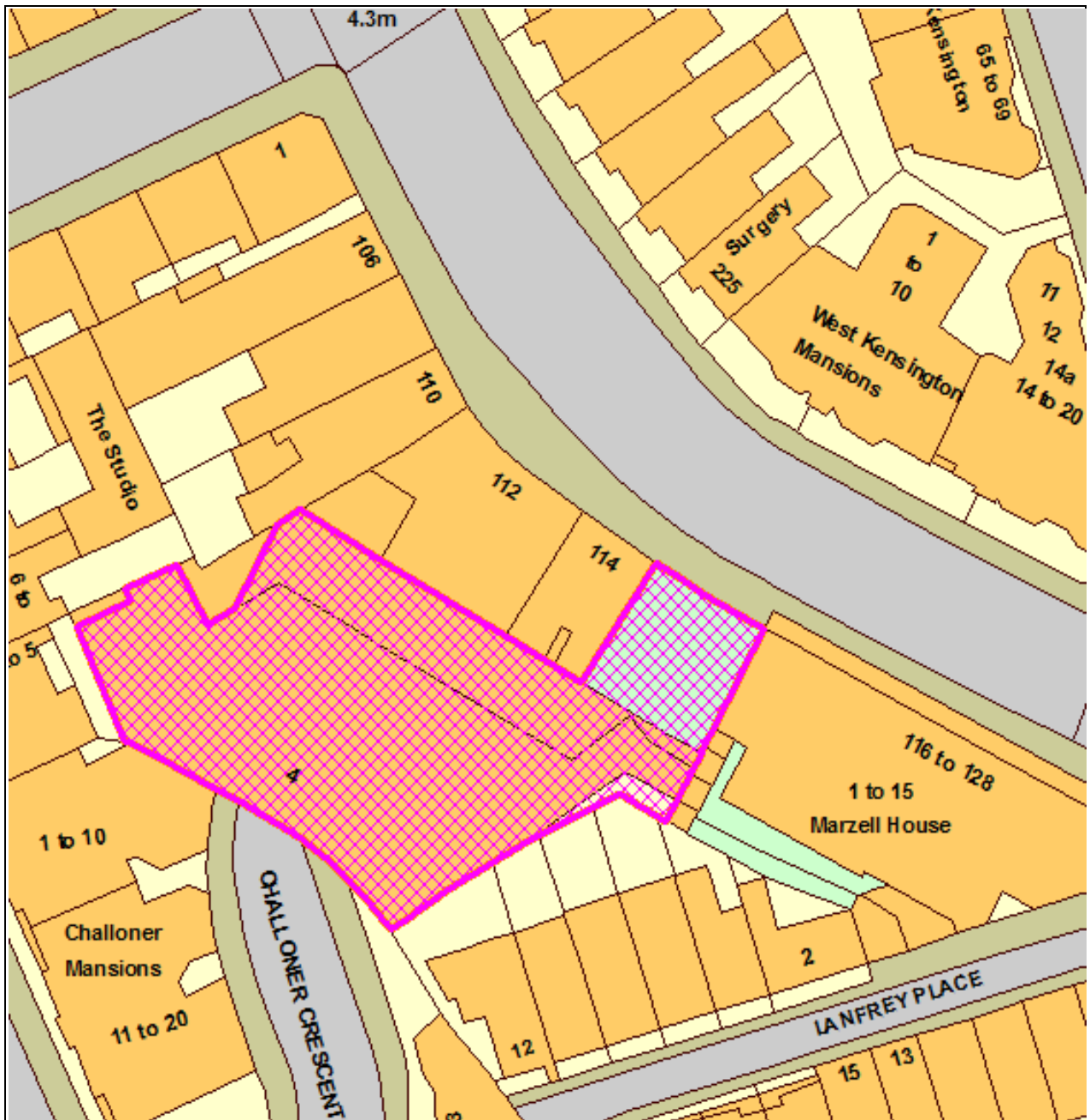


Ward: North End

Expiry Date: 8th June 2022

Site Address:

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



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Reg. No:
2022/00670/FUL

Date valid:
09.03.2022

Recommendation Date:
29.06.2022

Committee Date:
20.07.2022

Case Officer;
Graham Simpson

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

Applicant:

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

Description:

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

Application type:

Full Detailed Planning Application

Officer Recommendation:

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

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

1) Time Limit

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

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

2) Approved Drawings

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

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

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

3) Demolition Method Statement and Construction Management Plan

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

Approved details shall be implemented throughout the project period.

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

4) Demolition and Construction Logistics Plan

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

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

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

Reason: To minimise the impacts of construction-related vehicle movements and facilitate sustainable construction travel to the site in accordance with policies T1 and T6 of the Local Plan (2018).

5) AQDMP – Demolition Phase

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

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

Developers must ensure that on-site contractors follow best practicable means to

minimise dust, particulates (PM10, PM2.5) and NOx emissions at all times. Approved details shall be fully implemented and permanently retained and maintained during the demolition phases of the development.

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

6) AQDMP – Construction Phase

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

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

rating A) and Euro VI

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

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

7) Preliminary Risk Assessment

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

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

8) Site Investigation Scheme

No development shall commence until a site investigation scheme, if a site investigation is to be required under the approved preliminary risk assessment, is submitted to and approved in writing by the Council. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. The site investigation should then progress in accordance with the agreed site investigation scheme. All works must be carried out in compliance with the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling.

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

9) Quantitative Risk Assessment Report

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

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

10) Remediation Method Statement

Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, a remediation method statement, if deemed to be required in the approved quantitative risk assessment, is submitted to and approved in writing by the Council. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. This statement will also include a plan to verify that the required remediation works are undertaken in line with the remediation method statement which will be compiled into a verification report. The remediation should then progress in accordance with the agreed remediation method statement. All works must be carried out in compliance with the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

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

11) Verification Report

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

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

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

12) Onward Long-Term Monitoring Methodology

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

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

13) Basement Construction Statement

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

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

Policy CC3 of the Local Plan 2018.

14) Flood Risk Assessment

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

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

15) Sustainable Drainage Strategy

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

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

16) Sewer surcharge flood mitigation

Prior to commencement of the development hereby approved, details of the sewer surcharge flood mitigation to guard against sewer flows surcharging back up the system into the basement shall be submitted to and approved in writing by the Local Planning Authority. The measures/scheme shall be implemented in accordance with the approved details prior to occupation of the development hereby permitted, and thereafter be permanently retained in this form.

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

Policy CC3 of the Local Plan 2018.

17) Fire Statement

The development shall be carried out and completed in full accordance with the details contained within the approved Fire Statement (Prepared by Design Fire Consultants, dated 18 February 2022, Rev 00). No part of the development shall be used or occupied until all mitigation, measures and means within the approved document have been implemented in full and shall thereafter be retained for the lifetime of the building hereby approved.

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

18) Build contract

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

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

19) Detailed drawings

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

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

20) Materials samples

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

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

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

21) No other alterations

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

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

22) No permitted development rights

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

Reason: To ensure that the Council can fully consider the effect of telecommunications equipment upon the appearance of the buildings in accordance with Policies DC1, DC2 and DC8 of the Local Plan 2018.

23) Advertisements

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

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

24) Green infrastructure

The green infrastructure hereby approved (including paving, external hard surface, green walls and green/brown roof) shall be constructed and planted up in full accordance with the approved details following completion of buildings. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

Reason: In order that the Council may be satisfied as to the details of the development in the interests of visual amenity of the area in accordance with policies CC3, CC4 and OS5 of the Local Plan 2018.

25) No terraces

No part of any roof of the building shall be used as a roof terrace or other form of open amenity space. No alterations shall be carried out; nor planters or other chattels placed on the roofs. No railings or other means of enclosure shall be erected on the roof, and no alterations shall be carried out to any elevation of the application property to form access onto the roof.

Reason: The use of the roof as a terrace would increase the likelihood of harm to the existing residential amenities of the occupiers of neighbouring properties as a result of noise and disturbance, contrary to Policies CC11 and CC13 of the Local Plan (2018).

26) Obscure glazing (privacy)

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

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

27) Ventilation Strategy

Prior to commencement of above ground works of the development hereby permitted, a Ventilation Strategy Report to mitigate the impact of existing poor air quality for the Hotel use (Class C1) shall be submitted to and approved in writing by the Local Planning Authority. This is applicable to all receptor locations where the Annual Mean Nitrogen Dioxide (NO₂), and Particulate (PM₁₀, PM_{2.5}) concentrations are equal to 30ug/m³, 20ug/m³ and 10 ug/m³ respectively and where current and future predicted pollutant concentrations are within 5 % of these limits. The report shall include the following information:

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

Oxides/Dioxides, Particulate Matter (PM2.5, PM10) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890:2016.

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

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

28) Ventilation Strategy compliance

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

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

29) Zero Emissions Heating & Energy Plant

Prior to occupation of the relevant part of the development hereby permitted, details of the installation/commissioning certificates of the Zero Emission MCS certified Air/ Water Source Heat Pumps or Electric Boilers to be provided for space heating and hot water for each of the Hotel use shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation of the relevant part of the development and thereafter permanently retained and maintained.

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

30) Low Emission Delivery and Servicing Plan

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

- a) Use of Zero Exhaust Emission Vehicles in accordance with the emissions hierarchy (1) Walking Freight Trolleys (2) Cargo bike (3) Electric Vehicle, (4) Alternative Fuel e.g., CNG, Hydrogen
- b) Frequency of deliveries and collections
- c) Reduction and consolidation of deliveries and collections e.g., Waste,
- d) Re-timing of deliveries and collections outside of peak traffic time periods of 07:00-

- 10:00 and 16:00-19:00 hrs;
- e) Facilities and measures that will minimise the impact of vehicle emissions from increasing personal deliveries
 - f) Vehicle movements, and operations of the loading bay (s) as identified on the approved drawings
 - g) Quiet loading/unloading mitigation including silent reversing measures in accordance with Building Design Guidance for Quieter Deliveries, TFL, June 2018,

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

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

31) Aerobic Food Digesters

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

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

32) Waste and recycling storage

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

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

33) Cycle storage

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

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

34) Delivery and Servicing Plan

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

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

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

35) Secured by Design

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

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

36) Accessibility

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

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

37) Sound Insulation – building envelope

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

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

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

38) Acoustic Lobbies

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

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

39) External Noise - plant

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

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

40) Anti-vibration measures

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

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

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

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

42) Refuse removal times

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

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

43) External artificial lighting

Prior to commencement of the relevant parts of the development, details of external artificial lighting shall be submitted to and approved in writing by the Council. Lighting contours shall be submitted to demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations of the Institution of Lighting Professionals in the Guidance Notes 1 For The Reduction Of Obtrusive Light 2021. Details should also be submitted for approval of measures to minimise use of lighting and prevent glare and sky glow by correctly using, locating, aiming and shielding luminaires. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that lighting does not adversely affect the amenity of occupiers of the development site/surrounding premises and natural habitat, in accordance with policy CC12 of the Local Plan 2018.

44) Light pollution

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

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

45) Illuminated signs

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

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

46) Delivery times

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

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

47) Amplified Noise

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

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

48) Whole Lifecycle Carbon Assessment

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

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

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

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

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

50) Energy Strategy and Sustainability Statement

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

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

51) Waste Management Plan

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

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

52) Emergency exit

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

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

53) Hotel use

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

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

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

54) Number of rooms

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

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

55) Maximum stay period

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

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

Justification for approving application:

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

Local Plan (2018).

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

CC13 of the Local Plan (2018).

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

That the applicant be informed as follows:

- 1) In determining this application, the local planning authority has worked in a proactive and positive manner with the applicant to foster the delivery of sustainable development, in accordance with the requirements of paragraph 38 of the National Planning Policy Framework (2021).
- 2) The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB
- 3) The applicant should contact the Environmental Quality team via e-mail to Environmental.Quality@lbhf.gov.uk or by phone on 0208 753 1081 as soon as possible to discuss the steps necessary to fulfil the contaminated land conditions.
- 4) You are advised that under Section 80 of the Building Act 1984 you are required to give the Council a minimum of 6 weeks notice of your intention to carry out any works of demolition of the whole or part of a building. You should submit your notice of intended demolition to the London Borough of Hammersmith and Fulham, Environmental Quality Team, Hammersmith Town Hall Extension, King Street, Hammersmith W6 9JU or email Environmental.Quality@lbhf.gov.uk.

Officer Report

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

All Background Papers held by case officer named above:

Application form received: 8th March 2022

Drawing Nos: see above

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

Consultation Comments:

Comments from:

Dated:

Neighbour Comments:

Letters from:

Dated:

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

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

1.0. SITE DESCRIPTION

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

2.0. RELEVANT PLANNING HISTORY

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

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

2.7 In 2019 planning permission (2018/01161/FUL) was refused for demolition of the existing building and erection of a part three-storey, part four-storey, part five-storey building with basement level, to provide a mixed use development comprising 25 residential units plus B1 office units (570sqm) at basement level, with associated cycle storage, refuse storage and amenity space. The application was refused on the following grounds:

- Overdevelopment of the site with excessive residential density, resulting in substandard accommodation with inadequate daylight and sunlight, poor quality private amenity space, and poor outlook.
- Overdevelopment in terms of visual amenity due to the proposed siting, excessive massing, bulk and height constituting an over dominant development, harmful to the character and appearance of the Conservation Area.
- unneighbourly impact and result in an overbearing and increased sense of enclosure and loss of outlook to residential occupiers in Lanfrey Place and Challoner Crescent.

2.8 Following the refusal in 2019, preapplication advice was sought for an alternative 90-bed hotel scheme to replace the existing buildings on site. Officers advised that the proposals for the demolition of the existing car repair workshop and erection of a 90-bed hotel. Officers advised that the proposals could not be supported for the following reasons:

- in principle a 90-bed hotel scheme in this location is inappropriate. Outside a Town Centre or Opportunity Area hotels should not normally exceed 50 beds.
- Overdevelopment, due to its siting, excessive mass, bulk and height, resulting in an adverse visual impact to the Conservation Area.
- unneighbourly impact due to a overbearing, increased sense of enclosure and loss of outlook for the adjoining residential occupiers in Lanfrey Place and Challoner Crescent.

2.9 In 2020, a follow-up preapplication was submitted for a reduced circa 40 bed-hotel scheme. Officers were supportive in principle but raised concerns about the impact of the design, scale and massing on surrounding context and that improvements for urban greening could be made.

2.10 In 2020, the Planning Inspectorate dismissed an appeal against the non-determination of a planning application (2020/02350/FUL), for the demolition of existing buildings and erection of a replacement part one, part four storey building including a basement level with lightwells fronting Challoner Crescent, to provide a 43 bedroom hotel (Use Class C1) and associated works. The Inspectorate dismissed the appeal on the grounds that the proposal would have a harmful effect on the character and appearance of the surroundings, including the Conservation Area, in particular with regards to the rear section of the second floor and roof level elements which were considered exposed and therefore highly visible from Challoner Crescent and in long views from Perham Road.

3.0 PROPOSAL

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

4.0 PUBLICITY AND CONSULTATIONS

Pre-application Consultation

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

Formal consultation

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

neighbouring properties.

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

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

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

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

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

External and Statutory Consultees

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

5.0 POLICY CONTEXT AND PLANNING CONSIDERATIONS

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

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

National Planning Policy Framework (NPPF).

5.3. The NPPF (2021) is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.

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

The London Plan

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

The Local Plan

5.6. The Council adopted the Local Plan on 28 February 2018. The policies in the Local Plan together with the London Plan make up the statutory development plan for the borough. The Planning Guidance Supplementary Planning Document (SPD) (February 2018) is also a material consideration in determining planning applications. It provides supplementary detail to the policies and is organised around key principles

Planning Considerations

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

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

PLANNING ASSESSMENT

6. Land Use

Loss of Employment Floorspace

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

Hotel Use

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

7.0 DESIGN AND HERITAGE

Planning Policy Context:

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

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

- 7.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also provides that, in respect of development affecting conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 7.4 London Plan Policy HC1 states that "Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities". London Plan Policy D3 (Optimising site capacity through the design-led approach) states that development should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions. Development should also respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character
- 7.5 Local Plan Policy DC1 requires all development within the borough to create a high-quality urban environment that respects and enhances its townscape context and heritage assets. Policy DC2 furthers the above, seeking that new build development be of a high standard of design, compatible with the scale and character of existing development and its setting. Development proposals must respect (a) the historical context of the site, (b) the scale, mass, form and grain of surrounding development, (e) good neighbourliness, (g) sustainability objectives, and, (h) the principles of accessible and inclusive design. Local Plan Policy DC8 seeks to protect, restore or enhance the quality, character, appearance and setting of the borough's conservation areas and its historic environment including listed buildings. Additional guidance in respect of proposals to Buildings of Merit within Chapter 6 of the Planning Guidance SPD. Local Plan Policy DC11 concerns new basements and extensions to existing basements, and typically seeks to restrict basement development to one storey.

Assessment

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

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

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

Designated heritage assets - Barons Court conservation area

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

Undesignated heritage assets:

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

Impact of the proposals on the heritage assets

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

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

Design and Heritage Conclusion

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

8. Residential Amenity

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

and privacy.

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

Outlook:

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

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

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

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

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

1 to 5 Challoner Court

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

No.108 - 110 North End Road

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

Overlooking/Privacy:

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

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

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

Noise and Disturbance:

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

Daylight, Sunlight, and Overshadowing:

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

Daylight

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

- 8.21 The VSC method measures the amount of sky that can be seen from the centre of an existing window and compares it to the amount of sky that would still be capable of being seen from that same position following the erection of a new building. The measurements assess the amount of sky that can be seen by converting it into a percentage. An unobstructed window will achieve a maximum level of 40% VSC. The BRE guide advises that if the VSC is greater than 27% then enough skylight should still be reaching the window of the existing window. If the VSC is both less than 27% and less than 80% of its former value, occupants of the existing building will notice the reduction in the amount of skylight. However, the Guidance makes clear that these values are advisory and para 2.2.1 states that 'Different criteria may be used based on the requirements for daylighting in an area viewed against other site layout constraints. Another important issue is whether the existing building is itself a good neighbour, standing a reasonable distance from the boundary and taking no more than its fair share of light.'
- 8.22 The NSL method measures the distribution of daylight within a room. It indicates the point in a room from where the sky cannot be seen through the window due to the presence of an obstructing building. The NSL method is a measure of the distribution of daylight at the 'working plane' within a room. In houses, the 'working plane' means a horizontal 'desktop' plane 0.85 metres above floor level. This is approximately the height of a kitchen work surface. The NSL divides those areas of the working plane in a room which receive direct sky light through the windows from those areas of the working plane which do not. For houses, the rooms to be assessed should include living rooms, dining rooms and kitchens. Bedrooms should also be analysed, although in terms of NSL they are considered less significant in terms of receiving direct sky light. Development will affect daylight if the area within a room receiving direct daylight is less than 80% of its former value.
- 8.23 The ADF method involves values for the transparency of the glass, the net glazed area of the window, the total area of room surfaces, their colour reflectance and the angle of visible sky measured from the centre of the window. This is a method that measures the general illumination from skylight and considers the size and number of windows, room size, room qualities and room use. However, the BRE Report (Appendix F) states that 'Use of the ADF for loss of light to existing buildings is not generally recommended'.
- 8.24 In terms of VSC, none of the windows will be adversely impacted by the proposed development, as the proposed VSC levels are either above 27% or more than 0.8 times their former values.

Sunlight

- 8.25 To assess loss of sunlight to an existing building, the BRE guidance suggests that all main living rooms of dwellings, and conservatories, should be checked if they have a window facing within 90 degrees of due south. The guidance states that kitchens and bedrooms are less important, although care should be taken not to block too much sun. The Annual Probable Sunlight Hours (APSH) predicts the sunlight availability during the summer and winter for the main windows of each habitable room that faces 90 degrees of due south. The summer analysis covers

the period 21 March to 21 September, the winter analysis 21 September to 21 March. The BRE Guidance states a window may be adversely affected if the APSH received at a point on the window is less than 25% of the annual probable sunlight hours including at least a 5% of the annual probable sunlight hours during the winter months and the percentage reduction of APSH is 20% or more.

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

Overshadowing

- 8.27 The BRE Guidelines recommend that for it to achieve adequate sun light throughout the year at least half of a garden or amenity space should receive a least 2 hours of sunlight on 21 March. If, because of new development, an existing garden or amenity area does not meet the above, and the area which can receive 2 hours of sunlight on the 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.
- 8.28 A total 7 residential existing rear gardens / terraces of Challoner Mansions, Challoner Court, No.108 and 110 North End Road and No.6 - No.10 Lanfrey Place have been assessed.
- 8.29 Only the rear garden at No.110 North End Road would be affected by the proposed development. No.110 comprises a ground floor retail unit and a rear garden serving the upper floor flat. However, on 21st June (summer month) when the garden is more likely to be used by the occupants, at least half of the amenity area receives direct sunlight more than 4 hours, with the proposed development. Therefore, the loss of light on the amenities will not be greatly noticeable to the occupants.
- 8.30 Overall, in terms of daylight, sunlight and overshadowing officers accept that there are some infringements and where these occur most of these are modest. On balance, considering the site constraints within this urban location, the proposal is satisfactory in terms of its impact on daylight, sunlight and overshadowing to neighbouring residential properties.

9.0 Accessibility

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

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

10. Crime Prevention/ Secure by Design

10.1 Policy DC2 of the Local Plan requires developments to be designed in line with the principles of Secured by Design.

10.2. The proposals have been reviewed by the Metropolitan Police's design out crime officer. A series of recommendations have been made which could feasibly be incorporated into the hotel and public house. The proposal would accord with the aims of Policy DC2, subject to secured by design accreditation being achieved.

10.3. A financial contribution of £60,000 has been secured to support the funding of LBHF's local law enforcement team initiative. The initiative seeks to reduce environmental crime and anti-social behaviour across the borough. The contribution has been sought in relation to neighbourhood safety and the proximity of the town centre.

11 Transport and Highways

11.1 London Plan Policy T6 sets out the intention to encourage consideration of transport implications as a fundamental element of sustainable transport, supporting development patterns that reduce the need to travel or that locate development with high trip generation in proximity of public transport services. The policies also provide guidance for the establishment of maximum car parking standards in relation to hotel uses as well as blue badge parking at Policies T6.4 and T6.5. London Plan Policy T5 sets out the requirements for cycle parking in accordance with the proposed use.

11.2 Local Plan Policy T1 sets out the Council's intention to 'work with strategic partners to improve transport provision, accessibility and air quality in the borough, by improving and increasing the opportunities for cycling and walking, and by improving connections for bus services, underground, national and regional rail'.

11.3. Local Plan Policy T2 relates to transport assessments and travel plans and states "All development proposals would be assessed for their contribution to traffic generation and their impact on congestion, particularly on bus routes and on the primary route network".

11.4 Local Plan Policies T3, T4, T5 and T7 relate to opportunities for cycling and walking, vehicle parking standards, blue badge holders parking and construction logistics. Local Plan Policy CC7 sets out the requirements for all new developments to provide suitable facilities for the management of waste.

Site Accessibility

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

Car Parking

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

Cycle Parking

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

Travel Plan

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

Waste Management

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

Servicing & Deliveries

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

Construction Management

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

12 Environmental Quality

Flood Risk and Sustainable Draining (SuDs)

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

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

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

13. Climate, Energy and Sustainability

Sustainable Design and Construction:

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

Energy Assessment/Carbon Emissions Reduction:

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

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

14. Air Quality

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

15 Contamination

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

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

16 Fire Safety

- 16.1 Policy D12 of the London Plan states that major applications should be accompanied by a fire statement, prepared by a suitably qualified third-party assessor, demonstrating how the development proposals would achieve the highest standards of fire safety, including details of construction methods and materials, means of escape, fire safety features and means of access for fire service personnel.
- 16.2 A Fire Statement produced by an independent and accredited specialist has been submitted as required by Policy D12 (b). The fire statement includes details of means of escape, the necessary separation of the two uses within the building, details of access for fire appliances, personnel and equipment, and features which reduce the risk to life. The fire statement provides details of each matter required by criteria 1 – 6 of Policy D12 (b). The proposal would be subject to a final assessment of compliance, which would be completed when the Building Regulations application is submitted and assessed. Officers are satisfied that the submitted Fire Statement provides sufficient information for planning stage and recommend that a condition is imposed to ensure that the strategy is implemented, and the development is carried out in accordance with this document.

17. Employment and Skills

- 17.1. Local Plan Policy E4 requires the provision of appropriate employment and training initiatives for local people of all abilities in the construction of major developments including visitor accommodation and facilities.
- 17.2. A package of employment and skills contributions has been secured. This is summarised as follows:
- 1) Contribution of £10,500 to provide two construction period apprenticeships, one of which will be provided directly by the developer
 - 2) 10% of labour employed on the construction of the development to be H&F Residents
 - 3) Contribution of £3,375 towards facilitating the Council in supporting local Small to Medium Enterprises to bid for contracts tendered in the supply chain
 - 4) 10% of build costs to be spent locally on H&F businesses
 - 5) Submission of delivery and monitoring plans

- 6) 10% local labour target during the first 24 months of the operational phase (based on employees being within one of the Council's target groups, otherwise a target of 20% applies)

18. COMMUNITY INFRASTRUCTURE LEVY (CIL)

Mayoral CIL

- 18.1 Mayoral CIL came into effect in April 2012 and is a material consideration to which regard must be had when determining this planning application. This development will be subject to a London-wide community infrastructure levy. The relevant Mayoral CIL rate for new development Hammersmith and Fulham is £50 per sqm (GIA) of floorspace created. In this case the gross floorspace would be £98,000
- 18.2 The proposal would be CIL liable based on the additional floorspace. The GLA expect the Council as the collecting authority to secure the levy in accordance with London Plan Policy DF 1.

Local CIL:

- 18.3 The Council has also set a CIL charge from September 2015. The CIL Charging Schedule identifies charging levy areas and the site falls within Zone Central B. Within this zone the rate for A Class Uses is £80/sqm, with a Nil rate for C1 hotel use.

19 PLANNING OBLIGATIONS:

- 19.1 London Plan Policy DF 1 and Local Plan Policy INFRA1 recognise the role of planning obligations in mitigating the effects of development and provides guidance of the priorities for obligations in the context of overall scheme viability.
- 19.2 In the event that planning permission was resolved to be granted, the applicant would be required to enter into a legal agreement. The Legal Agreement will include the following clauses:
 - (1) Carbon-off setting payment in lieu for the development (£203,994)
 - (2) Contribution to economic development (£13,875) including the following:
 - a. Contribution of £10,500 to provide two construction period apprenticeships, one of which will be provided directly by the developer
 - b. 10% of labour employed on the construction of the development to be H&F residents
 - c. Contribution of £3,375 towards facilitating the Council in supporting local Small to Medium Enterprises to bid for contracts tendered in the supply chain
 - d. 10% of build costs to be spent locally on H&F businesses
 - e. Submission of delivery and monitoring plans
 - f. 10% local labour target during the first 24 months of the operational phase (based on employees being within one of the Council's target

groups, otherwise a target of 20% applies)

- (3) Fund footway works along the frontage of the development
- (4) On-street car parking permit-free development
- (5) Development to be 'Coach free'
- (6) Provision of a Travel Plan with Year 1, Year 3 and Year 5 monitoring review by the Council, with a monitoring fee (£3000) per review
- (7) Contribution to air quality monitoring for the demolition and construction phases (£3000 per annum)
- (8) £60,000 towards LBHF's local law enforcement team
- (9) £5000 towards the provision of a micro-mobility parking hub for electric bikes and scooters in the vicinity of the site.
- (10) A commitment to meet the costs of the Council's associated legal fees.

20 CONCLUSION

- 20.1 In considering planning applications, the Local Planning Authority needs to consider the development plan as a whole and planning applications that accord with the development plan should be approved without delay, unless material considerations indicate otherwise and any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 20.2 In the assessment of the application regard has been given to the NPPF, London Plan, Publication London Plan, and Local Plan policies as well as guidance.
- 20.3 In summary, the principle of development has been justified. The proposed development would provide an appropriate small scale hotel use on site and contribute towards the borough's accommodation for employment. The replacement building is acceptable in visual terms. The proposals are considered to be of a high quality of design and would respect the character and appearance of the adjacent Conservation Area. Subject to conditions the proposal would not result in unacceptable impacts upon the amenities of neighbouring residential properties. The hotel accommodation provides a good standard of accommodation. Highways, transportation and environmental matters including energy and sustainability, flood risk, air quality and land contamination have also been satisfactorily addressed and will be subject to conditions and a legal agreement.).
- 20.4 A package of obligations has been secured to mitigate the impacts of the development on the highway and to provide employment and training opportunities for local residents. In these respects, the proposals comply with the relevant policies of the NPPF (2021), the London Plan (2021), the Local Plan (2018) and the relevant Key Principles within the Planning Guidance Supplementary Planning Document (2018)
- 20.5 Officers have taken account of all the representations received and in overall conclusion for the reasons detailed in this report it is considered, having regard to the development plan as a whole and all other material considerations, that planning permission should be granted subject to the conditions listed, and the completion of a s106 legal agreement.

21.0 RECOMMENDATION

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

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