

**Ward:** Avonmore And Brook Green

**Site Address:**

Olympia Multistorey Car Park Maclise Road London



© Crown Copyright. All Rights Reserved. London Borough Hammersmith and Fulham LA100019223 (2013).  
**For identification purposes only - do not scale.**

**Reg. No:**  
2018/00745/FUL

**Case Officer:**  
Ciaran Regan

**Date Valid:**  
13.04.2018

**Conservation Area:**  
Constraint Name: Olympia And Avonmore  
Conservation Area - Number 23

**Committee Date:**  
10.07.2018

**Applicant:**

Incipio Group Ltd  
c/o agent

**Description:**

The change of use for a temporary period of 3 years, of part of the rooftop and Level 5B of the car park, to a restaurant use (Class A3) and ancillary services (Level 5B) including erection of a light-weight timber-framed roof extension; installation of ventilation extracts and 7no. air conditioning units at rooftop level; associated internal and external alterations and car and cycle parking facilities.

Drg Nos: 12772-CRH-OL-ZZ-DR-S-2300-P1 (Structural details). 001-478-01 Rev.F and 1994-004 Rev.Q, 1994-005 Rev.G, 1994-006 Rev.G, 1994-007 Rev.F, 1994-011 Rev.D and 1994-013 Rev.A.

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

That the application be approved subject to the condition(s) set out below:

- 1) The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:

001-478-01 Rev.F, 1994-004 Rev.Q, 1994-005 Rev.G, 1994-006 Rev.G, 1994-007 Rev.F, 1994-011 Rev.D, 1994-013 Rev.A and 12772-CRH-OL-ZZ-DR-S-2300-P1 (Structural details).

Reason: For the avoidance of doubt and in the interests of proper planning.

- 2) The restaurant use and associated structures hereby approved are only for a limited period of up to 3 (three) years from the date of this permission.

Reason: To enable the Council to assess the impact of the operation of the use on car parking and traffic conditions, to ensure the site is restored to a clean and tidy condition in the interests of visual amenity and to ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, in accordance with policies TLC5 (Managing the impact of food, drink and entertainment uses), DC1 (Built environment), DC4 (Alterations and extensions including outbuildings), DC8 (Heritage and conservation), CC7 (On-site waste management), CC10 (Air quality), CC11 (Noise), CC13 (Control of potentially polluting uses) and T1 (Transport) of the Hammersmith and Fulham Local Plan (2018).

- 3) The structures, plant, fittings and equipment hereby permitted shall be taken down and removed from the site within two months after the end date of the planning permission and the site will be restored to the condition it was in prior to the installation of the temporary structures and use on the site.

Reason: To preserve the special interest of the listed building in accordance with the National Planning Policy Framework (2012); policies DC1 (Built environment),

DC4 (Alterations and extensions including outbuildings) and DC8 (Heritage and conservation) of the Hammersmith and Fulham Local Plan (2018) and Key Principles AH1 and AH2 of the Hammersmith and Fulham Planning Guidance SPD (2018).

- 4) Prior to the commencement of development, elevation and section detail-drawings at a scale of 1:20 through all significant elements including,

- (i) the roof build-up and parapet/soffit detailing of the front flat-roofed part,
- (ii) the junction between the front flat-roofed part and the west (front) elevation of the roof extension and,
- (iii) the junction between the sides of the roof extension and the building's existing parapet walls,

shall be submitted to, and approved in writing by, the Council, and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason: In order that the Council may be satisfied that a high quality of design will be achieved that will complement the character and appearance of the host building and the local area in accordance with Section 7 (Requiring good design) of the National Planning Policy Framework (2012), policies 7.4 (Local character), 7.6 (Architecture) and 7.8 (Heritage assets and archaeology) of the London Plan (2018) and policies DC1 (Built environment), DC4 (Alterations and extensions) and DC8 (Heritage and conservation) of the Hammersmith and Fulham Local Plan (2018).

- 5) Overall (dBA) noise levels (Leq,5min), including music and sounds of patrons shall not exceed 10 dB below the lowest measured background LAeq as measured or predicted 1.0m from the nearest noise sensitive or residential façade or at 1.2m above any adjacent garden, terrace, balcony or patio.

Reason: To ensure that the amenity of occupiers of the surrounding premises is not adversely affected by noise, in accordance with policies TLC5 (Managing the impact of food, drink and entertainment uses) and CC11 (Noise) of the Hammersmith and Fulham Local Plan (2018).

- 6) Prior to commencement of the development, details shall be submitted to, and approved in writing by the Council, of the sound barrier along the northern boundary. The development shall only be implemented in accordance with any such approval given and shall be retained as such for the lifetime of the development.

Reason: To ensure that the amenity of occupiers of the surrounding premises is not adversely affected by noise, in accordance with policies TLC5 (Managing the impact of food, drink and entertainment uses) and CC11 (Noise) of the Hammersmith and Fulham Local Plan (2018).

- 7) 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 B.S. 4142:2014 (Methods for rating and assessing industrial and commercial sound) 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. The development shall only be implemented in accordance with any such approval given and shall be retained as such for the lifetime of the development.

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 TLC5 (Managing the impact of food, drink and entertainment uses), CC11 (Noise), CC3) and (Control of potentially polluting uses) of the Hammersmith and Fulham Local Plan (2018).

- 8) Before the commencement of the use hereby permitted, full details of the arrangements for the storage and collection of the commercial refuse and recycling generated by the development shall be submitted to, and be approved in writing by, the Council and the facilities approved shall be provided, made available for use, and thereafter be retained and shall not be used or the space used for any other purpose.

Reason: To ensure that the refuse and recycling generated by the development will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance and to ensure that should any bin store enclosures be proposed within the building that these will be sympathetically designed and constructed to minimise any impact on the special architectural and historic interest of the listed building, in accordance with the National Planning Policy Framework (2012), policies 5.17 (Waste capacity) and 7.8 (Heritage assets and archaeology) of the London Plan (2016) and policies CC7 (On-site waste management) and DC8 (Heritage and conservation) of the Hammersmith and Fulham Local Plan (2018).

- 9) a) Before the commencement of the use hereby permitted the applicant shall submit in writing and obtain the written approval of the Council to a Travel Plan setting out the proposed measures to be taken to encourage the use of modes of transport other than the car by all users of the building, including staff and visitors.
- b) At the start of the second year of operation of the approved Travel Plan a detailed survey showing the methods of transport used by all those users of the building to and from the site and how this compares with the proposed measures and any additional measures to be taken to encourage the use of public transport, walking and cycling to the site shall be submitted to, and approved in writing by, the Council and the development shall not be carried out otherwise in accordance with any such approval given.

Reason: In order that the use of non-car based travel is encouraged in accordance with Section 4 of the National Planning Policy Framework (2012), policy 6.1 (Strategic approach) of the London Plan (2016) and policies T1 (Transport), T2

(Transport Assessments and Travel Plans) and T3 (Increasing and promoting opportunities for cycling and walking) of the Hammersmith and Fulham Local Plan (2018).

- 10) Before the commencement of the use hereby approved, the cycle storage facilities shown on approved drawing ref. 1994-004 Rev.Q shall be provided and thereafter such facilities shall be retained and the space used for no other purpose and the development shall not be carried out otherwise in accordance with any such approval given.

Reason: To ensure that satisfactory safe and secure bicycle parking is provided and retained for the benefit of the users and occupiers of the building in order to encourage the use of alternative means of transport and to reduce reliance on the use of the private car in accordance with the National Planning Policy Framework (2012), policy 6.9 (Cycling) of the London Plan (2016) and policy T3 (Increasing and promoting opportunities for cycling and walking) of the Hammersmith and Fulham Local Plan (2018).

- 11) Prior to commencement of the use, details shall be submitted to and approved in writing by the Council, of the installation, operation, and maintenance of the odour abatement equipment and extract system, including the height of the extract duct and vertical discharge outlet, in accordance with the 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' January 2005 by DEFRA. The use shall only commence following the installation of the equipment in full accordance with any such approved details and the approved equipment shall be retained as such for the lifetime of the development.

Reason: To ensure that the amenity of the area, in particular the occupiers of neighbouring residential properties, is not adversely affected by cooking odour, in accordance with policies CC10 (Air quality), CC13 (Control of potentially polluting uses) and TLC5 (Managing the impact of food, drink and entertainment uses) of the Hammersmith and Fulham Local Plan (2018).

- 12) No roof plant, equipment or other structures, other than as shown on the plans hereby approved or approved pursuant to a condition of this permission, shall be placed on the existing car park roof or be permitted to project above the roof line of the roof extension as shown on the approved drawings.

Reason: In order to ensure that no additional plant is placed on the roof of the building in the interest of the appearance and design of the building and the visual amenity of the area in accordance with the National Planning Policy Framework (2012), policies 7.4 (Local character), 7.6 (Architecture) and 7.8 (Heritage assets and archaeology) of the London Plan (2016) and policies DC4 (Alterations and extensions) and DC8 (Heritage and conservation) of the Hammersmith and Fulham Local Plan (2018).

- 13) No meter boxes, flues, vents, pipes or other appurtenances, nor any scheme of external illumination of the facade of the building, other than detailed on the approved drawings, shall be fixed or installed to any elevation of the building, without the prior written consent of the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason: To ensure such works do not detract from the appearance of the building in accordance with the National Planning Policy Framework (2012), policies 7.4 (Local character), 7.6 (Architecture) and 7.8 (Heritage assets and archaeology) of the London Plan (2016) and policies DC4 (Alterations and extensions) and DC8 (Heritage and conservation) of the Hammersmith and Fulham Local Plan (2018).

- 14) Prior to commencement of the use, details shall be submitted to, and approved in writing by, the Council, of an external lighting scheme. The scheme shall cumulatively not exceed the maximum lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals in the 'Guidance Notes For The Reduction Of Light Pollution 2011'. (Lighting should be minimized and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Notes.) The scheme shall be installed in full accordance with any such approved details and shall be maintained as such for the lifetime of the development.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by light pollution, in accordance with policies CC12 (Light pollution) and CC13 (Control of potentially polluting uses) of the Hammersmith and Fulham Local Plan (2018).

- 15) Any deliveries, unloading and loading to the development hereby permitted shall only occur between the following hours: Monday to Saturday - 09:00-12:00hrs; and at no time on Sundays and Bank Holidays.

Reason: To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance and to minimise the impact on the local road network in accordance with Sections 4 and 11 of the National Planning Policy Framework (2012), policies 6.1 (Strategic approach) and 7.15 (Reducing and managing noise, etc.) of the London Plan (2016) and policies T1 (Transport) and CC11 (Noise) of the Hammersmith and Fulham Local Plan (2018).

- 16) Unless otherwise approved in writing, any alterations to the elevations of the existing building shall be carried out in the same materials as the existing elevation to which the alterations relate.

Reason: To ensure a satisfactory external appearance, in accordance with policy DC4 (Alterations and extensions) of the Hammersmith and Fulham Local Plan (2018).

- 17) No area of the roof of the building outside of the hatched/shaded area shown on approved drawing 1994-007 Rev.F shall be used as a roof terrace or any other form of outdoor amenity space and no alterations shall be carried out, or planters or other chattels shall be placed on any other part of the roof of the building in connection with use as a roof terrace or any other form of outdoor amenity space. No railings or other means of enclosure shall be erected on any other part of the roof of the building and no alterations shall be carried out to form an access to any other part of the roof of the building.

Reason: As the use of any other part of the building's roof as a terrace would be likely to be visually obtrusive and incongruous to the detriment of the character and appearance of the host building and the surrounding area and to result in a harmful loss of amenity through noise and disturbance to neighbouring residential occupiers and therefore to preserve the special architectural and historic interest of the listed building, to ensure a satisfactory external appearance, and to safeguard the existing residential amenity of neighbouring properties in accordance with policies DC4 (Alterations and extensions) and DC8 (Heritage and conservation) of the Hammersmith and Fulham Local Plan (2018).

- 18) The temporary use hereby permitted shall not operate outside of the following hours;

Monday - 12noon-10:30pm  
Tuesday - 12noon-10:30pm  
Wednesday - 12noon-11:00pm  
Thursday - 12noon-11:00pm  
Friday - 12noon-11:30pm  
Saturday - 12noon-11:30pm  
Sunday & Bank Holidays - 12noon-11:00pm.

Reason: To ensure that the amenity of occupiers of the surrounding premises is not adversely affected by noise in accordance with policies TLC5 (Managing the impact of food, drink and entertainment uses) and CC11 (Noise) of the Hammersmith and Fulham Local Plan (2018).

- 19) The development shall not commence until a statement, including detailed drawings as necessary, of how "Secured by Design" requirements are to be adequately achieved for the development has been submitted to and approved in writing by the Council. The details shall include measures to protect the customer queuing area from the threat of a hostile vehicle attack. Confirmation shall be supplied that the details are agreed by the Metropolitan Police's Crime Prevention Design Advisor. Thereafter the approved details shall be carried out prior to occupation of the development and shall be retained for the lifetime of the use.

Reason: To ensure a safe and secure environment for users of the development, in accordance with policy 7.3 (Designing out crime) of the London Plan (2016) and policy DC2 (Design of new build) of the Hammersmith and Fulham Local Plan (2018).

- 20) No more than 500 customers shall be allowed onto the site at any one time.

Reason: To ensure that the amenity of occupiers of the surrounding premises is not adversely affected by noise, in accordance with policies TLC5 (Managing the impact of food, drink and entertainment uses) and CC11 (Noise) of the Hammersmith and Fulham Local Plan (2018).

- 21) Before the commencement of the use hereby approved, the customer car parking spaces shown on approved drawing ref. 1994-004 Rev.Q shall be provided and made available for customer use only and shall be retained as such for the lifetime of the development and the spaces used for no other purpose.

Reason: To provide a limited amount of off-street car parking as a strategy to mitigate against the occurrence of on-street overspill parking in the residential streets surrounding the proposed use, in accordance with the National Planning Policy Framework (2012), policy 6.13 (Parking) of the London Plan (2016) and policies T1 (Transport) and T4 (Vehicle parking standards) of the Hammersmith and Fulham Local Plan (2018).

- 22) The development hereby permitted shall only be carried out and operate in accordance with the Operational Statement dated March 2018. All details shall be implemented prior to occupation/use of the development hereby permitted, and thereafter shall be permanently retained for the temporary limited period.

Reason: To ensure that the amenity neighbouring residential and business occupiers is not adversely affected by noise from activities or people at, or leaving, the site, in accordance with in accordance with policies TLC5 (Managing the impact of food, drink and entertainment uses) and CC11 (Noise) of the Hammersmith and Fulham Local Plan (2018).

- 23) Prior to the use of the development a Low Emission Strategy for the operational phase shall be submitted to and approved in writing by the Local Planning Authority. The Low Emission Strategy must detail the remedial action and mitigation measures that will be implemented to protect receptors (e.g. abatement technology for energy plant, design solutions). This Strategy must make a commitment to implement the mitigation measures (including NOx emissions standards for the chosen energy plant) that are required to reduce the exposure of existing residents to poor air quality and to help mitigate the development's air pollution impacts, in particular the emissions of NOx and particulates from on-site and off-site transport via a Ultra Low Emission Vehicle Plan (ULEVP) e.g. use of on-road Ultra Low Emission Vehicles in accordance with the emissions hierarchy (1) Electric Vehicle (Zero emission), (2) Hybrid (non-plug in) Electric Vehicle (HEV), (3) Plug-in Hybrid Electric Vehicle (PHEV), (4) Alternative Fuel e.g. CNG, LPG, (5) Petrol (6) Diesel (Euro 6-HGV) and energy generation sources. The strategy must re-assess air quality neutral in accordance with the Mayor of London SPG 'Sustainable Design and Construction' (April 2014) guidance. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained

Reason: To reduce the exposure of existing residents to poor air quality and to help mitigate the development's air pollution impacts in accordance with policy CC10 (Air quality) of the Hammersmith and Fulham Local Plan (2018).

- 24) The development hereby permitted shall not commence until specifications and samples of the external facing materials to be used in the extension and other associated external alterations to the building, have been submitted to, and approved in writing by, the Council, and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason: In order that the Council may be satisfied that a high quality of design will be achieved that will complement the character and appearance of the host building and the local area in accordance with Section 7 (Requiring good design) of the National Planning Policy Framework (2012), policies 7.4 (Local character), 7.6 (Architecture) and 7.8 (Heritage assets and archaeology) of the London Plan



(2018) and policies DC1 (Built environment), DC4 (Alterations and extensions) and DC8 (Heritage and conservation) of the Hammersmith and Fulham Local Plan (2018).

**Justification for Approving the Application:**

- 1) Subject to conditions, it is considered that the proposed temporary use would be carried out and operate without harming the amenities of neighbouring residential occupiers or businesses by way of noise, odours or light disturbances, traffic or parking congestion, thereby ensuring compliance with the National Planning Policy Framework (2012), the London Plan (2016) and policies CC7 (On-site waste management), CC11 (Noise), CC12 (Light pollution), DC1 (Built environment), DC4 (Alterations and extensions), DC8 (Heritage and conservation), TLC5 (Control of food, drink and entertainment uses), T1 (Transport), T2 (Transport Assessments and Travel Plans), T3 (Increasing and promoting opportunities for cycling and walking) and T4 (Vehicle parking standards) of the Hammersmith and Fulham Local Plan (2018)

---

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

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

Application form received: 5th March 2018  
Drawing Nos: see above

**Policy documents:** National Planning Policy Framework (NPPF) 2012  
The London Plan 2016  
LBHF - Local Plan 2018  
LBHF - Supplementary Planning Document 2018

**Consultation Comments:**

| <b>Comments from:</b>                         | <b>Dated:</b> |
|---|---------------|
| Historic England London Region                | 25.04.18      |
| Transport For London - Land Use Planning Team | 01.05.18      |
| Royal Borough Of Kensington And Chelsea       | 10.05.18      |

## **Neighbour Comments:**

### **Letters from:**

### **Dated:**

|  |          |
|--|----------|
| 21 Sinclair Road London W14 0NS              | 10.05.18 |
| Basement Flat 21 Sinclair Road London W140NS | 10.05.18 |
| 23 Sinclair Road Flat 4 London W14 0NS       | 21.05.18 |

## OFFICER'S REPORT

### 1.0 SITE LOCATION AND DESCRIPTION

1.1 The application relates to the 1930's Multi-Storey Car Park off Maclise Road, which is a curtilage listed building within the Grade II\* listed Olympia Exhibition Centre complex (Designation upgraded from Grade II to Grade II\* in May 2018). The building was erected in 1936-37 to the design of Joseph Emberton, architect of the Olympia Central building and the building has historic significance as one of the first multi-storey car parks in London.

1.2 Historic England are currently considering the case for it to be included in the national list of buildings of special architectural or historic interest, i.e., for it to be designated as a Listed Building in its own right.

1.3 The application site is located within the Olympia and Avonmore Conservation Area and lies adjacent to the boundaries with Lakeside/Sinclair/Blythe Road Conservation Area to the north and Brook Green Conservation Area to the west. The site is located within Flood Zone 2, and has a Public Transport Accessibility Level of 6a (Excellent).

### Relevant Planning History

2013/05194/FUL and 2013/05195/LBC - Planning permission and listed building consent were granted in January 2014 for the: Replacement of existing 12no. Crittall type windows to the multi-storey car park with new windows to match existing at the corner elevation fronting both Maclise Road and Olympia Way.

2013/3253/FUL and 2013/03254/LBC - Planning permission and listed building consent were granted in November 2013 for the: Removal of existing roller shutter from Maclise Road elevation of Olympia Multi Storey Car Park and installation of a new 7m wide shutter with new powder coated steel enclosure and matching make up panels to each side to suit opening width.

### The Proposed Development

1.4 The planning and listed building consent applications seek permission to erect a lightweight extension at roof level, in connection with a change of use of the southern half of the car park roof for a temporary period as a food-led venue / event space (Use Class A3) with a capacity for up to 500 people (436 sitting, 64 standing) and undertake physical works to the building in association with this use.

1.5 The proposal is described as a 'food-led venue concept showcasing a range of food operators who will rotate on a six-monthly basis.' It is stated that there will be one main bar area and three commercial kitchens/restaurant areas. Guests will be free to sit anywhere throughout the space and table service will be provided during peak trading periods.

1.6 The alterations proposed would involve the erection of a light-weight, timber-framed extension with a mono-pitched roof to the southern half of the building's roof which would be clad with a mix of clear polycarbonate panels and rendered timber stud walls. This would be approximately 54.8m long, 16m wide (876sqm) and at its highest point, on the south side, it would project above the parapet walls of the building by just over 4.15m. On the Maclise Road (north) side it would project above the existing parapet by approximately 3m.

1.7 A single Air Handling Unit (AHU) and associated external ductwork is also proposed. This would run up through the building and enter the west end of the extension just below the roof. 3no. kitchen extract fans and ducts would be contained within the canopy all just puncturing the roof sufficiently to facilitate their vertical discharge and a group of 7no. conventional air condensing units would be fixed to the roof near to the AHU outside the extension on its west side.

1.8 A small area (approximately 51.5sqm) between the east (Olympia Way) elevation of the proposed roof-top extension and the existing curved front elevation of the car park would be enclosed with rendered elevations to a height of 3 metres above the roof surface with a flat roof over.

1.9 The proposal is being promoted as a 'meanwhile' use and to that end planning permission and listed building consent are sought for a limited period of 3 years only.

1.10 The applicants originally proposed that the venue would operate during the following hours:

Monday to Saturday - 12noon-Midnight (Closed to general public for private hire and special events on Mondays and Tuesdays)  
Sunday and Bank Holidays - 12noon-11pm.

1.11 There is a related Listed Building Consent application for this development (2018/00746/LBC). This report covers both the planning application and the listed building consent.

1.12 It is noted that a Premises License (2018/00486/LAPR) has already been approved for the proposed use.

## 2.0 PUBLICITY AND CONSULTATIONS

2.1 The application was publicised by means a site notice, an advertisement in the local press as well as individual letters of notification sent to adjacent properties (521 letters).

2.2 The following is a summary of the neighbour consultation responses:

- Total number of representations: 3
- In favour: 0
- Against: 3
- Neutral: 0

2.3 The grounds for objection can be summarised as follows:

- The building is not suitable for the proposal as it is surrounded by residential properties.
- It will cause noise, pollution and rubbish.
- It will exacerbate traffic congestion around the site.
- It will likely cause the police additional work in the event of anti-social behaviour
- concern about noise levels on week nights especially when retractable awning is open.
- preference for the time limit to be restricted to 2 years rather than 3 years.

2.4 Summary of other statutory and non-statutory consultation responses:

- RB Kensington and Chelsea: Objection on the grounds that the proposal would cause parking congestion within surrounding streets at the weekend when there are no parking restrictions for resident's bays within the surrounding Controlled Parking Zones.
- Transport for London: No objections.
- London Underground Infrastructure Protection: No comment.
- Historic England: No comment. On the basis of the information provided, we do not consider that it is necessary for Historic England to be notified of this application.
- The Hammersmith Society: No response received to date.
- Metropolitan Police: No objections, subject to the proposal meeting the Secured by Design requirements outlined by the local Crime Prevention Design Advisor.
- Counter-Terrorism and Security Agency (CTSA): No response received to date.

### 3.0 PLANNING CONSIDERATIONS

3.1 The relevant planning considerations in this case, are to be assessed against the policies in the London Plan (2016) and the Hammersmith and Fulham Local Plan (2018). The Council's Planning Guidance Supplementary Planning Document (PGSPD) (2018), the Mayor's Supplementary Planning Guidance and the Government's National Planning Policy Framework (NPPF) (2012).

3.2 The main issues to be considered in respect of this application are:

- a) Principle of the development
- b) The impact on the residential amenity of neighbouring properties

- c) The design of the development and its impact on the character and appearance of the area and on existing designated heritage assets
- d) Transport impacts
- e) All other relevant material planning considerations

## PRINCIPLE OF DEVELOPMENT

3.3 The National Planning Policy Framework (NPPF) advises that Planning should operate to encourage and not act as an impediment to sustainable growth therefore significant weight should be placed on the need to support economic growth through the planning system.

3.4 The NPPF also advises that Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.

3.5 However, while the proposed restaurant use would lie outside of the borough's three main town centres, the principle of such a use in this location is not at odds with the Local Plan as the requirement for a sequential test to be undertaken for proposals with a Gross Internal Area of more than 300sqm under policy TLC1 only applies to Class A1 (retail) uses and not to Class A3 (restaurant/café) uses.

3.6 There is therefore no objection to the principle of the proposed use and the associated extensions and alterations to the building, subject to all other matters being satisfactory, particularly bearing in mind that the proposal is for a temporary 'meanwhile' use for a period of up to 3 years only. There are also no land use designations in the development plan applicable to the site that the proposal could or would contradict.

## IMPACT ON RESIDENTIAL AMENITY

### Noise

3.7 The nearest residential properties to the site are those in Maclise Road (36 metres to the front elevation of No.2 Maclise Road) and Sinclair Road (30 metres to the south flank walls of No's 1 and 2 Sinclair Road) to the north and west of the site and in Beaconsfield Terrace Road (57 metres to the front walls of No's 4-6 Beaconsfield Terrace Road) to the west. Of those residents who have made representations on the application all have expressed concerns in regard to the potential noise impact of the development.

3.8 It is 70 metres 'as the crow flies' from the proposed queuing area on the south-east side of the building to the front of No.1 Sinclair Road and 55 metres to the dwellinghouse opposite. However, the Multi-Storey Car Park (MSCP) would itself act as a barrier between any noise generated from the queuing area on its south-east side to the nearest neighbouring dwellings which lie to the north and west of the building.

3.9 Local Plan Policy CC7 (Noise) states, among other things, 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 and that, where necessary, applicants will be expected to carry out noise assessments and provide details of the noise levels on the site.

3.10 The application is supported by a Noise Assessment Report (RBA Acoustics, ref. 8515/NAR\_R1, dated 2nd March 2018). This report has been assessed by Environmental Protection Team officers who consider that the report is robust. Accordingly, it is considered that there are no grounds to raise objections on noise issues and subject to conditions that the proposal is acceptable. Conditions are attached with regard to the following matters:

- The submission of details of a sound barrier along the northern boundary (Condition 06)
- The level of any amplified sound would be at least 10dBA below the background sound level at the nearest residential properties (Condition 05)
- The submission of a noise assessment and details of the provision of effective mitigation if required, to ensure that noise emitted from any mechanical and electrical plant would remain within acceptable limits (Condition 07)

3.11 The imposition of, and compliance with, these planning conditions will also ensure that relevant conditions attached to the already granted premises licence are also complied with, i.e., that no music or amplified sound shall be generated on the premises to give rise to a nuisance to neighbouring residents and that, no noise or vibration associated with the operation of plant at the premises shall give rise to a nuisance to the occupiers of neighbouring properties.

3.12 It should also be noted that the granted premises licence restricts the playing of recorded music from 12noon until 10:00pm on Mondays and Tuesdays; until 10:30pm on Wednesdays and Thursdays; until 11:00pm on Fridays and Saturdays and until 10:30pm on Sundays. (The sale of alcohol is also restricted to these times.)

3.13 The proposed hours of operation sought (as detailed above in para. 1.10) do not correspond with the more limited hours of operation granted by the premises licence. Moreover, they do not comply with relevant Local Plan Policy TLC5 which seeks to ensure that food, drink and entertainment uses located outside the town centres close no later than 11pm. As such, it is considered appropriate and reasonable in the interests of minimising the impact of the development on the amenity of neighbouring residents to impose a condition limiting the opening hours to the following times;

- Monday - 12noon-10:30pm
- Tuesday - 12noon-10:30pm
- Wednesday - 12noon-11:00pm
- Thursday - 12noon-11:00pm
- Friday - 12noon-11:30pm
- Saturday - 12noon-11:30pm;
- Sunday and Bank Holidays - 12noon-11:00pm.

3.14 Subject to securing these hours by condition and the imposition of the noise-related conditions recommended by the Council's Environment Protection Team it is

considered that the noise levels generated by the proposed development would not have an unduly significant adverse impact on neighbouring residential amenity.

## Odour

3.15 A condition is recommended to require the submission of details of the required commercial kitchen extraction equipment. Part of the details required to address this condition will be the incorporation of adequate odour abatement measures. It is also noted of course that the extraction ducts for the three restaurant areas would all discharge upwards above the extension roof and thus would be well above the level of any openable top-floor residential windows within 20m of the site. Officers are therefore satisfied that any concerns with regard to odour can be satisfactorily addressed by the submission, approval and installation of appropriate odour control measures prior to the commencement of the use. This would include details about the maintenance of this equipment.

## Lighting

3.16 The Applicant's Operational Statement explains that the venue will be mainly illuminated using festoon lighting which uses energy saving 18W bulbs spaced 1 metre apart and that uplighters, LEDs and spots are to be used in walkways and communal areas. All lighting is to be capable of being controlled using a dimmer switch to ensure that consistent low levels of light are maintained and light pollution is minimised as a consequence. Essential emergency evacuation route lighting and illumination of associated signage is also required. All lighting is to be static, i.e., non-flashing. A condition (14) has been recommended to ensure that the brightness of the lighting does not exceed the recommendations in the Institution of Lighting Professionals' 'Guidance notes for the reduction of Light Pollution, 2011'. Subject to this condition it is considered that the artificial light generated by the proposed development would not have an unduly significant adverse impact on neighbouring residential amenity.

## People / Other

3.17 It is noted that many of the other potential impacts on the amenity of the area have been addressed by conditions imposed on the premises licence that the Council has already granted. These essentially cover issues concerned with the safe and responsible management of the premises to ensure that, as far as reasonably possible, the venue will operate at all times with due regard to the need to respect the amenity of local residents and the area. Some of these actions are also set out in the Applicant's Operational Statement which accompanies this application. These include such things as requiring;

- Regular litter collections to be carried out in the immediate vicinity of the building.
- Staff to encourage customers to leave quickly and quietly so as to not cause noise and nuisance to neighbouring residents.
- Notices to be prominently displayed on the premises requesting patrons to respect neighbouring resident's right to peace and quiet.
- The responsible supervision and management of patrons queuing to enter the premises.
- The provision of CCTV within and outside the premises.

- The number and use of Security Industry Authority (SIA) qualified door supervisors to be employed at the premises by the licence holder to be agreed in writing with the Metropolitan Police.
- The operation of a no drugs policy with all staff to be trained in the implementation of the policy and for it to be made available to the Metropolitan Police.
- The emptying/sorting of bottle bins to be undertaken during daytime hours only, i.e., between 8am and 12noon.

3.18 It is important to also note that the submitted Noise Assessment Report (RBA Acoustics, ref. 8515/NAR\_R1, dated 2nd March 2018) has taken account of the likely noise levels generated from patron speech with a 'worst case' scenario of at least half of the maximum capacity of the venue talking at any one time (250 people) used in the assessment.

3.19 As such, it is considered that sufficient mitigation will be in place between the licencing conditions imposed on the premises licence and the planning conditions suggested within this report to ensure that the amenity of local residents and the area in general would be adequately protected in accordance with policies 7.15 (Reducing and managing noise, etc.) of the London Plan (2016) and CC11 (Noise) of the Hammersmith and Fulham Local Plan (2018).

## THE DESIGN OF THE DEVELOPMENT AND ITS IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA AND ON EXISTING HERITAGE ASSETS

3.20 Policy DC1 (Built environment) of the Local Plan (2018) states that all development within the borough, should create a high quality urban environment that respects and enhances its townscape context and heritage assets. There should be an approach to accessible and inclusive urban design that demonstrates how good design, quality public realm, landscaping, heritage assets and land use can be integrated to help regenerate places.

3.21 Further to this, Policy DC4 (Alterations and extensions) of the Local Plan (2018) states that in considering proposals for extensions and alterations to buildings, the Council will take into consideration, among other things, good neighbourliness in particular the amenities of the neighbouring properties, and other properties most directly affected by the proposal.

3.22 In addition, Policy DC8 (Heritage and Conservation) of the Local Plan (2018) states, amongst other things, that the council will aim to protect, restore or enhance the quality, character, appearance and setting of the borough's conservation areas and its historic environment, including listed buildings, historic parks and gardens, buildings and artefacts of local importance and interest, archaeological priority areas and the scheduled ancient monument.

3.23 Officers consider the MSCP in Maclise Road to be listed by virtue of being within the curtilage of the listed Olympia Exhibition Centre and dating from before 1948. It was designed by Joseph Emberton who also designed the Olympia Central exhibition hall. It is located within the setting of the Grade II\* listed Pillar Hall and Grand Hall and the Grade II listed National and Olympia Central Halls at Olympia Exhibition Centre. The site is located adjacent to the Lakeside/Sinclair/Blythe Road Conservation Area.



3.24 The MSCP is currently being assessed by Historic England for statutory listing in its own right. This follows a Historic England Screening for Potential Listing report in December 2017 which identified the potential significance of the building in a national context. Historic England stated that, 'the Olympia Garage is a building of some distinction in architectural and technical terms. The work of the architect, Joseph Emberton, is well represented on the List; some of the most important examples of his work being listed at Grade II\*.'

3.25 The Olympia Garage was England's most modern multi-storey car park at the time of its opening in 1937. With its powerful horizontal banding, it gave outward architectural expression to the underlying structure and function of the 20th-century parking garage to a hitherto unprecedented degree. Architecturally, Emberton's design for the Olympia Garage was inspired by the work of the celebrated architect Erich Mendelsohn, who fled Germany for England in 1933. The extremely long glazing strips, the curved side elevations, and the absence of superfluous ornamentation gave the Olympia Garage a strong streamlined appearance.

3.26 The long main elevation of the Olympia Garage fronts Maclise Road, facing north. It is punctuated by a square recess, positioned off-centre and now screened from the street. This originally accommodated an open-air petrol filling station. The building stands five floors in height and has a straight roofline. The podium of the building, at ground level, is faced in dark brickwork, now painted white. The podium contains the main entrances for the garage and the petrol station. Above the podium, the garage is faced in buff brickwork laid in stretcher bond. It is notable for the four extremely long, continuous, horizontal bands of glazing - relating to internal parking floors - that run across the main elevation, circumnavigating the recessed petrol-station bay and curving gently around the sides to east and west, terminating at stair towers. Notably the car parking decks were designed with staggered floor levels and the alterations relate to the two uppermost floors of the rear deck element.

3.27 The proposed change of use is for a temporary period of up to three years and therefore would not prejudice the continued use of the majority of the MSCP for its original use. The proposed use is considered to be complementary to the original use of the building. It would increase public access to part of the building, allowing its special architectural and historic interest to be better appreciated, which would be a public benefit.

3.28 The addition of a lightweight timber-framed predominantly 'glazed' pergola-like structure and the provision of ancillary services at roof level on the flat roof of the highest and rearmost car park deck would be compatible with the character and appearance of the building. The structure would be set back from the street on Maclise Road, due to the intervening lower car park deck and set away from the key sightline down Sinclair Road from the north. There would be some views of the proposed structure from the street in Olympia Way where it would abut the stair tower. It is therefore considered that the proposed physical alterations to facilitate the change of use would not harm the special interest of the listed building, the settings of the adjacent listed buildings, the character or appearance of the Conservation Area or the setting of the adjacent Conservation Area in accordance with s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act.

3.29 The proposals would therefore be in accordance with Local Plan Policy DC1, DC4 and DC8 and Key Principles AH1 and AH2 of the Planning Guidance Supplementary Planning Document (2018)

## TRANSPORT IMPACTS

### Impact on traffic flow and local on-street parking availability

3.30 The Applicant has submitted trip generation and modal share information, the results of a travel survey of 500+ visitors to one of their existing similar venues, a Transport Assessment and an Outline Travel Plan (Momentum, dated 22/06/2018) and details of car and cycle parking for the venue. The Transport Assessment, among other things, explains the site's location in relation to the local public transport infrastructure.

### Accessibility of the site to public transport

3.31 The site is located in an area with a PTAL (Public Transport Accessibility Level) of 6a (Excellent). In particular it is located adjacent to Kensington (Olympia) station which is a combined TfL Rail and London Underground Station between Kensington and West Kensington on the boundary of west and central London which is managed and served by London Overground and also served by Southern Rail and London Underground services. In addition, Barons Court London Underground Station (Piccadilly and District Lines) lies approximately 960metres away and so is within a 12 minute walk of the site. A further five London Underground Stations are within a short bus or London Overground journey to the site; Shepherd's Bush (Central Line), High Street Kensington (Circle and District Lines), Hammersmith (Hammersmith and City, Piccadilly and District Lines) Goldhawk Road (Metropolitan and Hammersmith and City Lines) and Earl's Court (District and Piccadilly Lines).

3.32 There are a total of 7 bus routes and 16 bus stops located within 640m of the site (which equates to an 8 minute walk). Several bus routes run along Hammersmith Road, including four high frequency services, one 24-hour service and two night-time services.

3.33 There are five TfL Santander cycle hire stations within an 8-minute walk from the site. The closest is located directly north of the site on Maclise Road (24 bicycles) with the next closest situated on Olympia Way adjacent to Hammersmith Road (38 bicycles). A further three TfL Santander cycle hire stations are located at Warwick Road (RBKC) (38 bicycles), Kensington Olympia Station (RBKC) (24 bicycles) and Brook Green (LBHF) (32 bicycles).

3.34 The site is also located within, and is surrounded by, Controlled Parking Zones. The details of which are:

- CPZ Zone B (in which the site is located): Mon-Sun, 9am-7pm, £1.10/30mins
- CPZ Zone BB (Adjacent CPZ): Mon-Fri, 9am-6pm, £1.10/30mins
- CPZ Zone E (Adjacent CPZ): Mon-Sun, 9am-8pm, £1.10/30mins (2hrs at a time only)
- CPZ Zone EE (Adjacent CPZ): Mon-Sun, 9am-8pm, £1.10/30mins

## The Applicant's Transport Impact Information

3.35 The Applicant specialises in large-scale 'pop-up' food and beverage venues and state that since setting up their company they have created and run 'Pergola on the Roof' for 3 seasons at Television Centre, White City, The Prince in Earls Court for 2 seasons, and Pergola Paddington for 3 seasons in Westminster.

3.36 They state that they do not encourage trips by car and that a key factor in the choice of venue location is its accessibility by public transport.

3.37 The Applicant has provided details of a travel survey of over 500 customers travelling to one of their existing venues. The survey shows that 91.2% of people travelled to the venue by train, tube, bus or by walking with only 8.8% arriving by private car (2.9%) or taxi (5.9%).

3.38 They have also provided details of the information on public transport travel options that they promote via the websites for their other existing venues and have provided an example of the public transport promotion information that they could publicise on the website for the proposed development.

3.39 The trip generation and modal share information set out in Table 5.4 (Forecast Trips per Mode) on page 14 of the Transport Assessment is based on a generic Class A3 restaurant use of the same size as that being proposed. Officers consider that the forecasted figures correlate well with the results of the comparable travel survey taken from two of the Applicant's similar-sized existing venues (The Prince in Earls Court and Pergola at Paddington) as they show on average each day 98.6% of customers arriving and 99.4% leaving the site by public transport (train/tube, bus/minibus/coach, on foot or cycling).

3.40 Table 5.4 also shows that 14 taxi trips on average each day are forecast to be made to and from the site (i.e., 7 arriving and 7 departing) of which two (1 arriving and 1 departing) would be during the evening peak hour (5pm-6pm) and 12 trips a day to the site via private vehicle.

3.41 The Transport Assessment concludes that only a very small number of private vehicle trips would be generated and attracted by the proposed development such that any impact on the local highway and public transport networks is anticipated to be negligible.

3.42 Officers have considered all of the submitted transport information and are satisfied (notwithstanding the fact that the venue would be located on the roof of an in-use multi-storey car park) that the combination of (i) the site's 'Excellent' accessibility to all forms of public transport, (ii) the existing on-street car parking restrictions that are in place within the four Controlled Parking Zones surrounding the site, (iii) the nature of the use, i.e., a restaurant where alcohol is served (a clear disincentive to drive a car), (iv) the very limited provision of 10 car parking spaces within Level 5b (immediately below the roof) and, (v) the provision of long and short-stay cycle parking to London Plan standards also within Level 5b, would be sufficient to ensure that no significant on-street overspill parking or traffic congestion would occur within surrounding streets.

3.43 Notwithstanding this and the fact that the proposal seeks a temporary 3 year permission only it is nonetheless considered that it would be prudent to impose a

condition requiring the submission of a detailed Travel Plan and the reporting of performance against its targets within 12 months of the commencement of the use.

### Outline Travel Plan

3.44 Table 3.1 (Proposed Mode Share) of the submitted Outline Travel Plan (OTP) shows that there is a clear aim to increase the combined public transport mode share from 88% to 90.5% over the temporary development's 3-year lifetime (and if achieved would mean that journeys to the site by persons using a private motorised vehicle would fall from 12% to 9.5%). Officers consider this target to be suitably ambitious.

3.45 The OTP also contains a commitment to identify an individual (potentially someone within the buildings facilities management team), to act as the Travel Plan Coordinator once tenants occupy the site and who will be responsible for its implementation and further development. Other suggested measures include;

- ensuring that patrolling security staff are briefed to direct anyone arriving at the venue by car to the limited car parking spaces on Level 5b,
- provision of temporary signage at the adjacent Motorail car park to warn drivers that it is not available to customers,
- operation of a competitive pricing structure and appropriate maximum stay for the limited car parking spaces on Level 5b of the MSCP so as to encourage any motorists to park there rather than within the surrounding streets,
- ensuring all websites with links to the venue will provide prominent and adequate information to encourage travel to the site using public transport,
- monitoring the take up of the on-site cycle parking facilities on Level 5b with a view to providing more if required.

3.46 The OTP is considered to be an acceptable basis upon which to develop a more detailed Travel Plan in due course. To this end a condition is recommended to require the submission of a further detailed Travel Plan for approval and thereafter for a detailed survey to be undertaken at the start of the second year of operation (together with an analysis of performance against the Travel Plan measures) and also submitted for approval.

3.47 Therefore, subject to conditions requiring the submission of a detailed Travel Plan (following on from the submitted Outline Travel Plan) and the delivery and retention of the proposed on-site car (x10) and cycle (x34) parking spaces on Level 5b, it is considered that sufficient mitigation against on-street overspill parking is secured to overcome the concerns expressed by local residents and by the Royal Borough of Kensington and Chelsea.

### Blue Badge parking provision

3.48 The Transport Assessment also notes that sufficient Blue Badge parking bays are available within the ground floor of the MSCP to serve any disabled guests who might travel to the site by car. The combination of an existing lift between the ground and Level 5b and a new platform lift proposed to be installed between Level 5b and the roof as part of the proposed development would facilitate step-free access from the street up to the venue for any persons with mobility and/or other physical impairments.

## Cycle parking provision

3.49 Local Plan Policy T3 requires developments to provide direct, convenient, safe and secure facilities for cyclists. The minimum cycle parking standards in the London Plan suggest that the proposal should provide at least 7 long-stay cycle spaces and 27 short-stay cycle spaces and the development would provide this, as shown on the proposed floor layout for Level 5b (below the roof). Thirty of the spaces would be provided using a double-stacking system with the remaining four provided via Sheffield stands. As the spaces would all be located together, in a convenient and secure location and be protected from the weather and would comply with the West Trans Cycle Parking Guidance 2017, the provision is considered to be acceptable.

## Delivery and servicing

3.50 The Applicant's Operational Statement and the Transport Assessment explains that there are existing off-street loading bays available within the wider Olympia complex, e.g. L-Yard adjacent to the MSCP and accessed via Beaconsfield Terrace Road/Blythe Road) and that the delivery and servicing needs of the venue are anticipated to be approximately 6no. transit van deliveries per day and 2no. 2-axle 14 tonne lorry deliveries per week. Deliveries are proposed to be timed to arrive between 9:00am-12:00pm to avoid overlap with the arrival of customers and to tie in with other deliveries to existing commercial operators within the wider Olympia complex. All goods are to be stored within the site boundary. This arrangement should ensure that the delivery and servicing needs of the development will not have any significant impact on the local highway network and as such is considered to be acceptable.

## Refuse storage and collection

3.51 The Applicant's Operational Statement and the Transport Assessment explains that all waste is to be collected by a waste management company at regular intervals in line with business needs. The Applicant anticipates 4no. waste collections a week of 6 x 1100 Litre Eurobins (4 for landfill waste and 2 for recyclable waste) and states that the removal of refuse and recycling will be arranged in conjunction with Olympia and in line with their current procedures and will not operate outside the hours agreed. It is stated that the bins will be stored within a bin store within the site. A refuse store is shown on the proposed Level 5b layout plan (ref. 1994-004 Rev.Q) and this is considered to be satisfactory.

## 4.0 RECOMMENDATION

4.1 In summary, subject to conditions, it is considered that the proposed temporary use would operate without causing any unduly significant harm to the amenities of neighbouring residential occupiers or businesses by way of noise, odours or light disturbances, traffic or parking congestion.

4.2 In addition, and having regard to its temporary nature, the design and appearance of the proposed extension and alterations to the building are considered to be acceptable such that they would not have an unduly significant or long-term adverse impact on the character and appearance of the host building nor have a significant detrimental impact on the special character, appearance and setting of the surrounding designated heritage assets, not least the Grade II\* Listed Buildings within the OEC and

the Olympia and Avonmore, Lakeside/Sinclair/Blythe Road and Brook Green conservation areas.

4.3 The transport impacts of the proposal are also, subject to conditions, considered to be acceptable. The proposal is therefore considered to comply with the relevant policies in the development plan for the borough and the Government's National Planning Policy Framework and as such is considered to be acceptable.

4.4 Therefore, it is recommended that planning permission and listed building consent be granted for the proposed temporary use and alterations.