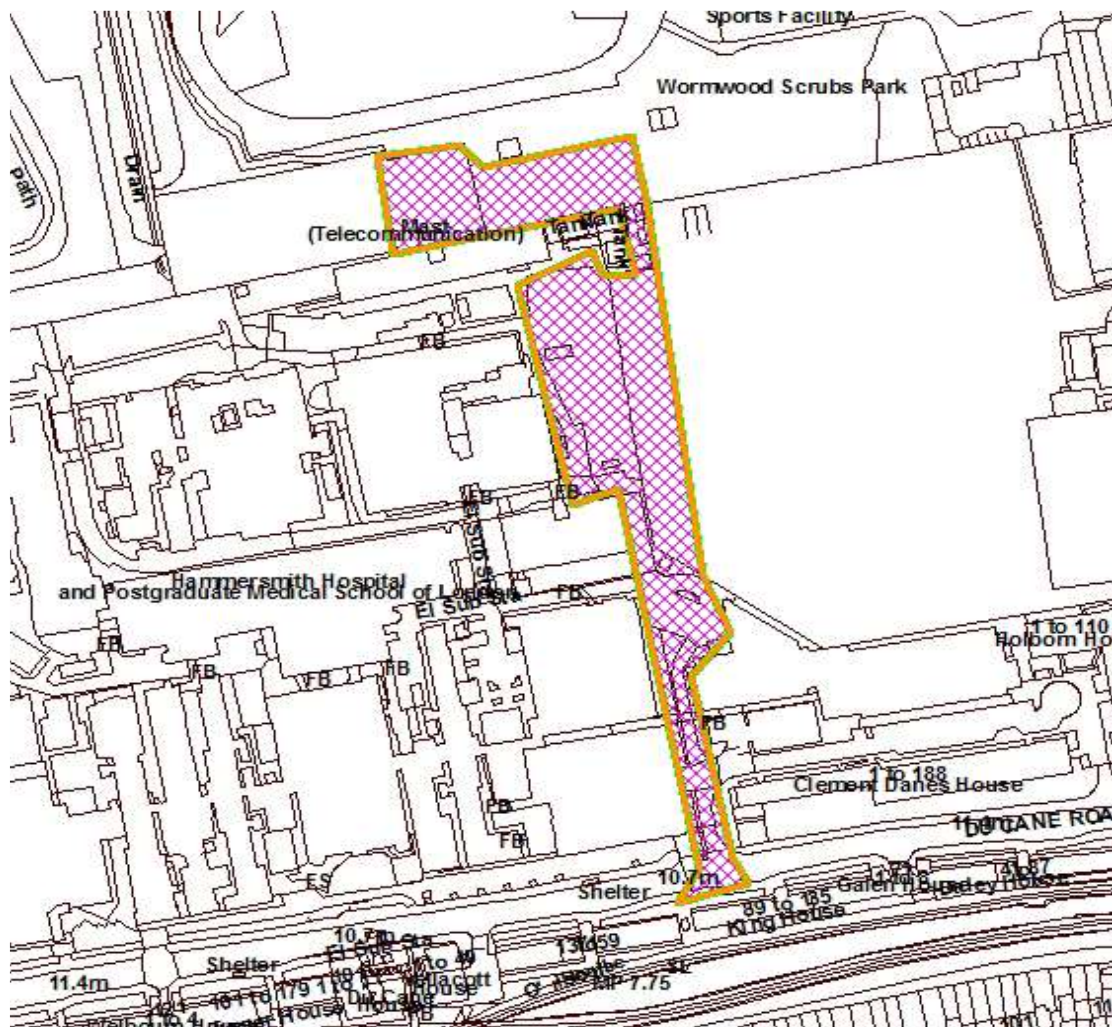


**Ward:** College Park And Old Oak

**Site Address:**

Site Of Former Cyclotron Building And Land  
Adjacent, Hammersmith Hospital, Du Cane Road, London  
W12 0NN; Land At Linford Christie Stadium, Artillery  
Way, Du Cane Road, London W12 0DF; Land At Burlington  
Danes Academy, Wood Lane, London, W12 0HR



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**For identification purposes only - do not scale.**

**Reg. No:**  
2020/01455/VAR

**Case Officer:**  
Matthew Lawton

**Date Valid:**  
16.06.2020

**Conservation Area:**

**Committee Date:**  
02.02.2021

**Applicant:**

Mr Bryan Little

Polaris House North Star Avenue Swindon SN2 1FL

**Description:**

Variation of the wording of condition 33 of planning permission Ref.2018/03667/FUL granted 24th October 2019 for the 'Erection of a part two storey/part nine storey building with plant at ground floor, eighth floor and roof level to provide a biomedical research centre including specialised laboratory and research space, associated offices and support spaces (Class B1 research and development/Class D1 non-residential education institution, 12,045sqm total floorspace), seventh floor external terrace on the eastern side of the building; relocated substation; external cycle storage; associated landscaping; temporary use of adjacent part of Ark Burlington Danes Academy playing field and adjacent part of Linford Christie Stadium land for temporary construction access and logistics operations'. Amendments are proposed to the wording of parts b and c of condition 33 in order to delete references to NOx emissions standards for CHP units (which are not part of the approved development) and the Emergency Diesel Generator Plant (EDGP), along with the use of abatement for the EDGP if the emissions standards cannot be met; to quantify the opacity of EDGP visible emissions; to reduce the maximum hours of operation of the EDGP; and to restrict EDGP testing to hours when the adjacent school's external amenity areas are not in use.

Drg Nos: Email from Agent dated 22/1/20; Drawings as per condition 2.

**Application Type:**

Vary or Delete Conditions Full/Outline

**Officer Recommendation:**

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

**Conditions:**

- 1) The development hereby permitted shall not commence later than the expiration of 3 years beginning with the date of the planning permission Ref.2018/03667/FUL, dated 24th October 2019.

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

- 2) The development shall be carried out and completed only in accordance with the following approved drawing Nos.:

HMLMS1700-HBA-B1-ZZ-A-PL\_140 Rev.PL4, HMLMS1700-HBA-B1-ZZ-A-PL\_141 Rev.PL3, HMLMS1700-HBA-B1-00-A-PL\_142 Rev.PL3, HMLMS1700-HBA-B1-01-A-PL\_143 Rev.PL2, HMLMS1700-HBA-B1-02-A-PL\_144 Rev.PL2, HMLMS1700-HBA-B1-03-A-PL\_145 Rev.PL2, HMLMS1700-HBA-B1-04-A-PL\_146 Rev.PL2, HMLMS1700-HBA-B1-05-A-PL\_147 Rev.PL2, HMLMS1700-HBA-B1-06-A-PL\_148 Rev.PL2, HMLMS1700-HBA-B1-07-A-PL\_149 Rev.PL2, HMLMS1700-HBA-B1-08-A-PL\_150 Rev.PL2, HMLMS1700-HBA-B1-08M-A-PL\_151 Rev.PL2, HMLMS1700-HBA-B1-09-A-PL\_152 Rev.PL2, HMLMS1700-HBA-B1-ZZ-A-PL\_160 Rev.PL3, HMLMS1700-HBA-B1-ZZ-A-PL\_161 Rev.PL2, HMLMS1700-HBA-B1-ZZ-A-PL\_162 Rev.PL2, HMLMS1700-HBA-B1-ZZ-A-PL\_170 Rev.PL2, HMLMS1700-HBA-B1-ZZ-A-PL\_171 Rev.PL2 & HMLMS1700-HBA-B1-ZZ-A-PL\_172 Rev.PL2

In order to ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with policies 7.1, 7.2, 7.3, 7.4, 7.6, and 7.21 of the London Plan (2016) and policies DC1, DC2 and DC8 of the Local Plan (2018).

- 3) Prior to commencement of the relevant part of the development hereby permitted, details of the hard and soft landscaping of all areas external to the building, including planting and paving, detailed drawings at a scale of not less than 1:20 of fences, gates and other means of enclosure shall have been submitted to, and approved in writing by, the Council, and the development shall not be used until such hard landscaping as is approved has been carried out. Any permeable hard surfacing shall use infiltration unless the ground conditions are identified to be unsuitable. Soft landscaping shall be carried out during the first planting season available. Any soft landscaping removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of similar size and species to that originally required to be planted.

To ensure a satisfactory external appearance and satisfactory provision for permeable surfaces in accordance with policies DC1, DC2, DC8 and OS5 of the Local Plan (2018).

- 4) The development hereby permitted shall be completed in full accordance with the Construction Management Plan approved under application Ref.2019/03191/DET.

To ensure that construction works do not adversely impact on the operation of the public highway, and 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 T1, T6, T7, CC10, CC11, CC12 and CC13 of the Local Plan (2018).

- 5) The development hereby permitted shall be completed in full accordance with the Construction Logistics Plan approved under application Ref.2019/03191/DET.

To ensure that construction works do not adversely impact on the operation of the public highway, in accordance with policies T1, T6, T7, CC10, CC11, CC12 and

CC13 of the Local Plan (2018).

- 6) The development hereby permitted shall be completed in full accordance with the details of fenestration approved under application Ref.2020/00507/DET.

To ensure a satisfactory external appearance and to prevent harm to the street scene and to preserve the character and appearance of the area and nearby conservation areas in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 7) The development hereby permitted shall be completed in full accordance with the details of materials to be used in the external faces of the building approved under application Ref.2020/00507/DET. The development shall be permanently retained as such thereafter.

To ensure a satisfactory external appearance and to prevent harm to the street scene and to preserve the character and appearance of the area in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 8) The development hereby permitted shall be completed in full accordance with the detailed drawings of typical bays of the building (including the proposed chimneys) approved under application Ref.2020/01241/DET.

To ensure a satisfactory external appearance and prevent harm to the street scene, in accordance with policies DC1, DC5 and DC8 of the Local Plan (2018).

- 9) The Class B1 research and development and Class D1 non-residential education institution uses hereby permitted shall only be used for these purposes and for no other purpose (including any other separate purpose in Classes B1 and D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

In granting this permission, the Council has had regard to the special circumstances of the case. Certain other uses within the same use class may be unacceptable due to effect on residential amenity or traffic generation, in accordance with policies CC13 and T3 of the Local Plan (2018).

- 10) The development hereby permitted shall not be occupied until 49 long-stay secure, covered cycle parking spaces and 13 short-stay cycle parking spaces have been provided. The cycle parking shall be permanently retained for the lifetime of the development and shall be permanently accessible for the storage of bicycles for staff and visitors to the development.

To ensure the suitable provision of cycle parking within the development to meet the needs of future site occupiers and users, in accordance with policies 6.9 and 6.13 of The London Plan (2016) and policy T7 of the Local Plan (2018).

- 11) With the exception of the terrace areas indicated on the approved drawings, no part of any other roof of the approved development shall be used as a terrace or other amenity space. The upper floor terrace and balcony areas shall not be used

after 21:30 and before 0800 the following day Mondays to Fridays and shall not be used after 21:30 and before 0900 hours the following day on Saturdays, Sundays and Bank Holidays. No live or amplified music shall be played or performed on the external terrace areas hereby approved.

To safeguard the amenities of the occupiers of neighbouring properties, and to avoid overlooking and loss of privacy and the potential for additional noise and disturbance, in accordance with policies CC11 and HO11 of the Local Plan 2018.

- 12) The development hereby permitted shall be completed in full accordance with the preliminary risk assessment approved under application Ref.2019/03231/DET.

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

- 13) The development hereby permitted shall be completed in full accordance with the site investigation scheme approved under application Ref.2019/03231/DET.

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

- 14) The development hereby permitted shall be completed in full accordance with the quantitative risk assessment approved under application Ref.2019/03231/DET.

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

- 15) The development hereby permitted shall be completed in full accordance with the remediation method statement approved under application Ref.2019/03231/DET.

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

- 16) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until the approved remediation method statement has been carried out

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

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

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

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

- 18) Prior to occupation of the development hereby permitted a Low Emission Strategy for the operational phase in order to mitigate the impact of air pollution 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. 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 poor air quality and to help mitigate the development's air pollution impacts, in particular the emissions of NOx and particulates from on-road vehicle

transport by the use of Ultra Low Emission Zone (ULEZ) compliant Vehicles in accordance with the emissions hierarchy (1) Cargo bike (2) Electric Vehicle, (3) Hybrid (non-plug in) Electric Vehicle (HEV), (4) Plug-in Hybrid Electric Vehicle (PHEV), (5) Alternative Fuel e.g. CNG, LPG, and energy generation sources. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

To comply with the requirements of the NPPF (2019), Policies 7.14a-c of the London Plan (2016) and policy CC10 of the Local Plan (2018).

- 19) Prior to occupation the development hereby permitted shall be carried out in full accordance with the statement of how 'Secured by Design' requirements are to be adequately achieved, approved under application Ref.2019/01186/DET, and retained as such thereafter.

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

- 20) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 part of the development hereby permitted, without planning permission first being obtained.

In order to ensure that the Council can fully consider the effect of telecommunications equipment upon the appearance of the building, in accordance with policies DC1, DC2 and DC8 of the Local Plan 2018.

- 21) The development hereby approved shall not be occupied before a Refuse Management Plan, including full details of refuse storage (including provision for the storage of recyclable materials) have been submitted to, and approved in writing by, the Council. The approved details shall be implemented prior to the occupation of the development and shall thereafter be permanently retained. All refuse/recycling generated by the development hereby approved shall be stored within the agreed areas. These areas shall be permanently retained for this use. Refuse and recyclables shall be stored only within the curtilage of the application site except on collection days.

To ensure that the use does not give rise to smell nuisance and to prevent harm arising from the appearance of accumulated rubbish, in accordance with policies DC4 and CC7 of the Local Plan (2018) and Key principles WM1 to WM11 of the Planning Guidance Supplementary Planning Document (2018).

- 22) Other than structures shown on the plans hereby approved, or in details required by condition, no water tanks, water tank enclosures or other structures shall be erected upon the flat roofs of the building hereby permitted.

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

- 23) Other than as shown on the plans hereby approved, or in details required by condition, no plumbing, extract flues or pipes, other than rainwater pipes, may be fixed on the elevations of the building hereby permitted.

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

- 24) No trees surrounding the site shall be topped, lopped, felled or wilfully destroyed without the prior approval in writing of the Council.

To ensure that the Council is able to properly assess the impact of the development on any trees and prevent their unnecessary loss, in accordance with policies DC1, DC4, DC8 and OS5 of the Local Plan (2018).

- 25) The development hereby permitted shall be completed in full accordance with the Arboricultural Method Statement and Tree Protection Plan approved under application Ref.2019/03191/DET.

To ensure that trees within the site are retained and to prevent harm during the course of the construction, in accordance with policies DC1, DC4, DC8 and OS5 of the Local Plan (2018).

- 26) Prior to the installation of the solar panels hereby approved, details of the solar panels including details of the angle of the PV panels relative to the surface of the roof, shall be submitted to, and approved in writing, by the Council. The development shall not be used/occupied until the scheme has been carried out in accordance with the approved details, and it shall thereafter be permanently retained as such.

To ensure a satisfactory external appearance, and to prevent harm to the area, in accordance with policies 5.3, 7.6 and 7.7 of The London Plan (2016), policies DC1, DC4 and DC8 of the Local Plan (2018).

- 27) The development hereby permitted shall be completed in full accordance with the scheme for temporary site hoarding and/or enclosure of the site approved under application Ref.2019/03191/DET. The site hoarding and/or enclosure shall be erected in accordance with the approved details and retained for the duration of the building works. No part of the site hoarding and/or enclosure of the site shall be used for the display of advertisement hoardings.

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

- 28) Other than as shown on the plans hereby approved, no external roller shutters shall be attached to the building at ground floor level.

To ensure a satisfactory external appearance and to prevent harm to the street scene and to preserve the character and appearance of the area in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).



- 29) Air-conditioning units, ventilation fans and extraction equipment not shown on the approved drawings shall not be installed on the exterior of the building without planning permission first being obtained.

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 and DC8 of the Local Plan (2018).

- 30) Prior to occupation of the Development hereby permitted, a Delivery and Servicing Management Plan (DSMP), shall be submitted to and approved in writing by the Local Planning Authority. The DSMP shall include, freight consolidation facilities, vehicle tracking, detail the management of deliveries, emergency access, collection of waste and recyclables, times and frequencies of deliveries and collections, silent reversing methods, Use of Ultra Low Emission Zone (ULEZ) compliant vehicles, location of loading bays with active electric vehicle charging points and vehicle movement in respect of the relevant Phase. The approved measures for the relevant part of each Phase shall be implemented and thereafter retained for the lifetime of the residential or commercial uses in the relevant part of the site.

To ensure satisfactory provision for servicing and to prevent noise and disturbance to neighbouring residents, in accordance with policies CC11 and CC13 of the Local Plan (2018) and Key Principle TR27 of the Planning Guidance Supplementary Planning Document (2018).

- 31) Neither music nor amplified voices emitted from the building hereby permitted shall be audible at any residential/noise sensitive premises.

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.

- 32) The development hereby permitted shall be constructed and operated in accordance with the Design and Access Statement Addendum dated 15.02.19.

To ensure that the proposal provides an inclusive and accessible environment in accordance with policy DC2 of the Local Plan (2018) and The London Plan (2016) policy 7.2.

- 33) Prior to the occupation of the development hereby permitted, a report with details of the combustion plant in order to mitigate air pollution shall be submitted to and approved in writing by the council. The report shall include the following:

- a) Details to demonstrate that the termination height of the shared Flue stack for the combustion Plant has been installed a minimum of 2 metres above any openable window and/or roof level amenity area of the development plot and comply with the overriding minimum requirements for Chimney heights memorandum of the third edition of the 1956 Clean Air Act.
- b) Details of emissions certificates, and the results of NO<sub>x</sub> emissions testing of each Ultra Low NO<sub>x</sub> gas boiler and Gas fired Humidifiers to demonstrate that

all the Ultra Low NOx Gas fired boilers shall meet a minimum dry NOx emissions standard of 30 mg/kWh (at 0% O2) by an MCERTS accredited organisation shall be provided following installation and thereafter on an annual basis to verify compliance of the relevant emissions standards in part b). Where any combustion plant does not meet the relevant emissions Standards in part b) above, it should not be operated without the fitting of suitable secondary NOx abatement Equipment or technology as determined by a specialist to ensure comparable emissions.

- c) During the operation of the emergency Diesel generators there must be no persistent visible emission with opacity greater than 20%. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications. The diesel fuelled generators shall only be used for a maximum of 36 hours when there is a sustained interruption in the mains power supply to the site, and the testing of these diesel generators shall not be undertaken when the Ark Burlington Danes Academy School external amenities areas i.e. 3G pitch, MUGA and Grass Playing Fields are in use and shall not exceed a maximum of 12 hours per calendar year.

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

To comply with the requirements of the NPPF (2019), policies 7.14a-c of The London Plan (2016) and policy CC10 of the Local Plan (2018).

- 34) The development hereby permitted shall be completed in full accordance with the details of any window cleaning equipment including appearance, means of operation and storage approved under application Ref.2020/01241/DET.

To ensure a satisfactory external appearance and to prevent harm to the street scene and to preserve the character and appearance of the area in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 35) No works shall commence on the relevant part of the development until detailed plans, sections and elevations at a scale of 1:20 of the rooftop plant and plant screening have been submitted to, and approved in writing by, the Council. The development shall be carried out in accordance with the details as approved.

To ensure a satisfactory external appearance and to prevent harm to the street scene and to preserve the character and appearance of the area in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 36) The development shall contain at least one fire rated lift, details of which shall be submitted to the Local Planning Authority and approved in writing prior to the occupation of the building. All lifts within the building shall have enhanced lift repair service running 365 day/24 hour cover to ensure that no building users (including wheelchair users) are trapped if a lift breaks down. The fire rated lift(s) shall be installed as approved and maintained in full working order for the lifetime of the development.

To ensure that the proposal provides an inclusive and accessible environment, in accordance with policy DC4 of the Local Plan (2018) and The London Plan (2016)

policy 7.2.

- 37) The development hereby permitted shall not be occupied before implementation of the sustainable design and construction measures proposed which also includes energy efficiency, low/zero carbon and renewable energy measures detailed in the submitted Energy and Sustainability Statement, Revision 04 dated 14 March 2019 (including installation of a radial only connection to the existing heat network). All details shall be implemented prior to occupation/use of the development hereby permitted, and thereafter be permanently retained.

To ensure the sustainability of the development and the integration of energy generation from renewable sources, consistent with the Mayor's sustainable design objectives in accordance with policies 5.1, 5.2, 5.3 and 5.7 of The London Plan (2016) and policies CC1 and CC2 of the Local Plan (2018).

- 38) The development shall be implemented in accordance with the recommended flood mitigation measures and sustainable drainage measures as proposed in the submitted Flood Risk Assessment Revision 03 dated 12 March 2019, unless otherwise agreed in writing by the local planning authority. The recommended mitigation measures shall be permanently retained thereafter.

To prevent the increased risk of flooding and to protect existing and future occupants, and to ensure that surface water run-off is managed in a sustainable manner, in accordance with policy 5.13 of The London Plan (2016) and policies CC3 and CC4 of the Local Plan (2018).

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

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

- 40) Other than those shown on the plans hereby approved, no advertisements shall be displayed on either the external faces of the development and/or inside any windows, without details of the advertisements having first been submitted to, and agreed in writing by, the Council.

To ensure a satisfactory external appearance and to prevent harm to the street scene and to preserve the character and appearance of the conservation area in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 41) The development hereby permitted shall be completed in full accordance with the full detailed design of the proposed blue and green roofs approved under application Ref.2020/01241/DET. The blue and green roofs shall be implemented in accordance with the approved details prior to occupation/use of the

development hereby permitted, and thereafter be permanently retained and maintained in line with the agreed details.

To ensure acceptable surface water management, in accordance with policy 5.13 of The London Plan (2016) and policies CC3 and CC4 of the Local Plan (2018).

- 42) The development hereby permitted shall not be occupied or used until full details of the shower rooms and changing areas (including the number of showers) to be provided in the building for use by employees are submitted to, and approved in writing by, the Council. Such details as are approved shall be provided prior to first use and they shall be permanently retained for the use of employees.

In order to ensure satisfactory facilities for staff including cyclists, in accordance with policy T3 of the Local Plan (2018).

- 43) External artificial lighting at the development shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals in the 'Guidance 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.

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

- 44) The development hereby permitted shall be completed in full accordance with the Air Quality Dust Management Plan approved under application Ref.2019/03191/DET. Approved details shall be fully implemented and permanently retained and maintained during the construction phases of the development.

To comply with the requirements of the NPPF (2019), Policies 7.14a-c of the London Plan (2016) and policy CC10 of the Local Plan (2018).

- 45) Prior to the occupation of the development a Car Park Management Plan shall be submitted to, and approved in writing by, the Council. Parking arrangements shall be carried out in accordance with the approved details, and shall be retained permanently thereafter.

To ensure the sustainable provision of car parking within the development to meet the needs of future site occupiers and users, in accordance with Policies 6.13 and 7.2 of the London Plan (2016) and policies T1 and T4 of the Local Plan (2018).

- 46) Prior to the occupation of the development a scheme to provide a car club space on site, or to facilitate the use of an existing car club with vehicles in the vicinity of the site, shall be submitted to, and approved in writing by, the Council. The development shall be carried out in accordance with the approved details, and shall be maintained permanently thereafter.

To ensure the sustainable provision of car parking within the development to meet the needs of future site occupiers and users, in accordance with policies 6.13 and

7.2 of the London Plan (2016) and policies T1 and T4 of the Local Plan (2018).

- 47) Use of the development hereby permitted shall not commence until the parking space for use by disabled persons (which shall be clearly marked out as such) as detailed on the approved drawings has been provided. This arrangement shall thereafter be retained permanently.

To ensure the provision and permanent retention of a space for parking purposes for disabled persons, in accordance with London Plan (2016) Policy 7.2, Policy T5 of the Local Plan (2018), and Key Principles DA1, DA2 and DA3 of the Planning Guidance Supplementary Planning Document (2018).

- 48) Prior to occupation the development hereby permitted, details of tree planting along the northern edge of the hospital campus within the Linford Christie Stadium site shall have been submitted to, and approved in writing by, the Council. Tree planting in accordance with the details as approved shall be carried out during the first planting season available following their approval. Any tree removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree of similar size and species to that originally required to be planted. The development shall be carried in accordance with the approved details.

To ensure that additional trees are appropriately provided, in accordance with policies DC1, DC4, DC8 and OS5 of the Local Plan (2018).

- 49) No development shall commence until the playing pitch at Ark Burlington Danes Academy which will be temporarily lost during the construction of the development is replaced elsewhere. The replacement playing pitch shall remain in existence for as long as the construction zone at Ark Burlington Danes Academy is in existence.

To protect from loss of availability of use during the construction of the development, in accordance with Local Plan (2018) policies CF1, CF3 and OS1.

- 50) In the first planting season following the removal of the construction zone within the Ark Burlington Danes Academy, the playing field temporarily lost during construction must be reinstated to at least the same quality as prior to the temporary loss.

To ensure the site is restored to a condition fit for purpose, in accordance with Local Plan (2018) policies CF1, CF3 and OS1.

- 51) Within eighteen months of the removal of the construction zone within Linford Christie Stadium, the tennis courts temporarily lost during construction must be reinstated to a playable standard.

To ensure the site is restored to a condition fit for purpose, in accordance with Local Plan (2018) policies CF1, CF3 and OS1.

## **Justification for Approving the Application:**

- 1) The proposed variation of Condition 33 of planning permission Ref.2018/03667/FUL meets the requirements to be processed under Section 73 of the Town and Country Planning Act 1990.
  1. Land Use: The principle and land use of the development hereby approved is acceptable and in compliance with national, regional, and local strategic policy context the development would have a positive impact on the local economy, which complies with the economy and employment context set out within NPPF (2019) chapter 6 'Building a strong, competitive economy', London Plan (2016) policies 1.1, 2.1, 3.17, 3.18, 4.1, 4.10 and 4.12 and Local Plan (2018) policies E1, E2 and E4.
  2. Design and Conservation: The proposed development would be a high quality development which would have regard to the pattern and grain of existing development in the area and make a positive contribution to the urban environment. The proposed development would be compatible with the scale and character of existing development and its setting. The proposal would preserve the setting the nearby conservation areas, listed buildings and Buildings of Merit. The development would therefore be acceptable in accordance with the NPPF (2019), Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, London Plan (2016) policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.17 and 7.21 and policies DC1, DC2, DC3 and DC8 of the Local Plan (2018).
  3. Landscaping and Biodiversity: Landscaping would be provided by the development, enhancing biodiversity, which complies with the relevant planning policy context set out in the London Plan (2016) policies 7.5, 7.19, 7.21 and Local Plan (2018) policies OS1 and OS5.
  4. Impact on Neighbouring Residents: The impact of the proposed development upon neighbouring occupiers is considered to be acceptable with regards to noise and impacts on overlooking, sunlight, daylight and outlook. In this regard the development would respect the principles of good neighbourliness. The development would therefore be acceptable in accordance with policy 7.15 of the London Plan (2016), policies CC11, CC13 and DC2 of the Local Plan (2018) and the relevant Key principles of the Planning Guidance Supplementary Planning Document (2018).
  5. Safety and Access: The development would provide a safe and secure environment for all users in accordance with London Plan (2016) policy 7.3 and policies DC1 and DC2 of the Local Plan (2018). The proposal would provide ease of access for all people, including disabled people, in accordance with London Plan (2016) policy 3.8, policies DC1 and DC2 of the Local Plan (2018) and Key principles DA1, DA4, DA5 and DA6 of the Planning Guidance Supplementary Planning Document (2018).
  6. Transport: There would be no adverse impact on traffic generation and the scheme would not result in congestion of the road network. Conditions would

secure the provision of cycle and refuse storage. The development would therefore be acceptable in accordance with the NPPF (2019), London Plan (2016) policies 6.1, 6.3, 6.9, 6.10, 6.11, 6.12 and 6.13, policies CC7, T1, T2, T3, T4 and T7 of the Local Plan (2018), and Key principles TR3, TR12 and WM9 of the Planning Guidance Supplementary Planning Document (2018).

7. Flood Risk: A Flood Risk Assessment (FRA) has been submitted as required. Detailed drainage matters would be secured by condition. In this respect the proposal is therefore in accordance with the NPPF (2019), London Plan (2016) policies 5.11, 5.12, 5.13, 5.14 and 5.15, policies CC1, CC3, CC4 and CC5 of the Local Plan (2018) and Key principles FR1, FR2 and FR3 of the Planning Guidance Supplementary Planning Document (2018).
8. Energy and Sustainability: An Energy Statement has been submitted outlining the energy efficiency and low/zero carbon measures to be implemented as part of the development with the aim of minimising energy use and associated CO2 emissions. The proposal would be consistent with consistent with the Mayor of London's sustainable design objectives in accordance with NPPF (2019) chapter 14 'Meeting the challenge of climate change, flooding and coastal change', policies CC1, DC1 and DC2 of the Local Plan (2018) and policies 5.1, 5.2, 5.3 5.4A, 5.6, 5.7, 5.8, 5.9, 5.10 and 5.11 of The London Plan (2016).
9. Land Contamination: Conditions would ensure that the site would be remediated to an appropriate level for the proposed uses. The proposed development therefore accords with policy 5.21 of the London Plan (2016), policies CC9 and CC13 of the Local Plan (2018), and Key principles LC1, LC2, LC4, LC5, LC6 and LC7 of the Planning Guidance Supplementary Planning Document (2018).
10. Air Quality: With regards to air quality considerations, the Council's Environmental Quality Team have reviewed the Air Quality Assessment submitted with the application proposal and consider, subject to additional mitigation, the development would be acceptable and compliant with London Plan (2016) policy 7.14 and Local Plan (2018) policy CC10.
11. Planning Obligations: The application to be amended by way of varying Condition 33 of the former planning permission, proposes that its impacts are mitigated by way of a financial contribution to implement proposals in the Council's Air Quality Action Plan. The proposed development, as amended, would therefore mitigate air quality impacts and would accord with policy CC10 of the Local Plan (2018) and policy 7.14 of The London Plan (2016).

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

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

Application form received: 10th June 2020

Drawing Nos: see above

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

**Consultation Comments:**

**Comments from:**

**Dated:**

**Neighbour Comments:**

**Letters from:**

**Dated:**

1.0 BACKGROUND

- 1.1 The application site is 0.185 hectares in area. This site is located on the eastern side of the Hammersmith Hospital campus, to the north of Du Cane Road. The site was formerly occupied by a part 9/part 3 storey Cyclotron Building and the associated 3 storey Annexe Building. These buildings were demolished in 2014, having remained in use and full occupation for the diagnosis and treatment of a range of diseases until 2012. The previously approved development to which this Section 73 (S73) application relates is currently under construction.
- 1.2 The site is surrounded to the south and west by large buildings which form part of the Imperial College campus at the hospital. To the immediate east of the site are playing fields for the adjacent Ark Burlington Danes Academy, and to the north are the Linford Christie sports facility and beyond that Wormwood Scrubs which both form part of designated Metropolitan Open Land.
- 1.3 None of the hospital campus buildings are statutorily listed, although the adjacent Wolfson Institute and the main southern entrance to the hospital and adjoining administration block are locally listed as buildings of merit (BOM).
- 1.4 The Old Oak & Wormholt Conservation Area lies approximately 210m from the site to the south and 250m from the site to the west is Wormwood Scrubs prison which contains Grade II and II\* listed buildings, and 320m to the east the Grade II listed building within Ark Burlington Danes Academy.
- 1.5 Pedestrian and Vehicular access to the site is off Du Cane Road (a Local Distributor Road), via an undercroft beneath the Commonwealth building. The application site falls within a location which has a PTAL level of 2 (poor), rising to 3 (moderate) at the entrance to this part of the hospital site from Du Cane Road. The main entrance to the hospital, however, has a PTAL level of 5 (very good). The site is served by 5 bus routes along Du Cane Road and is within 15-20 minutes walking distance of three underground stations.
- 1.6 The site lies within the Environment Agency's Flood Risk Zone 1.

Relevant Planning History



- 1.7 2014/00275/SCREIA - Screening opinion for the demolition of the part 9 / part 3 storey Cyclotron Building and the associated 3 storey Annexe Building within Hammersmith Hospital campus. Opinion issued 25/4/14 - not EIA development.
- 1.8 2014/00912/DEM - Demolition of the part 9 / part 3 storey Cyclotron Building and the associated 3 storey Annexe Building within Hammersmith Hospital campus - Granted 25/4/14.
- 1.9 2018/03667/FUL - Erection of a part two storey/part nine storey building with plant at ground floor, eighth floor and roof level to provide a biomedical research centre including specialised laboratory and research space, associated offices and support spaces (Class B1 research and development/Class D1 non-residential education institution, 12,045sqm total floorspace), seventh floor external terrace on the eastern side of the building; relocated substation; external cycle storage; associated landscaping; temporary use of adjacent part of Ark Burlington Danes Academy playing field and adjacent part of Linford Christie Stadium land for temporary construction access and logistics operations - Granted 24/10/19, accompanied by a S106 legal agreement securing:
- Support for employment, training and local business including a contribution of £158,750.
  - A contribution of £20,000 to improve and promote walking and cycling routes, such as Legible London wayfinding (to include future updates and maintenance as necessary).
  - Commercial and construction workers travel plans.
  - Payments of £3,000 per travel plan at years 1, 3 and 5 (annually until completion for the construction workers travel plan) to fund the review of each of the development's travel plans.
  - A payment to fund local CO2 reduction measures (estimated to be £107,698).
  - A S278 legal agreement relating to works to the site access.
- 1.10 2019/03191/DET - Submission of details of a Construction Management Plan, pursuant to Condition 4; details of a Construction Logistics Plan, pursuant to Condition 5; details of an Arboricultural Method Statement, pursuant to Condition 25; details of a scheme for temporary site hoarding, pursuant to Condition 27; and details of an Air Quality Dust Management Plan (AQDMP), pursuant to Condition 44 of planning permission reference: 2018/03667/FUL dated 24th October 2019 – Approved 23/12/19.
- 1.11 2019/03231/DET - Submission of details of a preliminary risk assessment report, pursuant to Condition 12; details of a site investigation scheme, pursuant to Condition 13; details of a quantitative risk assessment report, pursuant to Condition 14; and details of a remediation method statement, pursuant to Condition 15 of planning permission reference: 2018/03667/FUL dated 24th October 2019 – Approved 23/12/19.
- 1.12 2020/01186/DET - Submission of details of a statement of how 'Secured by Design' requirements are to be adequately achieved, pursuant to Condition 19 of planning permission reference: 2018/03667/FUL dated 24th October 2019 – Approved 8/7/20.

- 1.13 2020/01698/NMAT - Non-material amendment to planning permission Ref.2018/03667/FUL granted 24th October 2019 for the 'Erection of a part two storey/part nine storey building with plant at ground floor, eighth floor and roof level to provide a biomedical research centre including specialised laboratory and research space, associated offices and support spaces (Class B1 research and development/Class D1 non-residential education institution, 12,045sqm total floorspace), seventh floor external terrace on the eastern side of the building; relocated substation; external cycle storage; associated landscaping; temporary use of adjacent part of Ark Burlington Danes Academy playing field and adjacent part of Linford Christie Stadium land for temporary construction access and logistics operations.' Amendments to include: Removal of perforated panels from the atrium on the east elevation (including removal of beam at level 1 and mullions of atrium glazing to be re-aligned to align with glazing into reception), change to panel layout - increasing the height of the upper-most panel to the base, addition of a door to the nitrogen store on the west elevation, addition of four louvres to the doors and two additional exposed louvres in the facade (colour matched to facade) on the north elevation - Granted 21/8/20.
- 1.14 2020/00507/DET - Submission of details and samples of the proposed fenestration, including opening style, pursuant to Condition 6; and details and samples of all materials to be used in the external faces of the building, including a sample panel erected onsite for the Council's inspection and approval prior to the commencement of the works, pursuant to Condition 7 of planning permission reference: 2018/03667/FUL dated 24th October 2019 - Approved 27/8/20.
- 1.15 2020/01241/DET - Submission of detailed drawings of typical bays of the building (including the proposed chimneys) in plan, section and elevation at a scale of no less than 1:20, pursuant to Condition 8; details of any window cleaning equipment including appearance, means of operation and storage, pursuant to Condition 34; and the full detailed design of the proposed blue and green roofs, to include details of the substrate depth and confirmation of the attenuation volume provided, pursuant to Condition 41 of planning permission reference: 2018/03667/FUL dated 24th October 2019 - Approved 27/8/20.

#### Current proposal

- 1.16 The current application proposes the variation of the wording of condition 33 of planning permission Ref.2018/03667/FUL granted 24th October 2019 for the 'Erection of a part two storey/part nine storey building with plant at ground floor, eighth floor and roof level to provide a biomedical research centre including specialised laboratory and research space, associated offices and support spaces (Class B1 research and development/Class D1 non-residential education institution, 12,045sqm total floorspace), seventh floor external terrace on the eastern side of the building; relocated substation; external cycle storage; associated landscaping; temporary use of adjacent part of Ark Burlington Danes Academy playing field and adjacent part of Linford Christie Stadium land for temporary construction access and logistics operations'.
- 1.17 Amendments are proposed to the wording of parts b and c of condition 33 in order to delete references to NOx emissions standards for Combined heat and power (CHP) units (which are not part of the approved development) and the Emergency

Diesel Generator Plant (EDGP), along with the use of abatement for the EDGP if the emissions standards cannot be met. In lieu of the provision of mitigation measures to meet the specified NOx emissions standards for the EDGP, a financial contribution to implement proposals in the Council's Air Quality Action Plan is proposed.

## 2.0 PUBLICITY and CONSULTATIONS

2.1 The current application was publicised by the Council by way of press and site notices posted in July 2020, and 665 notification letters were sent to individual properties in the vicinity of the site.

2.2 To date no responses from the public have been received.

Responses from other consultees

2.3 The application was brought to the attention of the Greater London Authority (GLA) who deemed it to be non-referable under the Town and Country Planning (Mayor of London) Order 2008.

## 3.0 POLICY FRAMEWORK

3.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England.

3.2 Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act).

3.3 In this instance the statutory development plan comprises the London Plan (2016), the Local Plan (2018) and the Planning Guidance Supplementary Planning Document (2018). A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application.

National Planning Policy Framework (NPPF, February 2019)

3.4 The application has been evaluated against the Development Plan and the NPPF and the Authority has assessed the application against the core planning principles of the NPPF and whether the proposals deliver 'sustainable development'.

3.5 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any

adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

#### The London Plan

- 3.6 The London Plan was published in July 2016. It sets out the overall strategic plan for London and a fully integrated economic, environmental, transport and social framework for the development of the Capital over the next 20-25 years. It forms part of the development plan for Hammersmith and Fulham.

#### The Draft New London Plan

- 3.7 On 29 November 2017, the Greater London Authority published their Draft London Plan. The consultation period ended on 2 March 2018. In August 2018 the Mayor published a revised version of the draft Plan that includes minor suggested changes. Consultation comments relating to the draft Plan have been reviewed by the independent Planning Inspector appointed by the Secretary of State (SoS) and the Plan's formal Examination in Public (EIP) took place from January to May 2019. The Mayor has considered the Inspectors' recommendations and further recommendations from the SoS and published the 'Publication London Plan' in December 2021. On 21 December 2020 the Mayor issued to the Secretary of State his intention to publish the London Plan. The SoS has indicated that they will respond to this by 1 February 2021. Where a policy in the 'Publication London Plan' has not been queried by the SoS it has significant weight.

#### The Local Plan (February 2018)

- 3.8 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.
- 3.9 With regard to this application, all planning policies in the National Planning Policy Framework (NPPF), London Plan (2016), Local Plan (2018), and Planning Guidance Supplementary Planning Document (SPD) which have been referenced where relevant in this report have been considered with regards to equalities impacts through the statutory adoption processes, and in accordance with the Equality Act 2010 and Council's PSED. Therefore, the adopted planning framework which encompasses all planning policies which are relevant in Officers' assessment of the application are considered to acknowledge protected equality groups, in accordance with the Equality Act 2010 and the Council's PSED.

#### 4.0 PLANNING CONSIDERATIONS

- 4.1 The entire borough was designated as an Air Quality Management Area (AQMA) in 2000 for two pollutants, Nitrogen Dioxide (NO<sub>2</sub>) and Particulate Matter (PM<sub>10</sub>). The main local sources of these pollutants are road traffic and buildings (gas boiler emissions).
- 4.2 Policy 7.14 of The London Plan (2016) seeks that development proposals

minimise pollutant emissions and promote sustainable design and construction to reduce emissions from the demolition and construction of the buildings and also to minimise exposure to poor air quality.

4.3 Local Plan (2018) Policy CC10: Air Quality states that the Council will seek to reduce levels of local air pollution and improve air quality in line with the national air quality objectives by reducing the potential adverse air quality impacts of new developments, requiring the submission of an air quality assessment and mitigation measures where appropriate.

4.4 The current application proposes the variation of the wording of condition 33 of planning permission Ref.2018/03667/FUL, which states:

Prior to the occupation of the development hereby permitted, a report with details of the combustion plant in order to mitigate air pollution shall be submitted to and approved in writing by the council. The report shall include the following:

- a) Details to demonstrate that the termination height of the shared Flue stack for the combustion Plant has been installed a minimum of 2 metres above any openable window and/or roof level amenity area of the development plot and comply with the overriding minimum requirements for Chimney heights memorandum of the third edition of the 1956 Clean Air Act.
- b) Details of emissions certificates, and the results of NO<sub>x</sub> emissions testing of each CHP unit, Ultra Low NO<sub>x</sub> gas boiler and Gas fired Humidifiers and Emergency Diesel Generator Plant to demonstrate that all the CHP Plant, Ultra Low NO<sub>x</sub> Gas fired boilers, Emergency Diesel Generator Plant and associated abatement technologies shall meet a minimum dry NO<sub>x</sub> emissions standard of 25 mg/Nm<sup>-3</sup> (at 5% O<sub>2</sub>), 30 mg/kWh (at 0% O<sub>2</sub>) and 95 mg/Nm<sup>-3</sup> (at 5% O<sub>2</sub>) respectively by an MCERTS accredited laboratory shall be provided following installation and thereafter on an annual basis to verify compliance of the relevant emissions standards in part b). Where any combustion plant does not meet the relevant emissions Standards in part b) above, it should not be operated without the fitting of suitable secondary NO<sub>x</sub> abatement Equipment or technology as determined by a specialist to ensure comparable emissions.
- c) Details to demonstrate where secondary abatement is used for the Emergency Diesel Generator the relevant emissions standard in part b) is met within 5 minutes of the generator commencing operation. During the operation of the emergency Diesel generators there must be no persistent visible emission. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications. The diesel fuelled generators shall only be used for a maximum of 48 hours when there is a sustained interruption in the mains power supply to the site, and the testing of these diesel generators shall not exceed a maximum of 12 hours per calendar year.

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

To comply with the requirements of the NPPF (2019), policies 7.14a-c of The London Plan (2016) and policy CC10 of the Local Plan (2018).

4.5 Amendments were proposed to the wording of parts b and c of condition 33 by the Applicant in order to delete references to NOx emissions standards for CHP units and the EDGP, along with the use of abatement for the EDGP if the emissions standards cannot be met. Additional amendments have subsequently been agreed as a result of discussions with Officers, replacing a word in part b, and adding text to and reducing the maximum hours of use of the EDGP in part c. The revised wording for parts b and c of condition 33 are therefore as follows (text to be deleted shown in strikethrough, replacement/additional text shown underlined):

- b) Details of emissions certificates, and the results of NOx emissions testing of each ~~CHP unit~~, Ultra Low NOx gas boiler and Gas fired Humidifiers and ~~Emergency Diesel Generator Plant~~ to demonstrate that all the ~~CHP Plant~~, Ultra Low NOx Gas fired boilers, ~~Emergency Diesel Generator Plant~~ and associated ~~abatement technologies~~ shall meet a minimum dry NOx emissions standard of ~~25 mg/Nm<sup>3</sup> (at 5% O<sub>2</sub>), 30 mg/kWh (at 0% O<sub>2</sub>) and 95 mg/Nm<sup>3</sup> (at 5% O<sub>2</sub>)~~ respectively by an MCERTS accredited laboratory organisation shall be provided following installation and thereafter on an annual basis to verify compliance of the relevant emissions standards in part b). Where any combustion plant does not meet the relevant emissions Standards in part b) above, it should not be operated without the fitting of suitable secondary NOx abatement Equipment or technology as determined by a specialist to ensure comparable emissions.
- c) ~~Details to demonstrate where secondary abatement is used for the Emergency Diesel Generator the relevant emissions standard in part b) is met within 5 minutes of the generator commencing operation.~~ During the operation of the emergency Diesel generators there must be no persistent visible emission with opacity greater than 20%. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications. The diesel fuelled generators shall only be used for a maximum of ~~48~~ 36 hours when there is a sustained interruption in the mains power supply to the site, and the testing of these diesel generators shall not be undertaken when the Ark Burlington Danes Academy School external amenities areas i.e. 3G pitch, MUGA and Grass Playing Fields are in use and shall not exceed a maximum of 12 hours per calendar year.

4.6 In terms of the requirement for deletion of NOx emissions standards for CHP units, as no CHP units are proposed as part of the development, which is now under construction, Officers have no objection to the amendments to the condition to remove reference to these and the associated NOX emissions standards.

4.7 The second part of the amendments requested to the wording of parts b and c of condition 33 are to delete references to NOx emissions standards for the EDGP, along with the use of abatement for the EDGP if the emissions standards cannot be met. An EDGP is included with the development which is currently under construction and would be located at eighth floor/roof level.

4.8 The Applicant's case for the amendment of the condition in this regard is as follows:

'The NOx emissions standard for the EDGP is proposed to be removed as in our view, the EDGP will not significantly impact air quality. It is important to note that the EDGP will only be operational for testing, which would be limited to 12 hours per calendar year by the condition, or if there is an interruption in the mains power supply to the site. A sustained interruption in the mains power supply is however extremely unlikely given that hospital sites are a priority for power reconnection when power outages occur.'

- 4.9 Notwithstanding the likely limited usage of the EDGP, the Council applied condition 33 to limit emissions from its use in line with the requirements of London Plan (2016) policy 7.14. and Local Plan (2018) policy CC10. Both of these policies contain provisions, however, for the provision of a financial contribution in lieu of meeting the emissions standards. In this case the Applicant asserts that the costs of meeting the emissions standards required by the condition are prohibitive to the development, and they consider that this is disproportionate for plant machinery whose purpose is for emergency backup use and which would only regularly be used for a limited number of hours for testing.
- 4.10 The additional changes to part c of condition 33 over and above those originally proposed, which have been agreed with Officers during post submission discussions, will secure further air quality benefits. These amendments quantify the opacity of visible persistent emission from the EDGP permitted, reduce the maximum permitted EDGP use in the event of a power supply failure from 48 to 36 hours and ensure that the permitted testing of the EDGP shall not be when external amenity areas at the adjacent Ark Burlington Danes Academy school are in use.
- 4.11 To facilitate the successful completion of this development for a significant biomedical research centre, Officers are minded to recommend that the Council accepts the payment of a financial contribution towards air quality in this instance, in line with the provisions within policy 7.14 of the London Plan and policy CC10 of the Local Plan (2018), the latter stating:
- 'requiring developments to be 'air quality neutral' and resist development proposals which would materially increase exceedances of local air pollutants and have an unacceptable impact on amenity or health unless the development mitigates this impact through physical measures and/or financial contributions to implement proposals in the Council's Local Air Quality Management Plan'
- 4.12 The financial contribution proposed is £111,000 and this would be utilised by the Council, as set out above, to implement proposals in the Council's Air Quality Action Plan (which is the name of the document which currently constitutes the Council's Local Air Quality Management Plan). This amount has been calculated by Officers with reference to published guidance and is considered to be appropriate in this instance. The contribution will be secured via legal agreement as set out below.
- 4.13 The extant permission is accompanied by a Section 106 legal agreement, the details of which are set out at para.1.9 above.
- 4.14 The Applicant is expected to agree to enter into a deed of variation with the Council to link the extant legal agreement to the current application which would

also include the additional site-specific item (i.e. an item which is not on the CIL r123 list):

- A financial contribution of £111,000 to implement proposals in the Council's Air Quality Action Plan.

4.15 Officers consider that the proposed Section 106 contribution is necessary, proportionate, reasonable, fair and linked to the development. It is considered that the S106 contribution is justified under the tests set out in CIL Regulation 122 and Regulation 123 for major developments. Officers are satisfied that the financial contribution will aid implementation of proposals in the Council's Air Quality Action Plan in accordance with policy 7.14 of The London Plan (2016) and policy CC10 of the Local Plan (2018).

## 5.0 RECOMMENDATION

- 5.1 It is recommended that the Committee approves the proposed variation of Condition 33 of planning permission Ref.2018/03667/FUL and the associated amendments to the Section 106 agreement which accompanied that application.