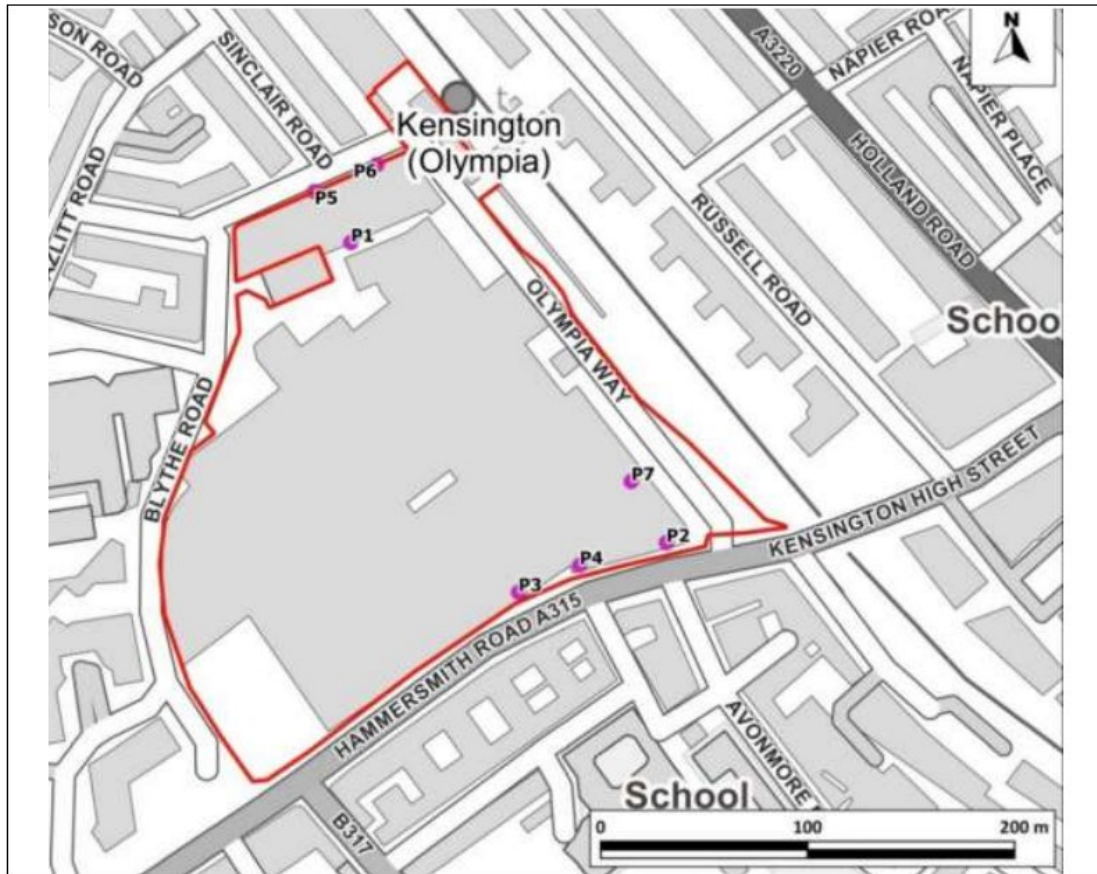

Ward:

Brook Green

Site Address:

Olympia Exhibition Centre Hammersmith Road London W14 8UX



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Reg. No:

2021/04165/NMAT

Case Officer:

Violet Dixon
Sinead Winship-David

Date Valid:

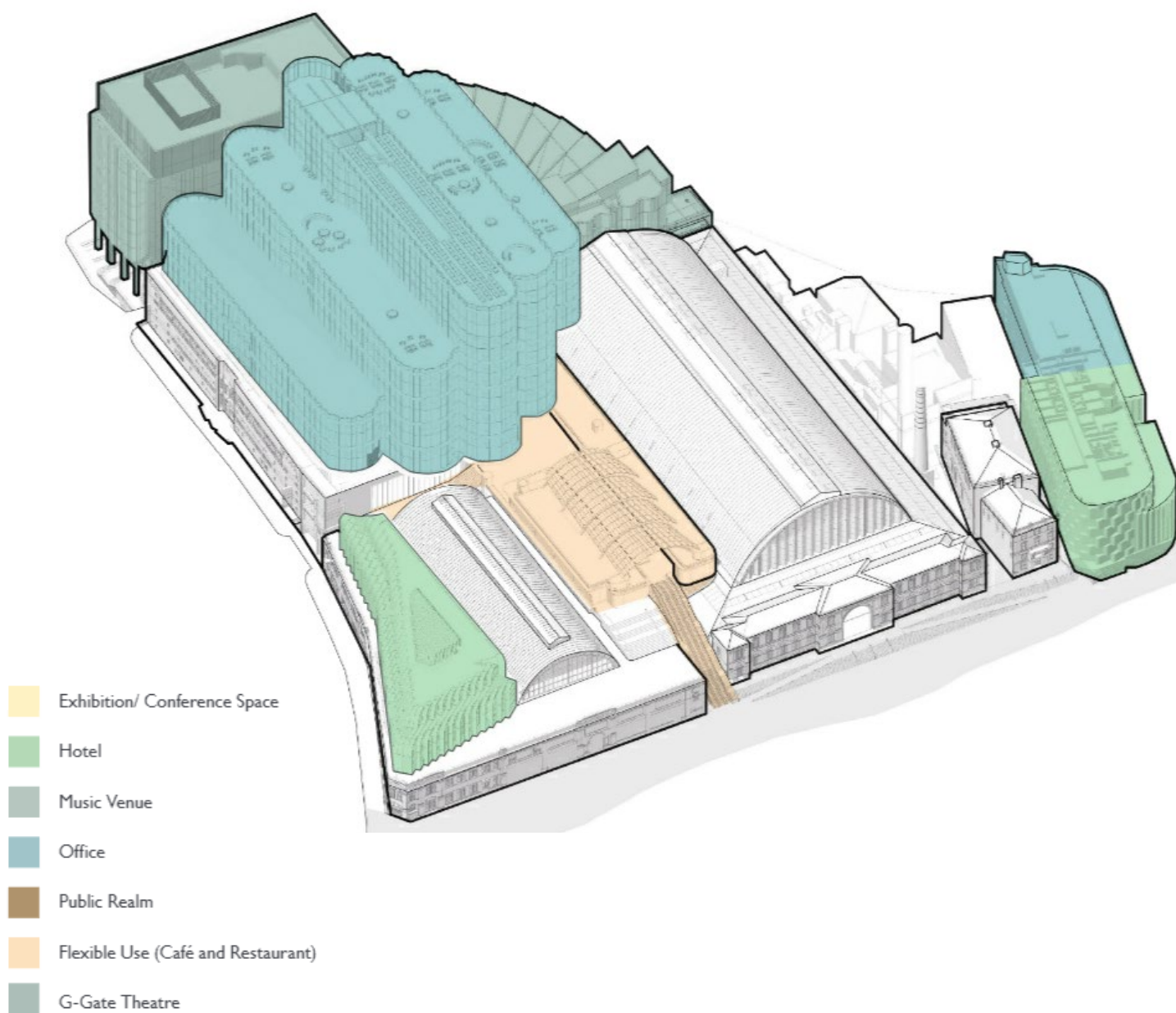
30.12.2021

Conservation Area

Olympia and Avonmore
Conservation Area – Number 23

Committee Date:

06.09.2022



Applicant:

Olympus Property Holding Limited

c/o Agent: Gerald Eve LLP, 72 Welbeck Street, London, W1G 0AY

Description:

Non-material amendment to planning application 2020/01048/VAR dated 7 September 2020, to alter the approved description of development (part e - relating to MSCP) to allow for the optional alternative development of MSCP.

Application Type:

Section 96a Non-Material Amendment Application

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

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

Application form received: 29th December 2021

Drawing Nos: see Condition 2

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

Consultation Comments:

None received.

Neighbour Comments:

None received.

Officer Recommendation:

- 1) That the Committee resolve that the Chief Planning Officer be authorised to grant planning permission.
 - 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 which may include the variation, addition, or deletion of conditions, any such changes shall be within their discretion.
-

CONDITIONS

No conditions are proposed to be attached to this s96a permission. Please see ref. 2021/04166/VAR for a full list of conditions attached to the Masterplan Consent.

Definitions

“The Alternative MSCP Development” means

Erection of a building comprising basement, ground and 7 upper storeys with associated roof level plant for hotel (Class C1), gymnasium (Class E) and school (Class F1) uses incorporating the retention of (and associated alterations to) the remaining elements of the Multi Storey Car Park building. (Application ref: 2021/04167/FUL and 2021/04168/LBC).

Justification for Approving the Application:

It is not considered that the proposed amendments to the description of development would result in a material change to the overall scheme. The proposed changes include an amendment to the description of development to allow for the potential future implementation of an optional alternative development of MSCP (ref. 2021/04167/FUL and 2021/04168/LBC), should it be granted planning permission and listed building consent. The additional wording within the description of development is considered to be a non-material amendment to the original scheme.

1. BACKGROUND

- 1.1. The application seeks a non-material amendment to alter the approved description of development of planning permission 2020/01048/VAR. No amendments are sought to the approved Olympia Masterplan through this application.
- 1.2. The purpose of this application is to facilitate a 'drop in' application (ref. 2021/04167/FUL) to one part of the Masterplan site – the Multi-Storey Car Park (MSCP) building on Maclise Road. The amendment to the Masterplan description of development is necessary procedurally to allow for the applicant to retain the option to implement either the Masterplan consent at MSCP, or the alternative development if consent is granted.
- 1.3. Planning permission was granted in September 2019 for the re-development of the Olympia Exhibition Centre site, hereafter referred to as the Masterplan Consent. This was subsequently amended in 2020 and the permission remains extant with works ongoing. The permission briefly comprises the restoration of existing buildings and the provision of a number of new buildings for a variety of exhibition, arts and cultural uses, as well as complementary retail, food and beverage, office, co-working and hotel accommodation, alongside new public spaces. The full planning history is set out in section 3 of this report.
- 1.4. The alternative proposed development at the MSCP site comprises the erection of a building comprising basement, ground and 7 upper storeys with associated roof level plant for hotel (Class C1), gymnasium (Class E) and school (Class F1) uses incorporating the retention of (and associated alterations to) the remaining elements of the Multi Storey Car Park building. This would provide a school and an indoor fitness and leisure use alongside the hotel use which was previously permitted as part of the original Olympia masterplan development. This is not a matter for consideration in determining the s96a application and will be determined under ref. 2021/04167/FUL, 2021/04168/LBC.
- 1.5. Application ref. 2021/04167/FUL, 2021/04168/LBC and 2021/04166/VAR are currently being assessed alongside this application and will each be reported at Planning Committee on the 6th September.

2. SITE DESCRIPTION & SURROUNDINGS

Olympia Exhibition Centre (Masterplan Site)

- 2.1. The Olympia Exhibition Centre comprises eight main buildings within the land bounded by Hammersmith Road to the south, Olympia Way to the east, Maclise Road to the north and Beaconsfield Terrace Road and Blythe Road to the west. The Masterplan site has an area of 4.6ha.
- 2.2. The eight buildings are highly varied in terms of age, architectural appearance and physical form, although all of the buildings are associated with the historic use of the site for exhibition and conference purposes, housing various international exhibitions, events and conferences.

Maclise Road Multi-Storey Car Park (MSCP)

- 2.3. The MSCP building which forms part of the wider Olympia Exhibition Centre estate. The building fronts Maclise Road on the northern boundary of the Olympia Masterplan site, with Olympia Way lying to the east, Beaconsfield Terrace Road to the west and the 'Printworks' building and Pillar Hall adjacent to the south. Prior to its demolition, the MSCP building was last in use as car parking and ancillary storage associated with the exhibition use of the wider Olympia site.

Site Designations

- 2.4. Grand Hall and Pillar Hall are Grade II* listed, whilst National Hall, Central Hall and MSCP are Grade II listed. The site is located within the Olympia and Avonmore Conservation Area, as well as the Heathrow Safeguarding Zone. Adjoining the site to the north is the Lakeside, Sinclair and Blythe Road Conservation Area, typified by a consistent residential character. To the southern boundary is the Dorcas Estate Conservation Area and to the west the Brook Green Conservation Area which features a mixture of residential streets and larger commercial buildings.
- 2.5. The site lies within Flood Zones 1, 2 and 3, an Archaeological Priority Area and within a borough-wide designated Air Quality Management Area (AQMA). The site has a Public Transport Accessibility Level (PTAL) of between 5 and 6a, as well as Kensington Olympia the site is in close proximity to Barons Court and West Kensington underground stations. Bus services operate at multiple stops on Hammersmith Road. The site is not within any key views at a London or local level.

3. RELEVANT PLANNING HISTORY

- 3.1. The original application for the redevelopment of Olympia was granted planning permission in October 2019 with the following description of development:

2018/03100/FUL - Redevelopment of Olympia comprising: a) Central Hall - demolition with retention of listed façade to Hammersmith Road, erection of new ground plus 12 storey building for (B1) office, (D1) exhibition, flexible (A1-A4) retail/financial and professional services /restaurant/bar, and flexible (B1/D1) office/conference uses; new site-wide logistics centre, car/cycle parking and plant within two new basement levels; b) G-gate site - erection of ground plus 9 upper storeys building with two levels of basement for use as a theatre, (D1) exhibition and flexible (A3/A4) restaurant/bar use at ground/level 2 and roof level; c) National Hall - internal and external alterations comprising three storey roof-level extension for use as (C1) hotel, part use of National Hall for (A1-A4/C1) hotel and ancillary use, two levels of internal decks for use as (D1) exhibition space and flexible (D1) exhibition/(A3/A4) restaurant/bar use, alterations to existing basement and associated internal and external works; d) West Hall - alterations and extension to provide two additional storeys for use as (D2) live music and performance space; e) Maclise Road Multi Storey Car

Park - partial demolition, alterations and extension for use as (C1) hotel, (D2) cinema, and flexible (B1/D1) co-working/conference use; f) Grand and National Halls - demolition of existing accommodation and circulation spaces between halls and construction of new Level 2 public realm deck with glazed canopy comprising flexible use (A1-A4) retail/restaurant/bar/financial and professional services; g) Pillar Hall - Internal and external alterations for use of building for (A3/A4) restaurant/bar, ancillary live music; h) Grand Hall - internal and external alterations including creation of two levels of internal decks for use as (D1) exhibition space and flexible (D1), (A3/A4) exhibition/restaurant/bar use; i) Plant and energy centres; j) Pedestrian/vehicle/cycle/highway works; k) Public realm, landscaping and associated works.

3.2. An associated listed building consent, ref. 2018/03101/LBC, was granted alongside the above permission.

3.3. The 2019 consent was subsequently amended by 2020/01048/VAR which was granted in January 2021. An associated listed building consent, ref. 2020/01047/LBC, was granted alongside this permission.

Minor-material amendment to Conditions 2 (Approved Drawings), 53 (to include office B1 use in G-gate), 54 (Maximum Floorspaces), and 72 (Hotel Bed Cap) of planning permission ref. 2018/03100/FUL granted 25th October 2019 for Redevelopment of Olympia.

3.4. Permission ref. 2020/01048/VAR was subject to a s96a application which sought the following non-material amendments to the approved scheme:

2021/00755/NMAT - Non-material amendment to Conditions 2 (approved drawings) and 54 (Maximum Floorspaces) to include Internal and external alterations and amendments to the Olympia buildings and plots and associated plant and public realm spaces (of planning permission 2020/01048/VAR dated 7 Jan 2020).

The amendments related to G-gate, National Hall, Central Hall and the Level 2 public realm Skydeck. Permission was granted in March 2021.

3.5. A further s96a application was granted on 01.10.2021. This sought non-material amendments to MSCP only. The description of development reads as follows:

2021/01996/NMAT - Non-material amendment to Conditions 2 (approved drawings), 54 (Maximum Floorspaces) and 72 (Hotel Bed Cap) to include Internal and external alterations and amendments to the MSCP Building (of planning permission 2020/01048/VAR dated 7 Jan 2020).

3.6. An associated listed building consent, ref. 2021/01992/LBC, was granted alongside the above permission.

3.7. A s96a application was granted on 24.01.2022. The description of development reads as follows:

2021/02652/NMAT - Non-material amendment to Conditions 2 (approved drawings) 54 (Maximum Floorspaces), and 72 (Hotel Bed Cap) to include Internal and external alterations and amendments to the Olympia buildings and plots and associated plant and public realm spaces (of planning permission 2020/01048/VAR dated 7 Jan 2020).

- 3.8. In addition to the above, applications to discharge planning permission conditions and listed building consent conditions have been submitted and various conditions have been discharged.

4. CONSULTATION RESPONSES

- 4.1. An application to make a non-material change under s.96A is not an application for planning permission, so the existing Town and Country Planning (Development Management Procedure) Order 2015 provisions relating to statutory consultation and publicity do not apply. A full public consultation exercise was nevertheless undertaken for the three linked applications (ref. 2021/04167/FUL, 2021/04168/LBC and 2021/04166/VAR) with neighbour notification letters, site notices and press notices published.

5. DESCRIPTION OF DEVELOPMENT

- 5.1. The application seeks a non-material amendment to permission ref. 2020/01048/VAR to amend the description of development.
- 5.2. The description of development, as amended, would read as set out below. The amendment is highlighted bold and underlined.

Minor-material amendment to Conditions 2 (Approved Drawings), 53 (to include office B1 use in G-gate), 54 (Maximum Floorspaces), and 72 (Hotel Bed Cap) of planning permission ref. 2018/03100/FUL granted 25th October 2019 for: Redevelopment of Olympia comprising:

a) Central Hall - demolition with retention of listed façade to Hammersmith Road, erection of new ground plus up to 13 storey building for (B1) office, (D1) exhibition, flexible (A1-A4) retail/financial and professional services /restaurant/bar, and flexible (B1/D1) office/conference uses; new site-wide logistics centre, car/cycle parking and plant within two new basement levels;

b) G-gate site - erection of ground plus 9 upper storeys building with two levels of basement for use as a theatre, (D1) exhibition, flexible (A3/A4) restaurant/bar use at ground/level 2 and flexible A3/A4/B1 at upper two floors of building;

c) National Hall - internal and external alterations comprising three storey roof-level extension for use as (C1) hotel, part use of National Hall for (A1-A4/C1) hotel and ancillary use, two levels of internal decks for use as (D1) exhibition space and flexible (D1) exhibition/(A3/A4) restaurant/bar use, alterations to existing basement and associated internal and external works;

d) West Hall - alterations and extension to provide two additional storeys for use as (D2) live music and performance space;

e) Maclise Road Multi Storey Car Park - partial demolition, alterations and extension for use as (C1) hotel, (D2) cinema, and flexible (B1/D1) co-working/conference use **(which may not be carried out and completed if the alternative MSCP development (ref. 2021/04167/FUL is permitted);**

f) Grand and National Halls - demolition of existing accommodation and circulation spaces between halls and construction of new Level 2 public realm deck with glazed canopy comprising flexible use (A1-A4) retail/restaurant/bar/financial and professional services;

g) Pillar Hall - Internal and external alterations for use of building for (A3/A4) restaurant/bar, ancillary live music;

h) Grand Hall - internal and external alterations including creation of two levels of internal decks for use as (D1) exhibition space and flexible (D1), (A3/A4) exhibition/restaurant/bar use;

i) Plant and energy centres;

j) Pedestrian/vehicle/cycle/highway works;

k) Public realm, landscaping and associated works.

- 5.3. This application is procedural in nature and seeks only to amend the description of development of the Masterplan consent. It does not seek consent for an alternative MSCP development, nor does it seek any amendments to the development approved under the Masterplan.

6. PLANNING CONSIDERATIONS

- 6.1. Section 96A of the Town and Country Planning Act 1990 provides that local planning authorities may make a change to any planning permission as long as they are satisfied "that the change is not material" (section 96A(1)). In deciding whether a change is material, a local planning authority must have regard to the effect of the change. There is no statutory definition of 'non-material', because it will be dependent on the context of the overall scheme.
- 6.2. This application seeks approval for a non-material amendment under section 96A of the Town and Country Planning Act 1990 to vary the description of development as set out in the Masterplan Decision Notice.
- 6.3. The development consented for the MSCP building under the Masterplan consent is set out in section e) of the description of development. At present it reads as "e) Maclise Road Multi Storey Car Park - partial demolition, alterations and extension for use as (C1) hotel, (D2) cinema, and flexible (B1/D1) co-working/conference use".

- 6.4. The alternative MSCP development, under application ref. 2021/04167/FUL, seeks permission for a mix of alternative uses that are not permitted under the Masterplan. This type of application is commonly referred to as a 'drop-in' to the masterplan. Specifically, the drop-in application seeks permission for a school (F1), hotel (C1) and gym/indoor recreation (E(d)). The alternative proposals are inconsistent with the Masterplan description of development, hence why a separate application has been submitted in relation to MSCP only. The drop-in application has been designed to be implemented alongside the remainder of the development permitted by the Masterplan Consent. The amendment sought to the Masterplan description of development would ensure that the applicant could continue to implement the Masterplan Consent. It also retains the option for the developer to implement either MSCP development.
- 6.5. Accordingly, it is necessary to amend the description of development attached to the Masterplan Planning Permission so that it acknowledges that the existing, consented development at the MSCP may not come forward if the revised MSCP proposals are implemented. This is to be achieved by adding the following wording to the description of development attached to the Masterplan Planning Permission, shown in bold and underlined:
- “e) Maclise Road Multi Storey Car Park - partial demolition, alterations and extension for use as (C1) hotel, (D2) cinema, and flexible (B1/D1) co-working/conference use **(which may not be carried out and completed if the alternative MSCP development is permitted).**”
- 6.6. This ensures that the Masterplan Development can be undertaken in accordance with the description of development attached to the Masterplan Consent whether the MSCP is developed pursuant to the Masterplan Consent or the 'drop-in' alternative development (if approved).
- 6.7. The proposed variation to the description of development does not in itself vary the development to be delivered by the Masterplan in any way. The Masterplan could continue to be implemented as consented regardless of whether or not the drop in alternative development application is approved under ref. 2021/04167/FUL. The principal consideration in determining this s96a application is whether or not the change would be material. For the reasons set out in this report, Officers are satisfied that the amendment to the description of development would be non-material in nature.
- 6.8. It is therefore considered that the proposal can be accepted as a non-material amendment to the proposed scheme under Section 96A of the Town and Country Planning Act 1990.

7. RECOMMENDATION

- 7.1. The proposed changes to planning permission ref 2020/01048/VAR dated 7 September 2020 are considered non-material and in accordance with Section 96a of the Town and Country Planning Act 1990.