would mitigate the impact on the outlook from Nos 8 to 12 Lanfrey Place. Significantly, the stepped profile would mean that the proposed building would comfortably avoid infringing a 45 degree angle line rising from the top of the adjoining garden wall.
- 8.7 Above ground floor, the south-west elevation of the new building facing Challoner Mansions would have a reduced footprint which includes setting the building line 3m further away from Challoner Mansions. This alteration to the building line would improve the sense of openness, particularly as the proposed stepped profile of the south-west elevation of the new building would be set further away at the upper floors.
- 8.8 In deciding the 2020 appeal decision for the larger hotel, the Planning Inspector noted that the stepping of the proposed development at the boundary with properties in Lanfrey Place and Challoner Crescent would not materially compromise the 45 degree principle set out in Key Principle HS6 of the SPD as compared to the existing situation. While, the Inspector acknowledged that there would be some impact resulting from the increased height of the proposed

building, principally affecting upper floor windows in these properties, but that notwithstanding this, taking account of the existing conditions, the urban nature of the area, the relative distances between the proposal and potentially affected spaces, and the mitigation offered by the setback of the proposed building at upper levels, the impacts in terms of outlook and sense of enclosure would be acceptable, which is considered to remain the case with the current proposal.

- 8.9 The current scheme has been further reduced in terms of mass, when compared to the appeal scheme and the subsequent pre-app public consultation – notably the lift core has been removed and the third floor has been scaled back. Officers consider that the current scheme has been more sensitively designed and would have an acceptable impact in terms of outlook.
- 8.10 With regards to the effects on outlook and sense of enclosure to properties in Lanfrey Place and Challoner Mansions the Planning Inspectorate noted for the appeal scheme (which has subsequently been further reduced at third floor level) the stepping of the proposed development at the boundary with these properties would not materially compromise the 45 degree principle set out in Key Principle HS6 of the SPD as compared to the existing situation. It was acknowledged that there would be some impact resulting from the increased height of the proposed building, principally affecting upper floor windows in these properties, but that notwithstanding this, taking account of the existing conditions, the urban nature of the area, the relative distances between the proposal and potentially affected spaces, and the mitigation offered by the setback of the proposed building at upper levels, the impacts in terms of outlook and sense of enclosure would be acceptable, which is considered to remain the case with the current proposal.

1 to 5 Challoner Court

- 8.11 The proposal would be set back at least 12m from the closest windows at 1 to 5 Challoner Court which lies to the north west. Officers consider that the proposals would not result in a significant loss of outlook to the occupiers of these adjoining properties.

No.108 - 110 North End Road

- 8.12 No.108 and No.110 would have an oblique outlook onto the south-west corner of the proposed building which is similar in scale to the existing. Officers consider that the proposals would not result in a significant loss of outlook from the occupiers of these adjoining properties on these North End Road.

Overlooking/Privacy:

- 8.13 Policy DC2 of the LP 2018 ensures that the design and quality of all new housing will respect the principles of good neighbourliness. These policies are supported by SPD Key Principle 7 which states that windows should normally be positioned so that the distance to any existing residential windows is not less than 18m measured in an arc of 60 degrees from the centre of the new window.
- 8.14 Key Principle HS8 states that permission will not be granted for roof terraces or balconies if the use of the terraces or balcony is likely to cause harm to the existing amenities of neighbouring occupiers by reason of noise and disturbance;

or, if it would result in an additional opportunity for overlooking or result in a significantly greater degree of overlooking and consequent loss of privacy than from the access point onto the proposed roof terrace/balcony.

- 8.15 The side elevations would not include any windows. The proposed south west (rear) elevations would contain windows that would be within 18m of opposing neighbouring habitable room windows at 1 to 10 and 11 to 20 Challoner Mansions. To address this, the applicant has agreed to a condition requiring the relevant proposed windows would be fixed shut and fitted with obscure glazing up to 1.7m above the internal floor level prior to occupation. Furthermore, none of the flat roof areas would be used as roof terraces and a condition would be attached to ensure this. In this form the proposals would ensure the existing privacy of neighbouring properties is retained, complying with SPD Key Principle HS7 and H8

Noise and Disturbance:

- 8.16 Local Plan Policy CC11 considers noise levels both inside the dwelling and in external amenity spaces. The policy deals with environmental nuisance and requires all developments to ensure that there is no undue detriment to the general amenities at present enjoyed by existing surrounding occupiers of their properties.
- 8.17 No outdoor amenity spaces are proposed and a condition would be attached to any permission to prevent the use of any flat roofs as amenity spaces. As such, the proposal is considered to be compliant with Local Plan Policy CC11 and SPD Key Principle HS8.

Daylight, Sunlight, and Overshadowing:

- 8.18 The application is supported by a Daylight, Sunlight & Overshadowing Report. The assessment is undertaken in accordance with 'BRE: Site Layout Planning for Daylight and Sunlight
- 8.19 The British Research Establishment (BRE) guide on 'Site layout planning for daylight and sunlight', sets 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. The applicant's Daylight and Sunlight report which has been carried out in line with BRE and considers the potential impacts of the proposed development on daylight, sunlight and overshadowing on existing neighbouring residential buildings. In total 45 windows relating to the adjoining properties at Challoner Mansions, Challoner Court, No.106-No.108 North End Road, West Kensington Mansions and No.4 - No.12 Lanfrey Place for external levels of daylight have been assessed. Officers have considered applicants report in terms of impact on habitable rooms and have employed a consultant to consider the proposals.

Daylight

- 8.20 The BRE Guidance sets out three different methods of assessing daylight to or within a room, the Vertical Sky Component (VSC) method, the plotting of the no-sky-line (NSL) method and the Average Daylight Factor (ADF) method.

- 8.21 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. 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 skylight. 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. Another important issue is whether the existing building is itself a good neighbour, standing a reasonable distance from the boundary and taking no more than its fair share of light.'
- 8.22 The NSL method measures the distribution of daylight within a room. It indicates the point in a room from where the sky cannot be seen through the window due to the presence of an obstructing building. The NSL method is a measure of the distribution of daylight at the 'working plane' within a room. In houses, the 'working plane' means a horizontal 'desktop' plane 0.85 metres above floor level. This is approximately the height of a kitchen work surface. The NSL divides those areas of the working plane in a room which receive direct sky light through the windows from those areas of the working plane which do not. For houses, the rooms to be assessed should include living rooms, dining rooms and kitchens. Bedrooms should also be analysed, although in terms of NSL they are considered less significant in terms of receiving direct sky light. Development will affect daylight if the area within a room receiving direct daylight is less than 80% of its former value.
- 8.23 The ADF method involves values for the transparency of the glass, the net glazed area of the window, the total area of room surfaces, their colour reflectance and the angle of visible sky measured from the centre of the window. This is a method that measures the general illumination from skylight and considers the size and number of windows, room size, room qualities and room use. However, the BRE Report (Appendix F) states that 'Use of the ADF for loss of light to existing buildings is not generally recommended'.
- 8.24 In terms of VSC, none of the windows will be adversely impacted by the proposed development, as the proposed VSC levels are either above 27% or more than 0.8 times their former values.

Sunlight

- 8.25 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.

- 8.26 Two windows at 110 North End Road and Challoner Court would be reduced to 0.57 and 0.79 times their former value respectively, which fall below the target (80%). The reduction to 0.79 would be imperceptible when compared to the existing arrangement. Furthermore, the affected window at No. 110 North End Road does not serve a habitable room being a storeroom to a commercial unit at ground floor level. On balance, given the vast majority of rooms comply with the sunlight target, and taking into account the wider benefits of the scheme, the single minor shortfall is considered acceptable in this particular urban setting.

Overshadowing

- 8.27 The BRE Guidelines recommend that for it to achieve adequate sun light 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.
- 8.28 A total 7 residential existing rear gardens / terraces of Challoner Mansions, Challoner Court, No.108 and 110 North End Road and No.6 - No.10 Lanfrey Place have been assessed.
- 8.29 Only the rear garden at No.110 North End Road would be affected by the proposed development. No.110 comprises a ground floor retail unit and a rear garden serving the upper floor flat. However, on 21st June (summer month) when the garden is more likely to be used by the occupants, at least half of the amenity area receives direct sunlight more than 4 hours, with the proposed development. Therefore, the loss of light on the amenities will not be greatly noticeable to the occupants.
- 8.30 Overall, in terms of daylight, sunlight and overshadowing officers accept that there are some infringements and where these occur most of these are modest. On balance, considering the site constraints within this urban location, the proposal is satisfactory in terms of its impact on daylight, sunlight and overshadowing to neighbouring residential properties.

9.0 Accessibility

- 9.1 London Plan Policy D5 requires all new development to achieve the highest standards of accessible and inclusive design. Local Plan Policy DC2 and SPD Key Principles DA1, DA6 and DA9 require new development to be designed to be accessible and inclusive to all who may use or visit the proposed buildings. Specifically, London Plan Policy 4.5 and Local Plan Policy E10 require at least 10% of hotel rooms to be accessible. Access requirements have now been incorporated into Building Regulations.

- 9.2 The Design and Access Statement confirms the proposed hotel will comply with current standards. In particular, the proposals include 5 accessible hotel rooms (more than 10% of all the bedrooms), which will be located on various levels. All entrances in the development from the street and forecourt would be level and there would be two accessible lifts serving all floors available for visitors and staff. Detailed access matters would be covered under Building Regulations. On this basis the proposal accords with London Plan Policies D5 and E10, Policies E3 and DC2 of the Local Plan, and SPD (2018) Key Principles DA1, DA6 and DA9.

10. Crime Prevention/ Secure by Design

- 10.1 Policy DC2 of the Local Plan requires developments to be designed in line with the principles of Secured by Design.
- 10.2. The proposals have been reviewed by the Metropolitan Police's design out crime officer. A series of recommendations have been made which could feasibly be incorporated into the hotel and public house. The proposal would accord with the aims of Policy DC2, subject to secured by design accreditation being achieved.
- 10.3. A financial contribution of £60,000 has been secured to support the funding of LBHF's local law enforcement team initiative. The initiative seeks to reduce environmental crime and anti-social behaviour across the borough. The contribution has been sought in relation to neighbourhood safety and the proximity of the town centre.

11 Transport and Highways

- 11.1 London Plan Policy T6 sets out the intention to encourage consideration of transport implications as a fundamental element of sustainable transport, supporting development patterns that reduce the need to travel or that locate development with high trip generation in proximity of public transport services. The policies also provide guidance for the establishment of maximum car parking standards in relation to hotel uses as well as blue badge parking at Policies T6.4 and T6.5. London Plan Policy T5 sets out the requirements for cycle parking in accordance with the proposed use.
- 11.2 Local Plan Policy T1 sets out the Council's intention to 'work with strategic partners to improve transport provision, accessibility and air quality in the borough, by improving and increasing the opportunities for cycling and walking, and by improving connections for bus services, underground, national and regional rail'.
11. 3. Local Plan Policy T2 relates to transport assessments and travel plans and states "All development proposals would be assessed for their contribution to traffic generation and their impact on congestion, particularly on bus routes and on the primary route network".
- 11.4 Local Plan Policies T3, T4, T5 and T7 relate to opportunities for cycling and walking, vehicle parking standards, blue badge holders parking and construction logistics. Local Plan Policy CC7 sets out the requirements for all new developments to provide suitable facilities for the management of waste.

Site Accessibility

- 11.5 Access to the site would be from North End Road which is in close proximity to West Kensington Station – the front of the site has a public transport accessibility rating (PTAL) of 6a on a scale of 0 (worst) to 6b (best). Guests, customers and employees accessing the site will therefore benefit from excellent access to public transport.

Car Parking

- 11.6. The development is proposed to be car free which is in accordance with Policy T6 of the London Plan. The application site is within a controlled parking zone, with parking restricted to permit holders only or pay and display with a maximum stay of 8 hours during weekdays. As such, hotel guests would be unable to arrive to the premises by private car and park their vehicle for the length of their stay during the week. Blue badge holders will be able to park in the existing bays along North End Road and surrounding streets.
- 11.7 A trip generation (TRICS) analysis has been undertaken by the applicant's consultant and reviewed by the Council's highways team. Using data from comparable developments, it is estimated there would be a total of 10 trips in the AM peak and 17 trips in the PM peak (which compares with the existing of 12 and 10 respectively). This is across all modes of transport. As such, it is accepted that any increase in trips made by private vehicle would be minimal and would not have a material impact upon parking stress or congestion locally.

Cycle Parking

- 11.8. For the hotel use, long stay storage for three bicycles is required, and short stay provision is required for one bicycle. The cycle parking would be provided at ground floor within the hotel building close to the main entrance. This will be secured by way of condition.
- 11.9 A £5,000 contribution has also been secured towards the provision of a micro-mobility parking hub for electric bikes and scooters in the vicinity of the site. This will provide further options for guests and employees to travel to and from the site using a sustainable mode of transport.

Travel Plan

- 11.10 A draft travel plan has been submitted with the application. The plan covers both employees and hotel guests and sets out objectives and targets for sustainable travel to and from the site. Whilst the principles of the draft travel plan are acceptable, a final travel plan will need to be submitted once the occupiers are confirmed to ensure that the targets remain relevant and achievable.
- 11.11 A final travel plan will be secured through a s106 obligation, along with a monitoring fee for years 1, 3 and 5.

Waste Management

- 11.12. A waste management plan has been submitted which outlines the physical arrangements for refuse and recycling. A condition will be attached to ensure that full details of a waste management strategy is provided including details of anticipated volume of waste to ensure that sufficient storage and collections.

Servicing & Deliveries

- 11.13. The development is expected to generate 11 delivery and servicing trips per week (including laundry, refuse, food & beverage and cleaning supplies) . Servicing will take place from North End Road – the existing deliveries take place from North End Road. A delivery and servicing plan has been submitted; however, a final plan will need to be secured once the occupiers of the development are finalised. This will be secured by way of condition.

Construction Management

- 11.14. The applicant has submitted an outline Construction Logistics Plan in accordance with Local and London Plan policy. The document indicates that the development would be constructed within 15 months. Further details are required in the final Construction Logistics Plan which should be secured by condition. These final details would include: site logistics and operations; construction vehicle routing; estimated number, size and routes of construction vehicles per day/week; use of Ultra Low Emission Zone (ULEZ) compliant Vehicles e.g. Euro 6 and Euro VI; access and egress arrangements of delivery locations on the site; vehicle holding areas; and other matters relating to traffic management to be agreed as required; efficiency and sustainability measures to be undertaken for the works; membership of the Considerate Contractors Scheme. The applicant is also required to fund the monitoring of the CLP and this is secured by a s106 obligation.

12 Environmental Quality

Flood Risk and Sustainable Draining (SuDs)

- 12.1. London Plan Policy SI12 sets out that proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed.
- 12.2 Local Plan Policy CC2 requires major developments to implement sustainable design and construction measures, including making the most efficient use of water. Local Plan Policy CC3 requires a site-specific Flood Risk Assessment (FRA) for developments in Flood Zones 2 and 3 that: a. addresses the NPPF requirements; b. takes account of the risk of flooding from all relevant sources; c. integrates appropriate flood proofing measures where there is a risk of flooding; and d. provides structural waterproofing measures in subterranean elements and using non-return valves or equivalent to protect against sewer flooding.
- 12.3 The application site is within Flood Risk Zone 3 with a high residual risk of flooding. The site is protected by flood defences such as the Thames Barrier and river wall defences. If these were breached or over-topped, the site would not be expected to be impacted by flood water. Other sources of flooding could

potentially impact the site though. A basement is proposed, so groundwater risks need to be mitigated. A flood risk assessment has been submitted which sets out the required mitigation for flood risk from fluvial, surface water and groundwater sources. This includes a water exclusion and water entry strategy. The provision of the required mitigation is to be secured by condition.

- 12.4 No details are provided in the FRA but it is noted that the Basement Construction Statement confirms that structural water-proofing measures will be implemented to manage these risks. It is recommended that sewer surcharge flood mitigation is also provided to help guard against sewer flows surcharging back up the system into the basement. This, and the flood mitigation measures in the FRA and Basement Construction Statement, would be secured by condition were the application to be considered acceptable in all other respects
- 12.5. The Environment Agency were consulted on the scheme and raised no objections to the proposal.
- 12.6. Thames Water have raised no objection to the scheme, however, they have requested two conditions to protect their infrastructure. These conditions will secure a piling method strategy and details of rerouting of a water main
- 12.7 With regards to surface water flood risks, the site is not in a flooding hotspot although these do exist in some of the neighbouring streets. Surface water currently flows unrestricted into the combined sewer at the site. To manage run-off from the new development, the FRA proposes that a rainwater harvesting system is included which is welcomed as this is at the top of the London Plan Drainage Hierarchy. Collected rainwater will be used for flushing toilets on site.
- 12.8 Five blue/green roofs are also proposed. No ground level infiltration measures are proposed as there is a lack of external space. The blue roof is capable of storing up to 76.4m³ of storm water which it is proposed to discharge at a controlled rate into the sewer (1.1 l/s) which is equivalent to greenfield rate for the site and would manage the predicted volume of rainfall during a 1 in 100 yr storm with climate change impacts factored in. The SuDS measures achieve over 90% attenuation of surface water flows from the site.
- 12.9 Further details are to be secured by condition regarding how the rainwater harvesting system is to be integrated, showing whether separate to or included as part of the blue roof storage proposals as well as the green roofs including plans such as sections. This is to be included in a condition securing the submission of a revised Sustainable Drainage Strategy.
- 12.10 An Urban Greening Factor assessment has been provided, which meets the requirement for non-residential schemes such as this by including 413m² of green roof and a green wall (46m²). This will be secured by condition.

13. Climate, Energy and Sustainability

Sustainable Design and Construction:

- 13.1 The sustainability performance of the new development has been guided by following the guidance set out in the GLA's SPG on Sustainable Design and Construction. In addition to the carbon reduction measures outlined in the Energy Strategy (see separate comments), other measures that will be designed in include water efficiency, waste management and recycling facilities, use of building materials with low environmental impacts where possible, including recycled materials where feasible, inclusion of measures to minimise noise pollution and air quality impacts, flood risk and sustainable drainage measures (see separate comments), sustainable transport measures and biodiversity improvements through tree planting and provision of a new garden. A condition is to be attached to any permission securing the implementation of the measures outlined in the submitted Planning Statement which contains a section on Sustainable Development, and require the submission of a post construction assessment that demonstrates that the measures have been integrated as proposed. The proposals would therefore meet the requirements of Local Plan Policy CC2 and London Plan Policy SI 7 on Sustainable Design and Construction.

Energy Assessment/Carbon Emissions Reduction:

- 13.2 London Plan Policy GG6 states that major developments should seek to improve energy efficiency and support the move towards a low carbon circular economy. Local Plan Policy CC1 and London Plan Policy GG6 states that the Mayor will work with boroughs and developers to ensure that major developments meet targets for CO2 emissions reductions in new buildings.
- 13.3 The proposed energy efficiency measures which include higher levels of insulation, low air tightness levels, efficient lighting as well as energy saving controls for space conditioning and lighting are calculated to reduce CO2 emissions by around 8 tonnes a year, equivalent to a reduction of just over 14%. This just falls short of meeting the London Plan (2021) requirement for non-residential schemes such as this to reduce CO2 emissions by at least 15% through energy efficiency (be lean) measure alone (Policy SI 2) but is an improvement on the previous scheme's performance in this respect (11% improvement).
- 13.4 There are no nearby local heat networks for the site to connect into but the scheme proposes to generate energy on-site through the use of Air Source Heat Pumps (ASHPs) which will be installed so that the site-wide network could be connected in the future to a wider network. The ASHPs are calculated to reduce CO2 emissions by 11.6 tonnes a year, equivalent to an additional improvement of 24%. Solar PV panels have also been added this time, which provide an extra 4% reduction in CO2 emissions.
- 13.5 The development is recommended to include smart meters to monitor equipment and systems to enable energy use to be monitored and reduced where possible. This is in line with the requirements of the London Plan's requirement in this respect ("be seen" element of the Energy Hierarchy).

- 13.6 Overall, the proposed measures are calculated to reduce regulated CO2 emissions by 39% across the whole site which meets the London Plan's minimum target of 35%. To achieve the zero carbon target therefore, a payment in lieu is required to offset these emissions of £203,994 which is to be secured via a S106 agreement.
- 13.7 Reference is made to off-setting the remaining CO2 emissions. This is in line with the requirements of the London Plan's requirement in this respect. In broad terms, the approach is acceptable and a condition that requires the implementation of the measures as outlined could be attached to any approval. Subject to conditions and the CO2 offset payment being included in any future s106 Agreement, the proposal is considered acceptable assessed against Local Plan Policy CC1 and London Plan Policy GG6.
- 13.8 In addition, a Whole Lifecycle Carbon Assessment has been provided. This shows that the scheme aspires to meet whole lifecycle carbon emissions targets which improve on the GLA's benchmark targets contained in their guidance document. The inclusion of this information is welcomed and compliance with the commitments outlined in the Whole Lifecycle Carbon Assessment is to be secured by condition.
- 13.9 A Circular Economy Statement has also been included which assesses how the proposals conserve resources, source materials sustainably and uses them efficiently and reduces waste by designing for flexibility and adaptability of uses to prolong the lifetime of the development. The inclusion of this information is welcomed and compliance with the commitments outlined in the Circular Economy Statement is to be secured by condition.

14. Air Quality

- 14.1 The London Plan Policy SI 1 and Local Plan Policy CC10 seeks to reduce the potential adverse air quality impacts of new developments. Mitigation measures to reduce emissions and exposure to poor air quality must be taken. The application site is located within the borough wide Air Quality Management Area (AQMA), and in an area of very poor air quality due to the road traffic vehicle emissions from North End Road. The impact of transport emissions during the demolition, construction, and energy plant emissions during the operational phase will have an impact on local air quality.
- 14.2 The Council's Environmental Quality Team have considered the proposed development and submitted Air Quality Assessment and raise no objections subject to conditions relating to air quality, namely with regard to compliance with emissions standards, ultra low emissions strategy, mechanical ventilation and dust management.

15 Contamination

- 15.1 Local Plan Policy CC9 states that Council will support the remediation of contaminated land and that it will take measures to minimise the potential harm of contaminated sites, to ensure that mitigation measures are put in place.

15.2 Potentially contaminative land uses, past or present, are understood to occur at, or near to this site. Site investigation together with a risk assessment, remediation and long-term monitoring would all need to be carried out during and following any redevelopment works, to ensure that no unacceptable risks would be caused to humans, controlled waters or the wider environment. Following review of the application the Council's Land Contamination Team consider the proposals satisfactory subject to details to be secured by conditions.

16 Fire Safety

16.1 Policy D12 of the London Plan states that major applications should be accompanied by a fire statement, prepared by a suitably qualified third-party assessor, demonstrating how the development proposals would achieve the highest standards of fire safety, including details of construction methods and materials, means of escape, fire safety features and means of access for fire service personnel.

16.2 A Fire Statement produced by an independent and accredited specialist has been submitted as required by Policy D12 (b). The fire statement includes details of means of escape, the necessary separation of the two uses within the building, details of access for fire appliances, personnel and equipment, and features which reduce the risk to life. The fire statement provides details of each matter required by criteria 1 – 6 of Policy D12 (b). The proposal would be subject to a final assessment of compliance, which would be completed when the Building Regulations application is submitted and assessed. Officers are satisfied that the submitted Fire Statement provides sufficient information for planning stage and recommend that a condition is imposed to ensure that the strategy is implemented, and the development is carried out in accordance with this document.

17. Employment and Skills

17.1. Local Plan Policy E4 requires the provision of appropriate employment and training initiatives for local people of all abilities in the construction of major developments including visitor accommodation and facilities.

17.2. A package of employment and skills contributions has been secured. This is summarised as follows:

- 1) Contribution of £10,500 to provide two construction period apprenticeships, one of which will be provided directly by the developer
- 2) 10% of labour employed on the construction of the development to be H&F Residents
- 3) Contribution of £3,375 towards facilitating the Council in supporting local Small to Medium Enterprises to bid for contracts tendered in the supply chain
- 4) 10% of build costs to be spent locally on H&F businesses
- 5) Submission of delivery and monitoring plans

- 6) 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)

18. COMMUNITY INFRASTRUCTURE LEVY (CIL)

Mayoral CIL

- 18.1 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 £50 per sqm (GIA) of floorspace created. In this case the gross floorspace would be £98,000
- 18.2 The proposal would be CIL liable based on the additional floorspace. The GLA expect the Council as the collecting authority to secure the levy in accordance with London Plan Policy DF 1.

Local CIL:

- 18.3 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 A Class Uses is £80/sqm, with a Nil rate for C1 hotel use.

19 PLANNING OBLIGATIONS:

- 19.1 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.
- 19.2 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) Carbon-off setting payment in lieu for the development (£203,994)
 - (2) 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)

- (3) Fund footway works along the frontage of the development
- (4) On-street car parking permit-free development
- (5) Development to be 'Coach free'
- (6) 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
- (7) Contribution to air quality monitoring for the demolition and construction phases (£3000 per annum)
- (8) £60,000 towards LBHF's local law enforcement team
- (9) £5000 towards the provision of a micro-mobility parking hub for electric bikes and scooters in the vicinity of the site.
- (10) A commitment to meet the costs of the Council's associated legal fees.

20 CONCLUSION

- 20.1 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.
- 20.2 In the assessment of the application regard has been given to the NPPF, London Plan, Publication London Plan, and Local Plan policies as well as guidance.
- 20.3 In summary, the principle of development has been justified. The proposed development would provide an appropriate small scale hotel use on site and contribute towards the borough's accommodation for employment. The replacement building is acceptable in visual terms. The proposals are considered to be of a high quality of design and would respect the character and appearance of the adjacent Conservation Area. Subject to conditions the proposal would not result in unacceptable impacts upon the amenities of neighbouring residential properties. The hotel accommodation provides a good standard of accommodation. Highways, transportation and environmental matters including energy and sustainability, flood risk, air quality and land contamination have also been satisfactorily addressed and will be subject to conditions and a legal agreement.).
- 20.4 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)
- 20.5 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.

21.0 RECOMMENDATION

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

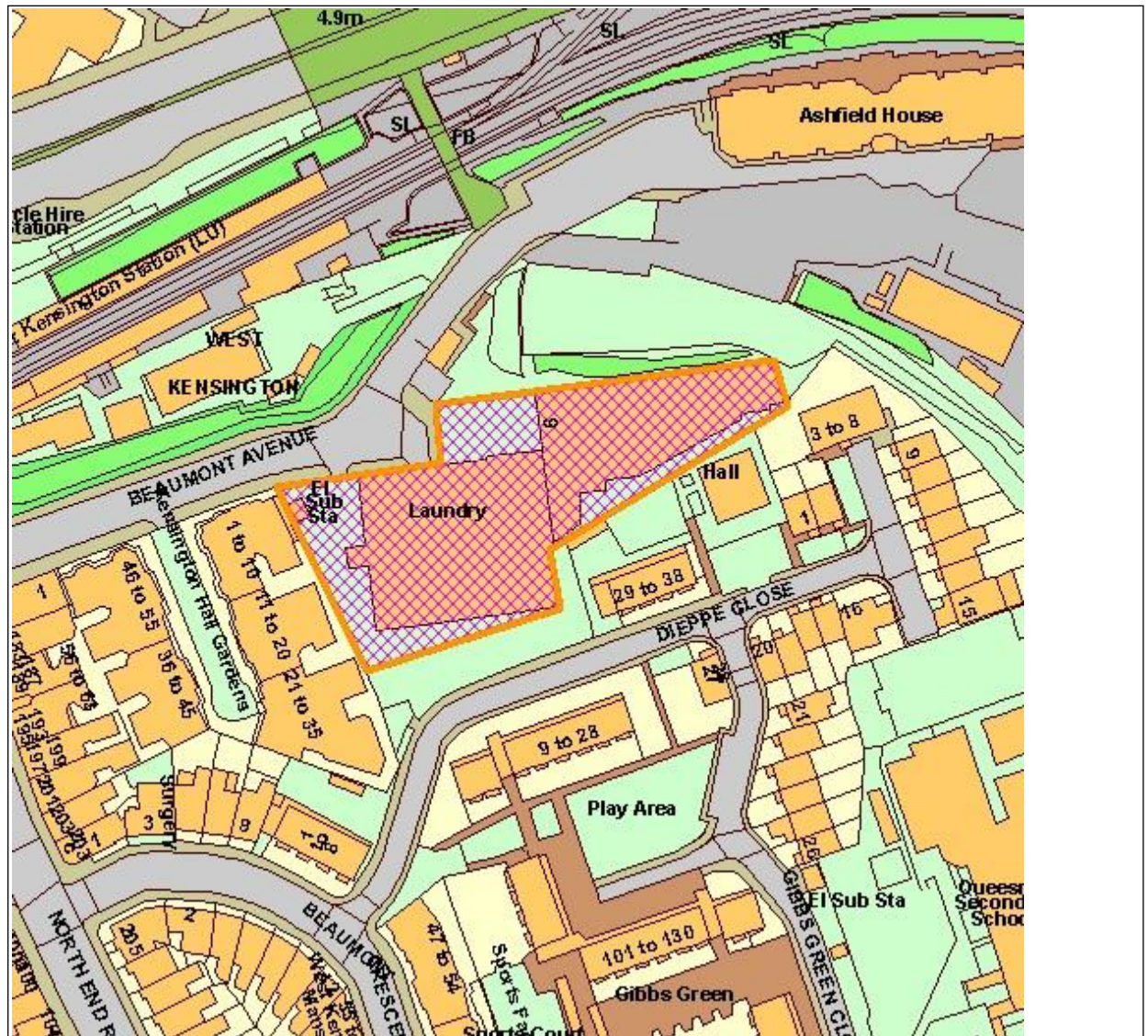
- 2) That the Committee resolve that the Chief Planning Officer, after consultation with the Assistant Director, Legal Services and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed Heads of Terms of the legal agreement or proposed conditions,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

Ward:

West Kensington

Site Address:

9 Beaumont Avenue London W14 9LP



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Reg. No:

2022/01426/FUL

Case Officer:

Violet Dixon

Date Valid:

25.05.2022

Conservation Area

N/A

Committee Date:

20.07.2022

Applicant:

The Lost Estate Property Ltd

c/o Agent: Firstplan, Broadwall House, 21 Broadwall London SE1 9PL

Description:

Change of use and refurbishment of the former Mannequin Factory (Class B2) to a combined theatre/performance space with restaurant and bar areas (Sui Generis use), along with the continued use of the rear section of site as a church (Class F1 (f)) - for a temporary period of 5 years.

Application Type:

Full Detailed Planning Application

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

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

Application form received: 10th March 2022

Drawing Nos: see Condition 2

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

Consultation Comments:

Comments from:

Thames Water - Development Control
Environment Agency - Planning Liaison
The Theatres Trust
Historic England
Transport for London Spatial Planning

Dated:

26.05.22
13.06.22
14.06.22
21.06.22
22.06.22

Neighbour Comments:

Letters from:

Dated:

4 Kensington Hall Gardens Beaumont Avenue W14	20.06.22
5 Kensington Hall Gardens Beaumont Avenue W14	20.06.22
6 Kensington Hall Gardens Beaumont Avenue W14	19.06.22
10 Kensington Hall Gardens Beaumont Avenue W14	19.06.22
10 Kensington Hall Gardens Beaumont Avenue W14	19.06.22
10 Kensington Hall Gardens Beaumont Avenue W14	19.06.22
16 Kensington Hall Gardens Beaumont Avenue W14	12.06.22
19 Kensington Hall Gardens Beaumont Avenue W14	01.06.22
20 Kensington Hall Gardens Beaumont Avenue W14	09.06.22
21A Kensington Hall Gardens Beaumont Avenue W14	20.06.22
23 Kensington Hall Gardens Beaumont Avenue W14	04.06.22
23A Kensington Hall Gardens, Beaumont Avenue W14	20.06.22
29A Kensington Hall Gardens Beaumont Avenue W14	01.06.22
29A Kensington Hall Gardens Beaumont Avenue W14	01.06.22
30 Kensington Hall Gardens Beaumont Avenue W14	05.06.22
32A Kensington Hall Gardens Beaumont Avenue W14	02.06.22
33A Kensington Hall Gardens Beaumont Avenue W14	06.06.22
35A Kensington Hall Gardens Beaumont Avenue W14	20.06.22
42 Kensington Hall Gardens Beaumont Avenue W14	20.06.22
44 Kensington Hall Gardens Beaumont Avenue W14	02.06.22
63 Kensington Hall Gardens 191 North End Road W14	13.06.22
63 Kensington Hall Gardens 191 North End Road W14	13.06.22
63 Kensington Hall Gardens 191 North End Road W14	13.06.22
215 North End Road W14	11.07.22
5 Beaumont Crescent W14	12.06.22
11 Dieppe Close W14	07.06.22
7 Radipole Road London SW6	13.06.22

Officer Recommendation:

- 1) That the Committee resolve that the Chief Planning Officer be authorised to grant planning permission upon the completion of a satisfactory legal agreement and subject to the conditions listed below.**
- 2) That the Committee resolve that the Chief Planning Officer, after consultation with the Assistant Director, Legal Services and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed Heads of Terms of the legal agreement or proposed conditions, which may include the variation, addition, or deletion of conditions, any such changes shall be within their discretion.**

CONDITIONS

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

1. Temporary Use

The use(s) hereby permitted shall be carried on only by the Lost Estate Property Ltd./Every Nation Church and shall only be for a limited period, expiring on or before 31 July 2027. Thereafter the use(s) shall be discontinued, and the building restored to its former condition/use.

In granting this permission, the Local Planning Authority is not prepared to approve the development other than for a limited period only, having regard to the wider regeneration of the area, and to allow the Council to assess the impact of the operation of the uses on the amenities of surrounding occupiers, in accordance with Policies FRA, FRA1, DC1, DC4, E1, CF1, CF3, TLC5, T1, T2, T3, T6, CC7, CC11, CC12 and CC13 of the Local Plan (2018) and Key Principles SDC1, SDC6, NN7, LC6, WM9, TR1, TR2, and TR28 of the Supplementary Planning Document (SPG) (2018).

2. Approved Drawings/Documents

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

- 22141 Lost Estate – Site Location Plan
- 22141 Lost Estate – Block Plan
- Q2210-IOA-ZZ-00-DR-A-003 – Proposed Ground Floor Plan
- Q2210-IOA-ZZ-00-DR-A-003 – Proposed Ground Floor Plan (Church red line)
- Q2210-IOA-ZZ-01-DR-A-1101 – Licensing Plan
- Q2210-IOA-ZZ-01-DR-A-1101 – Cycle Parking Spaces
- Q2210-IOA-ZZ-01-DR-A-1102 – Proposed First Floor Plan
- Planning Statement produced by First Plan dated May 2022
- Operational Management Plan (Version 7) produced by The Lost Estate
- The Lost Estate - Social/community value programme and social value plans
- Transport Assessment produced by EAS dated May 2022
- Performance Space Travel Plan produced by EAS dated May 2022
- Church Travel Plan produced by EAS dated May 2022
- Delivery and Servicing Management Plan dated July 2022

- Phase 1 Land Contamination Assessment and Technical Review produced by Ecologia (Reference: EES 22.078.1) dated 16 May 2022
- Amended scheme for investigation (emails re Mannequin Factory Earls Court, sent 31/05/2022 & 16/06/2022, WSP – LBHF)
- Acoustic Assessment produced by ACA Acoustics (Report Reference: 220322-R001) – amended – 16 June 2022
- Air Quality Assessment produced by Aether dated May 2022
- Flood Risk Assessment produced by WML Consulting (Report No. 10525/FRA/01) dated April 2022
- Statement of Community Involvement produced by The Lost Estate dated May 2022

To ensure full compliance with the temporary planning permission hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policies CC6, CC7, CC11, CC12, DC1, DC2, DC8, DC9, T2 and T3 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

3. Operational Management Plan

The use(s) hereby permitted shall be carried out in accordance with the Operational Management Plan prepared by The Lost Estate (Version 7) and thereafter be permanently retained for the temporary period permitted.

To ensure that the amenity of occupiers of the development site/surrounding premises is not adversely affected by noise, in accordance with Policies CC7, CC11, CC12, CC13 and T2 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

4. Opening Hours (theatre use)

Members of the public shall not be on the site in connection with the theatre use hereby permitted other than between the hours of 08:00 to 00:00 hours on Sunday – Thursday (including Public/Bank Holidays) and 08:00 to 00:30 hours on Friday and Saturday.

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

5. Opening Hours (church use)

No Sunday church services shall take place outside the hours of 10.00-12.00 and 16.00-18.00 hours.

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

6. Maximum Capacity (theatre use)

The maximum capacity of the theatre use hereby permitted shall not exceed 300 guests / visitors in total at any one time.

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

7. Maximum Capacity (Church Use)

The maximum combined capacity of the church use hereby permitted shall not exceed 300 persons in total at any one time.

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

8. Sound Insulation – building envelope

Prior to first use of the development hereby permitted, sound insulation works within the building envelope and other mitigation measures shall be completed in accordance with the approved details. The acoustic works shall demonstrate that noise from uses, and activities is contained within the building/site and shall not exceed the criteria of BS8233:2014 at neighbouring noise sensitive/ habitable rooms and private external amenity spaces. Approved details shall be permanently retained thereafter for the period of the permission.

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

9. External Noise - Plant

The external sound level emitted from the site including plant/ machinery/ equipment shall be lower than the lowest existing background sound level by at least 10dBA in order to prevent any adverse impact. An assessment shall be made in accordance with BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. A post installation noise assessment shall be carried out where required to confirm compliance with the sound criteria and additional steps to mitigate noise shall be taken, as necessary. Any necessary mitigation measures shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

10. Anti- vibration mounts and silencing of machinery etc.

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

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

11. External doors and windows to remain shut

Prior to the first use of the development hereby permitted, all external doors to the premises shall be fitted with self-closing devices, which shall be maintained in an operational condition and at no time shall any external door nor windows be fixed in an open position.

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

12. Acoustic lobby where proposals include loud music or voices etc.

Prior to the first use of the development hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority of the installation of acoustic lobbies to entrances and exits which would otherwise allow the emission of internal noise to neighbouring noise sensitive premises.

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

13. Music/ Loud Voices

Neither music nor amplified, or loud voices emitted from the development shall be exceed limits advised by BS8233 (2014) inside any residential/ noise sensitive premises.

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

14. Artificial Lighting

Prior to the first use of the development hereby permitted, 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 Note 01/20: Guidance Notes for the Reduction of Obtrusive Light'. Details should also be submitted for approval of measures to minimise use of lighting and prevent glare and sky glow by correctly using, locating, aiming, and shielding luminaires. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained

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

15. Car Parking Management Plan

No part of the development shall take place until a Car Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Car Parking Management Plan shall include details of the type of car parking spaces provided, and how any potential conflicts with vehicles delivering/servicing the site would be resolved or managed. Full details of the number, size layout, identification and location of car parking spaces, including parking spaces for people with disabilities and active electric charging points (minimum 22 KW) will be required. Before the first occupation of the use of the development these parking spaces shall be provided in accordance with the approved details and thereafter retained for the sole use of parking for the development hereby approved.

To ensure a satisfactory provision of disabled car parking/electric charging facilities, in accordance with Policy T6, T6.5 of the London Plan and Policies T4 and T5 of the Local Plan (2018) and SPD Key Principles (2018).

16. Cycle Storage Facilities

Prior to the first use of the development hereby permitted, the cycle storage facilities, shown on approved drawing no. Q2210-IOA-ZZ-01-DR-A-1101 – Cycle Parking Spaces shall be installed in full accordance with the approved details. The cycle storage facilities shall thereafter be permanently retained and maintained for the lifetime of the permission.

To ensure adequate provision of cycle storage for employees/visitors in accordance with Policy T5 of the London Plan (2021) and Policy T3 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

17. Low Emission Delivery and Servicing Plan

Prior to the occupation of the development hereby permitted, details of a Low Emission Delivery and Servicing Plan for the theatre and church use shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- a. Use of Zero Exhaust Emission Vehicles in accordance with the emissions hierarchy (1) Walking Freight Trolley (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 15:00-19:00 hrs.
- e. Vehicle movements, and operations of the loading bay (s) as identified on the approved drawings
- f. Quiet loading/unloading mitigation including silent reversing measures in accordance with Building Design Guidance for Quieter Deliveries, TFL, June (2018),

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

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

18. Deliveries and collections / loading/unloading

No deliveries nor collections/ loading nor unloading shall occur at the development hereby approved other than between the hours of 08:00 to 18:00 on Monday to Friday, 09:00 to 18:00 on Saturdays and at no time on Sundays and Public/Bank Holidays.

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

19. Delivery and Servicing Plan

Prior to the first use of the development hereby permitted, a final Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority. The DSP shall detail the management of deliveries, emergency access, collection of waste and recyclables, times, and frequencies of deliveries and collections/ silent reversing methods/ location of loading bays and vehicle movement at the site entrance and throughout the development. The DSP shall demonstrate that all servicing and deliveries shall take place from within the site.

The approved measures shall be implemented and thereafter retained for the lifetime of the development.

To ensure highway safety and that satisfactory provision is made for refuse storage and collection and to ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by noise, in accordance with Policies T2, T6, CC7, CC11 and CC13 of the Local Plan (2018) and SPD Key Principle TR28 (2018).

20. Refuse

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

To ensure adequate provision for refuse and recycling within the development in accordance with Policies T2, T6, CC7, CC11 and CC13 of the Local Plan (2018) and SPD Key Principle TR28 (2018).

21. Refuse Collection Times

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

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

22. Flood Risk Assessment

The development shall be carried out in full accordance with the details contained within the approved Flood Risk Assessment (produced by WML Consulting (Report No. 10525/FRA/01) dated April 2022) and the measures shall be retained in this form and maintained as necessary thereafter. No part of the development shall be used or occupied until all flood prevention and mitigation measures, including a water exclusion and water entry strategy to prevent a risk to life in the event of fluvial flooding, and water efficiency measures have been installed in accordance with the submitted details and the development shall be permanently retained in this form thereafter.

To reduce the impact of flooding to the proposed development and future occupants, in accordance with Policies CC3 and CC4 of the Local Plan (2018).

23. Contamination – Quantitative Risk Assessment Report

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

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

24. Contamination - Remediation Method Statement

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

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

25. Contamination - Verification Report

Unless the Local Planning Authority agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until the approved remediation method

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

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

26. Contamination - Onward Long-term Monitoring

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

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

27. Level Access

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

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

28. No External Alterations

No external alterations shall be carried out to the external appearance of the building, including the installation of air-conditioning units, ventilation fans or 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.

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, DC4, DC8, CC11 and CC13 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

29. Permitted Development

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

To ensure that the visual impact of telecommunication equipment upon the surrounding area can be considered, in accordance with Policies D4, D8 and HC1 of the London Plan 2021; Policies DC1, DC4 and DC8 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

30. Construction Method Statement

Prior to commencement of the development hereby permitted, a method statement for the construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. Details shall include control measures for dust, noise, vibration, lighting, delivery times/location, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 - 1300 hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. Approved details shall be implemented throughout the project period.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting, or other emissions from the site, in accordance with Policies T1, T6, CC11, CC12 and CC13 of the Local Plan (2018).

Justification for Approving the Application:

1) Land Use: The proposed temporary uses are considered to be acceptable in land use terms and is compatible with the Fulham Regeneration Area which is well served and accessible by public transport. The proposed development is therefore considered acceptable, on balance, and in accordance with Policies GG2, SD1, SD10, S1 and E11 of the London Plan 2021 and Policies FRA and FRA1 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

2) Design & Conservation: The proposal would preserve the character and appearance of the adjoining Barons Court Conservation Area, and the setting of nearby designated and non-designated heritage assets in accordance with s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF (2021), the London Plan (2021), Policies DC1, DC4 and DC8 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

3) Residential Amenity: The impact of the proposed development upon nearby residential occupiers is considered to be acceptable. Subject to conditions and obligations, the proposal would not have an adverse impact on neighbouring residential amenity in terms of noise and disturbance. In this regard, the development would respect the principles of good neighbourliness, and would therefore be acceptable in accordance with Policies CC11, CC13, and DC2 of the Local Plan (2018)

4) Highways: The accessibility level of the site is very good and is well served by public transport. Subject to conditions and obligations, the scheme would not have an adverse impact upon the highway network or parking stress. Satisfactory provision shall be made for cycle parking and refuse storage. The proposal accords with Policy T4, T5 and T6 of the London Plan and Policy T1, T3, T4, T5 and T7 of the Local Plan (2018).

5) Environmental: Flood mitigation will be secured by way of condition along with the necessary land contamination investigations. Subject to these conditions, the proposal would accord with Policies CC3, CC4, CC7, CC9, CC10, CC11, CC12 and CC13 of the Local Plan (2018).

6) Economic Development: Planning obligations to offset the impact of the development and to make the development acceptable in planning terms to ensure the proposed temporary uses delivers wider benefits by way of generating employment opportunities for local residents and companies in accordance with Policies FRA, FRA1, E4 and CF3 of the Local Plan (2018).

MAIN REPORT

1.0 SITE AND SURROUNDINGS

- 1.1 The Application Site ('the site') covers an area of approximately 0.32 hectares. The site is flat and comprise a series of interlinked, part single, part two storey former industrial buildings, with ancillary office/storage spaces, a car park/servicing space, and a synthetic landscaped forecourt area.
- 1.2 The site is located at the eastern end of Beaumont Avenue and accessed from North End Road at the western end. Beaumont Avenue is a no through road. Situated opposite the site is a secondary and emergency access to TfL's Lillie Bridge Depot (LBD) - an operational railway depot, and associated office building (Ashfield House).
- 1.3 The surrounding area is urban in character, comprising a mix of residential, commercial, and industrial uses. The site is bound to the west by Kensington Hall Gardens (5 storey mansion blocks) and the Gibbs Green Estate (off Dieppe Close) to the south. TfL land including rail tracks running into West Kensington London Underground station are situated to the north with the A4 (West Cromwell Road) beyond.



c/o Google Earth

Designations

- 1.4 The site is industrial brownfield land, located in the Earls Court and West Kensington Opportunity Area (WCOA), as designated in the London Plan (2021). In the H&F Local Plan, the site is included within the Fulham Regeneration Area (Strategic Policy FRA) and more specifically within Strategic Site Policy (FRA 1) – Earls Court and West Kensington Opportunity Area. The site is in Flood Zone 3 with high residual risk. The area however benefits from flood defences.

- 1.5 The site is not in a conservation area. The Barons Court Conservation Area adjoins the site immediately to the west. West Kensington Underground Station and the Three Kings Public House on North End Road are locally registered as Building of Merits (BOM). There are no listed buildings located within close vicinity to the site.

Transport

- 1.6 Vehicular/pedestrian access is via Beaumont Avenue. The site is well located in terms of access to public transport. The site has a Public Transport Accessibility Level (PTAL) of 5 which is considered a very good level of access to public transport. There are two bus stops located within a short walk distance from the site. West Kensington stop T is 145m west of the site; and West Kensington stop S is located 150m to the north of the site (located outside West Kensington Underground Station). The two bus stops provide access to three bus services 28, 306, and N28 including a night bus service. West Kensington (District Line) underground station is located 145m from the site. Barons Court underground station (District/Piccadilly Lines) is located a 10 minute walk to the west. West Brompton Station is located to the south and approximately 1.3km from the site. The site is located within H&F Controlled Parking Zone (CPZ) 'D' which is operational Monday – Friday (09:00-17:00).

Planning History

- 1.7 The site lies within the wider proposed Earl's Court redevelopment area.
- 1.8 **Site History:** The site was originally used as a Victorian laundry and then by Adel Rootstein Ltd. as a factory in the design and manufacture of display mannequins. In recent years, the site has had temporary uses. Between 2017-2020, it was used by Fulham Boys School. The site is now under the ownership of the Earls Court Development Company (ECDC) who seek to bring the building back into a long term meanwhile use.
- 1.9 Part of the site is leased to 'Every Nation Church.' The church facilities currently use the former main school hall for a morning Sunday service (200-250 persons). The rest of the time the church operates with 20-30 persons.
- 1.10 **EC History:** On 14th November 2013, outline planning permission was granted by both LBHF and RBKC for a mix use redevelopment of a wider Earls Court site which at the time included the former Earls Court Exhibition Centres, the Lillie Bridge Depot and housing estates. Both permissions were subject to the same single s106 agreement (application ref. 2011/02001/OUT in the case of LBHF and ref: PP/11/01937 in the case of RBKC).
- 1.11 In April 2014, both boroughs approved Reserved Matters applications for the first phase of the development (referred to by the previous

developer as "Earls Court Village"), which comprises the land occupied by the former Earl's Court Exhibition Centre buildings (EC1 and EC2) and related structures. Most of the land was in RBKC but also included land occupied by former Earls Court Exhibition Centre 2 building.

- 1.12 The Earls Court Development Company (ECDC) now own and manage the wider site and are responsible for bringing forward the future development of the Earls Court site.

2.0 THE PROPOSAL

- 2.1 Planning permission is sought for a temporary change of use of the former industrial site to a combined theatre/performance space with ancillary restaurant and bar areas (Sui Generis), alongside the continuation of an existing church use (Class F1(f)), which would relocate to a different part of the site.
- 2.2 The proposal is for a temporary period of 5 years, whilst long term regeneration proposals for the wider Earls Court site come forward.
- 2.3 The proposal involves the repurposing the existing buildings into a cultural hub/theatre venue and moving the present church facilities to the eastern end of the site. Both uses would co-exist however operate independently from each other, with separate entrances. The site would be divided, with approximately 1,850 sqm of space allocated for the performance space/theatre use, and 650 sqm for the church activities.
- 2.4 The theatre use would be operated by 'The Lost Estate', an immersive performance space operator, with live shows provided by means of an interactive experience told through theatre, music, and food/drink.
- 2.5 The theatre use has an established record for operating short term, meanwhile events. The Applicant states they have delivered combined theatre, music, and dining events for over 5 years, across London, attracted a range of high profile productions and served a combined 50,000+ guests. This includes a similar use in L.B. Southwark (16 Great Guildford Street).

Theatre Use

- 2.6 The proposed theatre/performance space (Sui Generis) would occupy the main/front section of the site. The use would combined a live theatre performance and restaurant space, ancillary small bar areas, integration of an existing kitchen, and provide workshop space and shared workspaces including studios, rehearsal rooms, green rooms, and storage space. The main performance room would be placed in the present main hall, used by the church for services with live music and formerly used by the school as a multi-purpose hall/dining space.

- 2.7 Workshop spaces and back of house areas for staff would be provided on the ground floor levels together with ancillary office space. An Arts Hub for local emerging artists is proposed and would provide a creative co-working space for artist studios, meetings, rehearsal rooms and hot desking. The applicant proposes to set up a series of initiatives for local graduates and provide employment opportunities, community programmes and free tickets for local residents/businesses.
- 2.8 The proposals do not intend to carry out any external changes or alterations to the building. The refurbishment/fit-out of the premises would primarily involve internal, non-invasive works. The southern façade wall of the main performance hall facing the Gibbs Green estate is currently formed by double glazed windows and contains three fire escape doors. The applicant intends to install a new internalised acoustic wall inside the façade, in order to improve the sound insulation and reduce noise breakout and to upgrade the existing fire doors.

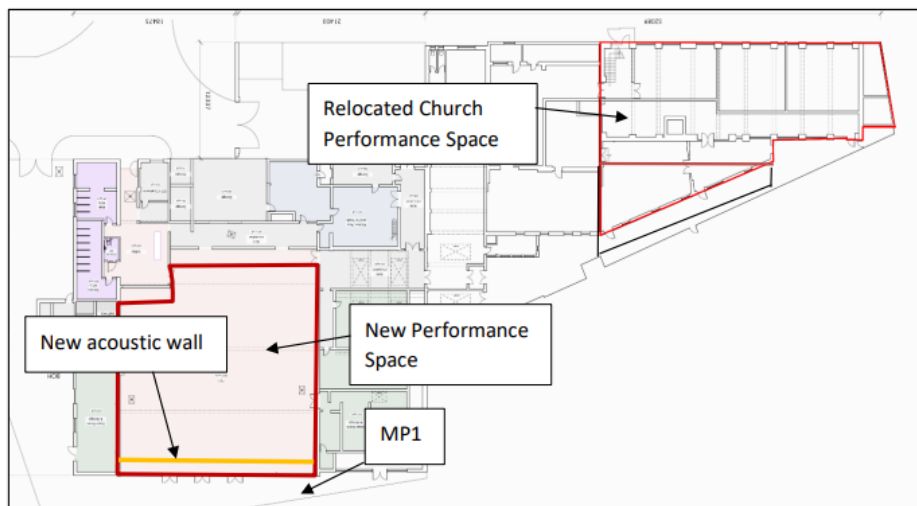


Figure 1: Ground Floor Layout

- 2.9 The application proposes the introduction of a free standing cycle storage unit in the existing car park area. Provision for on-site disabled parking would remain.
- 2.10 The theatre use would create 35-40 jobs which comprise a mix of staff employed on either a full-time or part-time basis.
- 2.11 The public entrance to the theatre and church uses would be via separate entrances on Beaumont Avenue. Performances hosted would be ticketed. These would be sold online through the website, as well as over the phone.
- 2.12 Visitor numbers to the theatre use would vary across each day of the week. The proposed capacity of the theatre use would be limited to 290 customers, split between the main performance space and bar space.

The main performance space would have a maximum capacity of 250 covers, and 40 bar covers.

- 2.13 The movement of visitors entering/leaving the site would be controlled. A customer dispersal policy is proposed in order to minimise potential noise disturbance from customers at the premises. Members of staff would be placed on the door before closing to ensure customers vacate the premises quietly. No drinks would be permitted outside the premises. In order to minimise the impact of patrons arriving or departing at once, the premises would be to open one hour before and after a theatre performance. This 'soft closure' practice would ensure the premises close more slowly and encourage a more even dispersal. The applicant has stated the intention to contact Uber and other major app-based private hire taxi companies and will advise on their website a drop-off/pick-up point away from the premises, in order to avoid taxis dropping off/picking up guests outside residential properties further up Beaumont Avenue.
- 2.14 The theatre use would operate on a daily basis and would programme public theatrical performances event for between 40 and 46 weeks of the year. The premises would operate between 08:00 -12:00am (Sunday to Thursday) and 08:00 - 12:30am (Friday and Saturday). Typical performance timings would be between 19.30 – 22.30 hrs (Tuesday to Friday) and between 13.00 – 16.00hrs and 19.30 – 22.30hrs (Saturday and Sunday). The theatre use do not intend holding performances on a Monday.
- 2.15 The site benefits from designated areas for delivery and servicing and refuse storage, including on-site loading area on an existing hardstanding which is also used for car parking. The Applicant states there would typically be between 1-2 food deliveries per day in the morning. Alcohol and soft drinks will be delivered approximately twice a week, between the hours of 8am-6pm. There will be typically between 2-4 show changes per year. Each of these involves changing the theatrical 'set dressing' in the main performance space and each set up will last for around 1 week. There will typically be between 4-8 deliveries during this period. Bin storage is proposed to remain as existing, within a purpose built bin store in the building.
- 2.16 An Operational Management Plan (OMP) has been submitted with the application for the theatre use. The OMP has been drawn up based on the applicant's experience of managing similar type events. It includes details relating to the intended operational and performance times, maximum covers, staff numbers, dispersal policy, deliveries, noise controls and refuse waste management. The applicant would employ a Venue and Community Manager. The OMP will be a comprehensive 'live' document, and a condition is recommended requiring the use to operate in accordance with the OMP.

Church Use

- 2.17 Part of the site is currently used 'Every Nation' Church and the proposal seeks to regularise the use. The Applicant has advised officers that the church operator has been on site since 2017 and previously functioned concurrently with former educational facility. The church operator seeks to remain as a subtenant of the theatre use and would relocate to the rear (east) section of the site. The church use delivers religious and educational services and operated across the UK and the rest of the world since 1994. The church currently utilises the main hall, foyer, kitchen, toilets, and office spaces.
- 2.18 The church operates on a daily basis between 09:30 – 21:30 (Monday – Saturday) providing facilities for religious studies and group meetings. The main church function however takes place on Sundays, with the other ancillary activities run during the rest of the week.
- 2.19 A weekly Sunday church service takes place between 10:00am – 12pm with a 30 minute buffer before and after the service to allow visitors to enter/exist the site. The church advise they would like to have provision to provide an additional afternoon service in the afternoon should the church service grow in numbers. The church operator advises that the church hall would have a capacity for approximately 210 seated people seated, with three additional ancillary rooms provided for children each with capacity of about 25 children. So in total, there would be approximately 285 people on site at any one time.
- 2.20 The church hire out space to diverse cultural groups (a 1/3rd occupancy per month is estimated) and would continue to operate a weekly youth meeting on Friday evenings, together with other ad hoc meetings.
- 2.21 The church staff comprises of 4 x pastoral staff, 2 x operational staff, 5 x youth/children's workers & 1 x campus worker. Staff meet together onsite at church meetings and one other time per week, otherwise work mostly off the premises.

Submitted Documents

- 2.22 The applicant has submitted the following documents in support of the application proposals:
- Drawings (Existing/Proposed)
 - Air Quality Assessment (prepared by Aether)
 - Church Travel Plan (prepared by EAS)
 - Performance Space Travel Plan (prepared by EAS)
 - Transport Assessment (prepared by EAS)
 - Flood Risk Assessment (prepared by WML Consulting)
 - Noise Impact Assessment and Acoustic Assessment (theatre use) (prepared by ACA Acoustics)
 - Phase 1 Land Contamination Assessment and Technical Review (prepared by Ecologica) and Vapour Testing

- Operational Management Plan
- Social Value Plans
- Social Community Value Programme
- Statement of Community Involvement

3.0 PUBLICITY AND CONSULTATION

Pre-application Consultation

- 3.1 The applicant undertook engagement with local residents prior to the submission of this application, inviting residents to meet the team and view the proposals for the site. The applicant leafleted 227 addresses in the local area inviting them to a consultation event held on the site on 25 April 2022. In total, 22 person attended the event and in response the applicant received 8 forms providing written feedback. The Statement of Community Involvement submitted with the application summarises the feedback provided. It states that overall the proposals were supported however, concern was expressed about noise breakout from the proposed theatre space. The Applicant states that the feedback received from the consultation has subsequently been taken on board.

Formal Consultation

- 3.2 The application was publicised by mean of a site notice displayed outside the site and a press notice. In addition, 483 notification letters were sent to neighbouring occupiers. The Royal Borough of Kensington & Chelsea (RBKC) was notified given the proximity of the site to the adjoining borough.
- 3.3 In total 26 representations were received from local residents. Includes 20 objections (Kensington Hall Gardens and Dieppe Close) and 7 in support. The content of the representations received are summarised below:

Objections

- The change of use would increase noise/disturbance (including late night noise).
- Proposals are incompatible with the residential character of the street.
- Kensington Hall Gardens is a high density, 1800's mansion block development, with single glazed windows/poor noise insulation. Bedrooms either face out onto the street or back onto the application building. Noise already reverberates within the existing residential courtyard and residents already experience noise/disturbance associated with the TfL depot.
- Noise levels from proposed theatre/restaurant/bar uses (inside/outside the venue) would have an adverse effect on residential amenity.
- Noise and disturbance from the existing church use, related to amplified/live music and volume of people attending the premises on a Sunday.

- Proposed theatre operating times are unclear/misleading and will result in unsocial and unneighbourly behaviour.
- Increase footfalls in Beaumont Avenue will have an adverse impact on the amenity of residents.
- Northern footpath in Beaumont Avenue is semi blocked, by legally parked vehicles, forcing all pedestrians movement to the southside passing alongside Kensington Hall Gardens. Proposal will increase footfall outside residential properties, particularly late at night, increasing noise and disturbance.
- Outdoor smoking on street will increase noise levels and have a negative impact on adjacent residential occupiers.
- Issues with existing security, crime and anti-social behaviour in Beaumont Avenue and the surrounding area. Proposal would increase this further.
- The building's age and the large single paned windows will result in on-going noise issues that cannot be mitigated.
- Beaumont Avenue is a congested road. Not designed to take more traffic, including large delivery and servicing vehicles.
- Availability of residential on street parking spaces in Beaumont Avenue is already difficult/non-existent. Residents already competing with local businesses, mini cabs and TFL depot staff due to current CPZ controls. Free parking available after 17.00 hours and at weekends when theatre/church uses would be operational. Proposals would make the situation worse.
- Parking permits applications by the proposed occupiers will make the parking situation worse.
- On street parking in Beaumont Avenue should be limited for residents use only and controls extended until 22.00 with suitable signage to such effect and robust enforcement.
- Equipment/food delivery vehicles would worsen the existing traffic situation. Times and sizes of vehicles would result in parking/unloading in the middle of the road due to existing limited parking.
- Results of parking surveys, traffic data and details in the Travel Plans have been questioned.
- Not convinced by proposals put forward by the Applicant for Uber/Taxi 'Pickup' locations to be directed away from the site and Beaumont Avenue
- Noise assessment inaccurate.
- Air quality concerns.
- Some residents highlight they were not aware of the consultation carried out.

Support

- Positive development for West Kensington – what the area needs subject to adequate safeguards re impact on noise and parking must be ensured
- Will generate cultural events and jobs.
- The existing building can be improved and soundproofed.
- Will enrich the local community

External & Statutory Consultees

3.4 The Theatres Trust:

Supportive of the proposal. Consider the principle of the land use to be policy compliant, would bring back a vacant building back into use and its location is accessible to public transport. The Theatre Trust state that the applicant has worked positively to produce acoustic, operational and travel plans which show that potential impacts of this proposal on nearby properties can be managed and mitigated. These and other matters can in their view be managed through conditions. In relation to crime and anti-social behaviour it is considered that by bringing this site back into positive active use would improve surveillance.

3.5 Transport for London (TfL):

TfL has no objection in principle to the proposed development, subject to the following being addressed:

- Cycle Parking details to be clarified in order to meet London Plan Policy T5 requirements.
- Possible improvements be explored such as improving tactile paving at the crossing point on North End Road.
- A Delivery and Servicing Management Plan.
- Commitment to travel plans.

3.6 Environment Agency:

No objection to the proposed development. Highlight the potential presence of contamination based on previous land uses. The site is situated in a vulnerable groundwater area on a secondary aquifer. The proposals therefore need to be dealt with in a way which protects the underlying groundwater.

3.7 Thames Water:

No objection/comments raised to the proposed development.

3.8 Historic England:

State they wish to raise no comments to this application.

4.0 POLICY CONTEXT

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

4.2 London Plan (2021)

- Policy GG5 (Growing a good economy)
- Policy SD1 (Opportunity Areas)
- Policy E10 (Visitor Infrastructure)

- Policy HC1 (Heritage conservation and growth)
- Policy HC5 (Supporting London's culture and creative industries)
- Policy HC6 (Supporting the night-time economy)
- Policy D5 (Inclusive Design)
- Policy D8 (Public Realm)
- Policy D11 (Safety, security, and resilience to emergency)
- Policy D14 (Noise)
- Policy SI 1 (Improving air quality)
- Policy SI 12 (Flood risk management)
- Policy T2 (Healthy Streets)
- Policy T5 (Cycling)
- Policy T6 (Car Parking)
- Policy T6.5 (Non-Residential disabled persons parking)
- Policy T7 (Deliveries, servicing, and construction)

Local Plan (2018)

- Strategic Policy FRA (Fulham Regeneration Area)
- Strategic Site Policy FRA 1 (Earl's Court and West Kensington Opportunity Area)
- Policy TLC1 (Hierarchy of Town and Local Centres)
- Policy TLC5 (Managing the Impact of Food, Drink and Entertainment Uses)
- Policy CF1 (Supporting Community Facilities and Services)
- Policy CF3 (Enhance and Retention of Arts, Culture, Entertainment, Leisure, Recreation and Sport Uses)
- Policy E1 (Employment Uses)
- Policy E2 (Land and Premises for Employment Uses)
- Policy E4 (Local Employment, Training and Skills Development Initiatives)
- Policy DC1 (Built Environment)
- Policy DC4 (Alterations/extensions to existing Buildings)
- Policy DC8 (Heritage and Conservation)
- Policy CC3 (Minimising Flood Risk and Reducing Water Use)
- Policy CC7 (On site Waste Management)
- Policy CC10 (Air Quality)
- Policy CC11 (Noise)
- Policy CC12 (Light Pollution)
- Policy T2 (Transport)
- Policy T3 (Opportunities for Cycling and Walking)
- Policy T4 (Vehicle Parking Standards)
- Policy T5 (Blue Badge Holders)

5.0 PLANNING CONSIDERATIONS

Policy Framework

- 5.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England. Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act).
- 5.2 In this instance the statutory development plan comprises the London Plan 2021, LBHF Local Plan 2018 and the LBHF Planning Guidance SPD 2018.
- 5.3 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.
- 5.4 The London Plan was published in March 2021 and is the Spatial Development Strategy for Greater London. It sets out a framework for how London will develop over the next 20-25 years.
- 5.5 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

Planning Assessment

- 5.6 The main planning considerations in the assessment of this application are considered to be:
- Land Use: Acceptability of a temporary theatre and continued church use on a former industrial site.
 - Accessibility.
 - Design and Conservation.
 - Residential Amenity of neighbouring occupiers (principally noise & disturbance and light pollution).
 - Highways impacts.

- Environmental Considerations.

Land Use

- 5.7 The application proposes a temporary change of use and refurbishment of a former industrial - mannequin factory to a combined theatre/performance space with ancillary restaurant and bar areas, alongside the continued temporary use of the eastern (rear) section of the site for a church use.
- 5.8 **Paragraph 93 of the NPPF** advises that planning decisions should provide social, recreational, and cultural facilities and services the community needs.
- 5.9 **Policy SD1 ‘Opportunity Area’** of the London Plan sets out the areas of London which are designated for growth and regeneration. This includes the Earls Court/West Kensington OA which the site is located within. This area is noted as having capacity for 6,500 new homes and 5,000 new jobs.
- 5.10 **Policy GG2 ‘Making the Best Use of Land’** seeks to maximise the development of brownfield land, utilising small sites which are well-connected by public transport. The policy encourages decision-makers to proactively explore the potential to intensify the use of land.
- 5.11 **Policy HC5 ‘Supporting London’s Culture and Creative Industries’** supports the continued growth and evolution of London’s diverse cultural facilities and creative industries. Part 1 of the policy specifically encourages the development of new cultural venues in town centres and places with good public transport connectivity. Part 3 states that strategic clusters of cultural attractions should be protected and enhanced, while Part 5 sets out that Council’s should ensure that OA’s include new cultural venues. The supporting text for Policy HC5 encourages Boroughs to support opportunities to use vacant buildings and land for flexible and temporary meanwhile uses or ‘pop-ups’ especially for alternative cultural day and night-time uses. It notes that the temporary use of buildings for cultural and creative uses can help stimulate vibrancy, vitality, and viability in town centres by creating social and economic value from vacant properties.
- 5.12 **Policy FRA of the Local Plan** sets out the overriding vision for the Fulham Regeneration Area which is to provide 7,000 new homes and 9,000 new jobs. The policy sets out that in order to do this, new development must secure economic benefits for the wider community in order to enable local people to access new job opportunities through training, local apprenticeships, or targeted recruitment. The policy also sets out that new development should provide appropriate social, physical, environmental and transport infrastructure to support the needs arising from the area as a whole.

- 5.13 **Policy FRA1 of the Local Plan** relates specifically to the Earls Court and West Kensington Opportunity Area where the site is located. Part 1 of the policy sets out that the Council will seek to provide a mix of land uses including housing, employment, hotels, leisure and associated facilities, retail, and cultural facilities – and it is specifically noted that cultural facilities should include a major arts, leisure, or entertainment activity. The supporting text for policy FRA1 Cultural facilities should include a major arts, leisure, or entertainment activity.
- 5.14 The supporting text for Policy FRA1 recognises that Earls Court has been a cultural destination for a significant period of time. It notes that despite the loss of the Earl's Court Exhibition Centre, this legacy should not be lost and as such development proposals brought forward within the opportunity area should support arts, leisure or entertainment uses which should help to continue the area's cultural legacy.
- 5.15 **Policy CF1** seeks to ensure high quality educational facilities are provided across the borough and that existing educational facilities are protected.
- 5.16 **Policy CF3** supports the enhancement of arts, cultural entertainment and leisure uses across the borough. The policy sets out that new and expanded venues must be accessible and inclusive and include evident on how impacts such as noise, traffic, parking, and opening hours have been assessed minimised and mitigated.
- 5.17 Part D of the Policy CF3 identifies that the LPA's will support the temporary use of vacant buildings for commercial uses, including for performance and creative work. This is expanded on within the supporting text, where it is noted that vacant buildings that are transient or have a short life are an ideal location for community uses, and that this may help to enliven town centres where vacancy is an issue.
- 5.18 **Policy E2** requires the retention of land and premises capable of providing continued accommodation for employment or local services. It is stated that permission will only be granted for a change where continued use would adversely impact on residential areas, an alternative use would give a greater benefit that could not be provide on another site, or it can be evidenced that the property is no longer required for employment purposes.
- 5.19 **Policy TLC5** provides criteria for permitting Class A3 and other drink and entertainment uses. The policy notes that subject to the location of the proposals, the Council will apply conditions on uses where these are appropriate. The impact of the activities would be subject to licensing restrictions and would operate in accordance with the hours submitted, which would operate no later than 00:00 on Sunday - Thursday and 00:30 on Friday – Saturday, including Public/Bank Holidays.

- 5.20 The proposal aims to bring back an underutilised building (2582 sqm (GIA) floorspace) into temporary use for a period of up to five years, dependant on the progression of longer term redevelopment proposals for the Earls Court And West Kensington Opportunity Area coming forward. The proposal would provide a sustainable, educational, and multi-use cultural space serving the local community. Alongside the proposed cultural functions, the proposed uses would open up facilities and services for the benefit of the wider local community. The site is situated in an accessible location just outside of the designated North End Road Key Local Centre and West Kensington underground station is less than 200m away.
- 5.21 The proposals would improve and diversify the local cultural provision and contribute to London's cultural provision. Furthermore the proposals would support local businesses still seeking to recover from the impacts of COVID-19. The applicant has set out an operational management strategy and a series of mitigation measures which demonstrate impacts on the amenity of nearby residential properties can be addressed and managed. The temporary nature of the use is such that the long term objectives to regenerate the wider Earls Court Opportunity Area in accordance with both London Plan and Local Plan policies is not impacted. A condition is attached to ensure compliance with the time limit period attached and for the temporary uses to cease.
- 5.22 The proposal seeks to create a vibrant Arts Hub providing affordable workspace for local emerging artists, an initiative for local graduate creatives, and a community programme that offers local residents free tickets and would deliver social change partnerships with local hospitality charities.
- 5.23 In economic and employment terms, the applicant has set out that the proposed theatre use would generate 35-40 jobs, comprising a mix of full time and part time positions, providing acting, bar, front of house and facilities employment. As such, the development would have a residual moderate beneficial effect on the local economy. The applicant state they would support employing local workers wherever possible and seek to align with the Council's Work Zone connections and job centres, in order to maximise access to the local workforce about employment opportunities on the site. In addition, graduate opportunities on productions would be offered to local creatives (for example, paid internships for emerging set designers).
- 5.24 The applicant are committed to extend an existing 3 year partnership with The Felix Project, who work with local charities to deliver excess food to the homeless and those in need. Look to inaugurate a placement scheme with Springboard, a charity providing hospitality industry training to vulnerable young people. The applicant are also committed to extending their existing 4-year partnership with technical

crew agency Connection Crew, who employ ex homeless people (including over 12,000 hours of such paid work in 2021).

- 5.25 The applicant intend to employ a Venue and Community Manager, and work with Metre Squared, a company which create affordable spaces for artists in meanwhile use spaces. The applicant also intend to collaborate with Every Nation, the church use, on providing theatrical, musical, and other cultural users.
- 5.26 The applicant confirm the provision of 500 free tickets per year available to the local community to view certain performances.
- 5.27 The proposed use of the site as a combined theatre/performance space would deliver a vibrant arts/social community hub which encompasses affordable workspace for local emerging artists, an initiative for local graduate creatives, alongside a community programme which would deliver social change partnerships with local hospitality charities. The public and economic benefits of this cultural use are therefore welcomed and considered to outweigh any impacts relating to the temporary loss of an industrial site or impact on residential amenity. The provision of the proposed economic, employment and local community benefits would be secured by planning obligation.
- 5.28 The development would bring back the site which is located in an accessible location into a productive and efficient use. The meanwhile uses would aligns with the objectives of the Fulham Regeneration Area, to provide employment opportunities and cultural facilities and contribute to the local community. Overall, the proposed land uses would provide positive social and economic benefits to the local area, positively contributing to the local economy and enhancing the viability and vitality of the Fulham Regeneration Area. Subject to no adverse impact on neighbouring residential amenity, officers consider that the proposal is acceptable in this location and would accord with London Plan Policies SD1, HC5 and HC6 and Local Plan Policies FRA, FRA1, E1, E4, CF1 and CF3.

Design and Heritage

- 5.29 **Local Plan Policy DC1** 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 DC4** sets out to ensure that proposals are compatible with the scale and character of the existing building, neighbouring properties, and their setting. **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.

- 5.30 In this case, no external works are proposed to the building. The proposal is therefore considered acceptable in this regard. In this case, no external works are proposed to the building. Furthermore, the application site is not situated in a Conservation Area and the existing buildings/structures on-site do not benefit from any heritage designations. As such, the proposal scheme does not raise any design or heritage issues and is therefore considered acceptable in regard to these policies.
- 5.31 Visitors to the theatrical shows would enter the building through their main lobby off Beaumont Avenue and enter the main performance space at the western end of the site. An existing kitchen is positioned centrally, whilst the other back of house areas and staff spaces are positioned around the main performance space ensuring a practical layout. Overall, the building is designed to ensure a practical and functional layout, with minimal physical alterations necessary to accommodate the proposed uses. A cycle storage structure would be erected within the existing car park and servicing area at the western end of the site. Details of the design of the cycle storage are considered satisfactory and would be secured by condition. The structure is of a temporary nature, and it is therefore considered appropriate. In summary it is considered that the change of use proposals would not cause harm to the adjoining conservation area, in compliance with the NPPF and Local Plan Policies DC1, DC4 and DC8 of the Local Plan (2018).

Inclusive Access

- 5.32 The planning statement sets out that both the theatre and church venue would be accessible from street level via the primary doorways and space used by the general public does not feature any stairs. Visitors to the theatrical shows would enter the building through the main lobby and travel through corridor spaces to the main performance space at the west of the site. Disabled toilets would be provided in close proximity to the performance space and an existing single disabled parking space would be maintained on site.
- 5.33 Officers consider these provisions satisfy the requirements of the above policies and the proposal is acceptable in accessibility terms, in compliance with London Plan Policy D5, Local Plan Policies DC1 and DC2 as well as Planning Guidance SPD Key Principles.

Residential Amenity

- 5.34 **London Plan Policy D14** seeks to reduce noise, manage, and mitigate noise to improve health and quality of life, residential and other non-aviation development proposals through mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development.

- 5.35 **Local Plan Policy DC1 and DC2** seeks to protect the amenity of existing neighbours and the visual amenity of the community as a whole. This is measured in terms of potential impacts in relation to outlook and privacy, noise and disturbance, lighting, and impacts during construction.
- 5.36 **Policy CC11** requires noise and vibration sensitive development to be located in the most appropriate locations and protected against existing and proposed sources of noise and vibration through careful design, layout, and use of materials. The policy goes on to state that noise generating development will not be permitted, if it would be liable to materially increase the noise experienced by the occupants/users of existing or proposed noise sensitive uses in the vicinity.
- 5.37 Residential properties are located in close proximity to the site. Bounded to the west by Kensington Hall Gardens and to the south by the Gibbs Green Estate. Properties in Kensington Hall Gardens consist of windows either facing directly onto the boundary of the site or on the northern elevation facing Beaumont Avenue.
- 5.38 The lawful use of the application site is for general industrial use and there are no restrictive planning conditions relating to noise or hours of operation.
- 5.39 The proposed change of use does not involve any physical alterations or changes to the existing external appearance of the building that might impact on the amenity of adjoining occupiers in terms of overlooking, privacy, or daylight.
- 5.40 The main consideration relates to potential impact of noise and disturbance associated with the proposed uses in respect to activities inside the building, by visitors arriving or leaving the site and associated plant use. Full details of how events would be managed to minimise impacts on residential amenity are set out in the Applicant's Operational Management Plan and Noise Impact/Acoustic Assessment.
- 5.41 The proposed uses would be for temporary period only. The applicant, has experience of running theatre shows at similarly constrained urban premises and will look to work alongside the local community to ensure there is no negligible impact on amenity. Even so hours of operation would be controlled, and staff monitoring would be to be in place at all times to regulate any disturbance associated with the theatre/church uses. CCTV would be installed, and signs would be placed around the site for visitors to be considerate to local residents when at events or leaving the site and staff monitoring would be provided to regularise this. In advance of the commencement of the use, a telephone number for the venue and community manager will be displayed and visible from the public highway to allow members of the public to communicate with the site manager with respect to any noise

complaints that may arise and any other concerns relating to the operation of the site.

Noise

- 5.42 The proposal would lead to an intensification of the use on the site which will in turn result in an increase in noise levels without mitigating sound proofing being carried out to the existing building. It should be noted that the existing premises operated formerly as a general industrial use and, whilst currently mainly vacant, the lawful use class remains for this purpose. Different short term uses have subsequently been carried out at the site, with the recent school and church uses. In comparison, the proposal would include a range of cultural/community functions, including theatre, performance space and bar areas together with the continued church use. Although the proposed theatre venue is not a public house or club use, the source of the noise – amplified music and speech – is not dissimilar and should be taken into consideration.
- 5.43 The applicant has submitted a Noise Impact Assessment and supplementary Acoustic Report. The supporting documents set out that the potential noise sources from the site would be primarily from live amplified music and voice sound from patrons and audience members entering/leaving the premises and the use of plant.
- 5.44 A noise survey of noise emissions/predicted noise levels for the proposed theatre/church venues has been carried out and a sound mitigation scheme to the main performance space is proposed to ensure that the amenity of nearby noise-sensitive properties are not compromised. Background noise level surveys and sound insulation tests of the existing building envelope for the main theatre space and relocated church space have been carried out. Details of the predicted performance of a new insulated wall are also provided.
- 5.45 Unlike the former industrial and school uses, the proposed theatre use would operate within an improved insulated building. Local residents have highlighted noise outbreak issues associated with amplified sound associated with the existing church use which generates noise on Sundays and that the proposed theatre use would take place every day. The existing noise breakout from the church use is primarily due to the current state of the building which has not been updated for a number of years. The southern façade of the main performance hall is considered to be the dominant source of sound egress, due to it being mostly glazed with three fire escape doors. The fire escape doors themselves are considered to be poorly fitted with large gaps around them. This is considered to be the primary reason for the poor sound insulation performance of the existing building. It is proposed that the doors are repaired or replaced in addition to acoustic insulation works to be carried out to mitigate noise breakout. The remainder of the main hall is considered to be well insulated with internalised, interconnecting doors to storage/ green rooms to remain closed during performances.

- 5.46 Noise mitigation measures would be incorporated including the construction of a new 300mm acoustic wall inside the front of the glazed southern façade of the main performance space. The noise assessment states the proposed acoustic wall lining would provide internal levels of 93dBA without having an adverse effect. The amplified sound levels within the church use, would be limited to 83dBA. The church use would relocate from the existing main performance hall space to the eastern end of the site. Noise measurements of existing externally located machinery and equipment have also been carried.
- 5.47 To ensure a cumulative sound level (plant + operational noise) does not exceed 34dBA, the operational noise criteria must be limited to 33dBA. Details provided demonstrate that the combined external noise level at maximum capacity, emitted by the uses together with plant, machinery, or equipment, will be at least 10dBA lower than the typically lowest existing representative background noise level. The amended Noise Impact Assessment demonstrates that the relevant criteria is met at all the receptors with the mitigation measures proposed included. Measures proposed will be secured by condition prior to the first operation use of the theatre venue.
- 5.48 The theatre use would operate between the hours of 08:00am to 12am on Sunday to Thursday and 08:00am to 12.30am on Friday and Saturdays. Performances would however finish at 10.30pm and amplified sound would be limited to the time of the programmed performances. The core of the management strategy is based on the shows ending around 90 minutes before the bar closes and the applicant operating an audience dispersal plan which would minimise the potential for noise disturbance from customers leaving the premises. The Applicant states this dramatically reduces the chances of a sudden surge of exiting patrons leaving the premises as a show ends and a much more staggered exit onto Beaumont Avenue. Staff would be present on the doors to remind customers to leave in an orderly fashion and will remove any drinks as they leave the premises.
- 5.49 Concerns have been raised from local residents regarding neighbourhood security, and that the proposed theatre use would result in an increase in vandalism, crime, and drugs.
- 5.50 The Applicant has submitted an Operational Management Plan (OMP). The OMP is based on a long-established strategy employed by the theatre group on numerous comparable sites and covers the operation of both the theatre and church uses. The Applicant has set out that the theatre use is for an immersive theatre experience with a high-end food and drink offering and is not a typical bar or club use associated with some of the concerns expressed by local residents. Instead the Applicant set out that there is a strong emphasis on culture and the arts.

- 5.51 The OMP deals with how the venue would be managed with regards to operational hours, deliveries, performance timings and a dispersal strategy for visitors. In terms of site control and people management, staff monitoring would operate to ensure that visitors leave the event as quickly and quietly as possible. Signs are proposed to be placed at the exits to encourage audiences and other customers to be aware of and be considerate to local residents. No drinks will be permitted outside the premises. In order to minimise large volumes of patrons arriving or departing at once, the theatre would be open to visitors an hour before and after the theatre performances which will allow customers to arrive and disperse over a longer period of time. This 'soft closure' approach would allow a gradual flow of customers arriving and leaving throughout the evening reducing the potential for noise or disturbance. The applicant has proposed contacting Uber and other major app-based private hire taxi companies to set an advised pick-up point away from the premises, in order to avoid taxis picking up guests outside residential properties further up Beaumont Avenue.
- 5.52 No objection has been raised by the Council's Noise and Nuisance officers to the proposed development subject to compliance with conditions relating to noise levels and monitoring to control any sound impact outside the site. The proposal is therefore considered to accord with Policy CC11 of the Local Plan 2018.
- 5.53 In terms of the objections received from adjoining occupiers, the proposed relocation of the church use and the inclusion of an acoustic wall to the main performance area would contribute to minimising noise levels and concerns expressed. Officers consider that appropriate noise controls and measures would be put in place to prevent negative impact on amenity. Conditions would be sought to secure the hours of operation of both the theatre and church uses, and compliance with the Operational Management Plan. Officers consider the proposal is acceptable in this location and would not result in greater harm to the adjoining occupiers in terms of noise disturbance and amenity.

Highways

- 5.54 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.
- 5.55 **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.

- 5.56 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 5, 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. A Transport Assessment and Travel Plans have been prepared by the applicant for the theatre and church uses to support the planning application.
- 5.57 A number of concerns have been raised by local residents regarding car parking, and specifically there is insufficient capacity in Beaumont Avenue for existing residents and proposed visitor parking. Beaumont Avenue is located in Controlled Parking Zone (CPZ Zone D), with controlled parking in place on Monday to Friday (0900-1700). The CPZ's are dual use, offering pay and display parking as well as permit holder only. Due to this they would offer short parking opportunities for those visiting the proposed site.
- 5.58 Officers acknowledge the potential impact of the proposed uses to on-street parking capacity in the vicinity of the site. Parking stress surveys have been carried out on behalf of the Applicant to determine the existing parking capacity in the vicinity of the site, and to assess the impact of any overspill parking generated by the proposal. The parking survey results confirm there is some parking capacity within 500m walk distance of the site which could accommodate the parking demand generated by the proposal. However, the parking survey also identified significant levels of parking stress within the immediate vicinity of the application site which could be exacerbated by the proposed development, particularly on Beaumont Avenue, outside of the operational hours of the Controlled Parking Zone (CPZ). As such, visitors to the proposed uses would be able to arrive to the premises by private car and park their vehicle for the length of their stay outside the current CPZ controls. No restrictions are place on blue badge holders and will be able to park in the existing bays along Beaumont Avenue.
- 5.59 To mitigate the impact of the proposal, a planning obligation is required to review and secure amendments to the existing parking controls in the vicinity of the site. The mitigation measure could include extending the hours of operation of the CPZ beyond the existing 9am – 5pm Monday – Friday hours. The parking survey data also observed vehicles parked on double yellow lines on Beaumont Avenue could impede service vehicle movement within Beaumont Avenue. Any amendments to parking controls (in the CPZ obligation) would therefore include a review of waiting / loading restricting on Beaumont

Avenue, particularly during times when service vehicle access is required.

- 5.60 The proposal would generate taxi drop off / pick up activity in the vicinity of the site. The details within the Transport Assessment suggest taxi pick up / drop off could be managed to minimise the impact of such activities on Beaumont Avenue. A s106 obligation will be sought to review this.

Car Parking

- 5.61 It is proposed to retain the existing vehicular access to the site off Beaumont Avenue. There is a hard standing area within the site boundary which is currently occupied by a substation and used for parking/servicing of vehicles. It is proposed the existing hardstanding area would be limited to two operational parking spaces, servicing vehicles needing a longer dwell time off Beaumont Avenue plus the provision of one blue badge parking space. In order to minimise conflict between vehicles manoeuvring and guests accessing the site on foot and via bicycle, on-site parking shall not occur during event periods. All off-street parking provision shall include EV charging facilities in accordance with the policies / standards in the London Plan, with at least one active charging facility and the remaining provided with passive provision. The details of this provision will be secured by way of a condition.
- 5.62 Staff would be encouraged to travel to the site using sustainable transport modes. The close proximity of the site to West Kensington Underground Station and bus services on North End Road makes this a reasonable statement. A planning obligation removing access to business parking permits is also recommended.

Cycle Parking

- 5.63 **London Plan Policy T5 and Local Plan Policy T3** set out cycle parking standards and aim to help remove barriers to cycling and create a healthy environment in which people choose to cycle. **Policy T3** seeks to increase and promote opportunities for cycling through the provision of convenient, accessible, and safe secure cycle parking within the boundary of the site. The cycle provision should meet the requirements of the London Cycle Design standards where possible, including 5% of stands being able to accommodate larger cycles.
- 5.64 Currently there are no dedicated cycle parking facilities available on site. Officers consider there are opportunities for the development to provide cycle parking facilities within the site boundary on existing hardstanding space. There are two Santander Cycle Hire docking stations close to the site, one on the A4, close to West Kensington Station and one on Gwendwr Road (400m from the premises).
- 5.65 The application would provide 7 long-stay and 14 short-stay bicycle spaces (21 spaces in total). The provision would be shared between

the church and theatre uses. The church use state they have 10 full-time staff, so 2 long stay cycle parking spaces are proposed, together with 7 short-stay visitor cycle parking spaces (based on circa 650sqm floorspace). The theatre use would employ between 35-40 staff members, depending on the theatrical performance. So 5 long-stay cycle parking spaces are proposed for the staff associated with this land use. The theatre use would have a maximum visitor capacity of 250 persons so 7 short-stay cycle parking spaces will be provided for visitors. Based on these figures, the 21 secured on site cycle parking spaces proposed would meet the minimum standards. Further details have been provided and a secure cycle parking facility would be provided in accordance with London Cycle Design Standards (LCDS). The cycle spaces are therefore considered acceptable and would be secured by condition in line with Local Plan Policy T3.

Pedestrian Access

- 5.66 The public would access/egress the site from Beaumont Avenue and the proposal would lead to an increase in pedestrian flows along this road. Beaumont Avenue has parking restrictions on both its north and south sides. The parking bays on the south side of Beaumont are within the carriageway, whereas the parking bays on the north side are partially on the footway. As a result, the width of the footway on the northern side of Beaumont Avenue is limited / constrained. Given the existing parking pressures and service vehicle access requirements along Beaumont Avenue, it is not possible to remove or alter these footway parking bays.
- 5.67 The Transport Assessment submitted with the application undertook a Healthy Streets style review / audit of the pedestrian environment between the application site and nearby public transport facilities. The healthy streets audit identified a number of issues in the pedestrian environment that would be a barrier or impact on pedestrian access to the site. The northern footpath on Beaumont Avenue was highlighted due to its reduced width which makes it difficult for wheelchair and mobility scooter users to comfortably use' the footway. The review also identified a number of other issues in Beaumont Avenue that would impact on pedestrian accessibility to the site. These included 'a lack of tactile paving at various crossing points over Beaumont Avenue,' and 'Beaumont Avenue could benefit from street lighting as the road may be quite dark at night-time.' To improve pedestrian accessibility to the site, a planning obligation is required to secure improvements to the footway on Beaumont Avenue. These works relate to improvements to the footway on the site frontage, and the installation of tactile paving to provide a crossing point near the eastern extent of Beaumont Avenue. To ensure people feel safe at night, an assessment of the lighting along Beaumont Avenue will also be required and if required the applicant would be expected to meet the cost of installing additional street lighting (one lamp column) on Beaumont Avenue. Given the predicted pedestrian trips generated by the proposed application, these improvements are necessary to mitigate the impact of the proposal.

5.68 Further details of measures to minimise the cumulative impact of the proposal are included in the Operational Management Plan. The measure should include (but not be limited to) staggering the start / finish times of theatre / church events to minimise the impact on Beaumont Avenue. The supporting information addresses the issues of visitor management and other operational issues pertaining to the proposed use and these are recommended to be approved by way of conditions to ensure that the event operates in accordance with these documents.

Trip Generation

5.69 The site is located within an area of good public transport accessibility, located close to West Kensington London Underground Station. Given the location of the site and good 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 uses at the site would not result in any transport capacity issues subject to the measures outlined above.

5.70 The church use is predicted to generate (including church members and 10 full-time staff) an average of 925 two-way trips per week. Sundays would generate the most daily trips, with 320 two-way trips being made by staff and church members. It is estimated that 780 of the 925 weekly trips (84.3%) to the site are formed by sustainable methods of transport, with 688 (74.37%) consisting of public transport and 92 (9.93%) consisting of active transport methods.

5.71 The theatre use would have a capacity for 250 guests and would primarily consist of one show per evening on weekdays and two shows on Saturday and Sunday. In addition, an estimated 35-40 staff members would work on site at varying times. The proposed theatre use is expected to generate a total of 1,894 two-way trips to the site in an average week.

5.72 Combined, the trips for the church and the theatre use would generate 2,819 two-way trips per week, with 2805 of these trips associated with visitors to the site (remainder generated by staff). This equates to an average daily trip rate of 401. The busiest day of the week is expected to be Sunday, with the site generating 790 total two-way trips throughout the day.

Travel Plans

5.73 To promote / encourage sustainable travel to / from the site, a Travel Plan for the church use and theatre use have been submitted with the application sets out objectives and targets for sustainable travel to and from the site. Prior information about public transport routes to and from the site would be communicated via the applicant's website, explaining taxi pick up arrangements, highlighting cycle parking options and encourage use of sustainable modes to travel to the site. Staff

would be provided with a welcome pack containing suitable travel information. Whilst the principles of the travel plans are acceptable, final travel plans will need to be submitted prior to the occupation of the theatre use in order to ensure that the targets remain relevant and achievable. Final travel plans will be secured through the planning obligation, along with a monitoring fee in order to assess the performance of the travel plans.

- 5.74 The Applicant has also liaised with TfL to discuss the proposals and confirmed that TfL have voiced no concern with the proposals and concluded that the access to their site would not be hindered, due to the infrequency of servicing trips that would be made to the site, and the fact that the deliveries will most likely be using the hard standing within the site to make their stop, which is located completely off the public highway.

Installation/De installation works for the theatre use

- 5.75 The applicant states that there would be between 2-4 show changes per year for the theatre use. Each of the shows involves changing the theatrical 'set dressing' in the main performance space and would last for approximately one week. There would typically be between 4-8 deliveries during this period.
- 5.76 Details of the expected deliveries, and the type of vehicles, are set out in the Delivery and Servicing Management Plan. All deliveries to site during this period would be scheduled by the applicant and delivery slots would be staggered and ensure that deliveries are strictly controlled. The Council aims to take steps to ensure that disruption and noise/disturbance are minimised as far as possible. A condition is attached regularising hours of works during this period and delivery times.

Waste Management

- 5.77 Local Plan Policy CC7 seeks to ensure that the Council pursue waste management facilities within new development, notably through means of ensuring that all developments proposed suitable waste and recycling storage facilities.
- 5.78 Waste from the premises is sorted into general waste and recycling on site, and then disposed in 1100L bins. All the bins for the proposed development will be housed on site in an existing bin store within the ground floor courtyard to the west of the site, off of Beaumont Avenue. Refuse bins will be left within the site. Refuse operatives will have to wheel the bins a maximum of 9 metres to the waiting refuse vehicle. A swept path analysis has been provided demonstrating that a refuse vehicle can service the site from Beaumont Avenue.

Delivery and Servicing

- 5.79 The applicant has submitted a comprehensive Operational Management Plan which covers all aspects of how the site would

operate during the event period and also a Transport Assessment. Deliveries and servicing would take place via Beaumont Avenue. A Delivery and Servicing Management Plan also sets out the management of deliveries and servicing trips to the site, in order to reduce emissions (e.g. noise, air pollution), congestion/disruption to the local highway network and improving road safety issues.

- 5.80 The application site benefits from designated areas for delivery and servicing, including on-site loading bays and an area of hardstanding which is intended to be used for parking for essential servicing.
- 5.81 The Delivery and Servicing Management Plan sets out the following measures will be implemented to reduce the impact of servicing on the local highway network:
1. Encouraging deliveries to take place outside of the network peak periods (i.e. 0700-1000 and 1600-1900), and not at all between 1800-0800 hours.
 2. All deliveries shall be coordinated in advance with suppliers so that they do not take place during theatre performances or during church services.
 3. All deliveries shall be coordinated in advance with suppliers so that the number and size of vehicles accessing the site is minimised. This would include through a consolidation/reduction of suppliers as well as advance communication with suppliers to ensure that the size delivery of vehicles are minimised.
 4. All deliveries, will be managed and timed (where possible) to ensure only one delivery at a time and to avoid clashes with other deliveries.
 5. All deliveries will be supervised by a member of staff who will ensure deliveries are met and to aid loading/ unloading. Staff will ensure that deliveries do not clash with pedestrians congregating at the entrance to the site.
 6. Where possible, contractors will be appointed where they can demonstrate a commitment to using smaller, greener (i.e. electric) vehicles; and
 7. All suppliers will be provided within a copy of this DSP and informed of the delivery and loading/unloading arrangements.
- 5.82 A condition is attached to ensure that no deliveries nor collections / loading nor unloading associated with the uses shall occur at the development other than between the hours of 08:00 to 18:00 on Monday to Friday, 09:00 to 18:00 on Saturdays and at no time on Sundays and Public/Bank Holidays.
- 5.83 Due to the limited construction works proposed at the site, it is anticipated that any impacts associated with construction phase of the development would be minimal. A small works method statement & risk assessment have been provided by the applicant which include the scope for delivery and parking arrangements. A construction method statement submitted with the application is secured by condition.

5.84 There are no objections on transport and highway grounds as the development is considered to result in no unacceptable impacts which would otherwise be to the detriment of the highway users particularly bearing the temporary nature of the use and the mitigation measures proposed secured by planning obligations or conditions. The proposal is therefore considered to accord with policies of the London Plan 2021 and Policies CC7, T1, T2, T3, T4 and T5 of the Local Plan 2018.

Flood Risk and Drainage

5.85 **London Plan Policy SI12** sets out that proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. **Local Plan Policy CC3** requires a site-specific Flood Risk Assessment (FRA) for developments in Flood Zones 2 and 3. In accordance with Policy CC3, a FRA has been prepared in support of this change of use application. The FRA evaluates the risk from all relevant sources of flooding such as river and coastal, groundwater, sewer, reservoir, and surface water flooding.

5.86 The site is located in Environment Agency Flood Zone 3, with a high residual risk of flooding. The site is however well protected by flood defences such as the Thames Barrier and local river walls. The site is not in a surface water flooding hotspot, and there is no basement level, so groundwater and sewer flood risks are also low. The FRA has assessed the risk from a breach in the Thames tidal flood defences using the latest modelled tidal breach data. If these were breached or over-topped, the site would not be impacted by flood water, although flood water could reach areas adjacent to the site on the railway land.

5.87 The proposal is a change of use application and does not include any significant physical alterations to the existing building or associated external areas that would impact on the risk of flood. The proposal does not include any sleeping accommodation and a safe means of access and/or egress is provided in the event of flooding. Accordingly, the report concludes that the overall flood risk at the site is low and that the change use proposal is acceptable/policy compliant. There appears to be little scope to include additional permeable surfaces etc. A FRA condition would be secured and include requirement to implement water efficiency measures as the change of use will result in new fixtures/fittings/appliances being installed. As such, the application is not considered to result in an unacceptable risk of flooding in accordance with Policy CC3 of the Local Plan.

Land Contamination

5.88 **National Planning Policy Framework paragraph 121** states planning decisions should ensure that sites are suitable for its new use taking account of ground conditions and after remediation the land should not be capable of being determined as contaminated land. The London Plan supports the remediation of contaminated sites and that appropriate measures should be taken to control the impact of

contamination with new development. **Policy CC9 of the Local Plan** states that the Council will support the remediation of contaminated land and that it will take measures to minimise the potential harm of contaminated sites and ensure that mitigation measures are put in place.

- 5.89 The council's Land Contamination Officers have advised that potentially contaminative land uses are understood to have occurred at, or near to the site given the former industrial uses. An assessment of contamination in line with Policy CC9 has been submitted. A Phase 1 Land Contamination Assessment, comprising a desk study and a preliminary risk assessment have been undertaken and the findings have been included as part of this application. The assessments conclude that in terms of existing data and more recent investigations undertaken, including additional VOC monitoring conducted, no contamination-related issues have been identified on the site at this stage. Proposals presented for a scheme of monitoring and land contamination assessment/technical review also meet the requirements requested by the Council's Land Contamination team. The initial assessments therefore identify findings that constitute a limited risk to the safety of staff, performers, and audiences, sufficient to allow the application to be determined. No objection are raised at this stage to proposals subject to conditions being attached to ensure that no unacceptable risks are caused to humans, controlled waters, or the wider environment with respect to additional investigation and assessment work to be conducted.

Air Quality

- 5.90 **Paragraph 124 of the NPPF** states that planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. **London Plan Policy SI 1** states that development proposals should minimise increased exposure to existing poor air quality and make provision to address local problems of air quality (particularly within Air Quality Management Areas (AQMAs) and where development is likely to be used by large numbers of those particularly vulnerable to poor air quality, such as children or older people). **Policy CC10 of the Local Plan** explains that the Council will reduce levels of local air pollution and improve air quality in line with the national air quality objectives.
- 5.91 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 West Kensington 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 subject to conditions being attached.

CIL

- 5.92 A planning application for change of use of an existing building will not be liable to CIL unless it involves an extension which provides 100 square metres or more of additional floorspace. In this case the proposed development would not be liable for CIL as no additional floorspace is proposed to the existing buildings.

Planning Obligations

- 5.93 **London Plan Policy DF1** recognises 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. **Local Plan Policy INFRA1** (Planning Contributions and Infrastructure Planning) advises that the Council will seek planning contributions to ensure the necessary infrastructure to support the Local Plan is delivered using two main mechanisms 'Community Infrastructure Levy (CIL) and Section 106 Agreements (s106).
- 5.94 As part of the planning process, officers consider that the Applicant will be required to enter into a legal agreement in the event that planning permission were to be granted. A Unilateral Undertaking is proposed by the Applicant which is a simplified version of a standard planning agreement where the Applicant will agree to enter the covenants to perform the planning obligations as set out below. The unilateral undertaking would come into effect when planning permission to which it is linked is granted. The following obligations have discussed and agreed with the Applicant:
- Commitment to review the Operational Management Plan in response to any matters that may arise during the lifetime of the permission, including a commitment to conduct regular Community Liaison meetings and provide on-site numbers/contact details in the event of any noise/disturbance issues that may arise from the premises.
 - Commitment to conduct highway improvements to the footway on the site frontage, involving the installation of tactile paving to provide a crossing point near the eastern extent of Beaumont Avenue and an assessment of the lighting along Beaumont Avenue.
 - Obligation to pay a contribution towards review and amendment if required, of existing parking controls (in the Controlled Parking Zone) within the vicinity of the site and to review waiting / loading restrictions on Beaumont Avenue.
 - Travel Plans for each land use to be monitored at years 1 and 3 at a monitoring fee of £3,000 per submission (£12,000 in total) No business car parking permits
 - In order to minimise noise and disturbance to nearby neighbours in Beaumont Avenue, a commitment by the Applicant to review the controls relating to taxi and private hire pickup to/from the venue, to ensure they do not take place on Beaumont Avenue.
 - No drinking outside the premises on Beaumont Avenue.

- Smokers (including staff) to be restricted to an area adjacent to the eastern boundary of the premises. Restriction on the number of smokers permitted outside the premises at any one time to be provided.
- The provision of 500 free tickets to local residents and businesses as set out in Social/community value programme.
- In accordance with details and procedures set out in Social/community value programme, a commitment to maximise the opportunities for local residents to access employment offered by the development.
- Engage with LBHF and Work zone regarding the advertisement of job opportunities.
- Engage with Connection Crew to maximise employment opportunities for the ex-homeless during the installation and de-installation phases
- Engage with The Felix Project to deliver excess food to the homeless and those in need
- Engage with Springboard to facilitate a placement scheme to provide hospitality industry training to vulnerable young people.
- Engage with Metre Squared to maximise opportunities for the provision of affordable artist spaces.

6.0 RECOMMENDATION

- 6.1 The proposal would comply with the development plan. The proposal would represent an acceptable temporary use for this site in this instance. The proposal is consistent with the Council's policies for the area, in relation to arts, cultural and entertainment uses. The use is considered to be compatible with other cultural uses in the vicinity. The proposed use of the site will be beneficial to the wider regeneration area. It is considered that the proposed use would contribute to the overall activation of the area until the regeneration of the wider Earls Court site is implemented. On this basis it is considered that the proposal is consistent with the requirements of the policies CF3, FRA and FRA1 with regard to employment generation in the area and provision of leisure/cultural facilities as well as small-scale food and drink uses.
- 6.2 The supporting information addresses the issues of visitor management and other operational issues pertaining to the proposed use in terms of delivery/servicing, 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 and planning obligations the temporary use is considered acceptable.
- 6.3 As such, it is considered that the proposed development accords with relevant policies in the Local Plan (2018) and the London Plan (2021).

6.4 Accordingly, it is recommended that the proposed development be granted planning permission subject to the conditions and planning obligations listed above.

Agenda Item 6

Ward: Hammersmith Broadway

Expiry Date: 10th February 2022

Site Address:

98 Brackenbury Road London W6 0BD



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For identification purposes only - do not scale.

Reg. No:

2021/04014/FUL

Date valid:

16.12.2021

Recommendation Date:

01.07.2022

Committee Date:

20.07.2022

Case Officer;

Nastassja Lazarus

Conservation Area:

Constraint Name: Bradmore

Conservation Area - Number 25

Applicant:

Isabel Pigem
98, Brackenbury Road London W6 0BD

Description:

Erection of a single storey rear extension to the side of the existing back addition; excavation to lower the existing lower ground floor level; and excavation of the front garden and part of the rear garden to form lightwells, in connection with the creation of a new basement.

Application type:

Full Detailed Planning Application

Officer Recommendation:

1) That the Committee resolve that the Chief Planning Officer be authorised to grant planning permission subject to the conditions listed below;

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

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.

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) Drawings

The development hereby permitted shall be carried out in complete accordance with the following approved plans and drawings listed, other than where those details are altered pursuant to the conditions of this planning permission:

Drg. Nos: GA/102 Date: 12/22 GA/100 Rev: C Date: 12/22 GA/101 Rev D Date 13/06/22: GA/200 Rev: B Date: 13/06/22 GA/201 Rev: B Date: 13/06/22 GA/202 Rev: B Date: 12/22 GA/204 Rev: C Date: 13/06/22 GA/205 Date: 13/06/22 Flood Smart Report, prepared by GeoSmart Date 2022-04-08; SuD Smart report by GeoSmart Date 22/2/2021; 581-GA-054B Status: Stage 3 Rev: B Date: 07/04/2022

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

3) Materials

The development hereby approved shall be carried out and completed in accordance with the materials details (including colour and finish) specified below:

- Walls: Yellow London stock brick to match the existing building in terms of brick and mortar colour and bond pattern.

- roof of single storey extension: Grey tiles.

- replacement windows: To replicate the existing window fenestration and opening style, timber framed, painted white with horn features (where existing).

- rear elevation bi-fold doors and fixed window (ground and basement levels): Metal, powder coated white.

- sash windows to basement level front lightwell: Timber framed, painted white.

The development shall be permanently retained in accordance with the approved details. Any works of making good to existing elevations shall be carried out in materials to match the elevation to which the works relate.

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

4) Implemented in accordance with plans

No part of the basement hereby approved shall be occupied or used until the front and rear lightwells have been constructed in accordance with the approved plans and the approved metal grille and walk on glass to the front and rear lightwells have been fitted flush with the surrounding ground level. The metal grille and walk on glass shall be permanently retained in place thereafter. At no time shall railings or any other vertical element be constructed around the lightwell.

To ensure a suitable residential environment for future occupiers and a satisfactory external appearance and to prevent harm to the street scene, in accordance with Policies DC1, DC4, DC8 and DC11 of the Local Plan (2018) and Key Principles BL1 and BL3 of the Planning Guidance Supplementary Planning Document (2018).

5) Plant equipment

No water tanks, water tank enclosures or other structures shall be erected upon the roof of the extension hereby permitted.

It is considered that such structures would seriously detract from the appearance of the building, contrary to Policies DC4 and DC8 of the Local Plan (2018).

6) Construction and Demolition Logistics Plan

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

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

Justification for approving application:

- 1) It is considered that the proposal would not have an unacceptable impact on the existing amenities of the occupiers of neighbouring residential properties, and would be of an acceptable visual appearance in context of the subject property and wider Conservation Area. In this respect the development is judged to be acceptable in accordance with Policies CC3, CC4, DC1, DC4, DC6, DC8, DC11 and HO11 of the Local Plan (2018) and Key Principles BL1, BL3, CAG2, CAG3, FR1, HS6 and HS7 of the Planning Guidance Supplementary Planning Document (2018).

That the applicant be informed as follows:

- 1) In determining this application, the local planning authority has worked in a proactive 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 (2021).
- 2) As set out in Condition 2, compliance is required with the approved plans set out in this decision notice. Nevertheless, your particular attention is drawn to the fact that the height of the wall on the boundary with No. 100 shall not exceed a height of 2m when taken from the ground level of this neighbour.
- 3) As set out in Condition 2, compliance is required with the approved plans set out in this decision notice. Nevertheless, your particular attention is drawn to the size of the front and rear lightwell which shall not exceed the dimensions as indicated on approved drawings and the lightwells shall be implemented and completed in accordance with the approved details.
- 4) WASTE:

We would expect the developer to demonstrate what measures will be

undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.
<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>.

As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

5) WATER:

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

- 6) Construction and demolition works and associated activities at the development, audible beyond the boundary of the site should not be carried out other than between the hours of 0800 - 1800hrs Mondays to Fridays and 0800 - 1300hrs on Saturdays and at no other times, including Sundays and Public/Bank Holidays, unless otherwise agreed with the Environmental Health Officer.
- 7) At least 21 days prior to the commencement of any site works, all occupiers surrounding the site should be notified in writing of the nature and duration of works to be undertaken. The name and contact details of a person responsible for the site works should be made available for enquiries and complaints for the entire duration of the works and updates of work should be provided regularly. Any complaints should be properly addressed as quickly as possible.
- 8) Best Practicable Means (BPM) should be used in controlling dust emissions, in accordance with the Supplementary Planning Guidance issued by the GLA 2014 for The Control of Dust and Emissions from Construction and Demolition.
- 9) No waste materials should be burnt on site of the development hereby approved.
- 10) Best Practicable Means (BPM) should be used, including low vibration methods and silenced equipment and machinery, in accordance with the Approved Codes of Practice of BS5228:2009 for noise and vibration control on construction and open sites.

Officer Report

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

All Background Papers held by case officer named above:

Application form received: 15th December 2021

Drawing Nos: see above

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

Consultation Comments:

Comments from:

Dated:

Neighbour Comments:

Letters from:

Dated:

94 Brackenbury Road W6 0BD	11.01.2022
94 Brackenbury Road W6 0BD	10.01.2022
96 Brackenbury Road W6 0BD	11.01.2022
100a Brackenbury W6 0BD	02.01.2022
100 Brackenbury, Flat A W6 0BD	11.01.2022
106 Brackenbury W6 0BD	01.02.2022
115 Brackenbury Road W6 0BQ	12.01.2022
117 Brackenbury Road W6 0BQ	06.01.2022
119 Brackenbury Road W6 0BQ	12.01.2022
59 Carthew Road W6 0DU	11.01.2022
61 Carthew Road W6 0DU	02.01.2022

1. SITE AND SURROUNDINGS

1.1 The application site includes a mid-terrace three-storey house (plus accommodation at roof level) ~~house~~ in use as a single residential dwelling on the western side of Brackenbury Road. The property is not a listed building or a locally listed building of merit but it is located within the Bradmore Conservation Area.

1.2 Brackenbury Road consists predominantly of two and three storey Victorian terraced houses. Typically, the houses have raised ground and lower ground floors.

1.3. The site is within Flood Risk Zone 3 and within a noise nuisance zone.

2. RELEVANT PLANNING HISTORY

2.1 In October 2021, planning permission was refused (Planning reference: 2021/02794/FUL) the erection of a single storey rear extension to the side of the existing back addition; excavation to lower the existing lower ground floor level; and excavation of the front garden and part of the rear garden to form lightwells, in connection with the creation of a new basement. The application was refused on the following grounds:

- excessive excavation to the front garden would have resulted in an oversize grille serving the lightwell that extended beyond either side of the bay window, which would be an overly dominant feature that would be visually harmful to the parent building, the street scene and the Bradmore Conservation Area
- the excessive excavation to the front of the building and lack of set back from neighbouring property boundaries would fail to provide adequate space for planting to either side of the rear lightwell and cause significant disturbance to neighbours during the construction process due to the excessive nature of the excavations. This would result in a significant adverse impact upon the amenity of neighbouring occupiers.

2.2 In 2006, planning permission was granted (Planning reference: 2006/01560/FUL) for the erection of a rear roof extension. This has been implemented.

3. CURRENT APPLICATION

3.1. The current application follows on from the recent refusal and also seeks planning permission for the erection of a single storey rear extension to the side of the existing back addition; excavation to lower the existing lower ground floor level; and excavation of the front garden and part of the rear garden to form lightwells, in connection with the creation of a new basement.

3.2. The application has been amended to address the previous reasons for refusal and includes a smaller basement with a reduced front lightwell and setbacks away from the party boundary to allow for planting. The application does not seek to change the use of the building. The building will continue to be used as a single family dwelling.

4. PUBLICITY AND CONSULTATION

4.1. In addition to site and press notices, 26 individual notification letters were sent to neighbouring properties. In response, 11 objections were received, including 2 from the same address. submission. In addition, a former ward Councillor, also raised similar concerns in a separate objection.

The issues raised are summarised below:

- Insufficient time for consultation (over Christmas period)

- Prolonged construction period due to nature of works - not neighbourly
- Construction noise, vibration, mess.
- Potential loss of parking due to construction, pedestrian safety.
- Flood Risk
- Structural risk - instability
- Precedent for similar development
- Development at no. 108 Brackenbury is different - former shop.
- Basement works are not in keeping with character and appearance of area.
- No issue with rear extension
- Impact on conservation area

Officer response:

- In line with statutory requirements the application has been subject to public consultation and objections received after the deadline have been taken into account
- in addition to conditions and informatives that would be attached to any permission, the Council has separate powers under environmental protection legislation to minimise dust and other disturbance related to temporary works during the construction period.
- The temporary loss of parking during construction period is not a sufficient reason to withhold consent
- Regarding structural stability, this is addressed in the main body of the report
- A Flood Risk Assessment has been submitted with the application and forms part of the planning assessment.
- The impact of the proposed basement on the conservation area is considered as part of the planning assessment

5. POLICY FRAMEWORK

- 5.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England. Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act).
- 5.2 In this instance the statutory development plan comprises the London Plan 2021, LBHF Local Plan 2018 and the LBHF Planning Guidance SPD 2018. National Planning Policy Framework (NPPF)
- 5.3 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.
- 5.4 The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise

The London Plan

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

The Local Plan

- 5.6 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

6. PLANNING CONSIDERATIONS

- 6.1 The main planning considerations in the assessment of this application include the following:-
- Impact on the character and appearance of the host building and Bradmore Conservation Area
 - Residential amenity
 - Flood Risk
 - Highways

CONSERVATION AND DESIGN

- 6.2 Local Plan (2018) Policies DC1 (Built Environment) and DC4 (Alterations and Extensions) require a high standard of design in all alterations, and that extensions to existing buildings be compatible with the scale and character of existing and neighbouring development and their setting, integrated into the architectural design of the existing building, and subservient in terms of its bulk, scale, materials, and design. The supporting paragraph 12.20 to Policy DC4 acknowledges that there will be changing needs and requirements of occupiers' and the policy 'seeks to ensure that extensions and alterations, even the most minor ones, do not affect the inherent qualities of existing properties
- 6.3
- 6.4 Policy DC6 (Replacement Windows) states that replacement windows should respect the architectural character of the building with regards to their design and use of materials, matching the original windows as closely as possible. Policy DC8 (Heritage and Conservation) seeks to protect, restore or enhance the quality, character, appearance and setting of the borough's historic environment including its conservation areas and is supported by Key Principle CGA2 and CAG3 of the Planning Guidance SPD (2018).
- 6.5 The site lies within the Bradmore conservation area, and as such, the Council has a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area,

together with the requirements set out in the NPPF.

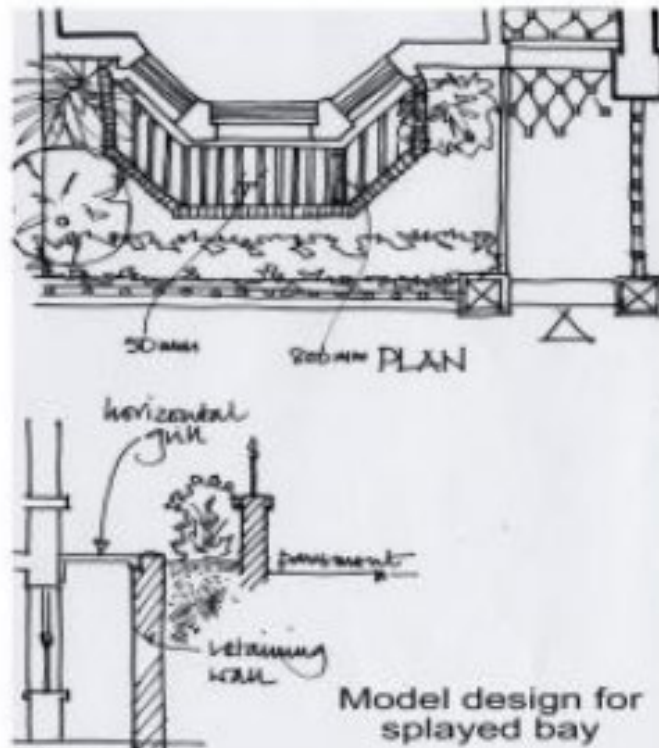
- 6.6 Local planning authorities are required to assess the significance of any heritage asset affected by development proposals, including effects on their setting. This assessment shall be taken 'into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal' (NPPF, para 190).
- 6.7 When considering the impact of a proposed development on the significance of a designated heritage asset, paragraph 193 of the NPPF states that "...great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be". Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting...any harm or loss should require clear and convincing justification.
- 6.8 Where a proposal would result in harm to the significance of a designated heritage asset it should be identified whether the harm is substantial or less than substantial. If the harm is substantial the proposed development should be considered in respect of paragraph 195 of the NPPF and if the harm is less than substantial the development should be considered in respect of paragraph 196 of the NPPF.
- 6.9 The designated heritage asset that stands to be affected by the proposals is the character, appearance, and setting of the Bradmore conservation area.

Context:

- 6.10 Bradmore Conservation Area was initially designated in April 1989, and extended eastward as part of a review of boundaries on 9th April 1991. Following a further review, a further extension was approved in October 2014.
- 6.11 Brackenbury Road is in the northeast sector of the conservation area and can be seen on the Ordnance Survey map of 1863 where Bradmore Farm covered almost the entire area - no remnants of the farm remain. This street consists predominantly of two and three storey Victorian terraced houses, constructed in 1869, with raised ground floors reached by external stairs, and a semi-basement. The facades are brick with ornamental bay windows, decorative plaster mouldings over porches, lintels and bracketed sills. Some have roofs behind parapets, while others have eaves with corbels at the party walls.
- 6.12 Brackenbury Road is a wide street with some recently planted trees. Property boundaries vary; some of the original gate piers and low walls, which would have originally contained railings, remain and provide some cohesion, otherwise, there is a mixture of modern railings, brick walls, rendered walls and horizontal timber fences.
- 6.13 The application property forms part of the original architectural composition of the application terrace and the surrounding area. This Victorian building with front bay is finished in materials that broadly match the terraces nearby and the brickwork includes some attractive detailing around the windows and front porch. As such, the building is of local interest and significance and worthy of retention. The proposals would ensure the retention of the building.

Basement and lightwells

- 6.14 Both the Local Plan and London Plan allow extensions into the basement below the building, providing there is no adverse impact on the amenity of neighbouring properties (such as flooding) or negative impact on the street scene due to the need for the provision or alteration of lightwell.
- 6.15 London Plan 2021 Policy D10 relates to basement development and states that 'Boroughs should establish policies in their Development Plans to address the negative impacts of large-scale basement development beneath existing buildings, where this is identified as an issue locally.' The supporting paragraph (3.10.3) makes clear that the Mayor supports boroughs in restricting large-scale basement excavations under existing properties where this type of development is likely to cause unacceptable harm. Significantly, paragraph 3.10.6 states that the Mayor considers that 'smaller-scale basement excavations, where they are appropriately designed and constructed, can contribute to the efficient use of land, and provide extra living space without the costs of moving to a new house. In areas where basement developments could cause particular harm, boroughs can consider introducing Article 4 Directions to require smaller-scale proposals to obtain planning permission.' There is an existing borough-wide Article Direction which requires a planning application for all proposals that involve a basements.
- 6.16 Local Plan Policy DC11 sets out basement and lightwell requirements in Conservation Areas and is supported by Key Principles BL1 and BL3 of the Planning Guidance SPD (2018).
- 6.17 Policy DC11 (Basements and Lightwells) states that new basement accommodation will be permitted only where [inter alia] it does not extend into or underneath the garden greater than 50% of the depth of the host building, or garden; does not comprise more than one storey; there is no unacceptable impacts on the amenities of adjoining properties or the historic or natural environment during and post construction; and does not increase the chance of flood risk. The supporting paragraph 12.67 states that excessively large lightwells will not be permitted in any garden space – Key Principles BL1 and BL3 provide detailed guidance on the circumstances under which lightwells are acceptable.
- 6.18 Under Key Principle BL1 (Assessment of Lightwells) applications are treated on their individual planning merits, taking into account local circumstances, impact and the proposed size of the excavated area. The following key points are taken into account:
- if the whole of a front or rear garden would be lost this would normally be refused permission.
 - Front lightwells should be designed in accordance with the model designs for lightwells in figure BL1 (see below)



-Rear lightwells should not be excessive in size and should not either on its own or in combination with a basement excavation result in the loss of more than 50% of the rear garden area in accordance with Local Plan Policy DC11.

-Where they are not part of the original design, proposals to insert stairs into the front lightwell would normally be resisted.

-Where a basement is being excavated to form additional living space, lightwells may be formed in the rear and/or side garden, where one exists

6.19 Under Key Principle BL3, front lightwells should be as discreet as possible, and allow the scale, character and appearance of the property, street or terrace to remain largely unchanged. The design of any basement elevation, in its form and fenestration [and in particular the material, opening style and subdivision of any fenestration], should relate to the design of the ground floor elevation. The following key points should be considered:

- retain a significant amount of accessible and usable planting area at ground level.
- Fences, glazed screens or vertical railings to surround the lightwell should be avoided, except, to put a railing from the front to back adjacent to the garden path in order to give protection.
- the lightwell should follow the shape of the bay window on the ground floor.
- All excavations should not exceed 800mm from front to back
- A horizontal metal grille flush with the surface of the garden should be used to achieve protection over the excavation
- Where a lightwell is used as a means of escape, a ladder will also need to be provided to affect the escape arrangements from the basement

6.20 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also provides that, in respect of development affecting conservation areas, special attention shall be paid to the desirability of preserving or enhancing the

character or appearance of that area.

- 6.21 The application site is situated in the Bradmore Conservation Area and the host building occupying the site does not benefit from any listing designation.
- 6.22 The proposal seeks to introduce a basement beneath the footprint of the existing lower ground floor level, erect a side infill extension together with excavations beneath part of the existing front and rear gardens to create lightwells. The proposed excavation would not exceed 50% of the depth of the existing rear garden, nor would it extend into or underneath the garden further than 50% of the depth of the host building when measured from the principal rear elevation.
- 6.23 With the exception of the proposed front and rear lightwells the proposed single storey basement would be wholly beneath the existing and proposed ground floor building footprint. The lower ground floor level of the existing building is already below street level and would be lowered by a further 300mm. Unlike the previous refusal, the new basement would be set back from the side boundaries and the front lightwell would follow the shape of the bay window at the existing lower ground floor.
- 6.24 The front lightwell design would have a maximum projection of 800mm (when measured from the external wall of the bay). The front lightwell is considered to be acceptable as it would benefit from a metal grille and would follow the preferred (splayed) that would be sympathetic to the host dwelling and wider application terrace. The front lightwell would feature timber framed sash windows, painted white, replicating the fenestration of the existing front bay windows at lower ground floor level.
- 6.25 The rear lightwell would be located to the rear of the back addition (and proposed side infill extension). This lightwell would have a rectangular shape and a rear projection of 1.8m when measured from the external wall of the proposed side infill extension. The proposed rear lightwell would be modest in scale and due to the location would be screened behind the bulk of the host building and proposed extension. The lightwell would be accessed via multi-pane sliding doors.
- 6.26 Apart from the lightwells the basement would not be visible from the street due to the proposed excavation being largely beneath the footprint of the existing original lower ground floor. The proposed front and rear lightwells would be modest in scale when compared to the original building.
- 6.27 Overall, officers consider that the excavation works are in accordance with Policy D10 of the London Plan 2021, Policy DC11 of the Local Plan 2018 and Key Principles BL1 and BL3 would result in an acceptable impact on the amenity of adjoining properties or on the local, natural and historic environment.

Basement - Structural Stability

- 6.28 Basement excavation often raises concerns about the structural stability of adjacent properties because of works to party walls and foundations, in particular. These issues may be properly dealt with by means of a party wall agreement
- 6.29 The NPPF places significant weight on ground conditions, land stability and local

environmental issues (eg. Paragraphs 109, 120 and 121) as material considerations in determining planning applications. In accordance with this Policy DC11 sub-criteria (k) requires that a Construction Method Statement (CMS) be carried out by a qualified structural or civil engineer and be submitted with all basement applications.

- 6.30 The applicant submitted a CMS (June 2021) which was carried out by a qualified structural and civil engineering consultant and sets out a design philosophy for the proposed works that aims to ensure a safe and proper construction with no adverse effects to the existing or neighbouring structures. The report considers a range of structural drawing and calculations which detail both the temporary and permanent design stages of the basement development. The engineers report states that there would not be 'any structural damage to adjoining structures or public road as a consequence of the works if they are carried out in accordance with the approved manner - there should not be any impact on the integrity of the adjoining structures.' Officers have considered the report and accept the conclusions that that the proposed works can be carried out within a safe and cost-effective manner by a suitable contractor.

Side extension.

- 6.31 The proposed side extension to the existing back addition would be 2m in height on the boundary with No. 100 Brackenbury Road, with a pitched roof (23 degrees) that rises to a maximum height of 3m. The roof of the extension would be finished in grey roof tiles and would include two, large glazed panels. The side and rear elevations of the extension would be constructed from matching yellow stock London bricks. The rear elevation would include a powder coated white, fixed metal frame window.
- 6.32 Side extensions are a common feature within the application terrace – the neighbouring properties No. 88 (2019/00307/FUL), No. 92 (2001/01398/FUL) and No. 96 Brackenbury Road (2006/03414/CLP) also benefit from similar side extensions. The proposed side extension would be a modest addition to the host building and would not be out keeping with existing development in the application terrace and wider conservation area.

Other alterations

- 6.33 The proposals include the following other minor alterations: -
- installation of metal framed patio doors, powder coated white. This element is minor in nature, and in keeping with the parent building and would not be visible from public vantage points.
 - Lower the existing lower ground level by some 320mm, to provide an improved internal floor-to-ceiling height of 2.7m (existing average height of 2.38m). This alteration would be internal to the building and would therefore not be visible to the street.
- 6.34 These alterations are considered modest and would not result in any harmful

visual impact to the parent building, the application site or the Conservation area.

Conclusion - Design and Heritage

- 6.35 The proposed alterations and additions would be modest in nature and would preserve the character and appearance of the host building and the wider terrace. The proposals would maintain the residential character of the street scene. As a result, the development would not result in any harm to the Bradmore Conservation Area or other nearby heritage assets. The proposals are therefore considered to be in accordance with Policies DC1, DC4, DC6, DC8 and DC11 of the Local Plan (2018) and key principles CAG2, CAG3, BL1, BL2 and BL3 of the LBHF SPD (2018). The development would also preserve the character and appearance of the Bradmore Conservation Area in accordance with the statutory provision of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

RESIDENTIAL AMENITY

- 6.36 The borough has a high density of development and it is necessary to ensure that the amenities of existing residential occupiers are not unduly affected. Local Plan Policy HO11 makes clear that extensions will be acceptable where it can be demonstrated that there is no detrimental impact upon the amenities enjoyed by neighbouring properties including privacy, daylight and sunlight, and outlook. SPD Housing Key Principles, HS6 and HS7 contain safeguards to protect the residential amenities of neighbouring occupiers.
- 6.36 Key Principle HS6 states that 'Any proposed new development and/or extensions to existing buildings should as a general rule, not result in an infringing angle of more than 45 degrees. In this case, the existing rear garden is approximately 5.1m in depth, and in accordance with SPD Key Principle HS6(i) the proposed side infill extension would not infringe a 45-degree line taken from the rear property boundary. The proposals would therefore be of an appropriate scale and mass that would not be detrimental to the residential amenity of adjoining occupiers to rear of the application site.
- 6.37 Key Principle HS7(ii) requires that side infill extensions should not exceed 2m in height on the boundary (when measured from the neighbour's property) and the roof of the extension shall not exceed an angle of 45 degrees. Exceptions to this rule may apply if there is an existing extension at the neighbouring property. In this case, the side extension would be 2m high on the boundary to No. 100 Brackenbury Road and would have a pitched roof at an angle of 23 degrees. Notably, the adjoining property at No. 100 does not have an existing side infill extension. The proposed height and siting of the side extension would have an acceptable impact in terms of light and outlook as the proposals comply with Key Principle HS7(ii) of the LBHF Planning SPD.
- 6.38 Key Principle HS7(iii) requires that any new windows should be positioned at least 18 metres from existing habitable room windows. This distance should be measured from an arc of 60 degrees taken from the centre of the proposed new window to ensure there is no loss of privacy. If this standard cannot be met then windows should be designed to ensure that no loss of privacy will occur.

- 6.39 The proposal includes the installation of new doors within the ground floor rear elevation of the existing back addition and the rear elevation of the proposed side infill extension. Although proposed openings would be located within 18m of existing habitable rooms at the rear of properties in Carthew Road, the proposed new windows would be located at ground floor level and screened behind an existing brick boundary wall. In these circumstances, the proposed openings would not result in overlooking or loss of privacy to neighbouring properties.

NOISE AND DISTURBANCE

- 6.40 Policy CC13 (control of potentially polluting uses) states that all proposed developments will be required to show that there will be no undue detriment to the general amenities enjoyed by existing surrounding occupiers of their properties, particularly where commercial and service activities will be close to residential properties. In this case, the proposed works would not result in any change in land use - the application site will continue to be used as a single family dwellinghouse and the enlarged property would not have a detrimental impact on adjoining occupiers in terms of noise
- 6.41 The Control of Pollution Act 1974 gives the Council powers to control noise on construction sites through restrictions on the hours of work, the type of machinery and how / where it can be used to allow works to be completed without any unreasonable nuisance to neighbours. The applicants Construction Method Statement (CMS) submitted in accordance with Policy DC11 (k) acknowledges the statutory obligations with respect to dust, noise, and vibration generation.
- 6.42 Officers have considered the submitted CMS and accept that the approach outlined in the document is acceptable in line with Policy DC11 (k). Various informatives would be attached to any planning permission, outlining construction hours and best practice means with respect to the generation of noise and vibration.
- 6.43 The proposals accord with Policy CC13 and DC11 (k) of the Local Plan.

Conclusion - residential amenity:

- 6.44 The proposed extensions and alterations (inclusive of the basement) would not result in detrimental residential impacts to neighbouring occupiers in terms of loss of daylight, sunlight, overlooking, sense of encroachment or loss of privacy. The proposed development would therefore comply with HO11 of the Local Plan (2018) and Key principles, KHS4, KHS6 and KHS7 of the SPD (2018).

FLOOD RISK

- 6.45 Local Plan (2018) Policy CC3 requires that new development reduce the use of water and is designed to take account of increasing risks of flooding. Local Plan (2018) 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. These policies are supported by the relevant Key Principles within

Section 15 of the Planning Guidance SPD which requires the submission of information relating to flood risk.

- 6.46 In accordance with the Council's Environmental Policy team's comments, a revised Flood Risk Assessment (Flood Smart and SuD Smart reports), were subsequently submitted to the Council and reviewed by the Council's Environmental Policy team.
- 6.47 Environmental Policy Officers have advised that the latest Flood Smart Report (detailing specific measures to be implemented) and ancillary drawings detailing the location and extent of waterproofing, pump locations and sustainable urban drainage measures to be implemented is considered to be acceptable. The Flood and SuD smart reports plus ancillary drawings clearly demonstrate flood risk measures that would be implemented to a degree that would be acceptable. The submission has therefore demonstrated compliance with Policies CC3 and CC4 of the Local Plan (2018). It is recommended that the Flood Risk Assessment (Flood Smart and SuD Smart reports and ancillary drawings) be secured by condition to ensure that all aspects of the Flood Risk Assessment are adhered to accordingly.

TRANSPORT

- 6.48 The basement policy DC11(L) states that applicants to provide a construction traffic management plan as part of the CMS to ensure that traffic and construction activity does not cause unacceptable harm to pedestrian, cycle, vehicular and road safety. This is in accordance with transport Policy T7 which requires, all construction, demolition, utilities and major logistic activities within the borough will be required to work with the council to mitigate the impact of any additional traffic or potential disruption to the network, careful planning and co-ordination with the council is required to ensure the smooth operation of the highway network. In support of this Key Principle TR21 (reducing the impact of new development on the highway) requires that all new developments that has the potential to have a detrimental impact during the construction phase will require a Construction Logistics Plan (CLP)
- 6.49 The Council's Highway's team have considered the proposals and raise no objections subject to a a condition being attached to any permission that Demolition and Construction Logistics Plan be submitted and approved.
- 6.50 The plan would be based upon the TfL Construction Logistics Plan (2017) and the details shall include control measures for delivery locations, numbers, size and routing of construction vehicles and other matters relating to traffic management to be agreed. Subject to the condition, the proposals accord with the Policies DC11(L) and T7 of the Local Plan and Key Principle TR7.

7. CONCLUSION

- 7.1. The proposed development would be in keeping with the character and appearance of the host building, the wider terrace of buildings and would not result in any harm to the conservation area. There would be no undue harm to the residential amenity of neighbouring occupiers. The proposal is therefore

acceptable and in accordance with Policies, DC1, DC4, DC6, DC8, DC11, CC3, CC4 and HO11 of the Local Plan (2018) and Key Principles CAG2, CAG3, BL1, BL3, FR1, HS6 and HS7 of the LBHF SPD (2018).

8. RECOMMENDATION

- 8.1 Grant planning permission, subject to conditions.