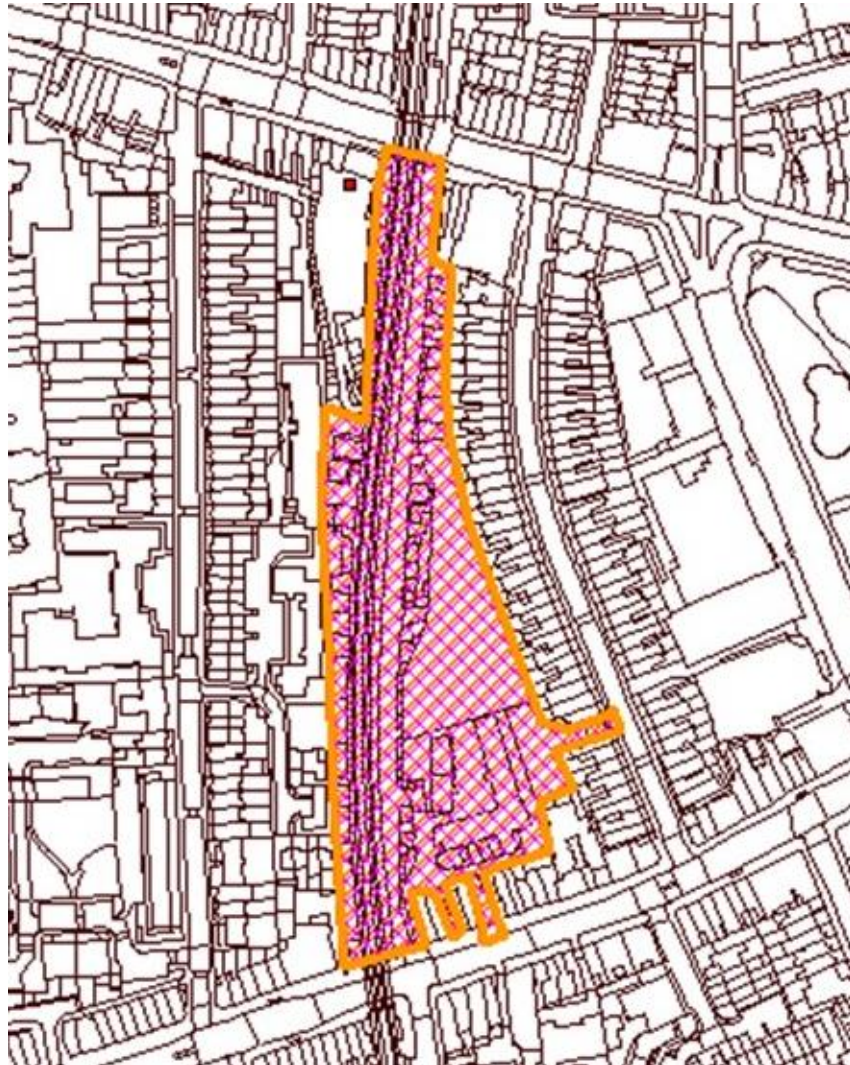


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**Ward:** Shepherd's Bush Green

**Site Address:**

Shepherd's Bush Market, Former Old Laundry Yard, 42 And 48 (Ground Floor) Goldhawk Road, London W12



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For identification purposes only - do not scale.

**Reg. No:**

2023/01093/FUL

**Case Officer:**

Jesenka Oezdalga

**Date Valid:**

11.05.2023

**Conservation Area:**

N/A

**Committee Date:**

05.12.2023

**Applicant:**

YC Shepherd's Bush Market Limited

C/o Agent

**Description:**

Full planning permission for refurbishment works to Shepherd's Bush Market (SBM) and the redevelopment of the adjacent Old Laundry Yard (OLY) site and St Mungo's buildings, together with associated access from Goldhawk Road/Uxbridge Road and Pennard Road, involving:

Demolition of the former St Mungo's building and associated structures; site clearance of the Old Laundry Yard site, replacement of stalls and shop units in SBM, and the demolition of 42 Goldhawk Road and reconfiguration of 48 Goldhawk Road, to create new vehicular and entrance lobby/pedestrian access into site. The proposed redevelopment involves:

The reconfiguration and refurbishment of Shepherd's Bush Market, including new and replacement stalls and shops, works to the external facades of the arches, a replacement canopy, new entrance signs at Goldhawk Road and Uxbridge Road, new road surfacing, drainage, public realm, landscape, and associated works.

The erection of a new, ground plus 8 storey building (plus mezzanine and basement levels) to comprise of workspace, cafe, shops, and life science accommodation (Class E) and associated plant, cycle parking and photovoltaic panels (PV's).

The erection of a new, ground plus 5 storey building for 40 residential dwellings and associated private amenity space, communal gardens, plant, PVs, cycle parking and bin store.

New public realm, landscape, and associated works throughout the site, including traffic calming, delivery and servicing including a loading bay with turning table, new pedestrian, cycle and vehicle accesses and internal routes and associated highway works.

Drg. Nos: See condition 2.

**Application Type:**

Full Detailed Planning Application

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-

## **Officers' Recommendations:**

(1) That the Committee resolve that, subject to there being no contrary direction from the Mayor for London, that the Director of Planning and Property 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 Director of Planning and Property, after consultation with the Assistant Director of 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.

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## **CONDITIONS**

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

### **1) Time Limit**

The development hereby permitted shall not commence later than 3 years from the date of this decision.

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

### **2) Drawings**

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

#### **SITE & DEMOLITION**

- 19139\_M\_A\_ (00) \_P100 SITE LOCATION PLAN
- 19139\_M\_A\_ (00) \_P102 SHEPHERD'S'S BUSH 2.0 SITE PLAN

- 19139\_M\_A\_ (12) \_P110 SCOPE OF DEMOLITION PLAN - GROUND FLOOR

#### **MASTERPLAN**

- 19139\_M\_A\_ (00)\_P105 Rev 01 PROPOSED SITE PLAN
- 19139\_M\_A\_ (00)\_P110 Rev 01 GENERAL ARRANGEMENT PLAN - PROPOSED GROUND FLOOR
- 19139\_M\_A\_ (00)\_P114 Rev 01 GENERAL ARRANGEMENT PLAN - PROPOSED LEVEL 03
- 19139\_M\_A\_ (00)\_P117 Rev 01 GENERAL ARRANGEMENT PLAN - PROPOSED LEVEL 06
- 19139\_M\_A\_ (00)\_P119 Rev 01 GENERAL ARRANGEMENT PLAN - PROPOSED ROOF
- 19139\_M\_A\_ (00)\_P200 PROPOSED SITE ELEVATION AND SECTIONS

#### **MASTERPLAN – GATE**

- 19139\_M\_A\_ (00) \_P210 NO.48 GATEHOUSE - BAY STUDY - PLAN AND SOUTH ELEVATION
- 19139\_M\_A\_ (00)\_P211 Rev 01 NO.42 ENTRANCE - BAY STUDY - PLAN AND SOUTH ELEVATION
- 19139\_M\_A\_ (00)\_P212 MARKET LANE - BAY STUDY - PLAN AND SOUTH ELEVATION
- 19139\_M\_A\_ (00)\_P213 PENNARD ROAD ENTRANCE - BAY STUDY - PLAN AND EAST ELEVATION
- 19139\_M\_A\_ (00)\_P300 NO.48 GATEHOUSE - PROPOSED SECTION
- 19139\_M\_A\_ (00)\_P301 Rev 01 NO.42 ENTRANCE - PROPOSED SECTION
- 19139\_M\_A\_ (00)\_P302 PENNARD ROAD ENTRANCE - PROPOSED SECTION

#### **PLOT A - COMMERCIAL**

- 19139\_A\_A\_ (00) \_P108 PLOT A - PROPOSED BASEMENT PLAN
- 19139\_A\_A\_ (00) \_P109 PLOT A - PROPOSED BASEMENT MEZZANINE PLAN
- 19139\_A\_A\_ (00) \_P110 PLOT A - PROPOSED GROUND FLOOR PLAN
- 19139\_A\_A\_ (00) \_P111 PLOT A - PROPOSED GROUND FLOOR MEZZANINE PLAN
- 19139\_A\_A\_ (00) \_P112 PLOT A - PROPOSED LEVEL 01 PLAN
- 19139\_A\_A\_ (00) \_P113 PLOT A - PROPOSED LEVEL 02 PLAN
- 19139\_A\_A\_ (00) \_P114 PLOT A - PROPOSED LEVEL 03 PLAN
- 19139\_A\_A\_ (00) \_P115 PLOT A - PROPOSED LEVEL 04 PLAN
- 19139\_A\_A\_ (00)\_P116 PLOT A - PROPOSED LEVEL 05 PLAN
- 19139\_A\_A\_ (00)\_P117 PLOT A - PROPOSED LEVEL 06 PLAN
- 19139\_A\_A\_ (00)\_P118 PLOT A - PROPOSED LEVEL 07 PLAN
- 19139\_A\_A\_ (00)\_P119 PLOT A - PROPOSED ROOF PLAN
- 19139\_A\_A\_ (00)\_P200 PLOT A - PROPOSED NORTH ELEVATION

- 19139\_A\_A\_(00)\_P201 PLOT A - PROPOSED SOUTH ELEVATION
- 19139\_A\_A\_(00)\_P202 PLOT A - PROPOSED EAST ELEVATION
- 19139\_A\_A\_(00)\_P203 PLOT A - PROPOSED WEST ELEVATION
- 19139\_A\_A\_(00)\_P210 PLOT A - BAY STUDY - SOUTH ELEVATION TYPICAL
- 19139\_A\_A\_(00)\_P211 PLOT A - BAY STUDY - EAST ELEVATION TYPICAL
- 19139\_A\_A\_(00)\_P212 PLOT A - BAY STUDY - WEST ELEVATION TYPICAL
- 19139\_A\_A\_(00)\_P213 PLOT A - BAY STUDY - SOUTH ELEVATION BOTTOM
- 19139\_A\_A\_(00)\_P214 PLOT A - BAY STUDY - EAST ELEVATION BOTTOM
- 19139\_A\_A\_(00)\_P215 PLOT A - BAY STUDY - WEST ELEVATION BOTTOM
- 19139\_A\_A\_(00)\_P216 PLOT A - BAY STUDY - SOUTH ELEVATION TOP
- 19139\_A\_A\_(00)\_P217 PLOT A - BAY STUDY - EAST ELEVATION TOP
  
- 19139\_A\_A\_(00)\_P218 PLOT A - BAY STUDY - WEST ELEVATION TOP
- 19139\_A\_A\_(00)\_P301 PROPOSED SECTION AA
- 19139\_A\_A\_(00)\_P302 PROPOSED SECTION BB

#### **PLOT B - RESIDENTIAL**

- 19139\_B\_A\_(00)\_P110 PLOT B - PROPOSED GROUND FLOOR PLAN
- 19139\_B\_A\_(00)\_P111 PLOT B - PROPOSED LEVEL 01 PLAN
- 19139\_B\_A\_(00)\_P112 PLOT B - PROPOSED LEVEL 02-03 PLAN
- 19139\_B\_A\_(00)\_P113 PLOT B - PROPOSED LEVEL 04 PLAN
- 19139\_B\_A\_(00)\_P114 PLOT B - PROPOSED LEVEL 05 PLAN
- 19139\_B\_A\_(00)\_P115 PLOT B - PROPOSED ROOF PLAN
- 19139\_B\_A\_(00)\_P150 PROPOSED M4(3) UNITS - 2B3P
- 19139\_B\_A\_(00)\_P160 PROPOSED M4(2) UNITS - 1B2P & 2B3P
- 19139\_B\_A\_(00)\_P161 PROPOSED M4(2) UNITS - 2B3P
- 19139\_B\_A\_(00)\_P162 PROPOSED M4(2) UNITS - 2B3P
- 19139\_B\_A\_(00)\_P163 PROPOSED M4(2) UNITS - 2B4P
- 19139\_B\_A\_(00)\_P164 PROPOSED M4(2) UNITS - 2B4P
- 19139\_B\_A\_(00)\_P165 PROPOSED M4(2) UNITS - 2B4P & 3B5P
- 19139\_B\_A\_(00)\_P166 PROPOSED M4(2) UNITS - 3B5P
- 19139\_B\_A\_(00)\_P200 PLOT B - PROPOSED NORTH ELEVATION
- 19139\_B\_A\_(00)\_P201 PLOT B - PROPOSED SOUTH ELEVATION
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- 19139\_B\_A\_(00)\_P212 PLOT B - BAY STUDY EAST ELEVATION TOP
- 19139\_B\_A\_(00)\_P213 PLOT B - BAY STUDY WEST ELEVATION BOTTOM
- 19139\_B\_A\_(00)\_P214 PLOT B - BAY STUDY WEST ELEVATION MIDDLE
- 19139\_B\_A\_(00)\_P215 PLOT B - BAY STUDY WEST ELEVATION TOP
- 19139\_B\_A\_(00)\_P301 PROPOSED SECTION CC

- 19139\_B\_A\_(00)\_P302 PROPOSED SECTION DD

## **HIGHWAYS**

- M000774-2-1-DR-001 Rev G GOLDHAWK ROAD PROPOSED VEHICLE CROSSOVER ACCESS GENERAL ARRANGEMENT
- M000774-2-1-DR-004 Rev E GOLDHAWK ROAD PROPOSED VEHICLE CROSSOVER ACCESS VISIBILITY SPLAYS
- M000774-2-1-DR-005 Rev C GOLDHAWK ROAD PROPOSED VEHICLE CROSSOVER ACCESS PEDESTRIAN VISIBILITY SPLAYS
- M000774-2-1-TR-021 Rev G GOLDHAWK ROAD PROPOSED VEHICLE CROSSOVER ACCESS SWEEPED PATH ANALYSIS

To ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with D1, D2, D3, D4, D5, D7, D8, D9, D11, D12, D13, D14, HC1, HC3, HC4, G5 and G7 of the London Plan (2021) and Policies DC1, DC2, DC3, DC7 and DC8 of the Local Plan (2018).

### **3) Phasing (Market Works)**

No development shall commence until a final phasing plan for the market has been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed sequence of the interim and final refurbishment works to the market, including the extent of each phase and the timing, relative to the market use, up to and including the completion of the public realm works. Any changes that may be required to the phasing shall be submitted to and approved in writing by the Local Planning Authority. The works to the Market shall be carried out in accordance with the approved phasing plan and no part of the commercial building shall be occupied until the market works are completed.

To ensure that the development is carried out in a comprehensive, orderly, and within a reasonable timescale for the benefit of the existing and future occupiers of the market and other occupiers of the surrounding area, and with the provisions and assessment set out in the approved Environmental Impact Assessment, in accordance with policies D1, D2, D3, D4, D5, D8, D9, D11, HC1, HC3, G4, G5, G6 and G7 of the London Plan (2021) and Policies WCRA, WCRA3, DC1, DC2, DC2, DC3 and DC8 of the Local Plan (2018).

### **4) Hoardings**

No development shall commence until a scheme for temporary fencing and/or enclosure of the site has been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed sequencing/phasing of

the refurbishment of the market. The temporary fencing and/or enclosure shall be retained for the duration of the enabling, demolition and building works in accordance with the approved details. No part of the temporary fencing and/or enclosure of the site shall be used for the display of commercial advertisement hoardings unless the relevant advertisement consent is sought from the Local Planning Authority.

To ensure a satisfactory external appearance and to prevent harm to surrounding residential occupiers, the street scene and public realm, in accordance with Policy D4 of the London Plan (2021), Policies DC1, DC8 and CC12 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

## **5) Infrastructure Protection – London Underground**

Prior to the commencement of the development hereby permitted (excluding enabling works and demolition works on the former Old Laundry site), a detailed design and method statement ((in consultation with TfL Infrastructure Protection)) for the foundations, lower ground, and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), shall be submitted to and approved in writing by the Local Planning Authority in consultation with London Underground which:

- a) Carry out a staged ground movement assessment (GMA) that identifies the risk and impact of the proposed development and associated construction activities on LU assets. All relevant stages of demolition, excavation and construction are to be considered.
- b) Provide details of excavation methods and temporary / permanent retaining structures.
- c) Provide site specific Risk Assessments and Method Statements (RAMS) for any activities which TfL may deem to be a risk to London Underground (LU). Individual RAMS should be issued a minimum of 6 weeks prior to the individual activity commencing.
- d) Provide details on the permanent and temporary façade and associated supporting structures.
- e) Prior to commencement of each phase of the development provide details of foundations, basement, and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent).
- f) Provide details on the use of scaffolding, tall plant, lifting equipment.
- g) Demonstrate that the risks to the railway from the use or storage of any cranes or other tall plant are mitigated, to as low as reasonably practicable.
- h) Demonstrate that the proposed development will not restrict in any way future inspection and maintenance requirements of LU assets.
- i) Glare study to be carried to demonstrate no adverse impact on the operations of the railway resulting from the proposed façade.



- j) Demonstrate that temporary and permanent lighting on the development shall not obstruct or have any adverse impact on operation of LU assets.
- k) Written confirmation will be required from Thames Water that any increased drainage or sewage from the site will not be discharged directly or indirectly into LU's drainage system.
- l) Accommodate the location of the existing LU structures.
- m) There should be no opening windows or balconies facing the London Underground elevation.
- n) Demonstrate that the normal use and emergency access / egress requirements of LU assets will be maintained throughout construction and in the permanent case.
- o) Demonstrate that any Electromagnetic Compatibility (EMC) emissions from any plant or equipment to be used on the site or in the finished structure will not adversely affect LU equipment or signalling.
- p) Demonstrate access to elevations of the building adjacent to the property boundary with LU can be undertaken without recourse to entering our land.
- q) Demonstrate that there will at no time be any potential security risk to our railway, property, or structures.
- r) Mitigate the effects of noise and vibration on LU assets arising from the development construction and demolition activities.
- s) Mitigate the effects of noise and vibration on the development arising from adjoining railway.
- t) No claims to be made against TfL or London Underground by the tenants, occupants, or lessees of the development for any noise or vibration resulting from London Underground running, operating, and maintaining the adjacent railway.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the development hereby permitted is occupied.

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with Policy T3 of the London Plan (2021).

## **6) Demolition Management Plan**

Prior to the commencement of the demolition phase of the development (excluding refurbishment works on the market site), a Demolition Management Plan (DMP) shall be submitted to and approved in writing, by the Local Planning Authority. The DMP shall include:

- a) Details of location of site offices, ancillary buildings, plant, wheel-washing facilities, stacking bays and car parking.

- b) Storage of any skips.
- c) Oil and chemical storage.
- d) Membership of the Considerate Contractors Scheme.
- e) Delivery locations and the proposed control measures and monitoring for noise, vibration, lighting, 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 and not on Sundays or Bank Holidays.
- f) 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.
- g) Details shall also include the use of on road Ultra Low Emission Zone compliant Vehicles e.g. Euro 6 and Euro VI.
- h) Provisions within the site to ensure that all vehicles associated with the demolition works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway.

The works shall be carried out in accordance with the relevant approved CMP throughout the project period.

To ensure that occupiers of surrounding premises are not adversely affected by noise, vibration, dust, lighting, or other emissions from the building site in accordance with Policy D14 of the London Plan (2021), Policies DC1, DC12, CC6, CC7, CC10, CC11 and CC12 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

## **7) Demolition Logistics Plan**

Prior to the commencement of the demolition phase of the development, a Demolition Logistics Plan (DLP) in accordance with the Transport for London Guidance shall be submitted to and approved in writing by the Local Planning Authority. The works shall cover the following minimum requirements:

- a) Site logistics and operations.
- b) Demolition vehicle routing.
- c) Details of the estimated number, size and routes of demolition vehicles per day/week.
- d) Details of the use of Ultra Low Emission Zone (ULEZ) compliant Vehicles e.g. Euro 6 and Euro VI.
- e) Details of the access arrangements and delivery locations on the site.
- f) Details of any vehicle holding areas; and other matters relating to traffic management to be agreed as required.
- g) Efficiency and sustainability measures to be undertaken for the works; and Membership of the Considerate Contractors Scheme.

The works shall be carried out in accordance with the relevant approved CMP throughout the project period.

To ensure that occupiers of surrounding premises are not adversely affected by noise, vibration, dust, lighting, or other emissions from the building site in accordance with Policy T7 of the London Plan (2021) and T1, T6 and T7 of the Local Plan (2018).

## **8) Construction Management Plan**

Prior to the commencement of the construction phase of the development hereby permitted and excluding market refurbishment works, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include:

- a) A detailed plan showing phasing relevant foundations, basement, and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), contractors' method statements.
- b) Waste classification and disposal procedures and locations.
- c) Location of site offices, ancillary buildings, plant, wheel-washing facilities, tacking bays and car parking.
- d) Details of storage and any skips, oil and chemical storage.
- e) Membership of the Considerate Contractors Scheme and contractors accredited to FORS silver.
- f) Delivery locations and the proposed control measures and monitoring for noise, vibration, lighting, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800-1300hrs on Saturdays, and not on Sundays or Bank Holidays.
- g) 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.
- h) Details of the use of on-road Ultra Low Emission Zone compliant Vehicles e.g. Euro 6 and Euro VI
- i) Provisions within the site to ensure that all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway.

The works shall be carried out in accordance with the relevant approved CMP throughout the project period.

To ensure that occupiers of surrounding premises are not adversely affected by noise, vibration, dust, lighting, or other emissions from the building site in accordance with Policies SI 1, T7 and GG3 of the London Plan (2021) Policy D14 of

the London Plan, Policies DC1, DC12, CC6, CC7, CC10, CC11, CC12 and CC13 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

## **9) Construction Logistics Plan**

Prior to the commencement of the construction phase of the development hereby permitted and excluding refurbishment works to the market site a Construction Logistics Plan in accordance with Transport for London guidance shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London). The Construction Logistics Plan shall cover the following minimum requirements:

- a) Site logistics and operations.
- b) Construction vehicle routing.
- c) Contact details for site managers and details of management lines of reporting.
- d) Detailed plan showing phasing.
- e) Location of site offices, ancillary buildings, plant, wheel-washing facilities, stacking bays and car parking.
- f) Storage of any skips, oil, and chemical storage etc.
- g) Access and egress points, with times of vehicle access restrictions to be set out at peak times.
- h) Details of the access arrangements and delivery locations on the site.
- i) Details of any vehicle holding areas, and restriction of vehicle numbers to no more than 6 vehicles maximum in any one hour; and other matters relating to traffic management to be agreed as required.
- j) Efficiency and sustainability measures to be undertaken for the works; and
- k) Membership of the Considerate Contractors Scheme and appoint contractors who are accredited to FORS Silver or above.

The works shall be carried out in accordance with the approved Construction Logistics Plan throughout the whole construction period.

To ensure that appropriate steps are taken to limit the impact of the proposed construction works on the operation of the public highway, the amenities of residents and the area generally in accordance with Policy T7 of the London Plan (2021) and T1, T6 and T7 of the Local Plan (2018).

## **10) Contamination: Preliminary Risk Assessment**

No development shall commence until a preliminary risk assessment report is submitted to and approved in writing by the Local Planning Authority. 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. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

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

#### **11) Contamination: Site Investigation Scheme**

No development shall commence within the development until a site investigation scheme is submitted to and approved in writing by the Local Planning Authority. 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. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

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

#### **12) Contamination: Quantitative Risk Assessment Report**

Unless the Local Planning Authority agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, a site investigation undertaken in compliance with the approved site investigation scheme, a quantitative risk assessment report is submitted to and approved in writing by the Local Planning Authority. This report shall: assess the degree and nature of any contamination identified on the site through the site investigation; include a revised conceptual site model from the preliminary risk assessment based on the information gathered through the site investigation to confirm the existence of any remaining pollutant linkages and determine the risks

posed by any contamination to human health, controlled waters, and the wider environment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

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

### **13) Contamination: Remediation Method Statement**

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

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

### **14) Contamination: Verification Report**

Unless the Local Planning Authority agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until the approved method statement has been carried out in full and a verification report confirming these works has been submitted to, and approved in writing, by the Local Planning Authority. This report shall include; details of the remediation work carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement. If, during development, contamination not previously identified is found to be present at the site, the Local Planning Authority is to be informed immediately and no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is

submitted to, and agreed in writing by, the Local Planning Authority. Any required remediation shall be detailed in an amendment to the remediation statement and verification of these works included in the verification report. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

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

### **15) Contamination: Onward Long-Term Monitoring Methodology**

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

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

### **16) Piling Method Statement**

No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling would be carried out, including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority, in consultation with the relevant water or sewerage undertaker. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

To prevent any potential to impact on local underground water and sewerage utility infrastructure, in accordance with Policies CC3 CC5 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

### **17) Air Quality Dust Management Plan (Demolition phase)**

Prior to the commencement of the demolition phase of the development hereby permitted, an Air Quality Dust Management Plan (AQDMP) 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 NO<sub>x</sub> Emission mitigation and control measures including for on-road and off-road construction traffic as required by the overall Medium/High Dust Risk Rating of the site and shall be in a table format.
- f) Details of Site Particulate (PM10) and Dust Monitoring Procedures and Protocols including locations of a minimum of 2 x MCERTS compliant Particulate (PM10) monitors on the site boundaries used to prevent levels exceeding predetermined PM10 Site Action Level (SAL) of 190 µg/m<sup>3</sup>, measured as a 1-hour mean. Prior to installation of the PM10 monitors on site the calibration certificates of MCERTS compliant PM10 monitors and the internet-based log-in details to enable access to the real-time PM10 monitoring data from the PM10 monitors shall be issued to Hammersmith & Fulham Council by e-mail to [constructionairqualitymonitoring@lbhf.gov.uk](mailto:constructionairqualitymonitoring@lbhf.gov.uk)
- g) The data from the on-site Particulate (PM10) monitors shall also be made available on the council's construction site air quality monitoring register <https://www.envimo.uk> website.
- h) 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 NO<sub>x</sub> 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 NO<sub>x</sub> and PM. An inventory of all



NRMM for the first phase of demolition shall be registered on the London City Hall NRMM register [GLA-NRMM-Register](#) prior to commencement of demolition works and thereafter retained and maintained until occupation of the development.

- i) 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.

To comply with the requirements of Policy SI1 of the London Plan (2021) and Policy CC10 of the Local Plan (2018).

### **18) Air Quality Dust Management Plan (Construction phase)**

Prior to the commencement of the construction phase of the development hereby permitted, an Air Quality Dust Management Plan (AQDMP) to mitigate air pollution from the construction phase of the development 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 including for on-road and off-road construction traffic as required by the overall Medium Dust Risk Rating of the site and shall be in a table format.
- f) Details of Site Particulate (PM10) and Dust Monitoring Procedures and Protocols including locations of a minimum of 2 x MCERTS compliant Particulate (PM10) monitors on the site boundaries used to prevent levels exceeding predetermined PM10 Site Action Level (SAL) of 190 µg/m<sup>3</sup>, measured as a 1-hour mean. Prior to installation of the PM10 monitors on site the calibration certificates of MCERTS

compliant PM10 monitors and the internet-based log-in details to enable access to the real-time PM10 monitoring data from the PM10 monitors shall be issued to Hammersmith & Fulham Council by e-mail to

[constructionairqualitymonitoring@lbhf.gov.uk](mailto:constructionairqualitymonitoring@lbhf.gov.uk). The data from the on-site

Particulate (PM10) monitors shall also be made available on the construction site air quality monitoring register website <https://www.envimo.uk>

- 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 London City Hall NRMM register [GLA-NRMM-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 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.

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

## **19) Ventilation Strategy**

Prior to commencement of above ground works of the residential building in the development hereby permitted, a Ventilation Strategy Report to mitigate the impact of existing poor air quality for the residential units shall be submitted to and approved in writing by the Local Planning Authority. This is applicable to all locations on all residential floors where the Annual Mean Nitrogen Dioxide (NO<sub>2</sub>), and Particulate (PM<sub>10</sub>, PM<sub>2.5</sub>) concentrations are equal to 20ug/m<sup>3</sup>, 20ug/m<sup>3</sup> and 10 ug/m<sup>3</sup> 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 residential floors.
- b) Details and locations of restricted opening windows (maximum 200mm for emergency purge ventilation only) for all habitable rooms (Bedrooms, Living Rooms, Study) on all residential 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, 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 Oxides (NOx) and Particulate Matter (PM2.5, PM10) filtration with air intakes on the rear elevation to remove airborne pollutants. The filtration system shall have a minimum efficiency of 90% 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.

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

## **20) Ventilation Strategy (compliance)**

Prior to occupation of the development hereby permitted, details of a post installation compliance report of the approved ventilation strategy as required by Condition 19 to mitigate the impact of existing poor air quality shall be submitted to and approved in writing by the Local Planning Authority. The report shall be produced by an accredited Chartered Building Surveyor (MRICS). Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

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

## **21) Zero Emission Heating compliance**

Prior to occupation of the development, details of the installation of the Zero Emission MCS certified Air/Water Source Heat Pumps or Electric Boilers to be provided for space heating and hot water for the residential units and non-residential uses 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.

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

## **22) Zero Emission Emergency Generator Plant compliance**

Prior to occupation of the development hereby permitted (excluding the refurbishment works to the market site), details of the installation/commissioning reports of Zero Emission Emergency Generator plant for the residential and non-residential uses 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.

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

## **23) Flood Risk Assessment (FRA)**

The development hereby permitted shall be carried out in accordance with the measures contained within the approved Flood Risk Assessment (Prepared by Elliott Wood dated April 2023). No part of the development shall be used or occupied until all flood prevention and mitigation measures have been installed in accordance with the submitted details and the development shall be permanently retained in this form and maintained as necessary thereafter.

To reduce the impact of flooding to the development and future occupants, in accordance with Policies SI 5 and SI 13 of the London Plan (2021) and Policy CC3 of the Local Plan (2018).

## **24) Surface Drainage Strategy/SuDS**

Prior to commencement of the development (excluding Enabling and Demolition Works) hereby permitted, full details of the Surface Water Drainage Strategy and Design shall be submitted to the Local Planning Authority for approval which shall include the Sustainable Drainage Systems (SuDS) to be used to manage surface water discharge from the site, within each part of development as appropriate.

SuDS Measures shall include but not be limited to rainwater harvesting for collection and re-use of surface water, soft landscaping including living roofs, permeable hard surfaces and attenuation storage and controlled release of stormwater. Confirmation of discharge connections and rates shall be provided along with maintenance information for each SuDS measure. Detailed Plans shall be provided to show all SuDS measures and how they connect to the wider drainage network. The detailed SuDS scheme must demonstrate that it has been developed in accordance with the overarching principles set out in the Flood Risk Assessment (April 2023), in

compliance with the London Plan Drainage Hierarchy to minimise any required discharge of surface water to the sewer network. The Detailed Strategy and Designs 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.

To ensure that sufficient drainage capacity is made available to cope with the new development; and to avoid adverse environmental impact upon the community and to prevent any increased risk of flooding and to ensure the satisfactory storage of/disposal of surface water from the site in accordance with Policy SI 13 of the London Plan (2021) and policies CC1, CC2, CC4, CC5, OS1, OS4 and OS5 of the Local Plan (2018).

## **25) Blue, Green & Brown Roofs**

Prior to commencement of relevant works to the market, residential and commercial buildings, final details of all blue, green and/or brown roofs within the development; including the identification of further opportunities for these roofs, details of types of roofs and a planting maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme has been carried out in accordance with the approved details and shall thereafter be permanently retained in this form.

To ensure the provision of blue and green roofs in the interests of sustainable urban drainage and habitat provision, in accordance with Policies SI 12, S1 13, G1 and G6 of the London Plan (2021) and Policy OS5 and CC4 of the Local Plan (2018).

## **26) Basement Waterproofing**

Prior to commencement of the development (excluding Enabling and Demolition Works) hereby permitted, details of the structural water-proofing measures proposed for the basement, including any detailed plans and specifications, shall be submitted for approval by the council to demonstrate that there will be no increase in flood risks from groundwater on or off site as a result of the development.

To prevent any increase in flooding within the basement as a result of internal sewer flooding in accordance with Policy CC3 of the Local Plan (2018).

## **27) Non- return valve**

Prior to the occupation of the development hereby approved, details of the need to install a non- return valve and pump device to prevent sewage 'back-surgin' into the basement in times of heavy rain and to allow the property's sewage to continue to flow properly into the sewer network shall be submitted to and approved in writing by

Local Planning Authority. Should a non-return valve and pump device be required it shall be installed prior to the occupation of the development.

To protect the new units from flooding, as recommended by Thames Water and in accordance with Policy CC4 of the Local Plan (2018).

## **28) Sustainability**

Within 6 months of occupation of any part of the new commercial building, a BREEAM (Version 6) a post-completion assessment and certification confirming that the commercial building achieves a minimum 'Very Good' BREEAM rating shall be submitted to and approved in writing by the Local Planning Authority to verify the measures within the approved Sustainability Statement document have been implemented in full.

In the interests of energy conservation, reduction of CO2 emissions and wider sustainability, in accordance with Policies SI 1, SI 2, and SI 3 of the London Plan (2021) and Policies CC1, CC2 of the Local Plan (2018).

## **29) Updated Energy Strategy**

Prior to commencement of the development hereby permitted (excluding enabling and demolition works), an updated Energy Strategy for the development shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of energy efficiency and low/zero carbon technologies and confirm that CO2 emissions would be reduced in line with the London Plan targets. No part of the development shall be used or occupied until it has been carried out in accordance with the approved details and shall thereafter be permanently retained in this form.

In the interests of energy conservation and reduction of CO2 emissions, in accordance with Policies S I2, S I3 and S I4 of the London Plan (2021) and Policies CC1, CC2 and CC7 of the Local Plan (2018).

## **30) Waste Capacity (Thames Water)**

The development shall not be occupied until confirmation has been submitted to and approved in writing by the Local Planning Authority, in consultation with Thames Water, that either waste capacity exists off site to serve the development, or all wastewater network upgrades required to accommodate the additional flows from the development have been completed prior to occupation of the development, or an infrastructure phasing plan has been agreed with Thames Water to allow the development to be occupied.

The development may lead to sewage flooding and Thames Water may need to undertake network reinforcement works to ensure sufficient capacity is provided to accommodate additional flows from the new development. The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](http://thameswater.co.uk/preplanning).

### **31) Water Infrastructure (Thames Water)**

The development shall not be occupied until confirmation has been submitted to and approved in writing with Thames Water that either all water network upgrades required to accommodate the additional flows from the development has been completed, or an infrastructure phasing plan has been agreed with Thames water to allow the development to be occupied. Where an infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed infrastructure phasing plan.

The development may lead to no/low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development. The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](http://thameswater.co.uk/preplanning).

### **32) Transport and/or industrial noise sources**

Prior to commencement of above ground works noise assessment shall be submitted to the Local Planning Authority for approval of external noise levels incl. reflected and re-radiated noise and details of the sound insulation of the building envelope, orientation of habitable rooms away from major noise sources and of acoustically attenuated mechanical ventilation as necessary to achieve internal room- and (if provided) external amenity noise standards in accordance with the criteria of BS8233:2014. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

### **33) Separation of noise sensitive rooms in neighbouring flats**

Prior to commencement of the residential building in the development, details shall be submitted to and approved in writing by the Local Planning Authority, of an enhanced sound insulation value  $D_{nT,w}$  and  $L'_{nT,w}$  of at least 5dB above the Building Regulations value, for the floor/ceiling/wall structures separating different

types of rooms/ uses in adjoining dwellings. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

### **34) Separation of communal facilities/plant etc. noise from noise sensitive premises**

Prior to commencement of above ground works, details shall be submitted to and approved in writing by the Local Planning Authority of the sound insulation of the floor/ ceiling/ walls separating the ground floor plant room from the residential units. Details shall demonstrate that the sound insulation value  $D_{nT,w}$  is sufficiently enhanced above the Building Regulations value and, where necessary, additional mitigation measures implemented to contain commercial noise within the commercial premises and to achieve the criteria  $L_{Amax,F}$  of BS8233:2014 within the dwellings/ noise sensitive premises. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

### **35) Sound Insulation of commercial building envelope**

Prior to commencement of the construction phase of the commercial building of the development, details shall be submitted to and approved in writing by the Local Planning Authority, 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. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

### **36) External noise from machinery, extract/ ventilation ducting, plant, mechanical gates, etc.**

Prior to the installation of machinery, extract/ventilation ducting, mechanical gates etc to the relevant part of the development, details shall be submitted to and



approved in writing by the Local Planning Authority, 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 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.

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

### **37) Emergency Generators**

Prior to first operational use of each building, details shall be submitted to and approved in writing by the Local Planning Authority to confirm that sound emitted by standby or emergency generators, during power outages or testing does not exceed the lowest daytime ambient noise level LAeq (15min) as measured or calculated according to BS4142:2014.

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

### **38) Anti- vibration mounts and silencing of machinery etc.**

Prior to commencement of the relevant part of the development, details of anti-vibration measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall ensure that machinery, plant/ equipment is 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.

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

### **39) Vibration levels**

Prior to commencement of above ground works, details shall be submitted to and approved in writing by the Council, of building vibration levels and, together with appropriate mitigation measures where necessary. Details shall demonstrate that vibration will meet a level that has low probability of adverse comment, and the assessment method shall be as specified in BS 6472:2008. No part of the development shall be occupied until the approved details have been implemented. Approved details shall thereafter be permanently retained.

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

### **40) Extraction and Odour Control system for non-domestic kitchens**

Prior to the installation of extract and odour systems to the commercial building, details shall be submitted to and approved in writing by the Council, of the installation, operation, and maintenance of the odour abatement equipment and extract system, including the height of the extract duct and vertical discharge outlet, in accordance with Appendix 4G of the LBHF Planning Guidance Supplementary Planning Document - February 2018. Approved details shall be implemented prior to the commencement of the use and thereafter be permanently retained.

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

### **41) Lighting**

Prior to their installation, details of external artificial lighting shall be submitted to and approved in writing by the Local Planning Authority. Lighting contours shall be submitted to demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations of the Institution of Lighting Professionals in the 'Guidance Note 01/21: Guidance Notes for the Reduction of Obtrusive Light'. Details should also be submitted for approval of measures to minimise use of lighting and prevent glare and sky glow by correctly using, locating, aiming, and shielding luminaires. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

#### **42) Lights off**

Prior to first occupation of the commercial building hereby permitted, a scheme for the control and operation of the proposed lighting within the building, during periods of limited or non-occupation, shall be submitted to and approved in writing by the Local Planning Authority. Details shall be implemented prior to the occupation and be operated only in accordance with the approved details.

To ensure that the building does not cause excessive light pollution and to conserve energy when they are not occupied, in accordance with Policies D9 of the London Plan (2021) and Policy CC12 of the Local Plan (2018).

#### **43) Noise from Use and Activities**

Noise from uses and activities within the new residential and commercial buildings shall not exceed the criteria of BS8233:2014 at neighbouring noise sensitive/habitable rooms and private external amenity spaces.

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).

#### **44) Balconies/Terraces**

Other than the areas explicitly identified on the approved drawings as a balcony, no other part of any roof of the new buildings 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 roofs, and no alterations shall be carried out to any elevation of the application properties to form access onto the roofs.

The use of the roofs 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 and loss of privacy contrary to Policies HO11 and CC11 of the Local Plan (2018).

#### **45) Hours of Use of Terraces - Commercial Building**

Any outdoor use of the terrace areas hereby approved to the commercial building shall only be used between 08.00 hours and 20:00 hours daily.

To ensure that control is exercised over the use of these terrace so that undue harm is not caused to the amenities of the occupiers of the development and neighbouring residential properties because of noise and disturbance, particularly in the quieter

night-time hours, in accordance with policy CC11 and CC13 of the Local Plan (2018) and guidance within the Planning Guidance Supplementary Planning Document (2018).

#### **46) Materials**

Prior to the commencement of the relevant part of the development (excluding demolition works), details of particulars and samples (where appropriate) of all the materials to be used in all external faces of the buildings; including details of the colour, composition and texture of the brick, concrete and metal work; details of all surface windows including window opening and glazing styles (in a manner that will take into account the privacy and amenity of residential premises overlooked by the development); balustrades or screening to balconies and roof terraces; roof top plant and general plant screening; entrances and ground floor glazing, including shopfronts, canopy shall be submitted to and approved in writing by Local Planning Authority. The development shall be carried out in accordance with the details as approved and thereafter permanently retained in this form.

To ensure a satisfactory external appearance and preserve the character and appearance of the surrounding conservation areas and other heritage assets; and to protect the amenities of neighbouring occupiers in terms of overlooking and privacy, in accordance with Policies D3, D4, D8, D9 and HC1 of the London Plan (2021), and Policies DC1, DC2, DC3, DC8 and HO11 of the Local Plan (2018) and guidance contained within the Planning Guidance Supplementary Planning Document (2018).

#### **47) Sample Panels**

Prior to the installation of the facade installations of the relevant part of the development, sample panels detailing brick colour, bond, pointing style, mortar colour, and curtain walling shall be produced for on-site inspection by Council Officers, along with the submission to the Local Planning Authority of samples of these materials, for subsequent approval in writing. The development must be carried out in accordance with the submitted material samples and sample panel, and the development shall thereafter be permanently retained and maintained as such.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, and to preserve the character and appearance of the surrounding conservation areas and other heritage assets; in accordance with Policies D3, D4, D8, D9 and HC1 of the London Plan (2021), Policies DC1, DC2, DC3 and DC8 of the Local Plan (2018), and guidance contained within the Planning Guidance Supplementary Planning Document (2018).

#### **48) 1:20 Details – Typical Bays**

Prior to the commencement of the relevant part of the development (excluding demolition), detailed drawings at a scale not less than 1:20 (in plan, section, and elevation) of typical sections/bays of the approved commercial and residential buildings shall be submitted and approved in writing by the Local Planning Authority. These shall include details of the proposed façade and cladding treatment, fenestration (including framing and glazing details), balustrades (including roof terrace), entrances, and ground floor glazing details. The development shall be carried out in accordance with the details as approved and thereafter permanently retained in this form.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, and to preserve the character and appearance of the surrounding conservation areas and other heritage assets; in accordance with Policies D3, D4, D8, D9 and HC1 of the London Plan (2021), Policies DC1, DC2, DC3 and DC8 of the Local Plan (2018), and guidance contained within the Planning Guidance Supplementary Planning Document (2018).

#### **49) 1:20 Details - Boundaries**

Prior to the commencement of the public realm surface works, detailed drawings at a scale not less than 1:20 (in plan, section, and elevation) of boundary walls, fences, railings, and gates shall be submitted and approved in writing by the Local Planning Authority and no part of the development shall be used or occupied prior to the completion of the relevant works in accordance with the approved details.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policies D3, D4, D8, D9 and HC1 of the London Plan (2021) and Policies DC1, DC2, DC3 and DC8 of the Local Plan (2018).

#### **50) 1:20 Roof Top Plant Enclosures**

Prior to the relevant part of the development, detailed drawings at a scale not less than 1:20 (in plan, section, and elevation) of the rooftop plant enclosures for each building shall be submitted to and approved in writing by the Local Planning Authority. No part of the relevant building shall be used or occupied until the enclosures have been constructed in accordance with the approved details, and the enclosures shall thereafter be permanently retained in this form.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policies D3, D4, D8, D9 and HC1 of the London Plan (2021) and Policies DC1, DC2, DC3 and DC8 of the Local Plan (2018).

### **51) Roller Shutters**

No roller shutters shall be installed, or any part of the commercial building hereby approved (apart from the ground floor market units and the loading bay).

To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with policies DC1, DC2 and DC5 of the LBHF Local Plan (2018).

### **52) Window Glass**

The window glass of any ground floor non-residential use hereby approved shall be clear and shall not be mirrored, or otherwise obscured.

To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with policies DC1 and DC2 of the LBHF Local Plan (2018).

### **53) 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 Local Planning Authority.

To ensure a satisfactory external appearance and to preserve the integrity of the design of the development, and to ensure that the amenity of occupiers of surrounding premises is not adversely affected by artificial lighting, in accordance with Policies DC1, DC2, DC8, DC9 and CC12 of the Local Plan (2018).

### **54) Entrance Doors & Thresholds**

The ground floor entrance doors to all publicly accessible parts of the buildings and integral lift/stair cores, hereby approved shall not be less than 1 metre wide and the threshold shall be at the same level to the path fronting the entrance to ensure level access.

To ensure the development provides ease of access for all users, in accordance with Policy D5 of the London Plan (2021), and the LBHF SPD (2018).

### **55) Self-Closing Doors**

Prior to first occupation of each building, all external doors shall be fitted with self-closing devices, which shall be maintained in an operational condition; and at no time shall any external door be fixed in an open position.

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

#### **56) Refuse**

No removal of refuse nor bottles/cans to external bins or external refuse storage areas 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.

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).

#### **57) Secure by Design**

The development of the commercial and residential building (save demolition and site clearance) shall not commence until a statement of how 'Secured by Design' requirements in relation to the new residential and commercial buildings are to be adequately achieved has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out prior to use of the development hereby approved and permanently maintained thereafter.

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

#### **58) Secure by Design (post completion)**

Within 3 months prior to occupation of the residential and commercial building, a statement of how 'Secure by Design' requirements have been adequately achieved shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include, but not be limited to: site wide public realm CCTV and a feasibility study relating to linking CCTV with the Council's borough wide CCTV system, access controls, security measures throughout the site and means to secure the site throughout construction works in accordance with BS8300:2009. The security measures shall be implemented in accordance with the approved details and shall thereafter be permanently retained in this form.

To ensure that the development incorporates suitable design measures to minimise opportunities for, and the perception of crime and provide a safe and secure environment, in accordance with Policy D11 of the London Plan (2021), and Policies DC1, DC2 and DC8 of the Local Plan (2018).

## **59) Trees**

The development hereby approved shall be carried out in accordance with the approved Arboriculture Impacts Assessment, Method Statement and Tree Protection Plan (ref: PJC/6199/22/02 Rev - prepared by PJC Consultancy Ltd. dated April 2023). All trees adjoining the development site shall be protected from damage in accordance with BS5837:2012. No construction shall take place until any such trees are adequately protected as per BS5837:2012. Tree protection measures shall be carried out in full for the duration of the construction works.

To ensure that retained trees are suitably protected and to prevent harm during the course of construction, in accordance with Policies DC1, DC8, OS2 and OS5 of the Local Plan (2018).

## **60) Landscaping & Public Realm**

Prior to commencement of the landscape/public realm works hereby permitted, final details of the proposed soft and hard landscaping works to all areas of the development and external to the buildings shall be submitted to and approved in writing by the Local Planning Authority having regard to the 'Using Green Infrastructure to Protect People from Air Pollution', Mayor of London, GLA, April 2019 guidance.

The details shall include, but are not limited to: planting schedules and details of the species, height and maturity of any trees and shrubs, including sections through the planting areas; depth of tree pits, containers, and shrub beds; details relating to the access of each building, pedestrian surfaces, wayfinding, disabled drop off areas, loading bays, pedestrian crossings means of pedestrian/cyclist conflict resolution, materials, kerb details, external steps and seating, street furniture, bins and lighting columns that ensure a safe and convenient environment for blind and partially sighted people, all paving and external hard surfaces, boundary walls, railings, gates, fences, and other means of enclosure.

Any plants which die, are removed, become seriously damaged and diseased within a period of five years from completion of the development shall be replaced in the next planting season with others of similar size and species. The landscaping and public realm works shall be carried out in accordance with the approved details and shall thereafter be permanently retained in this form.

To ensure a satisfactory external appearance of the development and relationship with its surroundings, and the needs of the visually impaired are catered for in accordance with Policies D3, D4, D8, D9 and HC1 of the London Plan (2021), and Policies DC1, DC2, DC3, DC8, OS2 and OS5 of the Local Plan (2018).



## **61) Landscape and Ecological Management Plan**

Prior to the commencement of the public realm works within the development hereby permitted, a Landscape and Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority for all the landscaped areas in the development. This shall include details of management responsibilities and maintenance schedules for all landscape areas, as well as a habitat management plan and monitoring report which shall set out objectives and prescriptions for the management of new areas of vegetation and public open spaces within the development, for a minimum period of 5 years from the date of occupation of that phase.

The landscape and ecological management plan shall be implemented in accordance with the approved details and shall thereafter be permanently retained in this form.

To ensure that the development provides an attractive natural and visual environment, and that the biodiversity of the site is protected and enhanced where possible in accordance with Policies CC2, DC1, DC8, OS2, OS4, and OS5 of the Local Plan (2018).

## **62) Play space**

Prior to first occupation of the residential building hereby permitted, the details of outdoor play space, including play equipment, boundary treatments and ground surface treatment of the outdoor play spaces shall be submitted to the Local Planning Authority for approval. Any play equipment shall be designed to be fully inclusive to ensure the play areas are accessible to all and shall be implemented in accordance with the approved plans, to be permanently retained thereafter.

To ensure equal life chances for all, and to prevent groups such as blind people and disabled children being excluded from use of public realm and other amenities by designs failing in detail to take specific needs into account, in accordance with Policy S4 of the London Plan (2021) and Policy OS3 of the Local Plan (2018).

## **63) Artificial Nesting Opportunities**

Prior to occupation of the residential and commercial buildings, details of 'artificial nesting opportunities' including bird and bat boxes within the development shall be submitted to the Local Planning Authority for approval. The 'artificial nesting opportunities' shall be installed in accordance with the approved details prior to the first occupation of the development and shall be permanently maintained thereafter.

To ensure that satisfactory provision is made for 'artificial nesting opportunities' within the development thereby enhancing the biodiversity of the site in accordance with policy G6 of the London Plan (2021), Policy OS4 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

#### **64) Television Interference**

Prior to the commencement of the development hereby permitted (and excluding site clearance and demolition works) details of methods proposed to identify any television interference caused by the proposed development, including during the construction process, and the measures proposed to ensure that television interference that might be identified is remediated in a satisfactory manner shall be submitted to and approved in writing by the Local Planning Authority. The approved remediation measures shall be implemented immediately that any television interference is identified.

To ensure that television interference caused by the development is remediated, in accordance with Policies DC2 and DC10 of the Local Plan (2018).

#### **65) Airwaves Interference Study**

Prior to commencement of the development hereby permitted (and excluding site clearance and demolition works) the following details shall be submitted to and approved in writing by the Local Planning Authority:

The completion of a Base-Line Airwaves Interference Study (the Base-Line Study) to assess airwave reception within/adjacent to the site; and of required; and

The implementation of a Scheme of Mitigation Works for the purposed of ensuring nil detriment during the Construction Works identified by the Base-Line Study.

Such a Scheme of Mitigation Works shall be first submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to occupation and shall thereafter be permanently retained in this form.

To ensure that the existing airwaves reception is not adversely affected by the proposed development, in accordance with Policies DC1, DC2 and DC8 of the Local Plan (2018).

#### **66) Permitted Development Rights - Telecommunications**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting

that principal Order with or without modification), no aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any part of the development hereby permitted, without planning permission first being obtained.

To ensure that the visual impact of telecommunication equipment upon the surrounding area can be considered, in accordance with Policies DC1 and DC8 of the Local Plan (2018).

#### **67) Window Cleaning Equipment**

Prior to the occupation of the residential and commercial buildings hereby approved, details of the proposed window cleaning equipment for each relevant building shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the appearance, means of operation and storage of the cleaning equipment. Each building shall not be used or occupied until the equipment has been installed in accordance with the approved details and shall thereafter be permanently retained in this form.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policies D3, D4, D8, D9 and HC1 of the London Plan (2021) and Policies DC1, DC2, DC3 and DC8 of the Local Plan (2018).

#### **68) Car Parking**

No part of the of the residential and commercial buildings hereby approved shall be occupied until the three designated blue badge parking spaces have been provided in accordance with approved drawings. These accessible parking spaces shall be permanently retained for the life of the development for use by holders of a valid blue badge.

To ensure the provision and retention of disabled car parking facilities, in accordance with Policies D5, T6, T6.1, T6.4 and Policy T6.5 of the London Plan (2021) and Policies E3, HO6, T1 and T5 of the Local Plan (2018).

#### **69) Cycle Parking**

Prior to occupation of the residential and/or commercial building hereby approved the provision of cycle parking spaces including full details of the provision for both cargo cycles and e-cycles spaces made available to residents, visitors and staff shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage/parking facilities shall be permanently retained thereafter in accordance with the approved details.

To ensure the suitable provision of cycle parking within the development to meet the needs of future site occupiers, in accordance with Policy T5 of The London Plan (2021) and Policy T3 of the Local Plan (2018).

#### **70) Electric Vehicle Charging Points**

Prior to occupation of the residential and/or commercial building hereby approved, details of the installation including location and type of active electric vehicle charging points (minimum 22 kW) for the 3 on-site car parking spaces are submitted to and approved in writing by the Local Planning Authority. The approved electric vehicle charging points shall be installed and retained in working order for the lifetime of the development.

To encourage the use of electric vehicles and to mitigate against poor air quality in accordance with Policy SI 1 and T6 of the London Plan (2021) and Policy CC10 of the Local Plan (2018).

#### **71) Zero Emission Delivery Hub**

Prior to occupation of the development hereby permitted, details of the installation of a minimum of three cargo bike parking spaces with cargo bike stands must 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.

To encourage the use of zero emission vehicles and to mitigate against poor air quality in accordance with Policy SI 1, and T6 of the London Plan (2021) and Policy CC10 of the Local Plan (2018).

#### **72) Refuse**

No part of the development hereby approved shall be occupied until the approved refuse storage enclosures for each relevant part of the site, as indicated on the approved drawings, have been provided for the storage of refuse and recyclable materials. All the refuse/recycling facilities shall be retained thereafter in accordance with the approved details.

To ensure the satisfactory provision of refuse storage and recycling and to prevent harm to the street scene arising from the appearance of accumulated rubbish, in accordance with Policies DC2, CC6 and CC7 of the Local Plan (2018) and SPD Key Principle WM1 (2018).

### **73) Aerobic Food Digester (AFD)**

Prior to occupation of the commercial building hereby approved, details of the installation/commissioning of Aerobic Food Digesters (AFD) for the non-residential uses (Class E) 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.

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

### **74) Waste Management Strategy**

The development hereby permitted shall be undertaken in full accordance with the approved Waste Management Strategy and shall be retained thereafter in accordance with the approved details.

To protect the environment and to ensure that satisfactory provision is made for refuse/recycling storage and collection, in accordance with Policy T7 of the London Plan (2021) and Policies CC6 and CC7 of the Local Plan (2018) and SPD Key Principle WM1 (2018).

### **75) Inclusive Access Management Plan**

Prior to the first occupation of each part of the development hereby approved, an Inclusive Access Management Plan for each relevant part of the site shall be submitted to and approved in writing by the Local Planning Authority. The plan shall set out a strategy for ongoing consultation with specific interest groups regarding accessibility of the relevant part of the site. On-going consultation shall then be carried out in accordance with the approved IAMP. The development shall not be operated otherwise than in accordance with the Inclusive Access Management Plan as approved and thereafter be permanently retained in this form.

To ensure that the proposal provides an inclusive and accessible environment in accordance with the Policy E10 of the London Plan (2021) and Policy E3 of the Local Plan (2018).

### **76) Lifts**

Prior to first occupation of the commercial and residential buildings, details of fire rated lifts shall be submitted and approved in writing by the Local Planning Authority. All the lifts shall have enhanced lift repair services, running 365 days/24-hour cover,

to ensure no wheelchair occupiers are trapped if a lift breaks down. The fire rated lifts shall be installed as approved and maintained in full working order for the lifetime of the development.

To ensure that the development provides for the changing circumstances of occupiers and responds to the needs of people with disabilities, in accordance with policies D12 of the London Plan (2021), and Policy DC1 and HO6 of the Local Plan (2018).

#### **77) Fire Strategy**

The development shall be carried out and completed in accordance with the submitted Fire Statement prepared by OFR Consultants. The development shall be implemented in accordance with these details prior to occupation and shall thereafter be permanently retained in this form.

To ensure full compliance with, in accordance with Policy D12 of the London Plan (2021).

#### **78) Signage Strategy – Market Use**

Prior to six months of the completion of the development, a signage strategy for the market including the entrances on Goldhawk Road and Uxbridge Road and provision of public art shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the completion of the development and thereafter permanently retained and maintained.

To ensure a satisfactory external appearance of the development and relationship with its surroundings, in accordance with Policies DC1, DC2 and DC9 of the Local Plan (2018).

#### **79) Market Stalls – Design Strategy**

Prior to first occupation of the new market stalls, final details of design strategy shall be submitted and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation of the relevant phase of the market works and thereafter permanently retained and maintained.

To ensure a satisfactory external appearance of the development and relationship with its surroundings, in accordance with Policies DC1 and DC2 of the Local Plan (2018).

## **80) Number of Residential Units**

The total number of residential units (Class C3) hereby approved shall not exceed 40 residential units.

To ensure the development carried out does not exceed the cumulative maximum approved and to ensure the quantum of floor space keeps within the parameters assessed in relation to the development in accordance with the National Planning Policy Framework, Policies D4, D5, D6, D7, D8, D9, HC1, SI 1 and G5 of the London Plan (2021) and Policies DC1, DC2, DC3 and DC8 of the Local Plan (2018).

## **81) Commercial Building**

The commercial part of the development hereby permitted shall only be used as the retail unit (Class E(a)), Café or Restaurant (Class E(b)) and office floorspace (Class E(g)), and for no other purpose (including any other separate purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

In granting this permission, the Council has had regard to the special circumstances of the case. Certain other uses within the same use class may be unacceptable due to effect on residential amenity or traffic generation, in accordance with Policies DC1, DC4, HO11, CC11, CC13 and T1 of the Local Plan (2018)

## **82) Whole Life-Cycle Carbon Assessment - Post-Construction**

Within 6 months of occupation or use of the development, a post-construction monitoring report setting out how the development has met with the requirements of the approved Whole Life-Cycle Carbon Assessment shall be submitted to and approved in writing by the Local Planning Authority.

In the interests of energy conservation and reduction in carbon, in accordance with London Plan Policy SI2 (2021).

## **83) Circular Economy Assessment Post-Construction Report**

Within 6 months of occupation or use of the development, a post-construction monitoring report setting out how the construction process met the requirements of the approved Circular Economy Statement shall be submitted to and approved in writing by the Local Planning Authority.

In the interests of reducing waste and supporting the Circular Economy, in accordance with London Plan Policy SI 7 (2021).

#### **84) Parking and Turning**

The development (commercial and residential buildings) hereby approved shall not be first occupied or first opened for trading unless and until space has been laid out within the site in accordance with the approved plans, for a service yard and turntable, for vehicles to turn so they may enter and leave the site in forward gear. Thereafter, the service yard and turntable, shall be retained and maintained in perpetuity for their designated purpose.

To ensure that satisfactory provision is made for the parking and turning of delivery and servicing arrangements; to ensure that potential conflicts between servicing vehicles and other users/pedestrians are adequately mitigated and to ensure that the amenity of occupiers of the development site and surrounding properties are not adversely affected by noise and disturbance, in accordance with Policy T7 of The London Plan (2021), Policies T2, CC11 and CC13 of the Local Plan (2018) and SPD Key Principle TR28 (2018).

#### **85) Photovoltaic (PV's) system**

No part of commercial and residential buildings hereby approved shall be occupied until full details of the proposed photovoltaic (PV's) system on the roofs of building are submitted to and approved in writing by the Local Planning Authority at a scale no less than 1:20 in plan, section and elevation. Such details shall be implemented prior to occupation or use of the building and shall be retained thereafter.

To ensure that the development is consistent with the Mayor's sustainable design objectives, to ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policies SI 2, SI 3, D1, D4 of the London Plan (2021), Policies DC1, DC2, DC3 and DC8 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

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### **JUSTIFICATION FOR APPROVING THE APPLICATION**

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#### (1) Land Uses including Market:

The proposed land uses are supported by adopted policies White City Opportunity / Regeneration Area, including those which are specified in the Council's Strategic Site Policy WCRA3. Officers consider that the flexible Class E and residential uses proposed in the development are appropriate in this location. The proposed



development would retain and improve the vitality of Shepherd's Bush Market including measures to assist existing market traders to continue trading and remain part of the market. The proposals are consistent with the allocated land uses within Strategic Site WCRA 3 and within the White City Opportunity and Regeneration Area, which is located in a highly sustainable location, with a PTAL rating of 6a. The proposal has adopted a design-led approach to optimise the capacity of a site in keeping with its surroundings within an emerging high-density area. The supporting information, including the Environmental Statement demonstrate that the development provides a good range of services and amenities for the occupiers of the site. The proposed uses are therefore supported in land use terms subject to the satisfaction of other development plan policies and would be in accordance with the NPPF; Policies GG1, GG2, SD1, SD6, E1, E2, E3, E9 and H1 of the London Plan 2021; and Policies WCRA, WCRA3, HO1, HO3 and HO4 of the Local Plan 2018.

### (2) Housing:

The proposal would contribute to the overall housing delivery targets for the borough and the regeneration area. The provision of 40 new homes (all of which would be affordable) is considered to be acceptable. The proposed housing mix and tenure mix are also considered to be acceptable, as is the standard of accommodation provided for prospective occupiers. The proposal is considered to be in accordance with the NPPF; Policies GG4, H1, H4, H6 and H10 of the London Plan 2021; and Policies HO1, HO2 (b), HO3, HO4, HO5 and HO11 of the Local Plan 2018.

### (3) Design and Heritage:

It is considered that the proposals would deliver good quality architecture which regenerates part of the White City Regeneration/Opportunity Area and optimises the capacity of the site with good quality office, commercial and residential accommodation within a high-quality public realm. The proposed development includes a tall building located in a regeneration area and therefore is supported in principle by Local Plan Policy (2018) DC3 and London Plan (2021) Policy D9. Following careful assessment, it is not considered the development would have a disruptive and harmful impact on the skyline and would comply with the impact frameworks of both policies. The proposal is not considered to result in any harm to the setting of any adjacent heritage assets, having regard and applying the statutory provisions of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposals are considered to result in some less than substantial harm to the setting of heritage assets within the Shepherd's Bush Conservation Area. The proposal is also considered to be in line with national guidance in the NPPF and strategic local policies on the historic environment and urban design. As such, the Proposed Development is considered acceptable having regard to the NPPF, NPPF, Policies D3, D4, D6, D8, D9 and HC1 of the London Plan (2021) and Policies DC1, DC2, DC3, DC7, DC8 and DC9 of the Local Plan (2018).

#### (4) Impact on Neighbouring Properties:

The impact of the proposed development upon adjoining occupiers is considered on balance to be acceptable. It is acknowledged that the proposal results in some instances whereby significant losses of sunlight or daylight are recorded within adjacent developments and existing residential receptors. The resulting retained sunlight and daylight conditions within the most affected properties are considered to be typical of high-density urban high-rise developments. Consideration has also been given to issues relating to noise/disturbance and outlook/overlooking/loss of privacy and assessed in the round it is not considered that the likely Impacts would be such as to warrant refusing planning permission, taking into account the wider benefits of the scheme. The design of the development acknowledges the siting and proximity of adjoining sensitive receptors has been designed in a manner to reduce the impacts where possible. In this regard, the development would respect the principles of good neighbourliness. The proposed development, on balance, broadly accords with Policies D3, D6, D8 and D13 T4, D4, D11 and D14 of the London Plan 2021 and Policies CC11, CC13, DC2, DC3, HO4 and HO11 of the Local Plan 2018 and Key Principle HS6 and HS7 of the Planning Guidance SPD.

#### (5) Transport:

Subject to appropriate enabling and mitigations works it is considered that the scheme would not have an unacceptable impact on the highway network or local parking conditions. Provision would be made for blue badge car parking, cycle parking (including cargo and E bikes). External impacts of the development would be controlled by conditions and section 106 provisions, and a Section 278 will be necessary in respect of various enabling and mitigation works on the public highway, including the creation of a new vehicle crossover/access on Goldhawk Road. Appropriate conditions and clauses in the proposed s106 agreement will also be required relating to a range of matters; these will include, but not be limited to, securing satisfactory provision for the storage/collection of refuse and recyclables, the provision of blue badge parking, cycle and refuse storage, construction logistics plan, travel plans, a service and delivery plan and related monitoring. The site is well served by public transport and consequently benefits from a very good accessibility level. In addition, servicing and road safety and travel planning initiatives would be implemented in and around the site to mitigate against potential issues. Subject to appropriate mitigation measures the proposed development is therefore on balance considered to be acceptable assessed against development plan Policies T1, T2, T3, T4, T5, T6.2, T6.3, T6.5 and T7 (London Plan 2021) and Policies T1, T2, T3, T4, T5, T7 and CC7 (Local Plan 2018).

#### (6) Sustainability and Energy:

The proposed development has been designed to meet the highest standards of sustainable design and construction. The application proposes several measures to reduce CO2 emissions to exceed London Plan targets, a revised Energy Strategy is secured by condition to ensure the highest levels of savings. The proposal shall be

targeting an 'excellent' BREEAM rating however, a minimum a 'very good' BREEAM rating is secured by condition. The proposal would incorporate a mixture of blue, green and brown roofs and a revised Sustainable Urban Drainage Strategy would be required by condition to reflect final design detail. The proposal would thereby seek to reduce pollution, waste, and minimise its environmental impact. Subject to the inclusion of conditions requiring the implementation of the submitted and revised documents requiring submission of Sustainability and Energy Statements, the proposed development accords with Policies SI 2, SI 3 and SI 4 London Plan Policies of the London Plan 2021 and Policies CC1, CC2 and CC7 of the Local Plan 2018.

#### (7) Flood Risk and drainage:

The majority of the site is in Flood Zone 1 however the southern portion of the site is in Flood Zone 2 and 3. A Flood Risk Assessment (FRA) has been submitted which advises standard construction practices to ensure the risk of flooding at the site remains low, however mitigation measures are required to be submitted and approved by condition. Sustainable drainage systems (SUDS) would be integrated into the development to cut surface water flows into the communal sewer system. Subject to the inclusion of conditions requiring the submission of a Surface Water Drainage Strategy officers consider that the proposed approach would be acceptable and in accordance with Policies SI 12 and SI 13 of the London Plan 2021 and policy requiring flood risk assessment and development to mitigate flood risk, Policies CC2, CC3, CC4 and CC5 of the Local Plan 2018 which requires development to minimise future flood risk.

#### (8) Air Quality:

There will be an impact on local air quality because of the construction of the proposed development. However, inclusion of conditions prior to the commencement of above ground works for each phase of the development are included to mitigate the development. During construction, an Air Quality Dust Management Plan for construction works is required by condition which will mitigate the air quality impacts of the development. In addition, a contribution toward the monitoring of air quality during the construction works to mitigate against potential issues is secured through the S106 Agreement. The Air Quality Assessment shows that there is no significant impact on local air quality during the operation phase. It is noted that there is not expected to be an exceedance of the one-hour objective at any onsite location where there is relevant exposure, and the air quality neutral target is met. As such the proposed development can accord with Policy SI 1 of the London Plan 2021 and Policy CC10 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 CC9 of the Local Plan 2018.

(10) Microclimate:

The development would not result in an unacceptable wind microclimate that would cause harm, discomfort or safety issues to pedestrians or the environment around the buildings or surrounding properties. The proposal is considered to comply with Policies GG1, D8 and D9 of the London Plan 2021 and Policies DC3 and CC2 of the Local Plan 2018.

(11) Arboriculture, Ecology and Biodiversity:

As part of the development new trees/shrubs will be planted within the public realm and within the roof terraces. The new public realm incorporates recommendations to enhance the biodiversity value such as the inclusion of wildlife planting as part of the landscaping and a biodiverse roof. Conditions are secured to provide additional mitigation measures through the materials and landscaping and protection of neighbouring trees during construction works. Subject to the inclusion of conditions the proposed development accords with Policies D8, D9, G5 and G7 of the London Plan 2021 Policies G5 and G7 of the London Plan 2021 and Policies OS1 and OS5 of the Local Plan 2018 in terms of ecological and urban greening.

(12) Security:

No objections are received from the Designing Out Crime Officer. The overall security strategy and design intent is considered acceptable at this stage and the next stage of the process is to continue dialogue with the applicant and architects to agree the detail of measures to be incorporated within the development. A condition would ensure the development would provide a safe and secure environment for all users. The proposals are considered to be well designed and in accordance with the NPPF, Policy D11 of the London Plan 2021 and Policy DC1 of the Local Plan 2018.

(13) Archaeology:

The site is not located within a locally defined Archaeological Priority Area. The Greater London Archaeological Advisory Service (GLAAS) support the conclusion that there is low potential for the site to contain archaeology remains and confirms that no further archaeological work or condition is required in this particular instance. The proposed development therefore accords with Policy HC1 of the London Plan 2021 and DC1 and DC8 of the Local Plan 2018.

(14) Local Economy and Employment:

The development would generate construction related full time equivalent (FTE) jobs over the build period and jobs once the development is complete and operational. The employment and training initiatives secured through the S106 agreement would bring significant benefits to the local area while a local procurement initiative will be entered into by way of the legal agreement to provide support for businesses. Furthermore, contributions through the community use for borough residents would

have a positive effect on the borough. The development is therefore in accordance with London Plan Policies E2 and E3 and Local Plan Policies E1 and E4.

(15) Accessibility and Safety:

10% of the residential units would be wheelchair accessible and one blue badge car parking space and cycle storage spaces for adapted/larger cycles would be provided on-site. The development would provide level access, and lifts to all levels and suitable circulation space. Conditions would ensure the proposal would provide ease of access for all persons, including those with mobility needs. Satisfactory provision is therefore made for users with mobility needs, in accordance with Policies D5, D7 and D11 of the London Plan 2021; and Policy H06 of the Local Plan 2018. An Inclusive Accessibility Management Strategy is secured by way of condition.

(16) Fire Strategy:

A Fire Strategy has been provided to include response to recent requirements of a second staircase and evacuation lifts. The proposal will provide a high-quality environment for disabled and impaired members of the community and the commitments within the Accessibility Statement are positive and deliverable by way of conditions. As such the proposal will comply with London Plan Policies E10, D5 and D12 Local Plan Policies DC1 and DC2 as well as Planning Guidance SPD Key Principles DA1, DA4, DA5, DA6, DA7, DA8, DA9, DA11, DA12 and DA13.

(17) Environmental Impact Assessment:

The Environmental Statement, and the various technical assessments together with the consultation responses received from statutory consultees and other stakeholders and parties, enable the Council to determine this application with knowledge of the likely significant environmental impacts of the proposed development.

(18) Objections:

Whilst many issues have been raised by objectors to the scheme it is considered, for the reasons explained in the detailed analysis, that planning permission should be granted for the application subject to appropriate safeguards to ensure that necessary controls and mitigation measures are established. This decision is taken on the basis of the proposed controls, mitigation measures and delivery commitments contained in the draft conditions and Heads of Terms for the Section 106 Agreement set out in this committee report, which are considered to provide an adequate framework of control to ensure as far as reasonably practicable that the public benefits of the scheme will be realised in accordance with relevant planning policies whilst providing the mitigation measures and environmental improvements needed to address the potential impacts of the development.

(19) 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.

(20) Planning Obligations:

Planning obligations to offset the impact of the development and to make the development acceptable in planning terms are secured. Contributions relating to the provision of economic development initiatives, including local training, employment opportunities and procurement, towards affordable workspace, public realm, and environmental improvements, social, physical, economic, and transport infrastructure, monitoring and carbon offset payment are secured. The proposed development would therefore mitigate external impacts and would accord with Policy CF1 of the Local Plan 2018.

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

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

Application form received: 26th April 2023

Drawing Nos: See above.

**Policy documents:**

National Planning Policy Framework (NPPF) 2023

The London Plan 2021

LBHF - Local Plan 2018

LBHF – Planning Guidance Supplementary Planning Document 2018

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## LIST OF CONSULTATION & NEIGHBOUR COMMENTS (ADDRESSES).

| <b>Consultation Comments:</b>   | <b>Date:</b> |
|---|--------------|
| Sport England   | 12.05.2023   |
| Environment Agency - Planning Liaison   | 19.05.2023   |
| Historic England – Greater London Archaeology Advisory Service (GLAAS)                                    | 22.05.2023   |
| Thames Water - Development Control  | 30.05.2023   |
| Crime Prevention Design Advisor - Hammersmith   | 31.05.2023   |
| Historic England London Region  | 31.05.2023   |
| Transport for London – Infrastructure Protection  | 31.05.2023   |
| Transport for London – Spatial Planning   | 24.11.2023   |
| Greater London Authority (GLA)  | 19.06.2023   |
| Shepherd's Bush Market Traders Association (SBMTA)  | 14.06.2023   |
| Shepherd's Bush Market Traders Association (SBMTA)  | 08.08.2023   |
| Seddons Solicitors (acting for SBMTA)   | 20.09.2023   |
| The Hammersmith Society   | 30.08.2023   |
| Greenside Residents Action Group, W12   | 30.06.2023   |
| Greenside Residents Action Group, W12   | 20.10.2023   |
| “Save Shepherd's Bush Market” (No Address Given)  | 12.06.2023   |
| “Save Shepherd's Bush Market” (No Address Given)  | 23.09.2023   |
| “West London Resistance Collective” (Masbro Road, W14)  | 30.06.2023   |
| West London Chambers of Commerce Ltd: (Hammersmith & Fulham, alongside Ealing and Hounslow) Isleworth TW7 | 11.07.2023   |

| <b>Neighbour Representations:</b> | <b>Date:</b> |
|-----------------------------------|--------------|
|-----------------------------------|--------------|

### **OBJECTION**

|  |            |
|--|------------|
| Stall 45, SBM, W12                       | 02.07.2023 |
| Arch 60, SBM, W12                        | 19.10.2023 |
| Arch 160, SBM, W12                       | 13.11.2023 |
| Arch 160, SBM, W12                       | 23.11.2023 |
| Arch 189, Stall 84 & Arch 185A, SBM, W12 | 16.06.2023 |
| Arch 189, Stall 84 & ARCH 185A, SBM, W12 | 17.11.2023 |
| 17A Pennard Mansions, Goldhawk Road, W12 | 29.05.2023 |
| Pennard Road, W12                        | 23.06.2023 |
| 22 Pennard Road, W12                     | 25.05.2023 |
| 17 Pennard Road, W12                     | 05.10.2023 |

|   |            |
|---|------------|
| 39 Pennard Road, W12                    | 15.06.2023 |
| 4 Lime Grove, W12                       | 17.05.2023 |
| 8 Pennard Road, W12                     | 27.06.2023 |
| 8 Pennard Road, W12                     | 28.06.2023 |
| 41 Pennard Road, W12                    | 29.06.2023 |
| 41 Pennard Road, W12                    | 30.06.2023 |
| 47 Pennard Road, London W12             | (no date)  |
| Flat 4, 50 Lime Grove, W12              | 15.06.2023 |
| 77 Lime Grove, W12                      | 31.05.2023 |
| 35 Lime Grove, W12                      | 31.05.2023 |
| 21 Lime Grove, W12                      | 04.06.2023 |
| 22 Lime Grove, W12                      | 05.06.2023 |
| 36B Lime Grove, W12                     | 12.06.2023 |
| 36B Lime Grove, W12                     | 04.08.2023 |
| 7 Lime Grove, W12                       | 14.06.2023 |
| 36D Lime Grove, W12                     | 15.06.2023 |
| 2 Lime Grove, W12                       | 15.06.2023 |
| 19 Lime Grove, W12                      | 15.06.2023 |
| 19 Lime Grove, W12                      | 15.06.2023 |
| Second Floor, 50 Lime Grove, W12        | 15.06.2023 |
| Flat 10, 42 Lime Grove, W12             | 29.06.2023 |
| 9 Lime Grove, W12                       | 30.06.2023 |
| 9 Lime Grove, W12                       | 30.06.2023 |
| 9 Lime Grove, W12                       | 30.06.2023 |
| 29 Thorpebank Road, W12                 | 12.05.2023 |
| 33 Margaret Street, W1                  | 18.05.2023 |
| Flat 2, 200 Uxbridge Road, W12          | 18.05.2023 |
| Flat 29 Apex Court, 1 Woodger Road, W12 | 01.06.2023 |
| 2 Evelina Court, Vinery Way, W6         | 08.06.2023 |
| 71 Sulgrave Gardens, W6                 | 11.06.2023 |
| 2 Richford Street, W6                   | 11.06.2023 |
| 6 Wells Road, W12                       | 12.06.2023 |
| 29a Uxbridge Road, W12                  | 15.06.2023 |
| 14 Bulwer Street, W12                   | 15.06.2023 |
| Flat B, 125 Sinclair Road, W14          | 19.06.2023 |
| 83C Elsham Road, W14                    | 20.06.2023 |
| 13 Green Court Road, Swanley BR8        | 21.06.2023 |
| 7 Sulgrave Road, W6                     | 22.06.2023 |
| 37 Eastbourne Avenue, W3                | 22.06.2023 |
| 18 Coverdale Road, W12                  | 25.06.2023 |
| 69 Queen Elizabeth's Walk, N16          | 26.06.2023 |
| 59B Godolphin Road, W12                 | 26.06.2023 |
| 33 Westwick Gardens, W14                | 26.06.2023 |
| 32 Cleverly Estate, W12                 | 26.06.2023 |



|  |            |
|--|------------|
| 151 Whitlock Drive, Wimbledon, SW19                          | 26.06.2023 |
| 13 Lansdowne Road, W11                                       | 26.06.2023 |
| 8 Sedgeford Road, W12  | 27.06.2023 |
| 56 Loftus Road, W12  | 27.06.2023 |
| 44 Arnold Miller Road, Norwich                               | 27.06.2023 |
| 38 Midholm London, NW11                                      | 27.06.2023 |
| 161 The Grampians, W6  | 27.06.2023 |
| 1 Abdale Road, W12   | 27.06.2023 |
| 9B Sulgrave Road, W6   | 28.06.2023 |
| 19 Boscombe Road, W12  | 28.06.2023 |
| 52 Dewhurst Road, W14  | 28.06.2023 |
| 5 Bassein Park Road, W12                                     | 28.06.2023 |
| Flat 3, 29 Auriol Road, W14                                  | 29.06.2023 |
| Flat 204, Calyx Building, 41A Joslings Close, W12            | 29.06.2023 |
| Flat 13, Brookshill Gate, Harrow, HA3                        | 29.06.2023 |
| 9 Ethelden Road, W12   | 29.06.2023 |
| 8 St Peters Grove, W6  | 29.06.2023 |
| 5 Oaklands Road, Hanwell, W7                                 | 29.06.2023 |
| 5 Annandale Road, W4   | 29.06.2023 |
| 30 Havilland Mews, W12                                       | 29.06.2023 |
| 25 Hereford Square, SW7                                      | 29.06.2023 |
| 22 Smeed Road, E3  | 29.06.2023 |
| 2 Averill Street, W6   | 29.06.2023 |
| 150 Wardo Avenue, SW6  | 29.06.2023 |
| 150 Wardo Avenue, SW6  | 29.06.2023 |
| 14a Peploe Road, NW6   | 29.06.2023 |
| 13 Coopers Lodge, 45 Acre Road, KT2                          | 29.06.2023 |
| Flat 60, Sharp House, 91 Goldhawk Road, W12                  | 29.06.2023 |
| Flat 30 The Sphere, Canning Town, E16                        | 30.06.2023 |
| Flat 2 Evesham House, 37 Stanlake Road, W12                  | 30.06.2023 |
| Flat 128, Whyteleafe House, 2 Well Farm Road, Whyteleafe CR3 | 30.06.2023 |
| Collingbourne Road, W12                                      | 30.06.2023 |
| 84A Oaklands Grove, W12                                      | 30.06.2023 |
| 17 Tunis Road, W12   | 26.06.2023 |
| 82 Tunis Road, W12   | 30.06.2023 |
| 82 Tunis Road, W12   | 30.06.2023 |
| 82 Tunis Road, W12   | 03.07.2023 |
| 66C Elgin Crescent, W11                                      | 30.06.2023 |
| 63 Albion Estate, SE16                                       | 30.06.2023 |
| 50 Field End Road, Pinner, HA5                               | 30.06.2023 |
| 47 Nowell Road, SW13   | 30.06.2023 |
| 41 Ashbourne Road, W5  | 30.06.2023 |
| 37 Cleverly Estate, Wormholt Road, W12                       | 30.06.2023 |
| 351 Kingston Road, SW20                                      | 30.06.2023 |

|   |            |
|---|------------|
| 321 Goldhawk Road, W6   | 30.06.2023 |
| 321 Goldhawk Road, W6   | 30.06.2023 |
| 22 Windrush Road, NW10  | 30.06.2023 |
| 194 Cleverly Estate, Wormholt Road, W12   | 30.06.2023 |
| 17 Riverside Gardens, HA0   | 30.06.2023 |
| 15 Riverside Close, Driffield, East Yorkshire   | 30.06.2023 |
| 12 Sycamore House, Sycamore Gardens, W6   | 30.06.2023 |
| 11 Glasgow Road, London (No Post Code)  | 30.06.2023 |
| 33 Scotts Road, W12   | 30.06.2023 |
| Altermans Solicitors Ltd, Finchley, N3 (acting for 30, 32,<br>34 to 38, 46 and 50 to 52 Goldhawk Road, W12) | 04.07.2023 |
| 55 Danvers Street, SW3  | 04.07.2023 |
| 29 Wormholt Road, W12   | 04.07.2023 |
| 9 Ethelden Road, W12  | 17.08.2023 |
| 146 Plough Lane, Wallington, SM6  | 18.08.2023 |
| 33 Scotts Road, W12   | 10.10.2023 |
| 23 Scotts Road, W12   | 24.10.2023 |
| 14 Baylis Rd, SE1   | 30.10.2023 |
| Former Chair of SBMTA (No Address Given)  | 14.06.2023 |
| Former Chair of SBMTA (No Address Given)  | 16.06.2023 |
| Former Chair of SBMTA (No Address Given)  | 23.09.2023 |
| Former Chair of SBMTA (No Address Given)  | 23.09.2023 |
| Former Chair of SBMTA (No Address Given)  | 29.09.2023 |
| (No Address Given)  | 28.06.2023 |
| (No Address Given)  | 23.06.2023 |
| (No Address Given)  | 23.06.2023 |
| (No Address Given)  | 30.06.2023 |
| PO Box 91338, West Vancouver, Canada  | 20.06.2023 |

## **SUPPORT**

|                              |            |
|------------------------------|------------|
| Stalls 43, 44 & 45 SBM, W12  | 23.05.2023 |
| Stall 85, SBM, W12           | 05.06.2023 |
| Stall 61, SBM, W12           | 06.06.2023 |
| Stall 1-2, SBM, W12          | 06.06.2023 |
| Stall 3 & 4, SBM, W12        | 16.06.2023 |
| Stall 18, SBM, W12           | 16.06.2023 |
| Stall 65, SBM, W12           | 27.06.2023 |
| 172 Railway Arches, SBM, W12 | 23.05.2023 |
| Arch 191, SBM, W12           | 05.06.2023 |
| Arch 184, SBM, W12           | 05.06.2023 |
| Arch 173, SBM, W12           | 05.06.2023 |
| Arch 183, SBM, W12           | 06.06.2023 |

|   |            |
|---|------------|
| Arch 181, SBM, W12                          | 06.06.2023 |
| Arch 180, SBM, W12                          | 06.06.2023 |
| Arch 176, SBM, W12                          | 06.06.2023 |
| Arch 166, SBM, W12                          | 06.06.2023 |
| Arch 161b, SBM, W12                         | 06.06.2023 |
| Arch 161b, SBM, W12                         | 06.06.2023 |
| (Arch 190) Flat 6, 26 Colville Terrace, W11 | 06.06.2023 |
| (Arch 190) Flat 6, 26 Colville Terrace, W11 | 06.06.2023 |
| Arch 171, SBM, W12                          | 07.06.2023 |
| Arch 164, SBM, W12                          | 07.06.2023 |
| Arch 183 SBM, W12                           | 09.06.2023 |
| Arch 161, SBM, W12                          | 23.10.2023 |
| Arch 161, SBM, W12                          | 20.11.2023 |
| Shops 7 & 8, SBM, W12                       | 05.06.2023 |
| Shop 55, SBM, W12                           | 05.06.2023 |
| Shop 2, SBM, W12                            | 05.06.2023 |
| Shop 14 & 15, SBM, W12                      | 05.06.2023 |
| Shops 30 & 31, SBM, W12                     | 06.06.2023 |
| Shops 88 & 89, SBM, W12                     | 06.06.2023 |
| Shop 36, SBM, W12                           | 06.06.2023 |
| Shop 29, SBM, W12                           | 06.06.2023 |
| Shops 26 & 27, SBM, W12                     | 06.06.2023 |
| Shop 53, SBM, W12                           | 07.06.2023 |
| Shop 53, SBM, W12                           | 07.06.2023 |
| Shop 45, SBM, W12                           | 07.06.2023 |
| Shop 10, SBM, W12                           | 14.06.2023 |
| Shop 41 & Stall 60, SBM, W12                | 26.06.2023 |
| 1 SBM, W12                                  | 05.06.2023 |
| 20a SBM, W12                                | 05.06.2023 |
| 20 SBM, W12                                 | 05.06.2023 |
| 20 & 21 SBM, W12                            | 05.06.2023 |
| 16 SBM, W12                                 | 05.06.2023 |
| 179 SBM, W12                                | 07.06.2023 |
| 174a SBM, W12                               | 08.06.2023 |
| 187 Railway Approach, SBM, W12              | 30.06.2023 |
| Flat C, 53 Cathnor Road, W12                | 06.06.2023 |
| 160 Acer Apartments, Park Boulevard, W12    | 20.05.2023 |
| Flat Second Floor, 68 Goldhawk Road, W12    | 21.05.2023 |
| Flat Second Floor, 68 Goldhawk Road, W12    | 21.05.2023 |
| Garden Flat, 37 Loftus Road, W12            | 08.06.2023 |
| 92b Frithville Gardens, W12                 | 08.06.2023 |
| 85 Stanlake Road, W12                       | 08.06.2023 |
| 76 Percy Road, W12                          | 08.06.2023 |
| 65 Westville Road, W12                      | 08.06.2023 |

|  |            |
|--|------------|
| 52a Cobbold Road, W12                                  | 08.06.2023 |
| 52 Thornfield Road, W12                                | 08.06.2023 |
| 41 Collingbourne Road, W12                             | 08.06.2023 |
| Flat D (Basement), 33 Devonport Road, W12              | 08.06.2023 |
| 3 Loftus Road, W12                                     | 08.06.2023 |
| 1 Mayfield Road, 36G, W12                              | 08.06.2023 |
| 1 Curwen Road, W12                                     | 08.06.2023 |
| Garden Flat, 42 Devonport Road, W12                    | 09.06.2023 |
| Flat 3, 13 Tadmor Street, W12                          | 09.06.2023 |
| Flat 2, 13 Tadmor Street, W12                          | 09.06.2023 |
| 94a Oaklands Grove, W12                                | 09.06.2023 |
| 30 Ormiston Grove, W12                                 | 10.06.2023 |
| 13 Tadmor Street, W12                                  | 11.06.2023 |
| 3 Loftus Road, W12                                     | 09.06.2023 |
| 9A Hetley Road, W12                                    | 13.06.2023 |
| Imperial College, White City Campus, 58 Wood Lane, W12 | 14.06.2023 |
| 25a Eilerslie Road, W12                                | 26.06.2023 |
| 25 Macfarlane Road, W12                                | 26.06.2023 |
| 5 Woodmans Mews, W12                                   | 29.06.2023 |
| 44 Goldhawk Road, W12                                  | 29.06.2023 |
| 32 Goldhawk Road, W12                                  | 30.06.2023 |
| 58 Pennard Road, W12                                   | 24.06.2023 |
| 58 Pennard Road, W12                                   | 04.07.2023 |
| 45 St. Stephens Avenue, W12                            | 08.07.2023 |
| Flat 39, Sharp House, 91 Goldhawk Road, W12            | 14.07.2023 |
| Apartment 502, 6 Wood Crescent, W12                    | 27.08.2023 |
| Flat B, 100 Holland Road, W14                          | 15.06.2033 |
| 30 Westwick Gardens, W14                               | 06.07.2023 |
| 37a Westwick Gardens, W14                              | 12.06.2023 |
| 98A (Basement Flat), Netherwood Road, W14              | 09.06.2023 |
| Flat B, 100 Holland Road, W14                          | 29.06.2023 |
| 520B Fulham Palace Road, SW6                           | 08.06.2023 |
| 9 Tabor Road, W6                                       | 22.05.2023 |
| 108 Brackenbury Road, W6                               | 30.05.2023 |
| 7 Melrose Gardens, W6                                  | 08.06.2023 |
| 10 Richford Street, W6                                 | 08.06.2023 |
| 52 Nasmyth Street, W6                                  | 09.06.2023 |
| 63 Hamlet Gardens, W6                                  | 10.06.2023 |
| Nunns Farm, Catmere End, Saffron Walden                | 09.06.2023 |
| 6 Bedford Road, W4                                     | 09.06.2023 |
| 52 Nasmyth Street, W6                                  | 09.06.2023 |
| Flat 4, 45 Birkbeck Grove, W3                          | 09.06.2023 |
| Flat 42, Gaydon House, Bourne Terrace, W2              | 10.06.2023 |
| Flat 18, Dorset House, 24-26 Mount Park Road, W5       | 12.06.2023 |

|   |            |
|---|------------|
| 54a Goldhawk Road, W12                                  | 06.07.2023 |
| Spring Grove House, West Thames College, Isleworth, TW7 | 11.07.2023 |
| 42 Fernbank Avenue, Hornchurch RM12                     | 08.06.2023 |

**NEUTRAL** (neither objecting nor supporting):

|                                   |            |
|-----------------------------------|------------|
| 1. 17A Benbow Road, London W6 0AT | 08.06.2023 |
|-----------------------------------|------------|

## 1.0 SITE DESCRIPTION AND SURROUNDINGS

### The Site

- 1.1 The application site covers an area of 1.8 hectares and is roughly triangular in shape. The narrowest point is at the northern end on Uxbridge Road. The site is bounded by Uxbridge Road and Shepherd's Bush Market London Underground Station to the north, residential dwellings and the Bush Theatre on Pennard Road to the east, Goldhawk Road and Goldhawk London Underground Station to the south, the elevated viaduct serving the Circle and Hammersmith & City Line railway tracks, connecting the two stations, market arches and residential dwellings beyond on Lime Grove to the west (see Figure 1 below). The proposal is being brought forwards by YC Shepherd's Bush Market Limited ('The Applicant').



Figure 1 – Red line boundary

- 1.2 Shepherd's Bush Market is located on the western boundary of the site with the London Underground viaduct and railway lines. The linear form of the market extends between Goldhawk Road at the south and Uxbridge Road at the north and currently contains c.90 traders in a variety of stalls, small retail units and shops within the railway arches. The east part of the site comprises a series of buildings, formerly occupied by St Mungo's Broadway Centre Hostel, as sheltered accommodation for the homeless. The buildings were previously use as artist and creative studios with associated educational space and cycle parking, operated by Kindred Studios. Within the rest of the area of land referred to as the 'Old Laundry Yard', the site contains hardstanding and shipping containers previously used as creative and affordable workspace and a meanwhile food court. The site also includes nos. 42 and 48 Goldhawk Road two shop units located on the northside of Goldhawk Road which are in Class E use. The existing Market/Retail space amounts to 5,221 sqm (GIA) and the former St Mungo Hostel amounts to 2,081 sqm (GIA). Total 7,302 sqm (GIA).

- 1.3 The application site (shown on the Figure 1 below) has vehicle access from Uxbridge Road (A4020) to the north, Goldhawk Road (A402) to the south and Pennard Road to the east. The site is inaccessible to vehicles from the west, as bounded by a railway line viaduct containing shops, stalls and pedestrian routes. Vehicular access to Shepherd's Bush Market is via the access point on Goldhawk Road. The market operates a one-way route, with vehicles exiting on Uxbridge Road. The Kindred Studios are accessed through the Market Lane entrance from Goldhawk Road. Market Lane is an unregistered piece of land that falls within the red line boundary but is outside of the applicant's ownership boundary. The rest of the Old Laundry Yard has an existing vehicular access point via 15 Pennard Road. No formal car parking provision on the existing site.



Figure 2 – existing site/red line boundary

### **Surroundings**

- 1.4 The surrounding area is characterised by a mix of town centre uses including commercial and residential uses. To the immediate east of the site are the rear of residential properties on the west side of Pennard Road (nos. 5–77), including Lanark and Library Mansions. On the east side of Pennard Road and opposite rear gardens, are a series of commercial buildings fronting Shepherd's Bush Green which include the Hoxton and Dorsett Hotels and the Empire Cinema. The properties in Pennard Road are typically, period terrace properties with back additions.

- 1.5 Further east of the site is the Westfield Shopping Centre, a large commercial complex providing a range of retail, restaurants and cafés, office space, community/health/cultural space, leisure and residential space.
- 1.6 To the south of the site is Goldhawk Road which consists of low-rise retail units at ground floor level and mainly residential units on the upper floors. Pennard Mansions is a five-storey building with commercial use on the ground level and flats on the upper levels. To the west of the Site and beyond the viaduct is Lime Grove, which is predominately residential in character and including Gainsborough Court.

### **Designations**

- 1.7 The Site has the following Development Plan policy designations:
- White City Opportunity Area (WCOA) which covers the same area as the Council's White City Regeneration Area and the Shepherd's Bush (Metropolitan) town centre. (Policy SD1 and Table 2.1 - London Plan 2021);
  - White City Regeneration Area (Strategic Policy WCRA - LBHF Local Plan 2018);
  - Shepherd's Bush Market and Adjacent Land Strategic Site (Policy WCRA3 - LBHF Local Plan 2018);
  - Shepherd's Bush Town Centre (Policy TLC2 LBHF Local Plan 2018); and
  - Flood Zones 1, 2 and 3 (Predominantly Flood Zone 1 / partly in Flood Zones 2 and 3).
- 1.8 The Site is located within the White City Regeneration Area. Policy WCRA identifies the area as having a range of physical and social infrastructure needs. Policy WCRA3 of the Local Plan, designates the Site as a strategic site. The policy states that the Council will continue to support and work with traders to ensure the retention and improvement of Shepherd's Bush Market, to provide a more vibrant mix of town centre uses. The policy also states that development proposals for this strategic site should consider including Old Laundry yard site in any development scheme and include provision of affordable housing and affordable workspace.
- 1.9 With the exception of 15 Pennard Road, the site is not located in a Conservation Area. The Shepherd's Bush Conservation Area includes this address and extends eastward by approximately 500m. Coningham and Lime Grove Conservation Area is located immediately west of the Site. There are a further six Conservation Areas within 500m of the Site, including the Hammersmith Grove Conservation Area, to the south of Goldhawk Road. The Site is not located within any strategic views or vistas identified in the London



View Management Framework ('LVMF'). The site does not contain any statutory or locally listed buildings. Listed buildings in proximity to the Site are:

- Hammersmith School of Building and Arts and Crafts, London, W12 9JD (Grade II Listed).
- BBC Television Theatre, Shepherd's Bush Green, London, W12 8TT (Grade II Listed); and
- Odeon Cinema, 58 Shepherd's Bush Green, London, W12 8QE (Grade II Listed).
- Church of St Stephen and St Thomas, Uxbridge Road/Coverdale Road, London W12 8JJ (Grade II Listed).

1.10 To the south-east and fronting Goldhawk Road is Pennard Mansions a Building of Merit. The 4-5 storey building comprises retail at ground floor with residential above. The Bush Theatre located to the north and fronting onto Uxbridge Road is also a Building of Merit.

1.11 The Site has an existing urban greening factor score of zero due to the extent of hardstanding and lack of urban greening or trees.

### **Transport**

1.12 The Site benefits from a Public Transport Accessibility Level (PTAL) rating of 6a (PTAL ranges from 1 to 6b, the high level), indicating an excellent level of accessibility to public transport. Public transport options Goldhawk Road and Shepherd's Bush Market underground stations. Both provide access to the Hammersmith and City and Circle Underground Lines and are located within two to five-minutes walking distances to the Site. Shepherd's Bush station provides access to the Central Line, London Overground, and National Rail services and is located within a nine-minute walking distance to the Site. There is a total of seven bus routes on Goldhawk Road and Uxbridge Road with stops within a six-minute walking distance from the Site with further bus routes/bus stop close to the site. The Site is accessible to a good network of cycle routes including Goldhawk Road to the south (part of London Cycle Network route 35) and Uxbridge Road to the north (part of London Cycle Network route 39). A Santander Cycle Hire station is situated on Shepherd's Bush Road southeast to the Site and within a 6-minute walking distance. Controlled Parking Zone 'G' operates on surrounding residential roads on Mondays to Sundays, including public holidays but not Christmas Day and Easter Sunday, between 9am to 10pm.

1.13 Goldhawk Road and Uxbridge Road form part of the Strategic Road Network (SRN). Pennard Road and Lime Grove provide pedestrian routes to the

neighbouring tube stops and bus routes on the busier Uxbridge and Goldhawk Road and Shepherd's Bush Green. Shepherd's Bush Market itself also serves as a north south pedestrian link. It is closed at night and is protected from vehicle movement outside of the market loading times.

- 1.14 Vehicular access to Shepherd's Bush Market is via the two main access points on Goldhawk Road/Uxbridge Road. The market operates a one-way route with vehicles entering Goldhawk Road and exiting on Uxbridge Road. Kindred Studios is accessed through the Market Lane entrance from Goldhawk Road, and the Old Laundry Yard has vehicular access via 15 Pennard Road. Controlled Parking Zone 'G' operates on surrounding residential roads on Mondays to Sundays including public holidays but not Christmas Day and Easter Sunday, between 9am to 10pm. Neighbouring CPZ's 'CC' operates Mondays to Sunday between 9am to 8pm and 'JJ' between 9am to 9pm.

## **2.0 PLANNING HISTORY**

- 2.1 Planning history outlined in this section of the report relates to the most recent planning history of the site and its immediate surrounding.
- 2.2 Shepherd's Bush Market (including the railway arches) dates back to around 1914 and has evolved over time. The established lawful use of the Market, which includes shops, stalls and railway arches, is Class E.
- 2.3 30 March 2012: Outline planning permission (ref: 2011/02930/OUT) was granted for a phased redevelopment of Shepherd's Bush Market and adjoining land. In summary, the scheme contained the following components: the construction of new buildings ranging from 2-9 storeys in height (plus basement), to provide up to 212 residential units, including 194 flats, 5 live/work units and 13 mews houses; 14,052 m<sup>2</sup> of non-residential floorspace comprising 6,000m<sup>2</sup> of Class A1 uses, 4,000m<sup>2</sup> of Classes A3/A5 uses and 4,052m<sup>2</sup> of Market servicing and ancillary facilities. The market regeneration included market expansion; additional units; improved safety, lighting and street furniture; new landscaped spaces; improved stalls; etc and new shops along the Goldhawk Road frontage together with the provision of landscaping and amenity/public space; access and parking (up to 85 vehicular spaces), up to 457 cycle parking spaces and associated works. Non-material amendment and reserved Matters applications were subsequently submitted to the original scheme (see below).
- 2.4 17 December 2013: Non-material amendment application (ref: 2013/05004/NMAT) granted permission for alterations to the height of each of

the four proposed blocks by a maximum of 400mm and increase in the depth of the basement by 1m.

- 2.5 26 June 2015: A reserved matters application was granted permission in respect to the outline planning permission dated 30 March 2012 (2011/09230/OUT), relating to appearance and landscaping (ref: 2013/05493/RES).
- 2.6 On 26 May 2015: Following the grant of the above reserved matters application, a non-material amendment application (ref: 2014/02356/NMAT) was granted permission for the minor amendments to conditions 4, 16, 25, 27, 30, 34, 42, 49, 51, 54 & 66 of planning permission ref: 2011/02930/OUT granted 30 March 2012, in order to change the triggers and to allow for drainage works and the construction of the temporary Market to commence on site; conversion of five live/work unit at the northern end of Pennard Road to seven residential units and amendment to the description of development to increase the number of dwellings to 213 (instead of 212).
- 2.7 29 November 2016: A further reserved matters application relating to appearance and landscaping was submitted and subsequently withdrawn following discussions with the Council (ref: 2015/01462/RES).
- 2.8 The grant of the outline planning permission was the subject of an application for Judicial Review. Following a successful court challenge to a subsequent compulsory purchase order (CPO) in 2016. Ultimately, the 2012 scheme did not come forward following the failure to secure the necessary Compulsory Purchase Order and the permission expired.

#### Planning History for temporary uses on St Mungo's and Old Laundry Yard sites

- 2.9 1 February 2021: Full planning permission (ref: 2020/03308/FUL) granted for the use of the former St Mungo's buildings as artist and creative studios with associated educational space and cycle parking provision for a temporary period of 18 months.
- 2.10 20 June 2022: Full planning permission (ref: 2022/01255/FUL) granted for the continued use of the former St Mungo's buildings for a further temporary period until 31 July 2023.
- 2.11 8 November 2017: Full planning permission (ref: 2017/03851/FUL) was granted for the temporary use of part of the site and existing shipping containers for a period of up to 2 years as a creative affordable workspace centre (Class B1 use) (46 containers), with ancillary Class A3/A4/A5 food and

beverage area (8 containers) with outdoor events space, Class D1 community use (7 containers), Class Sui Generis use for associated storage space (7 containers), bicycle storage (4 containers), toilets (2 units) and a fridge unit (1 unit) and the provision of an outdoor events space at ground floor level, hard and soft landscaping; with new pedestrian access route from Goldhawk Road.

- 2.12 25 February 2021: An application was granted for the continued use of the site and existing shipping containers for a further temporary period (ref: 2020/01580/FUL).
- 2.13 24 March 2023: The continued temporary use of the site and existing shipping containers, as creative and affordable workspace units was last extended to December 2024 (2022/02776/FUL).

#### Planning History of Arches

- 2.14 23 January 2023: Full planning permission granted for works to the rear of Arch 170, involving the demolition of the existing outbuilding comprising of ground floor and mezzanine floor, and erection of a replacement single storey plus-mezzanine floor outbuilding (ref: 2022/02835/FUL).

#### Planning History of Surrounding Sites

- 2.15 The following section provides a short summary of the most recent approved developments which are in the immediate vicinity of the application site.

*Threshold and Union House (Hoxton Hotel): Located to the rear of Pennard Road (east side), on Shepherd's Bush Green, directly adjacent to the Dorsett Hotel.*

- 2.16 14 August 2019: Full planning permission (ref: 2017/01898/FUL) granted at Threshold and Union House, 65 Shepherd's Bush Green, for the demolition of existing buildings and erection of part 7, part 8 storey plus basement building for use as a hotel with ancillary restaurant and bar; new retail unit, and supporting facilities, ancillary plant, servicing, cycle parking, plus highway, public realm and landscaping improvements. A minor material amendment application (ref: 2020/01790/VAR) was granted on 11 December 2020 to allow for changes to internal hotel layout, including omission of ancillary basement restaurant area and rationalisation of back of house, the provision of 23 additional bedrooms, and minor external detailed design.
- 2.17 Since the grant of the permission, several applications have been submitted and approved to amend the original application (including ref:

2020/01790/VAR, 2021/00964/NMAT, 2021/01995/NMAT and 2022/01761/NMA).

*The Dorsett Hotel is located to the rear of Pennard Road (east side), on Shepherd's Bush Green, directly adjacent to Threshold and Union House (Hoxton Hotel).*

- 2.18 16 March 2018: Full planning permission (ref: 2016/04044/FUL) granted for the Dorsett Hotel, 56 and 58 Shepherd's Bush Green, involving the demolition of existing building (with the exception of the frontage) and redevelopment to provide an 8 storey plus basement building, comprising entertainment use (D2) at basement and ground floor level, restaurant extension (to the neighbouring hotel) at ground floor level, with 74 serviced apartments on the upper floors (in connection with the neighbouring hotel).

*Shepherd's Bush Empire is located to the rear of Pennard Road (east side), on Shepherd's Bush Green, directly adjacent to the Dorsett Hotel.*

- 2.19 15 February 1994: Listed Building Consent (ref: 1993/00613/LBC) granted for the restoration of the theatre auditorium, to include stage reinstatement the reinstatement of seats balcony fronts and original colours the addition of bars at stalls dress circle and upper circle levels the refurbishment of the entrance foyer together with external works involving the installation of new signage the refurbishment of the existing entrance canopy the provision of a new box office canopy alterations to the existing box office windows and new graphic panels to the existing fire doors.

### **3.0 DESCRIPTION OF DEVELOPMENT**

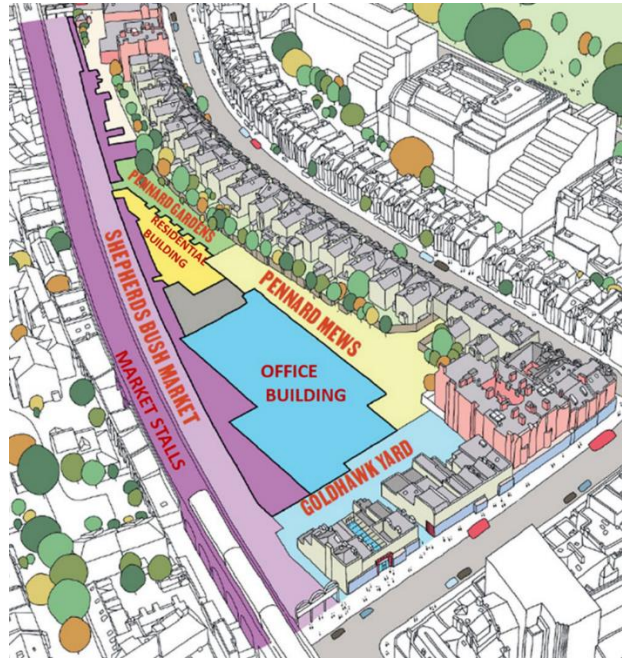
- 3.1 The application seeks full planning permission for the comprehensive mixed-use redevelopment of the Site. The Site was acquired by YC Shepherd's Bush Market Limited ('The Applicant'), an entity of Yoo Capital. The Applicant is the majority freehold owner of the Site. London Borough of Hammersmith and Fulham ("LBHF") retain ownership of the northern part of the Old Laundry Yard. There is a small strip of land to the rear of the former St Mungo's Hostel Buildings on Market Lane which is unregistered.
- 3.2 The proposal is for the re-provision, refurbishment and reconfiguration of the existing Shepherd's Bush Market, to increase its longevity, generate greater footfall, and to improve the quality of the trading accommodation for the existing Market traders. Works to the market involve the demolition of various shop units on the eastern side and the removal of the 'island' stalls in the centre of the market. Both the new stalls and shops would be provided alongside works to the external facades of the arches, a replacement canopy

along the western edge of the Market and new or upgraded entrance signs at Goldhawk Road and Uxbridge Road. New road surfacing, drainage, public realm, landscape and associated works are also proposed.

- 3.3 Demolition works on the Site include the former St Mungo's Buildings (involving removal of the planters, containers, and miscellaneous structures on the Old Laundry Yard site), demolition of 42 Goldhawk Road to create a new vehicular access into Site and the reconfiguration of 48 Goldhawk Road to create an entrance lobby and pedestrian access.
- 3.4 The proposed development comprises circa 36,967 sqm Gross Internal Area (GIA) of floorspace. There is 3,457 sqm GIA residential floorspace within the Residential building. An increase of 1,129.8 sqm of non-residential floorspace associated with Shepherd's Bush Market and 32,380 sqm GIA within the Workspace / Office building. This would comprise of 18,655 sqm Net Internal Area (NIA) of office space, 1,988 sqm of flexible workspace, 2,040 sqm of Life Science Laboratory and 100 sqm of café (food and beverage uses).
- 3.5 The proposed arrangement includes two buildings which comprise of the erection of a new part ground, plus 8-storey commercial building (and basement / mezzanine levels and roof top plant). The building would contain workspace, café, shops, and life science accommodation, cycle parking, external terraces, plant/machinery, and photovoltaic panels (PV's). A new part ground plus 5-storey building for 40 residential dwellings (100% affordable housing) and associated private amenity space is also proposed, with communal gardens at ground and first floor level, plant/machinery, PV's, cycle/car parking. These two buildings are referred to in the report as the 'Workspace / Office building' and 'Residential Building' or 'Building A' and 'Building B' respectively. The Workspace / Office building is proposed in the southern part of Site. The affordable Residential building would be in the northern portion of the Site (See Figures 3 & 4 below).



**Figure 3 – Proposed Development – Commercial / Residential Buildings**



**Figure 4 – Proposed Development – layout of uses.**

- 3.6 The development is connected by new public realm, soft and hard landscaping and associated external works throughout the Site. These include traffic calming, car and cycle parking, new pedestrian, cycle and vehicle accesses and internal routes with associated highway works. The proposed combined internal servicing and delivery arrangements propose loading bays inside the commercial building with a turning table, available for the market, residential, life science and office workspace use.

### **The Market**

- 3.7 The existing Market would be retained and refurbished to meet current and future standards. The primary entrances on Goldhawk and Uxbridge Road would remain. The proposal involves a rationalisation of the Market layout, to improve accessibility and safety, whilst maximising the spatial visibility and enabling the spill out of displays, during trading hours, maintaining the market's character. Proposed works include enhanced entrances, re-surfacing, refurbished arches and shop fronts, new stall layouts including new central stall designs and a new canopy off the arches. Additionally, visitor facilities and public realm would be improved for use by visitors to the Market. Works to drainage, services and creation of a level surface are proposed. The replacement canopy structures along the arches would provide a weather protected walkway to the arches and stalls. Works to the arches include repairs and cleaning of the brickwork, along with a new lighting strategy and wayfinding. Design proposals for the market entrances and stalls are illustrative at this stage. Final details would be secured by condition in consultation with the Market traders.

### Office Workspace - Commercial Building

- 3.8 A 9-storey commercial building is proposed on the southern part of the Site. The building would measure 42m AOD at its highest point. The residential building. The commercial building proposes flexible office and co-working space, a life science incubator, cafe, market space including shops, meeting rooms and facilities, available to the Market Traders, and users of the life science incubator space and residents for hire, and associated plant and servicing areas. The massing of the building features a distinctive stepped approach with terraces and urban greening aimed to respond to the surroundings with planting for both privacy screening and biodiversity purposes. The basement space would contain science labs associated with the life science incubator users together with bike storage, changing facilities and plant rooms. The ground floor would comprise a flexible workspace, lobby areas, café, servicing, waste and plant storage areas (See Figures 5 & 6 below).



Figure 5 – Image of the Commercial Building (view of the south-east corner)

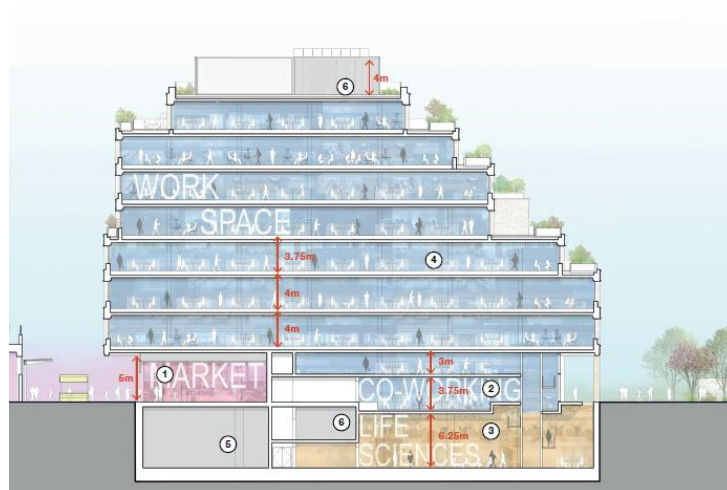


Figure 6 – Cross Section of the Commercial Building (with proposed uses)



- 3.9 The commercial building would comprise flexible floorplates totalling 32,380 sqm GIA (Gross Internal Area). The ground floor and basement (including mezzanines) would occupy approximately 9,965 sqm GIA and upper floors (Level 1 to 7) would cover approximately 22,415 sqm GIA floorspace. A plant level is included above this. The internal space would feature tall ceilings (3.5m floor to ceiling height) and flexible floor plates. The building would be designed to incorporate passive façade treatment, smart servicing (e.g., on-floor plant provision).

### **Residential Building - Affordable Housing**

- 3.10 A ground plus 5-storey residential building is proposed at the northern end of the Site, measuring 27.8m AOD at its highest point. Comprises 40 affordable residential units (100% affordable housing). The housing tenure would be split between 60% affordable rent units and 40% intermediate units. 10% of the units would conform to M4(3) wheelchair accessibility requirements. 90% of residential units would be dual aspect. All the residential units have an area of private outdoor amenity space, in the form of private balconies, terraces or gardens. In addition, communal outdoor amenity space and play space would be provided at ground floor level and a further smaller communal space would be provided on the podium level facing westwards. The building would be designed to incorporate passive design measures and the layout of the residential units are designed to receive good levels of daylight and sunlight (see Figure 7).



**Figure 7 – Image of the Residential Building**

## Details of the Proposed Development

### The Market

#### Stalls

- 3.11 The existing Market Road has restricted width access. Access arrangements for pedestrians and cycles are provided at each end, from Uxbridge Road and Goldhawk Lane, with only limited vehicle access for Market operations, running from south to north, through the Market. Works proposed to Market Road seek to improve drainage and accessibility. The works would involve the removal of the existing stalls in the centre of the market. The stalls as well as the shops and arches have developed over the years in an ad-hock basis. Whilst this is part of the charm and character of the Market, many of the stalls and shops have fallen into disrepair and require upgrading if the Market is to last.
- 3.12 The proposal intends creating a new standardised form stall design which has been designed and developed by the market operators (REImagine), in consultation with the Market Traders. The replacement stalls are intended to be more robust and secure and allow adaptation to meet the individual requirements of different traders. Final design details of the market stalls would be secured by condition. A central stall zone is proposed within the Market layout for the replacement stalls, with a maximum parameter of 3m, within which the new stalls would be sited. The stalls would be positioned 3-4m away from the shops and 3m away from the arches. The proposed siting of the market stalls must take into consideration the arch and shop entrances and to maximise trading area whilst taking into consideration accessibility and safety matters. The area set out for the replacement stalls amounts to 497 sqm which is an uplift of 60 sqm relating to the area for the proposed stalls only. Overall retail space would increase by 549 sqm to 5,770 sqm.

#### Arches

- 3.13 The arches are known to generally suffer from water ingress however, the repair and condition of the brickwork of the railway arches is the responsibility of TFL. The Applicant is of the view that the existing condition of the arches is generally sound and is committed to cleaning the brickwork of the arches and restoring them to their original condition. The Applicant has committed to providing all the traders with a £10,000 credit with their contractors, to invest and upgrade their units, improve water ingress issues and quality of the arches.

#### Shops

- 3.14 Shops 24 to 58 (eastern side of the Market) would be demolished and be incorporated into the ground floor of the residential and commercial buildings.

Traders from these shops will have the option to be temporarily relocated in the Market during the construction phase of the development or take a paid sabbatical until they can return to the new shop units. The new units are designed to be of a similar size to the existing shops and in a similar location. The ceiling heights will be higher than the current shops, allowing for overhead storage. Like the existing, there will be no 'fronts' on the shops, allowing displays to spill out onto a well-maintained 'goodwill zone' whilst the market is opened. Traders moving into new shops would be able to fit-out units to their specifications.



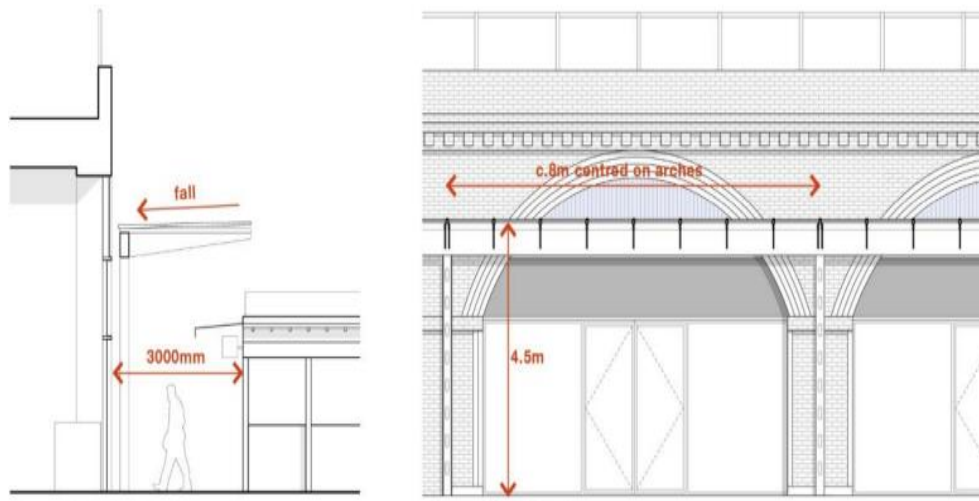
**Figure 8 - Proposed market layout**

- 3.15 Shops 2 to 23 (northwest part of the Market) are a combination of freehold shops and shops owned by the landlord and let on short term leases. The freehold traders would be given £10,000 each construction budgets to improve their units. The freehold of the shops at the Uxbridge Road end of the Market are not owned by the Applicant. Consultation with these traders has been ongoing to ensure the benefits from the refurbishment of the Market are inclusive to all.

#### Canopy

- 3.16 The arches and stalls along the western side of the Market have been protected for years by a polycarbonate canopy fixed along the viaduct brickwork. The canopy has become fragile, offers limited protection from the weather and is considered dangerous in some places. The structure needs to be removal and replaced. In consultation with traders, the Applicant states there is a desire to provide a zone of protection from the elements for both customers and the products of the traders. The proposal seeks to replace existing canopy structures with a simple and more robust solution. The replacement canopy would maintain the height of the existing canopy, to provide protection to visitors and displays. The proposed structure would be self-supporting with columns aligned to the arches and connected by a beam

at the rear, to avoid interrupting shop frontages (see Figure 8 below). The glazed panels would be made of a toughened, heat-strengthened, solar coated laminated glass, to ensure their robustness and prevent damage from sun on trader's goods (See Figure 9 below).



**Figure 9 - Proposed new canopy.**

#### Welfare facilities

- 3.17 The proposal seeks to improve the existing welfare and facility provisions within the Market for both traders and visitors. These include 17 no. new toilets for the public, changing spaces and wheelchair accessible toilets, water fountains and defibrillators within the Market, 8 no. new toilets, showers, Wudu foot washing space, kitchenette for traders, a multi faith room and on-site management office (c.80 sqm).

#### Road resurfacing/wayfinding/green zones

- 3.18 The market surface is currently uneven and in a poor state of repair. Many of the shops require steps up to and into their premises. It is proposed to provide a level surface throughout the market, with ramps only being used where necessary. A red colour tarmac finish is proposed for the road resurfacing. To improve drainage and promote sustainability, the tarmac surface would be permeable, and water would run to below ground attenuation tanks or geo-cellular attenuation tanks. This will restrict surface water run-off.
- 3.19 The wayfinding signage and lighting strategies, green/dwell/play zones to the Market would be enhanced to improve trader and visitor's experience. The lighting in the market is inconsistent and of a poor condition that creates levels of high contrast and patches of shadows. The proposals include even lighting along the length of the Market using LED energy efficient solutions and

fittings. A 'break out' area within the Market is proposed to allow people to dwell, meet and play. There is currently little to no urban greening within the current Market. The proposals would incorporate the potential to provide greening to the roofs to the top of the new central Market stalls and to combine the dwell and play zones with deep planters for mature planting.

#### Opening hours

- 3.20 The Market currently operates Monday – Saturday 0900 - 1800. Trade outside of these hours is permitted with approval of the management and many of the Market's fresh produce traders open earlier than 0900. Vehicles are only permitted to access the Market outside of the hours of operation, between 07:00-10:00 and 16:00- 19:00. The current application does not seek to alter or restrict the opening hours of the Market. The extent of natural surveillance in the market would increase with the proposed development of the Old Laundry Yard with 24hr security being provided when the market is closed in the evenings to the public.

#### Entrances

- 3.21 The existing entrances on Goldhawk and Uxbridge Roads are one of the most important physical characteristics of the Market. However recent signage is not welcomed by most of the traders and the form of the signs creates a cluttered entrance. The Applicant has undertaken consultation with traders and the public on proposed designs of the entrances and there are different opinions to the best approach to take. The Applicant is committed to finding the best solution and proposes that the final entrance design be agreed by condition following consultation with the traders and the community, to ensure high quality design, safety and reflects the Market character. The entrances will need some restrictions in width to accommodate Hostile Vehicle Mitigation (HMV) strategies. A single pedestrian entrance would be added at the southwest corner of the commercial building connecting to the existing Market Lane. This is only open during Market trading hours.

#### The Academy and REImagine

- 3.22 The Applicant has appointed REImagine to run and manage the Market. The REImagine team has experience of working in markets across London and has experience helping small business grow through training and business support. The Applicant and REImagine launched a Market Academy to provide free training and support for existing traders and people with new business ideas, and a space for all traders to collaborate and grow together. The Applicant has committed to cover the £100,000 p.a. operational costs until the Academy can be funded by profit from the Market.

## Workspace – Commercial Building

- 3.23 The commercial building is 9 storeys in total (including ground floor mezzanine and roof top plant) designed to slope through a series of steps, upwards and away from the rear of the Pennard Road residential properties, to minimise the mass and overlooking and maximum daylight into the existing homes. The entrances are conceived with the intention of being active, welcoming and creating shared social spaces complemented with a café use.
- 3.24 The proposed ground floor would feature two large lobby spaces. On the east elevation the lobby space would incorporate a mezzanine floor and include co-working space for small businesses, space for the life science accommodation, plus space for meeting rooms and facilities that the Market traders, occupiers, residents and local community groups will be able to hire. Adjacent to the reception area on the south elevation, an ancillary café area is proposed which would be inclusive and accessible to all. The typical office floor plate on the upper floors is designed as flexible and adaptable open plan spaces which can be subdivided into up to 2 tenancies on the lower levels. The reduced upper floor levels would provide a range of tenancy sizes for future occupiers (See Figure 10 below).



**Figure 10: Proposed Ground floor – Commercial Building**

### Basement/Ground Level

- 3.25 The commercial building would provide a life sciences incubator with laboratories in a purpose-built basement area in conjunction with space on the ground level. This space has been developed with and would be operated by Imperial College London. The layout provides a mix of laboratory space together with combined break-out and write-up spaces and bookable meeting

rooms. The latter spaces would borrow light from a series of rooflights at ground level and are connected by an additional core to the co-working incubator spaces above. Co-working space is also proposed on the ground floor for small businesses, with meeting room facilities that Market traders and local groups could hire (See Figure 11 below).



**Figure 11: Proposed Basement level - Commercial Building**

- 3.26 All access points to the proposed development would be publicly accessible between 07:00 - 23:00 daily. Outside of these times, the proposed gates would be closed to ensure the security of the Site overnight. Access overnight would be restricted to those with a fob or a similar mechanism, or on request to the onsite security team that would be able to open the pedestrian and vehicle gates as necessary.

#### Architectural Treatment

- 3.27 The design approach for the commercial building follows five principles, including grid alignment, relationship with the Market, relationship with neighbouring residential properties, articulation to the west elevation and using a stepped approach incorporating terraces as a landscape feature. The building would be constructed as a concrete structure with exposed concrete on the upper floors, brickwork on the lower floors, and polyester powder coated (PPC) aluminium proposed for the window framing and plant enclosure. The building would provide a biodiverse terrace roofscape, in the stepped massing of the building. The new green 'roof scape' is one of a key design principle. This would create a unique form and provide an opportunity to integrate terraces and incorporate climate resilient planting to screen and increase the privacy to neighbours whilst promoting biodiversity and urban greening. In addition to the above the roof terraces the building would incorporate blue and green roofs with planted areas and PV's.

## Residential building - Affordable Housing

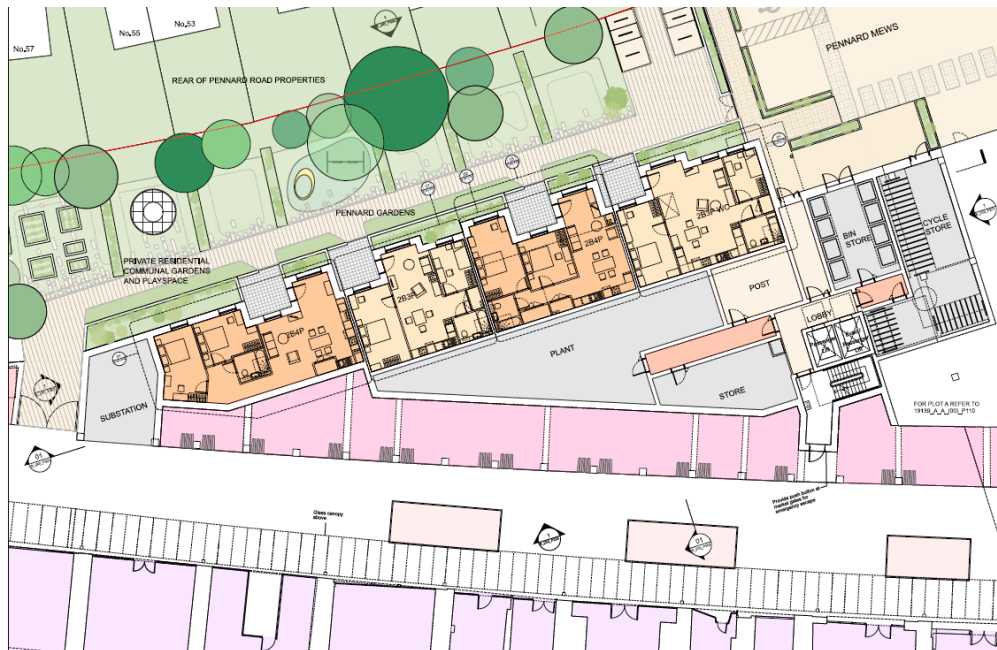
3.28 The ground plus 5 storeys residential building would provide 40 no. affordable housing units for use as affordable rent (60%) residential units and intermediate (40%) residential units.

3.29 The proposed housing mix is set out in Table 1 below:

| Unit Type      | Min gross internal area (GIA) | Percentage proposed of the total number of units | Percentage proposed |
|----------------|-------------------------------|--|---------------------|
| 1bed 2persons  | 50 sqm                        | 10% (4 units)                                    | 10%                 |
| 2bed 3 persons | 61 sqm                        | 50% (20 units)                                   |                     |
| 2bed 4 persons | 70 sqm                        | 32.5% (13 units)                                 | 90%                 |
| 3bed 5 persons | 86sqm                         | 7.5% (3 units)                                   |                     |

**Table 1: Residential Unit Type/Mix**

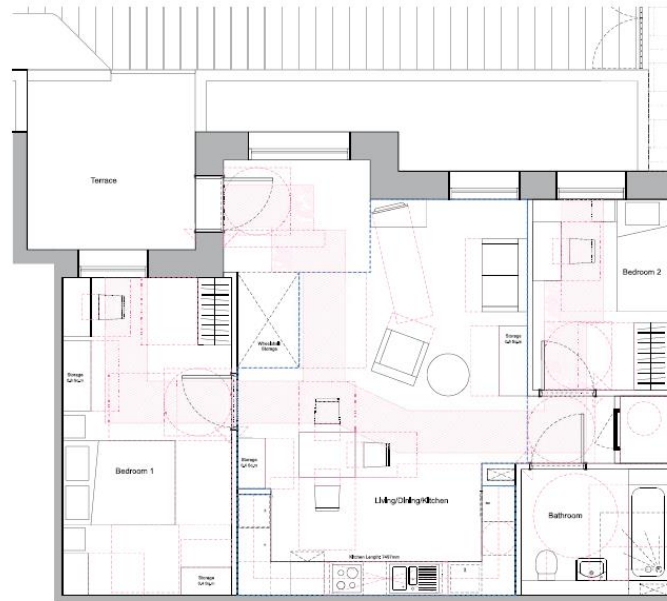
3.30 All the residential units are accessed off a shared core, with balcony access on the west elevation facing on to the railway and on east elevation facing Pennard Road. Ground floor units are single aspect and would be accessed via the communal amenity space. Access to each floor of the building is provided by two lifts, both located in the main core. One of the lifts would operate as firefighting and evacuation lift (See Figure 12 below).



**Figure 12: Proposed ground floor – Residential Building**



- 3.31 10% or four M4(3) wheelchair accessible apartments would be provided, distributed throughout the building. The remaining residential units are all designed to be adaptable dwellings, to meet M4(2). The wheelchair accessible apartments would be located where possible close to the main circulation core to provide a shorter travel distance. Two wheelchair accessible apartments are proposed on the ground floor. Two on the fourth floor (See Figure 13 below).



**Figure 13: Proposed typical ground floor wheelchair accessible unit – Residential Building**

#### Architectural Treatment

- 3.32 In terms of massing, the proposed residential building would be a ground plus 5 storeys building with a set back to the top storey. The residential building represents a contemporary take on local 'two up - two down' houses and looks at providing 90% dual aspect residential apartments. The building is set back from the rear of the Pennard Road properties, providing a separation distance of between 18m and 21m, with the upper levels setting back further from the rear elevation of the neighbouring properties. The east elevation seeks to reflect and reinterpret the classic bay window typology of its surrounding context and establishes a dialogue with the back of the Pennard Road properties. Two shared external communal areas would be provided on the residential building with a focus on planting and biodiversity provisions. At ground level, the proposal will provide external communal garden space for residents. An external communal amenity space would also be provided at podium level, on the west side of the building, that breaks up the mass and provides greenery to the building when viewed from the market below and train lines.

3.33 The residential building would be predominately constructed in facing London stock brick and windows and balconies are to be coloured metal to match. The ground and first floor would have a slightly protruding brick to add texture and depth whilst each floor is highlighted by a soldier course. The set back top floor would be constructed out of textured concrete to differentiate its volume. The typical façade is clad in a lighter toned brick. The top floor is set back and would be constructed out of profiled textured concrete to differentiate its volume from the rest of the building. Balconies and the railings along the external deck access are all to be in metal and coloured to compliment the brickwork.



**Figure 14: Proposed first floor Layout – Residential Building**



**Figure 15: Proposed West Elevation – Residential Building**

## Public Realm

- 3.34 The form of the public realm is split into four-character areas. These include The Market, The Yard, The Mews and The Gardens. The Market is to remain as existing, providing a fully accessible public realm that will be closed overnight. The Market will use colourful and hardwearing materials to provide safe and playable elements. The Old Laundry Yard site would provide a permeable public realm that is open during the daytime allowing connections to the Market, Goldhawk Road, Pennard Road and Shepherd's Bush Green. The Yard will provide a new entrance, extending the character of the Market, with areas for both pedestrian and vehicular movement. The Mews runs from the north to south along the eastern boundary, creating separation between the rear of Pennard Road properties and the proposed commercial and residential buildings. The Mews will have planted areas and provide a residential route leading to residential gardens. Bordered planting would be added to the rear of the Pennard Road properties. The Gardens will be predominantly green in character and biodiverse. The Gardens will provide a safe, accessible external amenity space for the new residential occupiers. The Gardens will be secured with gates access and provide defensible place to ground floor flats. Outside of daylight hours there will be controlled access to the site, with good lighting and an on-site 24hr security team backed up with CCTV (See Figure 16 below).



Figure 16: Public Realm (permeability)

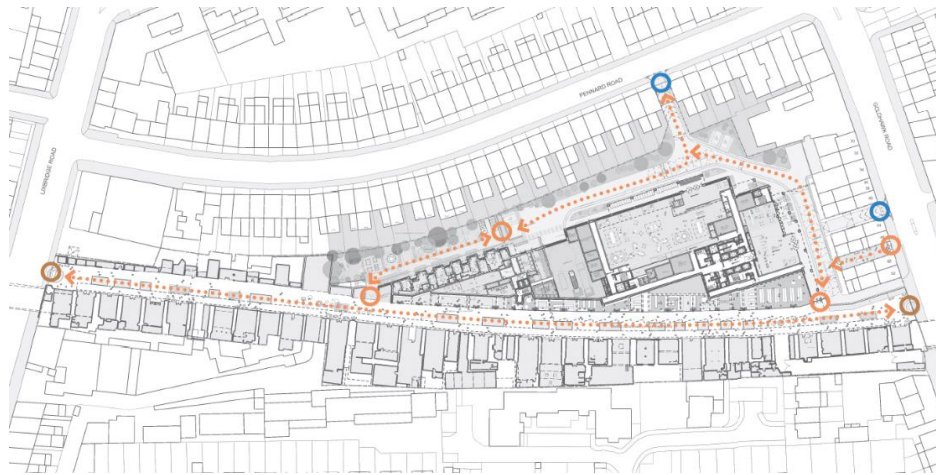
## Access, Parking and Servicing

- 3.35 Vehicular access arrangements are currently limited. Vehicular (and pedestrian) access to the market is off Goldhawk Road and vehicular egress (and pedestrian access) is via Uxbridge Road. Vehicular access to the Old Laundry site is via Market Lane which is an existing laneway to the site between the eastern edge of the Market and No. 52 Goldhawk Road. This strip of unregistered land wraps around the rear of the terrace on the northside of the commercial properties fronting (30-52) Goldhawk Road. It is approximately 3m wide and currently provides very limited vehicular/turning access. Vehicular access is also available through 15 Pennard Road (with an existing vehicular egress for the Site).
- 3.36 The vehicular and pedestrian access strategy to the Market itself would remain unchanged, operating via the existing access points i.e. access from Goldhawk Road through to Uxbridge Road. It is proposed to retain the existing access arrangement to Market Lane off Goldhawk Road, upgrading finishes, security and lighting, to maintain the existing vehicular/pedestrian access rights of the properties.
- 3.37 In response to the access arrangements for the development, it is proposed to demolish No.42 Goldhawk Road ('Zippy Diner') to create a new gated entry access for vehicles. Vehicles would access this part of the site via 42 Goldhawk Road and exit via the Pennard Road access. The gate and access would be managed by the on-site management team.
- 3.38 The access to the site located at 15 Pennard Road would be retained and refurbished. It is proposed to serve as an "exit only" egress point for vehicles on the Site and would be upgraded to create a pedestrian access into and out of the Site as well.
- 3.39 In addition to the vehicle access points, No.48 Goldhawk Road ('Cooke's') would be used as the primary pedestrian entrance for the Site and serve the commercial and residential buildings. The existing façade would be retained and refurbished whilst internally creating a double height space which would serve as the primary reception space for visitors of the commercial building and residents of the residential building within the Old Laundry Yard (See Figure 17 below).



**Figure 17 – pedestrian and vehicular entrance from Goldhawk Road**

- 3.40 In terms of Fire Safety, fire appliance will be able to park at either end of the Market and use risers as required. In respect of the Old Laundry Yard, fire appliance access would be provided through the new entrance and across the site to Pennard Gardens. Space will be allowed to appliances to park at the designated firefighting entrance points.
- 3.41 The proposed development would be car free with no general parking spaces provided on the Site for either staff or visitors, except for three blue badge accessible parking bays. Two blue badge parking bays would be provided for the proposed workspace/office and retail uses. One blue badge parking bay would be provided for the residential building. Should there be a demand for more spaces in the future, a further two blue badge vehicles could be provided. Access to these spaces will be achieved through Goldhawk Road via the managed access gate. The public realm is designed to be predominantly pedestrian focus, with vehicles entering the site to transit through at low speeds. A servicing yard with a turntable and two loading bays would be located within the commercial building and used for commercial and residential deliveries. Commercial building and market waste collection would be from the servicing yard.
- 3.42 A taxi rank is located on Uxbridge Road to the west of Shepherd's Bush Underground station, 650m to the east of the Site. The taxi rank is always operational and can accommodate three taxis. There are no dedicated motorcycle parking bays located in close vicinity to the site.



**Figure 18: Site Wide Pedestrian (orange) and vehicles (blue) Access Strategy**

- 3.43 Cycle parking for the overall proposed development would be provided with 23 short stay spaces (in form of Sheffield stands) and 574 long stay spaces. 5% of the long stay cycle spaces are designed as accessible parking spaces. Long stay cycle parking for the commercial building would be provided at basement level. The cycle store would be accessed via a dedicated cycle lift which would be accessed at ground floor via Goldhawk Yard. Long stay cycle parking spaces for the residential building would be provided at ground floor level and would be split across two locations with the external cycle store located within the residential gardens.
- 3.44 Servicing and delivery vehicles for the commercial and residential buildings would access the Site via the proposed Goldhawk Road vehicle entrance and exit via Pennard Road. This would be managed by the onsite team using CCTV. Oversize deliveries, removals/furniture/white goods, would need to have prior arrangement with the management team. Servicing for the Market would remain the same as the existing strategy, with the one-way route from Goldhawk Road to Uxbridge Road. The proposed internal servicing area for the office/ workspace would include two delivery servicing bays for all residents and non-residential deliveries as well as waste storage for the Proposed Development and a separate waste store for the Market.
- 3.45 The residential waste storage area would be located on the ground floor adjacent to the residential cycle store and residential entrance. The commercial buildings waste storage area would be located within the servicing yard, to provide direct access for delivery and servicing vehicles. The current waste management strategy for the market would continue, with the only change being that waste main collection point would be within part of the servicing yard of the commercial building. Market waste will be collected from the shared servicing bay and collections will be pre-arranged and managed.

- 3.46 A proposed external lighting strategy would be designed to provide sufficient light for safe access into and around the site. The public access route, the pedestrian walkways, vehicle pathways and the Blue Badge parking spaces would be lit. The lighting scheme would be designed to be energy efficient using LEDs and designed to minimise light spill. Light fittings would be switched on at dusk and off at dawn to reduce light pollution and energy waste.

### **Energy Provision**

- 3.47 The energy strategy for the proposed development proposes an air source heat pump system alongside photovoltaic panel. Although some windows are designed to be openable, the windows of certain façades will need to be closed during certain periods of time (at night) due to acoustic constraints on site. Therefore, both passive and mechanical ventilation solutions would be provided.

### **Demolition/Construction Works**

- 3.48 The development is estimated to take approximately 37 months to complete. The programme would include pre demolition enabling works followed by demolition works, piling, office, and residential construction (sub / superstructure, external envelop and internal fit out) in conjunction with the Market refurbishment works. In terms of the indicative phasing provided, the development would commence with demolition works on the Old Laundry Yard, followed by the demolition of 42 Goldhawk Road. Access and egress would be provided through the existing access at 15 Pennard Road and the market would be secured by temporary hoardings. Containers on the site would be reused for the temporary relocation of market traders. Construction of the Workspace / Office Building would commence first, though the completion of both this and the Residential Building will occur around a similar time. Access would be provided through 42 Goldhawk Road and egress via 15 Pennard Road. No building shall be occupied until Market refurbishment works have been completed. This would be secured by condition.
- 3.49 Preliminary Construction Method Statement (April 2023) has submitted with the application. Subject to the grant of full planning permission and once the Principal Contractor has been appointed, a DMP (Demolition Management Plan) and DLP (Demolition Logistics Plan) would be submitted for final approval followed by a CMP (Construction Management Plan) and CLP (Construction Logistics Plan). Both the CLP and CMP would be further developed to include details of the proposed methodologies, programme,

method statements and detailed mitigation measures. The final approval of the DMP/DLP and CMP/CLP would be secured by planning conditions.

### **Environmental Impact Assessment (EIA)**

3.50 The Environmental Impact Assessment has been submitted with the application, in line with an EIA ‘Scoping’ process. A draft scoping opinion was issued 13 March 2023 (ref: 022/03574/SCOEIA), confirming that proposal falls within Schedule 2 (10(b)) (Infrastructure Projects – Urban Development Projects) of the EIA Regulations and that an EIA would be undertaken for the proposed development. Furthermore, the methodology provided in the submitted Scoping Report was deemed acceptable to form the basis of a comprehensive and full assessment in relation to the relevant environmental topics in accordance with the Town and Country (Environmental Impact Assessment) Regulations 2017 (as amended).

3.51 The submitted Scoping Report “scoped in” the following topics to be included in an Environmental Statement (ES):

- Socio Economics
- Traffic and Transport
- Air Quality
- Noise & Vibration
- Built Heritage
- Daylight, Sunlight and Overshadowing
- Light Pollution and Solar Glare (completed development only)
- Wind Microclimate
- Townscape and Visual Impact Assessment
- Greenhouse Gas Emissions
- Climate Change
- Cumulative Effects

And “scoped out” topics considered:

- Health (Health Impact Assessment included with the planning submission)
- Land Contamination (Preliminary Risk Assessment included with the planning submission)
- Archaeology (Archaeology Desk Based Assessment included with the planning submission)
- Ecology/Biodiversity (A Preliminary Ecological Appraisal appended to the Scoping Report included with the planning submission)
- Land Take and Soils
- Project Vulnerability



- Waste & Materials (Outline Waste Management Plan and Circular Economy Statement included with the planning submission)
- Water Resources, Flood Risk and Drainage (Flood Risk Assessment / Drainage Strategy included with the planning submission)

### **Supporting Information**

3.52 The following supporting documents along with the plans have been submitted with the application:

- Design and Access Statement (“DAS”) dated 24<sup>th</sup> April 2023, ref no. 19139-AHMM-ZZ-ZZ-RP-A-001 - P01 prepared by Allford Hall Monaghan Morris (AHMM) Architects.
- Town Planning Statement dated April 2023 prepared by Gerald Eve.
- Daylight, Sunlight and Overshadowing Report dated April 2023 prepared by Point 2.
- Arboricultural Impact Assessment, Method Statement and Tree Protection Plan dated April 2023, ref no. PJC/6199/22/02 Rev -, prepared by PJC Consultancy Ltd.
- Circular Economy and Whole Life Carbon Statement, Revision 02 dated April 2023, ref no. 55414 prepared by Chapman BDSP.
- Energy Strategy, Revision 04, dated April 2023, ref no 55414 prepared by Chapman BDSP.
- Sustainability Statement, Revision 04, dated April 2023, ref no. 55414 prepared by Chapman BDSP.
- Utilities Strategy, Revision 03, dated April 2023, ref no. 55414 prepared by Chapman BDSP.
- Ventilation and Extraction Statement, Revision 04, dated April 2023, ref no. 55414 prepared by Chapman BDSP.
- Biodiversity Net Gain Assessment, dated April 2023, prepared by Assystem Energy & Infrastructure Ltd.
- Construction Method Statement dated April 2023, prepared by Elliott Wood.
- Crime Impact Statement, Issue Two dated 22 March 2023, prepared by “Security in Design Offers Solutions” (SIDOS) UK Ltd.
- Exterior Lighting - Design and Access Statement, Revision P6 dated 21 April 2023 prepared by Equation.
- Fire Statement, Revision R02 dated 20 April 2023, Project number LO21034 prepared by OFR Consultants Limited.
- Flood Risk Assessment dated April 2023 prepared by Elliott Wood.
- Geo Environmental Appraisal Report, Revision 1, dated April 2023, prepared by Card Geotechnics Limited.

- Archaeological Desk Based Assessment dated April 2023 prepared by AOC Archaeology Group.
- Equality Impact Assessment dated April 2023 prepared by Trium Environmental Consulting LLP.
- Volume 1: Environmental Statement Main Report dated April 2023 prepared by Trium Environmental Consulting including:
  - ◆ Chapter 1: Introduction
  - ◆ Chapter 2: EIA Methodology
  - ◆ Chapter 3: Alternatives and Design Evolution
  - ◆ Chapter 4: The Proposed Development
  - ◆ Chapter 5: Demolition and Construction
  - ◆ Chapter 6: Socio-Economics
  - ◆ Chapter 7: Traffic and Transport
  - ◆ Chapter 8: Air Quality
  - ◆ Chapter 9: Noise and Vibration
  - ◆ Chapter 10: Daylight, Sunlight and Overshadowing
  - ◆ Chapter 11: Light Pollution and Solar Glare
  - ◆ Chapter 12: Wind Microclimate
  - ◆ Chapter 13: Greenhouse Gas Emissions
  - ◆ Chapter 14: Effect Interactions
  - ◆ Chapter 15: Likely Significant Effects and Conclusions
  - ◆ Chapter 16: Environmental Management, Mitigation and Monitoring Schedule
- Volume 2: Heritage, Townscape and Visual Impact Assessment
- Volume 3: Technical Appendices including:
  - ◆ Appendix: Introduction
  - ◆ Appendix: EIA Methodology
  - ◆ Appendix: Socio-Economics
  - ◆ Appendix: Traffic and Transport
  - ◆ Appendix: Air Quality
  - ◆ Appendix: Noise and Vibration
  - ◆ Appendix: Daylight, Sunlight and Overshadowing
  - ◆ Appendix: Light Pollution and Solar Glare
  - ◆ Appendix: Wind Microclimate
  - ◆ Appendix: Climate Change
- Health Impact Assessment dated April 2023 prepared by Trium Environmental Consulting.
- Environmental Statement: Non-Technical Summary dated April 2023 prepared by Trium Environmental Consulting.

- Preliminary Ecological Appraisal dated April 2023 prepared by Schofield Lothian.
- Statement of Community Involvement dated April 2023 prepared by Yoo Capital.
- 'Healthy Streets' Transport Assessment dated 21 April 2023 prepared by Momentum Transport Consultancy which include an Active Travel Zone Assessment; Framework Delivery and Servicing Plan; Operational Management Plan; Travel Plan Framework; and Outline Construction Logistics Plan.
- Economic Statement dated April 2023 prepared by Quod.
- Foul Drainage Assessment Report dated April 2023 prepared by Elliott Wood.
- Surface Water Drainage Strategy dated April 2023 prepared by Elliott Wood.

3.53 In addition, further detailed supporting information and clarifications were sought during the determination of the application. Revised drawings to reflect the removal of the gate on the Goldhawk Road vehicular access to the site are listed in Condition No.2 above.

#### **4.0 PUBLICITY AND CONSULTATION**

4.1 The Applicant has undertaken a comprehensive programme of community and stakeholder engagement including discussion with community groups and residents surrounding the site. It is noted that this initial consultations in 2020 were carried out during the Covid-19 pandemic, meaning that face-to-face engagement was not possible.

##### **Referral to the Mayor of London**

4.2 Under the terms of the Town & Country Planning (Mayor of London) Order 2008, the Greater London Authority (GLA) has been notified. The application is referable under the following categories of the Schedule to the Order 2008:

1B "Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings (c) outside Central London and with a total floorspace of more than 15,000 square metres."

1C "Development which comprises or includes the erection of a building of one or more of the following descriptions (c) the building is more than 30 metres high and is outside the City of London."

- 4.3 The Mayor of London formally considered the proposal on 19 June 2023 and issued a Stage 1 report, a summary of which is set out in paragraph 4.33 of this report.
- 4.4 Should committee resolve to grant planning permission; the application would need to be referred to the Mayor of London again (Stage 2) prior to the issue of any decision notice. The Mayor of London has a period of 14 days from the date of notification to consider the council's resolution before issuing a decision as to the call-in of the application for the Mayor to act as the local planning authority, or to allow the application to proceed.

#### **Pre-Application Public Engagement**

- 4.5 In accordance with the National Planning Policy Framework (NPPF), the Applicant has undertaken a detailed programme of pre-application engagement with the Council's Planning, Urban Design and Highways officers, and other officers on topics relating to design, highways, daylight and sunlight, trees/public realm and energy and sustainability. Consultation has also taken place with the GLA, TfL and Designing Out Crime Officers from the Metropolitan Police.
- 4.6 The Applicant has submitted a Statement of Community Involvement (SCI) which sets out the overview of engagement undertaken with stakeholders, interested groups, and residents/businesses between the pre-application period and the formal submission of the proposal. The report includes details of the pre-application meetings with H&F officers and with the GLA/TfL that have taken place between December 2020 and March 2023.
- 4.7 Overall, the Applicant has engaged with residents and the site's immediate neighbours through a series of consultation events spanning over more than a two-and-a-half-year period. This has allowed the applicant to consider the views of Council, GLA, key shareholders and the local community when developing the final revised plans submitted in May 2023. The proposals have changed during the pre-application stage in response to the feedback and comments received. Amendments have included a reduction in the overall bulk and massing of the commercial building by 2 storeys, amendments to the quantum and mix of residential units and a simplified approach to the Market, in line with feedback from Market traders.
- 4.8 The Applicant became the majority owner of Shepherd's Bush Market in September 2020. The Applicant states it notified traders with a hand delivered letter, introducing the firm, committing to cancelling rent from the second quarter of 2020 (April – June) and resolving historic issues with the service charge. The SCI states the third quarter rent (July-September) was later

cancelled along with second quarter rent. In June 2022, the Applicant appointed REImagine to manage the Market.

4.9 Consultation has taken place with a range of digital and physical consultation methods, including face-to-face consultation activities and events, including in-person exhibitions, tailored stakeholder meetings, and engagement with the Shepherd's Bush Market traders. The consultation was advertised with a mix of digital and physical promotion, including flyers, letters, social media advertising, newspaper adverts and email. Consultation activities are divided into phases as follows:

- Phase 1: Consultation Launch (September 2020- October 2020)
- Phase 2: Extensive Engagement – Market Traders (2020-2023)
- Phase 3: Evolving Designs (July 2022 – December 2022)
- Phase 4: Final Stage (January – April 2023)

4.10 The Applicant's initial engagement, including introductory meetings were held virtually in late 2020. On 11 March 2021, the Applicant launched a Commonplace heatmap to get feedback. At the time of the submission of the application, the heatmap had 1,208 visitors, 66 respondents and 122 contributions. The heatmap provided an overview of the public's view of the proposals and the key areas of focus and concern. Demonstrated the difference of opinion yet a consensus for the need to improve and modernise the market. The Applicant hosted a series of community events with the local community from December 2020 and ran a community newsletter.

4.11 The Applicant states they held their first meeting with the Shepherd's Bush Market Tenants' Association (SBMTA) in July 2020, prior to becoming the majority owner of the site. Several official meetings with the SBMTA have since taken place from November 2020. Since May 2021, there have been regular meetings with the current Chair and committee members. Several drop-ins for all traders have also been held since December 2020 with initial proposals for the design of the market being shared in April/May 2021. In July 2021, the Applicants held a series of drop-ins (5 dates) at the Market office - 48 Goldhawk Road. The purpose of these meetings was to share the initial financial packages with traders for their feedback and provide an update on Market designs. Meetings were held either one-on-one or in small groups, depending on the traders' preference. From October 2022 onwards, trader drop-in events took place on the Friday before public consultation events. In November 2022, the project team held consultation specifically for the traders in shops 1 – 23 towards the Uxbridge Road end of the Market. A second meeting took place on 20 February 2023.

- 4.12 From July 2021 until late 2022, the Applicant have held meetings with each trader to discuss Heads of Terms agreements. The non-binding documents set out how the Applicants would support traders through the development and beyond. Details of the Heads of Terms are in the Economic Statement. The Applicant is obligated to paper a percentage of the Heads of Terms into an Agreement for Lease if resolution to grant planning permission is received and would not be able to start works on site until the percentage is met. At the time of submission of the application in May 2023, the Applicant, on average had three meetings with each trader to discuss Heads of Terms and encouraged traders to discuss the terms with their solicitors. The Applicant states that 90% of traders have agreed Heads of Terms and conversations are ongoing with those who have not yet agreed.
- 4.13 The next stage of the public consultation commenced in July 2022 where the proposals for the masterplan site were shared for public comment and consideration. Several consultation events and meetings were held in this time (between July 2022 – 10 December 2022) to exhibit the evolution of design with public feedback at the different stages. In total 10 separate public consultation event dates were held in this period. Further group presentations and meetings were attended by the Cathnor Park Area Action Group, Hammersmith Society, Caxton Village and Macfarlane Road resident groups and ward councillors.
- 4.14 On 16 and 19 July 2022, the Applicant held two days of a public exhibition at 48 Goldhawk Road, following the distribution of double-sided flyers delivery door-to-door to approximately to over 33,000 local addresses around the site, including residential and commercial properties, the Shepherd's Bush Market website and via social media. The proposals included details of the market designs and initial thoughts on the Old Laundry Yard development. Approximately 60 people attended across the two days and 36 feedback forms were filled in. In summary, the SCI sets out comments received highlighted the need for intervention in the market and additional shops with a differentiated offer, together with broad support for affordable housing on the Old Laundry Yard site and requests for both private housing and commercial space.
- 4.15 Between 14 and 19 October 2022, the Applicant held the next round of public exhibitions with three days of public consultation and a trader preview day. The event was held in Arch 182 at the Goldhawk Road end of Shepherd's Bush Market. Approximately 400 people attended across the three days, and 54 feedback forms were filled in. Of those that responded, the Applicant states that 29% felt dissatisfied or unhappy with the market today, 31% were neutral towards it and approximately 40% were satisfied or happy with it. The

October events were advertised in a similar manner to the July events and included an advert placed in MyLondon.

- 4.16 The public exhibition showcased proposals for the Market and the Old Laundry Yard. An overview of the commercial building design and information on the Imperial College London life sciences incubator were provided, alongside information and images showing the design for the affordable housing, outdoor space at the Market and in the Old Laundry Yard plus information on transport, sustainability, and construction. In summary of those persons that filled in forms, 68% said they were satisfied or happy with the market proposals, 20% were neutral and 12% were dissatisfied or unhappy. Several attendees commented on the relationship between the Market and the office building and expressed concern that the shops below would feel like shops rather than traditional market space. Comments were also received about the need to look after existing Market traders and ensure they are not pushed out of the Market. In terms of the commercial building proposals, 54% said they were satisfied or happy with the proposals, 22% were neutral and 24% were dissatisfied or unhappy whereas 66% said they were satisfied or happy with the affordable housing proposals, 20% were neutral and 14% were dissatisfied or unhappy.
- 4.17 Between 2 and 9 December 2022, the Applicant held a three-day public exhibition and one trader preview day at Arch 172a in Shepherd's Bush Market. Approximately 100 people attended across the three public days, and 10 feedback forms were filled in. The December event was advertised in a similar manner to the July and October events. This public consultation event updated the community on the Applicant's commitment to traders and to the market, details of proposals for upgrades to the market, an update on the façade of the commercial building and a recap of the previous consultation. Attendance at this consultation event was lower than the previous two. At this event the largest percentage of responses received remained neutral about the proposals for the market, with attendees highlighting the need to work with existing traders and avoid displacement and gentrification.
- 4.18 The final phase of engagement took place between January and April 2023, ahead of submission of the planning application in May 2023. At this stage, the project team shared the proposals incorporating feedback ahead of submission. A public consultation event was held over three days, between 25 and 28 February 2023. The February event was advertised in a similar manner to the previous three events. The event was held at Arch 157 at the Uxbridge Road end of Shepherd's Bush Market. The event was attended by approximately 150 people and 33 feedback forms were filled in. The purpose of this public consultation event was to update the community on the façade design for the commercial building and share updated designs for the Market

and on progress with the High Street Academy. Drop-in sessions with Pennard Road residents were also held on 17 and 18 April 2023. A Q&A with the West London Chamber of Commerce at Shepherd's Bush Market on 15 March 2023 was attended by approximately 30 people, representing west London businesses. Further individual events with market traders, residents and stakeholders were held in the period between January and April 2023.

- 4.19 Overall the opinion during this phase of consultation was mixed, with a range of responses either neutral or undecided. Of those that completed feedback forms, the Applicant states that 43% felt positive about the proposals for the Market at the start of the consultation, 39% neutral and 7% felt negatively. However, in response to whether the proposals for the Market had improved, 88% said it has improved. Of those that completed feedback forms, 42% said they felt positively towards the proposals before the consultation, 50% were neutral and 4% were negative. 78% of those that responded said their opinions had improved since the February consultation and 9% said they had got worse.
- 4.20 Overall, the Applicant considers the general feedback on the Market proposals was positive, with support for improvements and the newly set up 'High Street Academy' operating from Arch 172a and while there was broad support for or neutrality towards the office building, concerns have also been expressed by residents in relation to the height and massing, particularly with regards to views from for the Pennard Road residents.
- 4.21 In the SCI, the Applicant states they have continued to engage and consult with the local community after the submission of the planning application and REImagine have been working with traders on designs for new units and improvements to existing units, as well as the temporary fit-outs for those traders being relocated during construction and a committed to conduct further consultation on the market's iconic entrances that reflect the Market, the traders and community, and welcome visitors from around the world. Furthermore, if successful, the Applicant has added that along with their contractor appointed to deliver the project, they will follow guidance set out by the Considerate Constructors Scheme and provides a framework for regular engagement with neighbours, including: a regular newsletter, regular drop-ins, a dedicated point of contact for residents, a notice board. An outline Construction Management Plan has been submitted as part of the planning application which seeks to address phasing, programme, site operations, working hours and the monitoring and management of dust and noise, as well as setting out a neighbourhood liaison strategy.
- 4.22 The consultation has been undertaken in accordance with the adopted Statement of Community Involvement for the borough, as well as being in line



with principles of the Localism Act and the National Planning Policy Framework. Officers are satisfied that the Applicant has undertaken an extensive programme of consultation with the market traders, site's neighbours, stakeholders, the local community, and interest groups through four phases of public consultation. Overall, the feedback received shows that there is support in the local area for a scheme to come forward particularly in terms of investing in the market, providing affordable housing and a commercial scheme on the Old Laundry Yard site. Matters relating to supporting the existing traders at market during the construction works and post completion have however as being vital. The Applicant states they have incorporated the feedback received in terms of physical changes to the market and the support packages for traders. In terms of the designs for the commercial and residential building, comments have been received on concerns relating to the height and massing and impacts on daylight/sunlight and privacy/overlooking. In response, the project team state they have revised the proposals with a reduction in height and a reworked façade to break down the massing visually of the commercial building.

#### **Pre-Application Design Review Panel**

- 4.23 A Design Review Panel (DRP) was held 13 December 2023 at the pre-application stage. A previous DRP was held on 14 July 2021 on an earlier and larger scheme. The Hammersmith and Fulham Design Review Panel was encouraged by revisions to the scheme, noting the reduction in height by 2 storeys, the improved relationship of the building's massing to the curve of the railway viaduct and the softer presence created by greening its layered terraces. The panel also noted that the impact of the proposals on local heritage assets would have to be assessed in detail. A key question related to the legibility of multiple entrances off Goldhawk Road. The panel suggested that this ambiguity could be addressed by making the "cut-through" vehicular access via 42 Goldhawk Road the primary pedestrian entrance and an appropriately celebratory entrance should be developed for the Market entrance. Further detailed information was requested in respect of the Pennard Road entrance and how its service access role could be accommodated while retaining its residential character. The panel acknowledged that the western façade could not replicate the cascaded green terraces of the eastern façade and suggested that a second order of detail would be required to soften and enliven it. Similarly, the western façade of the residential block should be reviewed to add enriching life and animation.

#### **Disability Forum Planning Group**

- 4.24 Detailed proposals were presented to the Council's Disability Forum Planning Group ('DFPG') at the pre-application stage. The DFPG met the Applicant on 2 March 2023 to discuss its approach to inclusive design. The DFPG

acknowledged this is a challenging site with limited space and some changes in level.

- Disappointed the residential block is so far from Uxbridge Road. Residents with mobility issues will have further to walk than the commercial building. Seek confirmation that adequate space is provided to comply with building regulations, BS8300 2018 as well as mitigation of any changes in level.
- In terms of access arrangement, a management strategy is sought relating to 24/7 fob access.
- Clarification on width and kerb height of footway, location of compliant ramps, distance to blue badge parking bays and drop off points, swept path analysis for all parking bays and drop off points required.
- Gated access to be accessible and inclusive.
- Compliant outdoor lighting to meet the needs of everyone.
- Only one blue badge parking bay currently proposed for the residential block. The requirement is 4 blue badge parking bays equal to the number of wheelchair units.
- No information provided on number (including oversized cycle parking) for short stay or long stay cycle parking spaces in both buildings.
- Confirm whether fire evacuation strategy is self-evacuation or stay put and if a suitable refuge point and a two-way communication system beside each lift lobby with access to an evacuation lift is provided.
- Highlighted the need for the need for M4(3) accessible wheelchair dwellings from the outset and discussions with the Council's Housing Allocations Team. Further information required to ensure housing meets the minimum space standards including details for wheelchair storage and transfer space.
- No information provided on how bulky deliveries greater than letterbox sized parcels, tradesmen/removal vans, fast food deliveries etc will work for the development.
- No information provided on waste storage arrangements, location, whether step free access provided, bins etc to be accessible and inclusive.

### **Secured by Design**

- 4.25 The applicant met the Secured by Design Officer in November 2022 and comments provided are reflected in the submitted proposals. The key area discussed was the ground floor areas, including the proposed public route through the site, access levels at entrances, CCTV. As summarised below the perimeter of the site will have CCTV cameras – including outside the front doors to allow for monitored access after-hours.

### **Application Stage**

- 4.26 The planning application has been publicised by the Council as local planning authority, in accordance with statutory requirements.
- 4.27 The application has been advertised on the following basis:
- The application is accompanied by an Environmental Statement.
  - The proposed development is a major development.
  - The proposed development adjoins a conservation area and may affect its character or appearance.

### **Public Consultation (15 May – 30 June 2023)**

- 4.28 The application was publicised by way of statutory site notices posted around the site (2 on Goldhawk Road; 1 x Pennard Road; 1 x Uxbridge Road); a press advert (published 17 May 2023) and over 2,200 individual notification letters (dated 15 May 2023), sent to the market trader/businesses on the site and to individual surrounding occupiers, including residential properties / businesses in nearby buildings or streets.
- 4.29 Shepherd's Bush Market Traders Association (SBMTA) requested the consultation period be extended to ensure that all market traders were fully notified. Extra notification letters were provided to SBMTA for circulation to existing market traders (dated 1 June 2023). The consultation period was extended to 30 June 2023 (6 weeks in total).
- 4.30 The Council has received comments and representation post this date. All the representations received up to the publication of the report have been recorded and summarised below. In summary the following representations were received:
- **126 objections.** Include representations from the former Chair of the SBMTA and solicitors acting for properties in nos. 30, 32, 34 to 38, 46 and 50 to 52 Goldhawk Road (This figure excludes the representations received from Action Groups "Save Shepherd's Bush Market" and the "West London Resistance Collective" which are summarised separately in the report).
  - **103 in support and 1 neutral.**
  - Representations from Amenity Groups (Hammersmith Society), Resident Groups (Greenside Residents Action Group), the Shepherd's Bush Market Traders Association (SBMTA) and solicitors acting on behalf of the SBMTA (Seddons).
- 4.31 The contents of the representations received are summarised below.

- 4.32 Responses received from the statutory consultees, resident association representations and other interest parties are summarised in paragraphs 4.33 - 4.46, 4.49 - 4.55 and 4.57 - 4.64 below.

### **Greater London Authority (GLA)**

- 4.33 The Mayor of London issued a stage 1 response to the proposals on 19 June 2023. In short, the Mayor of London was generally positive in the response. Highlighted the application does not fully comply with London Plan policies at the time however, the proposals may be acceptable subject to addressing various concerns, namely:

- Refers to the sensitive refurbishment of the Market; 100% affordable housing; a low level of less than substantial harm would be caused to the significance of the Shepherd's Bush Conservation Area, which has the potential to be outweighed by public benefits/ benefits of improving the Market.
- Commercial building would have some prominence from adjacent properties on Pennard Road and would have daylight and sunlight impacts, ameliorated to a degree by the stepped massing and greening; however, consider the limited impacts are acceptable considering the dense urban context and highly accessible location.
- Vehicle access via Goldhawk Road is not supported but should the Council as highway authority support this, additional mitigation is recommended.
- Further information is required on energy, whole life carbon, circular economy, green infrastructure, water, and air quality.

### **Transport for London (TfL)**

- 4.34 TfL have made the following comments, summarised below:

- In a late representation, TfL have raised concerns about the potential impact that the proposed development could have on the surrounding transport network, especially Shepherd's Bush overground station, and that they will be requesting a financial contribution to mitigate this.
- Further information is requested on the delivery and servicing strategy for the proposed development is required to ensure that it supports aspirations and does not have an impact on the Strategic Highways network. It is noted that a Stage 1 safety audit has been provided and comments are provided.
- Cycle parking should comply with at least the minimum standards set out in Policy T5 of the London Plan.

- Contributions towards public transport enhancements (Overground) will be required in line with Policy T4.
- The Active Travel Zone assessment should inform discussions with the relevant highway authority about off-site active travel improvements.
- Detailed Travel Plan to be secured through the Section 106 agreement.
- Detailed Construction Logistics Plan (CLP) and Delivery and Servicing Plan (DSP) to be secured by condition.

### **London Underground Infrastructure Protection**

- 4.35 No objection in principle to the proposed development. Request a condition be included (given the proximity to operational railway) requiring final approval of detailed design and method statements (in consultation with TfL's Infrastructure Protection team).

### **Historic England**

- 4.36 Historic England has raised concerns regarding the proposed development on heritage grounds.
- 4.37 Historic England has no in principle issue with the redevelopment of the site. Welcomes the retention of the market use, in terms of historic and cultural interest. Historic England recognizes the site is located within the White City Regeneration Area, where tall buildings may be appropriate, subject to evidence and is covered by Local Plan Strategic Site Policy WCR3.
- 4.38 Historic England add the development would be visible across a relatively wide area, due to its large scale within the surrounding townscape, rising approximately five storeys above the Pennard Road terrace. Consider the development would become a conspicuous and a visually dominant element of the streetscape and would diminish the appreciation of the striking uniformity of the Pennard Road terrace.
- 4.39 Historic England consider that 'less than substantial harm' would be caused to the character of the Shepherd's Bush Conservation Area. Consider the scheme fails to meet the requirements for tall buildings in the area, in context with its scale, streetscape and built form and regarding heritage assets.
- 4.40 Advise the Council to consider whether clear and convincing justification has been provided based on the harm identified and whether sufficient public benefits would outweigh the harm.

### **Historic England - Greater London Archaeological Advisory Service**

- 4.41 No further assessment or conditions are necessary in relation to archaeology.

### **Environment Agency**

- 4.42 No objection on flood risk grounds. The site is located within Flood Zone 3a and protected by the Thames Tidal flood defences. The proposed development is defined as a 'more vulnerable' use by Planning Practice Guidance: Flood Risk and Coastal Change, within Flood Zone 3. Recommend a sequential test be applied via a Strategic Flood Risk Assessment (SFRA) for the borough and advice be provided by the Lead Local Flood Authority (LLFA) and emergency planning team where appropriate. Flood resistance and resilience measures recommended to reduce flood damage, together with water efficiency measures, including a BREEAM 'excellent' standard for water consumption on the non-residential part of the development and controls of emissions from Non-Road Going Mobile Machinery (NRMM).

### **Natural England**

- 4.43 Based upon the information provided, proposal unlikely to affect any statutorily protected sites or landscapes.

### **Sports England**

- 4.44 The proposed development does not fall within Sports England statutory or non-statutory remit and for this reason no formal comment has been provided on the application. Sports England add that if the proposal involves the provision of additional housing, it will generate additional demand for sport. Either existing sports facilities need to absorb the additional demand, or new and/or improved sports facilities should be secured and delivered.

### **Thames Water**

- 4.45 Confirmed that the development is close to existing underground assets. Recommend appropriate conditions and informatives be added in the event of planning permission being granted regarding piling, waste and water infrastructure needs and the existing water supply infrastructure has sufficient capacity to meet the additional demands for the proposed development.

### **Metropolitan Police (Designing Out Crime Officer)**

- 4.46 No objection subject to the appropriate best practice design guidance and Secured by Design (SBD) principles be incorporate into the layout and design of the development and the development seek to achieve SBD accreditation once complete. General consideration be given to the design of the doors and windows of the residential, commercial and market components of the development, audio/visual (colour) access control system for the residential communal entrance doors, cycle store doors and refuse store doors, podium residential garden, pedestrian and vehicle gates, boundary treatments, lighting, and CCTV measures. Protective security and safety considerations also highlighted in context to the market use.

### **Objection from Individual Occupiers (includes Neighbours/Traders)**

- 4.47 126 individual objections received (including 18 x Lime Grove; 9 x Pennard Road; 5 x Goldhawk Road; 2 x Uxbridge Road and 6 from market traders). 29 objections received from o/s the borough (one from West Vancouver - Canada). During the application process Cllr. Frances Umeh (White City Ward) has received comments on behalf of the residents which are captured with the other representations received.
- 4.48 The various objections are summarised as follows under the following categories:

#### **Overdevelopment/Height/Massing/Scale**

- Development is too high and out of scale for a small plot of land. Would be overbearing for the surrounding largely residential and small-scale retail area.
- Development will be an eyesore and is not align with the character and scale of the surrounding streets and neighbourhood.
- No precedent in the local area for a development of this disproportionate scale and height.
- The Old Laundry and St Mungo's site is not big enough to deliver the quantum of office space and housing proposed.
- The office building would be significantly taller than surrounding low rise residential properties. Would be more than twice the size of the tallest frontage on Goldhawk Road and approximately half as big again as the Shepherd's Bush music venue.
- The office building will look completely out of place behind the Goldhawk shops and the houses in Pennard Road.
- The office building will engulf, encroach, and overshadow the market space and materially alter its character.
- References to the new hotel developments on Shepherd's Bush Green (backing onto east side of Pennard Road properties) unhelpful. These developments are not comparable and lower in height.
- Scale of the office building needs to be reduced by removing storeys, and or further stepping back, to make footprint smaller and less aggressive.
- Height of the office building should be no taller than the proposed residential building.
- The residential building is too high and should be no taller than 3 storeys.
- Overdevelopment: Roads, transport, and schools are already overused. Development will have adverse effects on residents.

- Increase population density: Will place undue strain on the local infrastructure, such as transportation, schools, healthcare facilities, and transportation systems.
- Area already seen too many redevelopments: Westfield, White City, Olympia, Imperial College, etc have been development without any improvements to related infrastructure, putting the system under heavy stress.
- The public realm within the development site has not been designed to provide sufficient space for the new site users and will be overcrowded. The proposal will deliver an environment that is neither safe for office users, visitors, or the residents.
- More green space should be provided in this development.

### **Market**

- Shepherd's Bush Market is a unique, vibrant, and friendly market. One of the last "real" markets left in London. Must be protected rather than be gentrified and ruined.
- The market is an important part of the local community and culture. Should be faithfully restored.
- Development will ruin the authenticity of Shepherd's Bush Market.
- Traditional stalls and shops will disappear and be replaced by modern variants.
- Many market workers will lose their livelihoods.
- Existing market traders should be protected during and after construction.
- Recognize the market needs refurbishment but renewing the market does not need to be accompanied by a mega development.
- The diversity of the market will be threatened by the proposals in terms of the new and future mix of traders and the local communities the market serves.
- Tenancy security of the existing traders will be threatened.
- Many market tenants will probably not return after the lengthy building works.
- Tenants have still not been told where their new stalls will be or if they will be given like for like.
- Developer is pressuring traders to give up their protected TFL leases and sign new leases with an 'open market rent'.
- Open market rent would be unaffordable for vast majority of existing traders and threaten the long-term security beyond the proposed five-year rent freeze, contrary to H&F Strategic Site Policy WCRA3.
- Rent caps are needed to protect the existing traders and the long-term affordability of the market.



- Rents levels need to remain affordable for existing and future small and independent traders, so local communities who use the market can buy affordable goods.
- Increased rents would compromise the market's diversity, and its crucial function in providing specialist food and clothing to local communities locally.
- Request open market rent be dropped and rent caps be included in the lease renewals to ensure rents can only increase by a maximum of 10% within the 10-year lease period.
- Rent caps for all new traders, at a maximum of 10% above average existing rents in the market.
- Gentrification will rob residents of local amenities and destroy local business.
- Market represents all the elements needed in our society: diversity, simple purpose, accessibility, creative energy, friendly and interesting. The local community relies on the market more than ever. Must remain unique.
- Market will become inaccessible for so many and be generic and expensive.
- The proposals fail to address the interior disrepair of the railway arches.
- Existing structural disrepair, damp and mould issues highlighted in the railway arches. Crucial any redevelopment of the market addresses these issues.
- Cleaning brickwork fails to address this disrepair and offering traders sum of £10,000 is insufficient.
- Pedestrian access to the market is already cramped, poorly lit by natural light and confusing.
- Proposals do not go far enough to improve the market itself, in terms of placemaking, lighting, creating a covered market usable throughout the year, and introducing evening use such as bars and restaurants. These elements are crucial for the market to truly benefit the local area and its residents.
- Market will become an almost covered market with overhanging buildings and ugly canopies. The proposals should be amended to be as low-level and open air as possible.
- No toilets included in the design.
- Restrictions to ensure that only small or independent traders can take up new lettings at the market.
- Developer to fully finance the refurbishment of the interiors of the railway arches to fix the structural disrepair and damp and mould issues, with traders provided with the money to organise the refurbishments independently.

## **Housing**

- The proposed balance between the affordable housing and the commercial space seems heavily distorted.
- Housing makes up just 6.6% of the site, compared to 79.2% for commercial/office space. A greater proportion of the overall development should be designated as affordable housing.
- Inadequate proportion proposed for long term affordable housing. Significant affordable housing crisis in the borough. Redevelopment of this brownfield site should maximise housing urgently needed.
- All housing units should be safeguarded as permanently, genuinely affordable housing, with a clear guarantee of social rent tenures.
- Lack of clarity about the proposed tenure, together with height of the residential building and whether over 18m and fire safety concerns.
- Plenty of places new affordable housing can go rather than making huge disruption and an irreversible character change to the area.
- A second staircase should be added to the design of the residential building.
- Development should be measure against the loss of residential units in the St Mungo's Hostel which provided affordable accommodation for homeless people. The facility has been closed to make way for the redevelopment of the site. The loss of this floorspace should be taken into consideration.
- Height and mass of new office building will impact on the amenity of the new housing building.
- Concerns about the increase population and impact on local services including GP's.

## **Commercial/Office**

- The neighbours have no control or say on what kind of research will be undertaken in the proposed Life Science laboratories for Imperial College London at basement level. Should be classified as high-risk accommodation.
- Risk of surface water flooding impacting the security of the laboratories.
- There are many vacant office blocks in the borough available to be repurposed.

## **Design**

- The proposed massing has no architectural merit in this location. The building shape is exclusively designed to maximise the massing on site, giving the immediate neighbours just enough access to daylight without breaching their legal rights.
- Design is not in keeping with the character or appearance of the area.
- Poor quality design would have a detrimental impact on the immediately adjacent conservation areas.

- Whilst not located within a conservation area, the locality contains several Listed Buildings and Conservation Areas in close proximity. The proposed new development is only 50m from the conservation areas of Pennard Road (Town Centre Conservation Area) and Lime Grove (Conningham and Lime Grove Conservation Area).
- The proposed height and massing of the development will have a major negative impact on the character and appearance of the surrounding conservation areas and dominate the street views of many surrounding streets.
- The development will set a negative precedent for future development and further damage the character and appearance of the conservation areas.

### **Residential Amenity**

- Properties backing on to the proposed development will be overlooked, lose any sense of privacy, and the living environment for both existing and future residents will be compromised by the overbearing scale, height, and proximity of the proposed development.
- Overlooking and loss of privacy exacerbated by the proximity of balconies overlooking windows and rear gardens in Pennard Road.
- The proposed development will cast excessive overshadowing and reduce the amount of natural daylight reaching neighbouring properties and gardens, for residents of Pennard Road, Goldhawk Road and Lime Grove.
- Loss of sunlight.
- Development will block out existing views and the existing uninterrupted skyline will be lost.
- Just because a development might be within legal limits doesn't mean it should be approved.
- Loss of natural light will have a detrimental impact on local flora and fauna, including protected species.
- Increase noise pollution and sun reflection will impact on neighbouring residential amenity.
- Light pollution through the night-time use of the development which will impact on local resident and disrupt local insects and birdlife.
- The implications of the light surveys have been played down in the reports and will have a severe impact on light reduction.
- The sunlight and daylight assessment takes no account of housing on opposite (west) side of Lime Grove, and are based principally on light at ground level, standardised assessment without visiting properties and sunlight based on angle to the southern sun on 21st March (spring equinox).
- Loss of light to the existing Victorian properties will have a substantive effect and will become dark, dingy and depressive. Similar consideration

to those residents in Pennard Road living behind the newly built Hoxton Hotel on Shepherd's Bush Green.

- Development should be redesigned to be of a more sympathetic in nature and have less impact on existing amenity of residents.
- The use of Pennard Road as an access point will impact on the security to the rear of neighbouring properties.
- Noise, nuisance, and social disturbance associated with number of workers/residents, given the scale of the proposed commercial office building and residential properties.
- Noise and anti-social behaviour will be exacerbated in the warmer weather when windows are open, and people are on their balconies.
- Narrow play area adjacent to boundary walls/rear gardens of Pennard Road properties will destroy the present and quiet environment. Never suffered from noise pollution, even when the Spring Grove laundry to the rear was in existence.

### **Highways**

- 48 Goldhawk Road is in a protected terrace of shops and should not be knocked down and used as an access route.
- Market Lane is too narrow to be used as an access road.
- Proposed development will cause overcrowding in the market and surrounding streets.
- Pennard Road entrance is too narrow.
- Narrowness of the entrances and routes will restrict access to fire appliances.
- Pennard Road is one way. The use of access on Pennard Road will impact on pedestrian and vehicular safety.
- The proposal will increase inward and outward traffic on Goldhawk Road, Uxbridge Road, and Shepherd's Bush Green.
- The development does not adequately provide for the parking needs of its residents, new commercial occupiers, or market.
- Despite the proximity of two underground stations and bus routes, a car free will put enormous parking pressure on already highly congested neighbouring residential streets.
- The basement of the development should be for car parking.
- Will occupiers of the residential building should not be entitled to apply for local street parking permits and if so, where will they expect to park? On street parking on Pennard Road and Goldhawk Road is almost impossible.
- Neighbouring residential properties will suffer greatly from traffic congestion and increased pedestrian noise and pollution.
- Goldhawk Road, and Shepherd's Bush Market underground stations are wheelchair inaccessible. Development will generate a greater demand for wheelchair accessible parking on the site.

- Provision of three blue badge places is far too low for the demand it will create.
- The proposal will discriminate against the needs of a diverse workforce. Will force accessible parking onto the surrounding residential streets, which are already under pressure.
- Request an independent traffic feasibility study.

### **Environmental Matters**

- The proposed development fails to sufficiently address environmental issues.
- No clear plan to mitigate the impact on local ecosystems, air quality, or noise and dust pollution.
- Dust and vibration will impact on neighbouring properties. What mitigation measure/responsibility will H&F take if problems arise during the construction period?
- The development does not incorporate sufficient sustainable design practices, such as renewable energy sources or efficient water management systems.
- Approximately 60% site coverage will contribute to the existing high risk of surface water flooding in the area. Will add additional pressure onto surrounding sites to deal with flooding issues. Concern whether flooding considerations have been taken on board.
- A smaller building footprint and larger soak-away areas would cope with surface rainwater.
- Residents already experience storm flooding during heavy rain. Development will add additional pressures on an existing aggravated infrastructure system.
- Lack of environmental consideration undermines the long-term sustainability of the project and contravenes efforts to combat climate change.
- Unclear how the development contributes positively to being carbon neutral by 2030. Does not meet the requirements set by the council's climate emergency declaration.
- Development will need to rely on mechanical ventilation. The potential for any passive measures, such as natural cooling of thermal mass at night, also appear to have been designed out in the interest of maximising development areas. The energy efficiency targets proposed are only aspirational targets and shortfalls would need to be offset.
- Extent of basement excavation of the commercial building will be disruptive and should be reduced. Will generate significant levels of waste and vehicle movements.

- Inadequate vehicular access arrangements provided for a construction site of this scale. Will cause long-term disruption to Goldhawk Road and Pennard Road and the wider neighbourhood.
- Phasing proposals and construction works need to be clarified. Will residents in Pennard Road be compensated for lack of parking?
- Huge disruption expected via noise, dust and general disturbance associated with years of construction works.
- Will lead to an increase in anti-social behaviour concerns raised in the neighbourhood.

### **Others**

- Reference made to the previous 2011 planning application, which was halted after the appeal court ruling against the Compulsory Purchase Order in 2016.
- Recognise the developer has engaged and consulted with traders and the wider local community as it has developed its plans, but the sheer scale and bulk of the commercial space is incongruous with the local area and would permanently overshadow both the market and the surrounding streets.
- Feedback given at the consultation events has been ignored by the development team.
- Discrepancies highlighted in the way plans were presented to the local community events. Advised the market would remain and retain its character. However, proposals no longer look like a market. Would lose characterful market stalls and railway arches uses. Development more akin to a pedestrian street with two lines of shops on either side. Current stallholders will find it hard to stay. Told the new buildings would not be higher than the railway line. This is not the case.
- The architects' drawings are incorrect and misleading. All display incorrect scale bars in their title blocks. Request all documents to be corrected and resubmitted for the public's review.
- Visual images of the proposed development are played down by artistic licence.
- Reference to <https://www.change.org/p/protect-Shepherd's-s-bush-market> (as of the 7 September 2023, 14,232 signatures).

### **Hammersmith Society**

4.49 Supportive in principle to the scheme, subject to the following points/issues identified being addressed:

- CGI views: The proposed commercial building dominates the street and dwarfs the existing shop parade from Wells Road opposite the market entrance. Its presence however diminishes as viewing points move east

towards Shepherd's Bush Green. Roof plant enclosures are likely to be more evident than shown on the images. From Pennard Road, its presence is intrusive, and would be still more intrusive when office lights are on in winter evenings. Mitigating measures are necessary (dense evergreen planting, high fencing, and window louvre treatment, and review and implementation of design options should be included in planning conditions). Impact of the building on the daylight and brightness within the market should be included. Generally, disagree with a large part of the commentary in the Heritage, Townscape and Visual Impact report.

- Architecture: The stepped bays, integral balconies and balcony planting on the commercial building will soften the perceived bulk of the commercial building. Maintenance of the planting is essential. Concrete external finish likely to diminish the definition of the building geometry. The darker window spandrel bands and the brick treatment to the ground level colonnade should provide sufficient compensation. Cladding details should ensure that the brightness of the concrete finish will not be lost in damp weather, and not become stained from rain drips and run-off.
- Materials: The brick finish and the busy profile of bays and setbacks on the east elevation of the residential building create a fitting residential character for the views from houses in Pennard Road. The concrete faced roof storey could become an inappropriately dominant part of the façade composition. Profiled concrete on the west elevation to the market should be smooth and stone-like. A playground should be included as part of the development. In the absence of parking on site, TfL needs to maintain good public transport services for the site.
- Market: Welcome the extensive improvements proposed to the Market and the stallholders contract arrangements, benefits which should be secured in the conditions of the consent. The existing characteristics of an outdoor market must not be lost in the improvement process. Individuality of stalls should be celebrated, and projecting shop canopies and shop signs should line-up throughout the market. The proposed floor finish of red tarmacadam would benefit from some surface division, possibly using pavements or similar inserts. The finish to the building soffit over the east-side stalls should reflect the solidity of the building and hide the veneer of the cladding evident in the outer edge. The stalls under the railway arches must enjoy a dry environment, and measures should be agreed with TfL, including financial arrangements, if necessary, to ensure this is provided during the market upgrade. The £10K contribution to stallholders is unlikely to be sufficient.

- Landscaping and access: The quality of the landscape works is as important as the quality of the buildings, provide screening for the Pennard Road householders, balcony planting would soften the visual bulk of the buildings and brings joy – and oxygen – to those that stroll through the site. Adequate upkeep of this landscaping should be secured by condition and careful consideration should be given to the contractors for the maintenance of these spaces. The utilitarian gateway proposed for the 42 Goldhawk Road access deserves to be better and creative design is needed for the gates and the passageway to become a fitting element in the parade of shops.
- Daylight sunlight and overshadowing report: Suggest the report should be reviewed by an independent specialist.

### **Greenside Residents Action Group (& Pennard Road Residents)**

4.50 Fundamental objection about the size, height and scale of the proposed development and negative impact on properties and amenities in the Conservation Area. Suggest building heights should be restricted to 3 or 4 storeys. In summary the residents' group highlight the following objections:

- “Consultation” process held from October 2022 to April 2023 focussed on selling the proposals to residents, and the Statement of Community Involvement (SCI) lacks detail on the negative comments and impacts from residents on design aspects within the plans. Applicant has not responded to the concerns expressed in respect to the height of the buildings or rights to privacy.
- “Conservation Area”: Development proposals ignore the negative impact of the proposed development on the neighbouring Conservation Area, in particular Pennard Road and its residents, and the significant loss of amenity to residents.
- “Height”: The height of the 8-storey commercial building relies on the heights of developments on west side of Shepherd's Bush Green (Empire, Dorsett, Pavilion ex Walkabout, and Hoxton). These buildings are however in the commercial heart of Town Centre, and not on the periphery of the residential streets of the Conservation Area.
- The actual height of the 8-storey block is shown 36.75 metres which would dwarf local residential properties. This height would be equivalent of 11.5 storeys of normal residential buildings (where rooms have lower floor to ceiling heights).
- The 8 storeys building would be the tallest building for some distance westward, through primarily residential areas.



- No such tall buildings currently exist alone and between Goldhawk & Uxbridge Road or in the primarily residential roads north and south of these roads.
- The proposed 5 storey residential block will be at least double the height of Pennard houses (to their eaves line). Residential apartments above ground level will have site lines into Pennard Road properties resulting in loss of privacy and overlooking.
- The residential block will be no more than 18 metres from the rear of houses in Pennard Road. This is not considered an acceptable separation distance in view of the other concerns expressed.
- Loss of privacy and noise and disturbance from balconies on the residential block. Face directly towards the rear of the Pennard Road properties. Windows not angled to limit direct overlooking. This will impact the privacy of facing bedrooms in existing Pennard Road properties.
- Trees, etc. will not mitigate impact. Maintenance issues highlighted.
- Loss of Rights of Light or rights to light (Daylight/Sunlight). Historically properties on the westside of Pennard Road have had clear views towards Shepherd's Bush Market and the Circle and the Hammersmith & City line. Properties currently benefit from afternoon sunshine from around 11am daily. The commercial building will obstruct winter light.
- The Pennard Road entrance serving the former laundry site, has had very minimal usage over many years. When the laundry was operational, it received only a few morning deliveries per day.
- Use of the Pennard Road entrance as a primary route to the developed site will increase the volume of both pedestrian and vehicular traffic, and operate 24/7, resulting in public safety issues, noise, nuisance, disturbance, the loss of parking spaces opposite the entrance and an increase demand for on street parking spaces from the development.
- The development should be self-contained, and all access for visitors, deliveries, etc., should be solely from Goldhawk Road.
- Existing traffic and parking issues in and around the Shepherd's Bush town centre with high CO2 levels.
- Light pollution issues with the former temporary uses on the Old Laundry site. Light pollution arising from 40 residential apartments and commercial building will cause disturbance to residents, particularly to existing rear bedrooms.
- Development does not respond to the climate emergency that H&F declared in 2019 and meeting net zero carbon by 2030.
- Refer to mental health and intimidation.
- Comments highlighted by The Hammersmith Society (website).

**Solicitors on behalf of owners of 30, 32, 34 to 38, 46 and 50 to 52 Goldhawk Road, London W12 (The Goldhawk Road Owners Group (“GROG”).**

4.51 Object on the following grounds:

- Use of the unadopted access road, and highlights issues on ownership, access arrangements, width and control rights.
- Use of the access road during demolition and/or construction.
- Impact of the demolition of 42 Goldhawk Road on the appearance of the terrace 30 to 52 Goldhawk Road and on the pedestrian-controlled crossing outside 44 Goldhawk Road.
- The mass/height of the new, ground plus eight storey building has had little regard on the amenity of the Goldhawk Road properties.
- Noise, dust and vibrations associated with demolition and construction works.

**Save Shepherd's Bush Market (12 June 2023)**

4.52 Action group opposed to the proposal on the grounds listed below.

- The proposals are a threat to the security of existing traders, as open market rents would be unaffordable to the vast majority of traders.
- Safeguards need to assist traders beyond the five-year rent freeze period.
- Open market rents should be dropped and rent caps secured under planning obligation on lease renewals and rent increase by a maximum 10% within the 10-year lease period.
- The proposals are a threat to the diversity of the market, both for the future mix of traders and local communities the market serves.
- Planning obligation be secured so only small or independent traders take up new lettings at the market.
- The proposals fail to address the interior disrepair of the railway arches. Planning obligation be secured to finance the refurbishment of the interior of the railway arches, fix the structural disrepair and damp and mould issues.
- The proposals offer an inadequate proportion of the development to secure long term affordable housing. A greater proportion of the overall development be designated as affordable housing.
- All the housing units be safeguarded as permanently, genuinely affordable housing with a clear guarantee of a social rent tenure on all these units.  
A second staircase is added to the design of the residential building.

**West London Resistance Collective (3 July 2023)**

4.53 Action group opposed to the proposals on the following grounds:

- Development is a threat to the longevity of existing businesses, future affordability, and the diversity of the market.
- Proposals contrary to H&F Strategic Site Policy WCRA3.
- Refers to the 2016 Court of Appeals Judgement and application fails to address the concerns of this court judgement.
- Traders coerced to surrender existing protected TFL leases and sign up to new leases with greatly weakened terms and conditions.
- Traders being persuaded to sign the heads of terms agreements and no legal representation being permitted.
- Terms and conditions of the new agreements for leases are much worse than those of the TFL protected leases.
- Reference to Open market rent; The mid-point lease rent review; Service charges; Trader retention
- Affordability for small and independent businesses; Diversity of future traders; The Social Importance of Shepherd's Bush Market; Why the social importance is threatened Interior disrepair of the railway arches and its impact on trader retention.
- Concerns expressed regarding submissions by traders made in response to the planning application. It is alleged by multiple traders that in the two weeks building up to the planning response deadline, Applicant brought a tablet or laptop to trader's business premises and persuaded them to fill out supportive responses in front of them. This is an unacceptable level of pressure and intimidation.
- The views of the current SBMTA committee (following a leadership change in 2022) cannot be taken to be representative of the majority opinion amongst traders.
- Demands: Call on the council to reject the proposal until the following strict planning obligations are agreed to by the developer:
  - Renew the TFL protected leases with exactly the same terms and conditions, including maintaining the 2003 service charge agreement and cap
  - New traders are given a rent and service charge cap
  - Open market rent is abandoned and a maximum rent cap of 10% is guaranteed over the term of the lease renewal
  - Restrictions are enforced to ensure that only small or independent traders can take up new lettings at the market
  - Applicants pledge to fully finance the refurbishment of the interiors of the railway arches to fix the structural disrepair and damp and mould issues, with traders provided with the money to organise the refurbishments independently.

- 4.54 Reference made in representations to the “Save the Shepherd's Bush Market Businesses” on the [www.change.org](http://www.change.org) . This is a historic online forum by Save the Shepherd's Bush Market Businesses Campaign (<https://www.change.org/p/save-the-Shepherd's-bush-market-businesses>). The petition to the Mayor of London was started on 27 March 2015 and has close to 14,250 signatures. The petition has run for some 9 years (well before the current development proposals). Recent updates have been added relating to the planning application and approximately 70 signatories have been added since the submission of the current planning application (ref: 2023/01093/FUL).
- 4.55 The ‘Save Shepherd's Bush Market’ group provided a link to another website that contains photos of 33 signed (template) forms individually signed (under the same statement opposing the development) by market traders. None of these have however been forwarded direct to the Council by the people concerned and the extent to which they are aware or consented to the forms being used in this way is unclear. 13 of the people identified on these template forms have made separate representations to the Council on the proposed development. All but 2 of these are not objections.

### **Representations received in Support**

- 4.56 103 individual representations received in support of the proposals. 47 (46%) are identified as market traders in SBM. The grounds of support are summarised as follows:
- Development would add more to the community and residents.
  - Development much needed to modernise the local area and attract further investment and development projects.
  - Will bring much needed investment and regeneration to an area.
  - Will increase foot traffic, reduce crime, and make Shepherd's Bush a more pleasant place to spend time.
  - Will bring more tourism and customers which will help the nearby businesses.
  - Key to retain the culture and allow for a more diverse set of shops, services, uses for the market space.
  - Urgent need for affordable housing and investment in Shepherd's Bush Market. Acute shortage of life sciences lab space
  - Existing site stands vacant and disused when there is a housing and working space shortage in the area.
  - Local businesses in the area will benefit from the proposed office and life Science spaces. Will increase local employment, economic activity and spending in hospitality and retail businesses.

- Life science space will be a great addition to Imperial connection.
- Proposals for the market will bring much need investment and revive footfall.
- The developer has spoken of preserving and respecting the special heritage and cultural identity of the market whilst investing and creating opportunities for new businesses to come into the market.
- Have improved the cleanliness, management & security in the market.
- A cleaner market with new cafes and landscaping would make the experience more enjoyable.
- Important to look at overall benefits vs costs. Total potential economic benefits from redeveloping the market are immense.
- The new landlord are the right people to oversee the development.

### **Shepherd's Bush Market Traders Association (SBMTA): 8 August 2023**

4.57 SBMTA are the representative body for the Shepherd's Bush Market traders and have had a series of meetings with Applicants during the development of the proposals. SBMTA state that 82% of traders in the market confirmed their membership this year. The SBMTA state that the former Chair, the West London Resistance Collective and Save Shepherd's Bush Market have no business interest in the market, and do not represent the traders.

4.58 SBMTA highlight the following points, summarised below:

- Worked with the Applicants the last three years on issues relating to the service charge, leases and the financial support for the Shepherd's Bush Market traders because of the development. Applicant has agreed to:
  - Increase the amount of support for traders during lockdowns.
  - Give extra support for individual traders where they have needed it.
  - Invest in the Market and installed toilets and a new ATM.
  - Committed to keeping the 6% service charge cap and ration for existing long-term traders.
  - In terms of the financial packages for construction, they have:
    - Increased the amount of compensation that traders staying at the Market are eligible for
    - Given existing long-term traders that don't already have it 1954 Act protection where they are able.
- Affordable housing and the office building will generate more visitors to the Market.
- The proposals will make the market a more welcoming and inviting shopping environment.

- On going discussions relating to final detailed designs for the market. Request final design details be agreed by SBMTA, in conjunction with the Council, before the commencement of the construction work. The details should include:
  - The exact locations of traders' units during construction and in the finished Market
  - Details of investment in units that will not be replaced (Uxbridge Road shops and arches)
  - Information on servicing and trader and customer facilities
  - Designs for the Market entrances
  - Detailed construction plan, including but not limited to:
    - Phasing
    - Hoarding design
    - Design of relocated units.
    - Lighting and servicing during construction
- Request a Market Operations Plan prior to the beginning of construction phase, that includes a detailed leasing and events/marketing strategy for the construction period and the finished Market to ensure the vibrancy of the market is retained.
- SBMTA seek assurance from the Council that the Applicants will be held to account.
- Applicant wants an open market rent review at Year 5 (the midpoint) of the new 10-year leases. Solicitors (Seddons) will make sure that this is properly reflected in the new leases.

4.59 SBMTA request the following matters be provided before the beginning of construction works:

- The 2003 Service Charge Agreement be completed.
- Solicitors (Seddons Law LLP) acting for SBMTA approve the lease templates.
- A percentage of new Agreement for Leases must be signed before construction begin.
- The S106 Agreement be finalised and signed.

#### **Shepherd's Bush Market Traders Association (SBMTA): 24 October 2023**

4.60 SBMTA confirm they are satisfied with the process taking place and traders have been involved with regards to their heads of terms. SBMTA add:

- Seddons Law LLP continues to engage with the Applicant concerning the proposed settlement relating to historical service charges at the market.

- Have met with the Applicant's representatives on a number of occasions to discuss and progress the settlement and those meetings have been positive. Settlement discussions are at an advanced stage and our expectation is that the settlement agreement will be finalised before the end of the year.
- Seddons have completed their review and negotiation of lease templates being circulated to members.
- At least 60% of the Heads of terms must be signed before the construction starts.

### **Seddons Law LLP (Solicitors acting for SBMTA)**

4.61 Letter addressed to the committee of Shepherd's Bush Market Tenants' Association and forwarded by the SBMTA to the Council. The letter summarises its conclusions following review and negotiation of the proposed template 10-year lease that would be offered by the Landlord following the redevelopment of the site to those leaseholders who have privately agreed for this form of lease ("the Relevant Leaseholders").

- Seddons overall assessment concludes that the template lease is a reasonable and fair lease because it now incorporates sufficient requirements of the SBMTA to meet the primary concerns raised by members who currently make up approximately 82% of the present traders at the Market.
- The template lease preserves and retains the majority of rights enjoyed in the existing form, or old style of lease. Seddon's add the assessment takes into account the following key protections:
  1. The template lease will set a 10-year initial term, albeit that individual negotiations may lead to different results.
  2. The template lease provides an option for the lease to be a protected lease with the security of tenure provided by Landlord and Tenant Act 1954. We are advised by the Landlord's solicitors that this protection will apply to all Relevant Leaseholders unless individual members choose to voluntarily opt out of protection or if, under the terms of the Landlord's headlease with Transport for London, it is prohibited. The Relevant Leaseholders will need to confirm whether security of tenure applies to their lease prior to completion.
  3. The leases will be assignable, but subject always to the assignee being suitable, and subject to landlord's consent, not to be unreasonably withheld or delayed.
  4. The service charge provisions and mechanism, match existing provisions.

5. The current service charges cap negotiated by SBMTA is carried forward into the template lease, limiting annual service charge increases in every year of the new term to no more than 6% of the previously vouched year.
  6. The template lease will commence with the rents negotiated individually by the Relevant Leaseholders, with no review for the first 5 years of the term.
  7. Whereas the rent review will broadly speaking equate to market rate at the relevant date, a Relevant Leaseholder who finds the reviewed rent to be too onerous, will have the ability to break the lease within 3 months of the determination and end their lease and their liabilities at that point. Leaseholders must appreciate however that if the 5-year review is delayed, they cannot escape liability to pay the backdated rent for the period between the review date and their eventual exit.
  8. The template lease includes additional tenant only opportunities to break the lease at 5 years.
- Seddons set out that Relevant Leaseholders are free to negotiate different circumstances to meet their individual priorities however, the template lease is in a form that sufficiently mirrors the safeguards and protections required by SBMTA, to meet the needs of its current membership and will be dependent upon the Landlord honouring that promise and using the template lease on each lease renewal.

#### 4.62 **West London Chambers of Commerce Ltd.**

Support the application for the following reasons:

- Shepherd's Bush Market has been left underfunded for a number of years, is looking tired and needs an injection of funds to restore its vibrancy, increase footfall and its viability.
- The construction phase of circa 37 months would create an average 350 FTE jobs.
- The market traders will receive financial packages of c £5.14m to support them through the construction phase.
- Once refurbished Market will secure existing jobs, generate new opportunities.
- and will attract new market traders.
- 40 new homes, all affordable, will contribute towards LBH&F's housing targets.
- The workspace will include a life sciences incubator, run by Imperial, co-working space and office supporting enterprise and innovation.
- The workspace building is expected to support 1,780 FTE jobs, generating circa £230m in GVA each year.
- Local expenditure is envisaged to increase to £420k a year through spending by new residents and workspace employees.



- Council Tax and New Homes bonus is estimated at £48k in Council tax each year and £88k in new homes bonus.
- The workspace building expected to generate c £3.5m per year in business rates. The redevelopment of the Market will enhance the area, encouraging visitors.

#### 4.63 **Imperial College London**

Supportive of the development proposal for the following reasons:

- Will improve the Shepherd's Bush Market area. Supportive of package of measures proposed aimed to re-generate the market and backing for the existing traders.
- Will secure the future of the market and investment into the public realm. Will improve the ambience and well-being of visitors, traders, and workers.
- Supportive of the borough's employment and skills strategy. Pledge to assist local people from the education and training and job opportunities which will be created in life sciences and supporting employment sectors.
- In partnership with the London Borough of Hammersmith and Fulham ('LBHF') working towards creating the White City Innovation District ('WCID'), home to some of the world's most innovative organisations, spanning life sciences, deep tech, media and the creative arts. Closer collaboration between universities and business is needed to bring about better research and education, and achieve Imperial's aim of enduring excellence in science, engineering, and medicine.
- Proposals will deliver a suite of life science labs in dedicated space close to the necessary infrastructure operated by Imperial College London. It will form a key element in the White City Innovation District which will strengthen these institutions through providing new spaces which enable better collaboration and ultimately drive research findings.

## 5.0 **ENVIRONMENTAL STATEMENT**

- 5.1 The proposed scheme is not a Schedule 1 development as defined within the Town and Country Planning (Environmental Impact) Regulations 2017 (as amended). The development would, however, be captured by Schedule 2 of the Regulations, under category 10(b) 'urban development projects'. The Regulations require that an Environmental Impact Assessment (EIA) be undertaken for Schedule 2 development where the development is "likely to have significant effects on the environment by virtue of factors such as its nature, size or location".
- 5.2 The Site would exceed 1 hectare of urban development which is not housing thus meeting criteria 10(b)(i) of Schedule 2 of the Regulations. Owing to the

scale of the development proposed and the context of the surrounding area, it is considered that there is potential for significant environmental effects to arise. It can therefore be concluded that the development constitutes an 'EIA Development' under the EIA Regulations. Accordingly, the Applicant has submitted an Environmental Statement (ES).

5.3 The Environmental Statement accompanying the planning application is dated April 2023 and has been prepared by Trium. It comprises the below listed documents:

- **Volume 1: ES Main Report** – This document forms the main body of the ES and comprises the following chapters:
  - ◆ Chapter 1: Introduction.
  - ◆ Chapter 2: EIA Methodology.
  - ◆ Chapter 3: Alternatives and Design Evolution.
  - ◆ Chapter 4: The Proposed Development.
  - ◆ Chapter 5: Demolition and Construction.
  - ◆ Chapter 6: Socio-Economics.
  - ◆ Chapter 7: Traffic and Transport.
  - ◆ Chapter 8: Air Quality.
  - ◆ Chapter 9: Noise and Vibration.
  - ◆ Chapter 10: Daylight, Sunlight, and Overshadowing.
  - ◆ Chapter 11: Light Pollution and Solar Glare.
  - ◆ Chapter 12: Wind Microclimate.
  - ◆ Chapter 13: Climate Change.
  - ◆ Chapter 14: Effect Interactions.
  - ◆ Chapter 15: Likely Significant Effect and Conclusions.
  - ◆ Chapter 16: Environmental Management, Mitigation and Monitoring.
  - ◆ Glossary and Abbreviations.
- **Volume 2: Heritage, Townscape and Visual Impact Assessment** – a separate townscape, built heritage and visual impact assessment (THVIA) document that is accompanied by a full set of views and verified images.
- **Volume 3: Technical Appendices:** comprises background data and information, including supporting technical reports, tables, figures and surveys.
- **Non-technical summary (NTS).**

## **EIA process**

5.4 EIA is a process that identifies the likely significant environmental effects (both beneficial and adverse) of a development. The process aims to prevent and, where prevention is not possible, to reduce and/or mitigate any significant adverse environmental effects, where these are identified, and to enhance any beneficial effects. It is an iterative process which proactively seeks to integrate mitigation within the development proposals to avoid significant effects from arising.

5.5 The EIA process adopted for the proposed development is understood to have followed best practice guidelines, as set out by the Institute of Environmental Management and Assessment (IEMA) Quality Mark scheme. The process involved the following key steps:

- Consultation with key statutory and non-statutory stakeholders on the issues to be considered within the EIA.
- Collection, use and assessment of the most up-to-date baseline information and likely evolution of that baseline without the amended proposed development or in the future.
- Interpretation of the proposed development plans as well as the formulation of assumptions in the absence of information, as the basis for the individual technical assessments.
- Use of relevant guidance and good practice methods to predict the likely nature, scale and significance of any environmental change; and
- Reporting of the results of the EIA process in the ES in a transparent way, to provide the information required to inform the decision-making process.

## **EIA Scoping**

5.6 Two pre-application EIA scoping meetings were held with H&F officers in February 2021 and October 2022. An EIA Scoping Report was submitted to the Council in December 2022 (reference: 2022/03574/SCOEIA). The scoping report set out a summary description of the emerging development as it was proposed at the time of submission. The Council issued a draft EIA Scoping Opinion on that basis on the 13 March 2023 with no requests for additional technical assessment chapters to be included in the ES.

5.7 The disciplines listed below were 'scoped in' as they were considered to have potential to give rise to significant environmental effects. The scoping in of disciplines requires their inclusion in the environmental statement that must accompany a planning application for EIA development.

- Demolition and Construction (ES Volume 1, Chapter 5).
  - Socio-Economics (ES Volume 1, Chapter 6);
  - Traffic and Transport (ES Volume 1, Chapter 7);
  - Air Quality (ES Volume 1, Chapter 8);
  - Noise and Vibration (ES Volume 1, Chapter 9);
  - Daylight, Sunlight, and Overshadowing (ES Volume 1, Chapter 10);
  - Light Pollution and Solar Glare (ES Volume 1, Chapter 11);
  - Wind Microclimate (ES Volume 1, Chapter 12);
  - Climate Change (including Greenhouse Gases Assessment) (ES Volume 1, Chapter 13); and
  - Townscape, Heritage and Visual Impact Assessment (THVIA) (ES Volume 2).

5.8 The EIA scoping process also identified the disciplines that are considered unlikely to give rise to significant environmental effects and, therefore, do not need to be assessed further as part of the EIA process. Any necessary mitigation measures identified within these topics are included in ES Volume 1, Chapter 16: Environmental Management, Mitigation and Monitoring Schedule. Any necessary mitigation would be secured by conditions attached to a planning permission. The disciplines scoped out of the EIA are as follows:

- Ecology and Biodiversity.
- Geo environmental (Ground Conditions and Contamination).
- Health.
- Land Take.
- Water Resources, Drainage and Flood Risk.
- Project Vulnerability; and
- Waste and Materials.

### **The Environmental Statement**

5.9 The Environmental Statement (ES) informs readers of the nature of the proposed development and the likely environmental effects. It also presents the measures proposed to eliminate, reduce, or mitigate any likely significant adverse effects on the environment (referred to as 'mitigation' measures). The ES identifies environmental impacts and the effects during the demolition and construction phase, and on completion and occupation of the proposed development.

- 5.10 A technical assessment of each scoped-in discipline is set out within a respective chapter of the Environmental Statement. In each chapter, a description of the assessment methodology is given together with the existing site conditions.
- 5.11 This is followed by an assessment of the likely effects of the proposed development, taking into account mitigation measures that are embedded in the development proposals; the consideration of the need for additional mitigation or any recommendations for enhancement measures to reduce or offset any significant adverse effects identified during the assessment. A concluding assessment is then provided on the residual effects that would remain after these measures have been implemented.
- 5.12 The 'scale' of the predicted effects has been classified according to the following scale. The definitions of the scale used follow either that set out below, or as specified within the individual technical ES chapters:

- Negligible – Imperceptible effect
- Minor – Small effect
- Moderate – Medium effect
- Major – Large effect

Moderate and major effects are deemed to be 'significant'. Minor effects are considered to be 'not significant', although they may be a matter of local concern. Finally, negligible effects are considered to be 'not significant' and not a matter of local concern.

- 5.13 The definitions of the 'nature' of the resultant effect which are used throughout the ES are provided below:

- Adverse - Negative effects to an environmental / socio-economic resource or receptor.
- Beneficial - Positive effect to an environmental / socio-economic resource or receptor.
- Neutral - A neutral effect is one in which either there is no noticeable beneficial or adverse effect, or in which the effect is considered neither beneficial nor adverse overall, having made a 'net equation' judgement that takes into account both beneficial and adverse impacts.

- 5.14 Effects resulting from a combination of the proposed development and other surrounding development schemes (known as 'cumulative schemes') are also assessed. These are referred to as 'cumulative effects'; in addition, the combination of many different effects from the proposed development

on a single receptor are assessed as well, and these are referred to as 'effect interactions'.

### **Demolition and Construction Stage**

- 5.15 As a result of demolition and construction activities associated with the proposed development, there will be an increase in the number of vehicles on surrounding roads. To maintain pedestrian access through the Market whilst works are taking place, the works will be undertaken in phases, to ensure a pedestrian route through the Market is maintained. With the adoption of standard mitigation measures, to be implemented during the demolition and construction works, no significant effects are considered likely to the following: Severance, Delay (Driver, Cycle, Pedestrian and Public Transport), Amenity, and Fear and Intimidation. A minor adverse effect has been identified for accidents and safety for pedestrians and cyclists. In terms of air quality, with the implementation of appropriate mitigation measures to control dust related impacts during construction activities, to be set out within a Dust Management Plan or integrated into a Construction Environmental Management Plan, no significant effects are anticipated.
- 5.16 In terms of noise and vibration impact, the highest predicted noise levels are expected to occur during demolition, specifically that which is needed to enable access and egress of construction vehicles. The receptors: properties along Pennard and Goldhawk Road and Pennard Mansions would experience a minor adverse but not significant effect in relation to demolition and construction noise. These effects are identified with the implementation of best practicable measures, with detailed mitigation measures to be adopted within the Construction Environmental Management Plan.

### **Completed Development**

- 5.17 For the completed development stage, the following significant beneficial environmental effects have been identified:
- Socio-economics:
  - Creation of jobs and employment from the proposed development.
  - Additional spending at the local level because of the proposed development.
- 5.18 The following moderate beneficial effects have been identified:
- Townscape, Visual and Built Heritage:

- The Proposed Development is considered to contribute positively towards the attractiveness of the surrounding views (View 4: Goldhawk Road, near junction with Pennard Road and View 7: Wells Road) due to its high-quality design, use of high-quality materials and the poor visual quality of the Site at present View.

5.19 The following minor beneficial effects have been identified:

- Housing:
  - Once completed, the Proposed Development would provide 40 affordable residential units which will make a beneficial contribution to the council's housing delivery target.
- Community safety:
  - The design of the Proposed Development, together with natural surveillance at different times of the day from the mix of uses proposed, are of benefit in relation to the effect on crime and perceptions of safety.

5.20 The following significant neutral environmental effects have been identified:

- Townscape, Visual and Built Heritage:
  - Once the Proposed Development is complete there will be a Moderate Neutral effect at both View 17: Uxbridge Road, at junction with Hopgood Street and View 18: Pennard Road, outside no.70.

5.21 The following significant adverse environmental effects have been identified:

- Daylight, Sunlight and Overshadowing:

Reduction in daylight amenity (minor moderate-adverse):

- 1-28 Pennard Mansions, Goldhawk Road
- 19 Pennard Road

Reduction in daylight amenity (moderate-adverse):

- 35 Pennard Road
- 33 Pennard Road
- 31 Pennard Road
- 29 Pennard Road
- 27 Pennard Road
- 25 Pennard Road
- 23 Pennard Road

- 21 Pennard Road
- 17 Pennard Road
- 13 Pennard Road
- 34 Goldhawk Road
- 40 Goldhawk Road
- 50 Goldhawk Road

Reduction in daylight amenity (major adverse):

- 36-38 Goldhawk Road

Reduction in sunlight amenity (minor moderate-adverse):

- 13 Gaumont Terrace, Lime Grove
- 29 Pennard Road

Reduction in sunlight amenity (moderate-adverse):

- 49 Pennard Road
- 47 Pennard Road
- 45 Pennard Road
- 43 Pennard Road
- 33 Pennard Road
- 31 Pennard Road
- 27 Pennard Road
- 23 Pennard Road
- 19 Pennard Road
- 13 Pennard Road
- 14 Gaumont Terrace, Lime Grove

Overshadowing (moderate-adverse):

- 1-32 Gainsborough Court - Area 2
- 29 Pennard Road
- 31 Pennard Road

5.22 For all receptors considered within the assessment once the development is completed and operational, the effects of traffic, transport, air quality and noise and vibration, have been identified as negligible, not significant. No mitigation measures are required to respond to these negligible effects; however, a Travel Plan which includes measures to encourage non-car travel would be provided to users of the Proposed Development.



## Cumulative Effects

- 5.23 A total of 19 cumulative schemes were considered. The cumulative effects of these schemes coming forward in conjunction with the proposed development were assessed for each of the technical disciplines presented above. The results of the cumulative effects assessment identify that significant beneficial socio-economic effects at local and borough level would be generated. This is in relation to job creation, economic growth and housing delivery. Moderate adverse effects were identified in increased demand on local services.

## **EIA Summary**

- 5.24 The EIA process has demonstrated that, once the proposed development is fully complete and occupied, likely major (significant) adverse effects are limited to localised impacts on daylight. Major (significant) beneficial effects are assessed to as localised impacts on views and employment. An assessment of environmental topics falling outside of the EIA process is provided in sections 12.0 and 13.0 of this report. Officers are satisfied that the ES complies with the 2017 Regulations and that sufficient information has been provided for the assessment of the environmental impact of the proposal. In terms of the review of the ES, officers accept the conclusions, subject to the imposition of appropriate planning conditions and planning obligations. The planning assessment in this committee report identifies the relevant planning issues and where conditions and obligations are considered necessary to mitigate the effect of the development.

## **6.0 POLICY CONTEXT**

### **Planning Policy Framework**

- 6.1 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.
- 6.2 Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (Section 38 (6) of the 2004 Act as amended by the Localism Act).
- 6.3 In this instance, the statutory development plan comprises the London Plan (2021), the Local Plan (2018) and the Planning Guidance Supplementary Planning Document - 2018 (hereafter referred to as Planning Guidance SPD). Several strategic and local supplementary planning guidance and other documents are also material to the determination of the application.

### **National Planning Policy Framework (2023)**

- 6.4 The National Planning Policy Framework - NPPF (as updated 2023) 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.
- 6.5 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. A Written Ministerial Statement (WMS) published on the 24 May 2021 in relation to First Homes has also been taken into consideration.

### **The London Plan**

- 6.6 The London Plan (2021) was published in March 2021 and is the Spatial Development Strategy for Greater London. The Plan provides the strategic planning policies for London, setting out an integrated economic, environmental, transport and social framework for growth over the next 20-25 years. The proposal has been assessed in line with the policies set out in the Plan. The London Plan is supported by guidance, which provides further information about how the London Plan should be implemented in the form of Supplementary Planning Guidance ('SPG') documents which have also been considered in determining this application.

### **The Local Plan**

- 6.7 The Council Local Plan was adopted 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. This provides supplementary detail to the policies and is organised around key principles. The Council has adopted an Affordable Workspace SPD in October 2022. This SPD provides guidance on the application and implementation of policies relating to affordable workspace. The Council also adopted a Railway Arches SPD in October 2022 which covers topics that frequently need to be addressed when considering proposals and applications for the development of railway arches.
- 6.8 With regard to this application, all planning policies in the National Planning Policy Framework (NPPF), London Plan (2021), Local Plan (2018), and Supplementary Planning Guidance (SPG) / Planning Guidance Supplementary Planning Guidance (SPD) which have been referenced where relevant in this report have been considered with regards to equalities impacts through the statutory adoption processes, and in accordance with the Equality

Act 2010 and Council's PSED. Therefore, the adopted planning framework which encompasses all planning policies which are relevant in Officers' assessment of the application are considered to acknowledge protected equality groups, in accordance with the Equality Act 2010 and the Council's PSED.

## **7.0 PLANNING CONSIDERATIONS**

7.1 The main planning considerations material to the assessment of this application are listed below:

- Principle of development – Regeneration Area and town centre uses
- Market, Office and other Class E uses
- Housing including Affordable Housing
- Accessibility
- Fire Safety
- Crime/Safety and Security
- Residential Amenity: including impact on the existing amenity of the neighbouring properties in terms of daylight, sunlight, solar glare, overlooking and privacy.
- Urban Design and Heritage: The design quality/external appearance, including materials of the proposed building: and
- The impact of the development on the street scene and character and appearance of the surrounding conservation areas and other heritage assets.
- Transport in terms of traffic generation, delivery/servicing, and parking.
- Energy efficiency and Sustainability; and
- Other environmental impacts including flood risk and drainage, air quality and land contamination, noise vibration, archaeology, wind climate and ecology and biodiversity.

## **8.0 PRINCIPLE OF DEVELOPMENT – Regeneration and Opportunity Areas**

8.1 **Chapter 11, Paragraph 119 of the NPPF** states that planning decisions should promote an effective use of land in meeting the need for homes and other uses. **Paragraph 120** states that planning decisions should promote and support the development of under-utilised land and buildings. The NPPF also promotes mixed-use developments and encourages patterns of growth which focus significant development in locations which are, or can be made, sustainable.

8.2 **London Plan Policy GG2 (Making the best use of land)** encourages developments to proactively explore the potential to intensify the use of land

to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected and on brownfield site and in Opportunity Areas. The same policy encourages the adoption of a design-led approach to determine the optimum capacity of a site.

8.3 **Policy SD1 ‘Opportunity Areas’** requires “plan for and provide the necessary social and other infrastructure to sustain growth and create mixed and inclusive communities, working with infrastructure providers where necessary; and support wider regeneration (including in particular improvements to environmental quality) and integrate development proposals to the surrounding areas especially areas for regeneration.”

8.4 The application site falls within the White City Opportunity Area as designated in the London Plan. Policy SD1 supports the growth potential of Opportunity Areas and Table 2.1 gives an indicative capacity of 7,000 homes and 2,000 jobs in the White City Opportunity Area. The policy advises that the London Mayor will support growth and regeneration of opportunity areas by:

- 1) provide support and leadership for the collaborative preparation and implementation of planning frameworks that:
  - a. set out a clear strategy for accommodating growth
  - b. assist in delivering specific infrastructure requirements that unlock capacity for new homes and jobs
  - c. support regeneration
  - d. are prepared in an open and timely manner
  - e. encourage the strategic remediation of contaminated land
- 2) bring together the range of investment and intervention needed to deliver the vision and ambition for the area
- 3) support and implement adopted planning frameworks, in order to give them appropriate material weight in planning decisions
- 4) ensure that his agencies (including Transport for London) work together and with others to promote and champion Opportunity Areas, and identify those that require public investment and intervention to achieve their growth potential
- 5) ensure that Opportunity Areas maximise the delivery of affordable housing and create mixed and inclusive communities

- 6) ensure that Opportunity Areas contribute to regeneration objectives by tackling spatial inequalities and environmental, economic and social barriers that affect the lives of people in the area, especially in Local and Strategic Areas for Regeneration
  - 7) monitor progress in delivering homes, jobs and infrastructure, taking action where necessary to overcome any barriers to delivery
  - 8) ensure that development facilitates ambitious transport mode share targets.'
- 8.5 The Site is located within Shepherd's Bush Town Centre. London Plan Policies SD6, SD7, SD8 and SD9 support mixed use development in town centres, to enhance their vitality and viability, with a diverse range of uses, including town centre uses, night-time economy, civic, community, social and residential uses.
- 8.6 **Policy SD6 of the London Plan** specifically relates to Town Centres and supports the vitality and viability of London's Town Centres by 'encouraging strong, resilient, accessible and inclusive hubs with a diverse range of uses that meet the needs of Londoners, including main town centre uses.'
- 8.7 The Council is supportive of major regeneration and growth in the borough's four regeneration areas. **Local Plan Strategic Policy WCRA** identifies the White City Regeneration Area as one of the key borough regeneration areas. The White City Regeneration Area (110 hectares) has three distinct areas: White City East, Shepherd's Bush Town Centre and the estates in White City (White City West). Strategic Policy WCRA sets out an approach for the regeneration of the area. Amongst other things the policy states that proposals should contribute to the provision of the 6,000 homes and 10,000 jobs targeted. The policy add development should promote the vitality of the town centre particularly Shepherd's Bush Market.
- 8.8 The proposals are in general conformity with the policies set out above by delivering a mixed-use scheme, providing commercial uses, investment in Shepherd's Bush Market and an uplift of residential units within a regeneration area. The principle of development is therefore acceptable in this regard.
- 8.9 **Strategic Policy WCRA3** of the Local Plan identifies the Site as "Shepherd's Bush Market and Adjacent Land". The policy specifically sets out that development proposals for the Shepherd's Bush Market site should include the Pennard Road Laundry Site (referred to as 'The Old Laundry Yard').

8.10 Policy WCRA3 states that 'The Council will continue to support and work with existing traders for the retention and improvement of Shepherd's Bush Market to provide a more vibrant mix of town centre uses, retaining accommodation for existing Market traders and traders along Goldhawk Road. Development proposals for the strategic site should:

- retain and improve the Market, including its layout, to create a vibrant, mixed-use area;
- include additional leisure uses, offices and residential development to ensure a more vibrant mix;
- consider including adjacent Pennard Road Laundry site in any development scheme and land to the west of the Market off Lime Grove;
- assist Market traders so they can continue to trade and remain part of the Market;
- provide the opportunity for the re-provision of Goldhawk Road businesses within new high quality retail premises within the proposed frontage; and
- provide affordable housing and affordable workspace in accordance with Policy HO3 and Policy E1.

8.11 The proposed mix of uses is considered acceptable in land use terms.

## **Retail**

8.12 Paragraph 86 of the NPPF seeks to promote long-term vitality and viability of town centre environments by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters.

8.13 Policies within the London Plan are supportive of ancillary retail facilities for their role as a component for mixed use development, and their contribution to increasing the vitality at street level.

8.14 **London Plan Policy E8 (Sector growth opportunities and clusters)** identifies that "employment opportunities for Londoners across a diverse range of sectors should be promoted and supported" with both convenience and comparison retail, cafés and restaurants promoted under Policy E9 (Retail, markets and hot food takeaways). Policies E1 and E2 generally promote development to provide (former "B-class") office and light industrial uses (now within use Class E(g)).

8.15 **London Plan Policy E9** (Retail, markets and hot food takeaways) supports street markets, recognising their valuable economic, social and cultural role.

- 8.16 Shepherd's Bush town centre is identified in the London Plan as a Metropolitan centre, with potential future classification as an International centre; with high commercial growth potential; high residential growth potential; a night-time economy of regional/sub-regional significance; and the capacity, demand and viability to accommodate new office development.
- 8.17 **Local Plan Policy TLC1** relates to the hierarchy of town and local centres and sets out that the council will work with the Mayor of London and other stakeholders, such as Business Improvement Districts, to enhance the vitality and viability of the borough's hierarchy of three town centres. The policy states (relative to retail development) that the council will:
- 'seek a mix of shop sizes and types, with independent as well as national traders, that are accessible to local residents, workers and visitors
  - safeguard local shops and other local services within local centres to meet local need; and
  - support and protect local Markets and clusters of specialist shopping'
- 8.18 Alongside Strategic Policy WCRA3 the proposal is considered acceptable with the London Plan policies.

### **Market**

- 8.19 Shepherd's Bush Market is a historically important street market which forms an intrinsic part of the local character and identity of the area. It provides low-cost alternative shopping facilities, and employment opportunities for independent local business owners.
- 8.20 Over the course of time the market has suffered. Traditional markets are having to adapt and evolve to respond to challenges and opportunities posed by socio-economic changes and new consumer trends. The market experiences physical limitations in terms of access and movement and despite the new owners investing in recent years in the Market, the arches, stalls and shops require upgrade and further investment.
- 8.21 The Applicant propose to retain, enhance and improve the Market through physical works. An experienced market operator (REImagine) has also been appointed to run the Market. The market specialist has been working with the traders and drop-in events have been held to share Market designs, including the design approach proposed for the stall/shop fronts and internal refurbishment works. A Market Academy has been set up to provide training and business support for existing and new potential traders. 10% of spaces in

the market stalls would be designated as part of the retail incubator and be offered at a market discount to encourage new businesses.

- 8.22 In relation to the existing market capacity there are 121 separate leases (44 arches / 52 shops and 25 stalls). A further 4 stalls: 125 leases in total could be added. These are made up of 76 Legacy leases (61%) and 49 Future Traders /Community uses leases (39%). A Legacy trader is a market trader in Shepherd's Bush Market, who has been (and remains) a tenant of the Applicant since at least 28 February 2018 and who continues active trading from the market. The arches at Shepherd's Bush Market remain under the freehold of TfL and the Applicant has a long lease and traders sublet. Legacy leases are made up of holdings protected by the 1954 Act. This takes the form of statutory protection afforded to commercial tenants in business occupation of premises, by means of:
- A right to renew their lease on expiry of the contractual term, unless the court is satisfied that one of a limited number of statutory grounds of opposition applies;
  - A right to remain in business occupation of their premises on expiry of their lease on the same terms and conditions, pending the grant of a new lease or issue of a court order confirming the ground of opposition is satisfied;
  - Any new lease being at an open market rent and based on the terms of the old lease, save where it is just and equitable to make changes; and
  - Once the renewal procedure has been triggered, special rules for calculating the rent for the period prior to the commencement of the new lease.
- 8.23 There are currently 86 traders operating in the Market, some holding multiple leases/units. This includes 67 'Legacy Traders' with 76 leases and a further 19 temporary traders. Since the acquisition of the Market in September 2020, 23 legacy traders (with 32 leases between them) have left the Market. Of the tenants that have left, the Applicant highlight reasons given. Include wanting a change in lifestyle and priorities post-pandemic, wishing to retire, or finding alternative business premises closer to where they live. Where possible, the Applicant state they delay surrender dates or offer alternative locations to trade to help traders run down stock. The Applicant also points out that the Market has brought in new traders via the Market Academy, operating on temporary leases at this time, because of the need for flexibility during construction so legacy traders can be relocated to different units within the Market. In total 53 of the existing 67 legacy traders (79%) are members of the SBMTA and 11 temporary traders are also members of the SBMTA.



- 8.24 A key focus of the application has been to ensure the Applicant has and will continue to fully engage with the market traders. The Applicant has consulted with the market traders and overall, the proposals are strongly supported by the Shepherd's Bush Market Traders Association which is made up of most of the market trader members and individuals. The Applicant outlines that drop-in sessions and individual meetings have taken place and an outline of the financial packages have been shared with the traders. Individual meetings with traders have also been held to discuss Heads of Terms. All the tenants have been offered legal support through the HoT's process and the Applicant has undertaken to pay solicitors' fees for the traders.
- 8.25 A phased strategy is proposed to keep the Market operational throughout the construction works. The freeholder shops on the eastern side of the Market would be retained, while other shops on the eastern side would be temporarily re-located, demolished and re-provided at ground level within the new commercial building. The existing 'island' stalls in the centre of the Market would also be removed and replaced according to the requirements of traders. New trader and visitor welfare facilities, including WC's, showers, changing places, a multifaith room, trader welfare room and office would also be provided. The proposed retail uses in part of the ground floors would be consistent with the Local Plan which seeks to promote a new mixed-use area in White City Regeneration Area, under Policies WCRA and WCRA3.
- 8.26 Some traders will need to move temporarily during the development to enable construction works to take place. These traders affected would return as close to their existing pitches as possible if they desire. Further design work will be required before the final locations of each trader is agreed and the final location will be outlined in an Agreement for Lease. In the interim, traders who are being relocated during the construction works will operate from temporary container facilities and will not be able to operate under their existing leases because the leases are location specific. Instead, the traders will operate under a temporary lease arrangement for an alternative premises and will have a legally binding Agreement for Lease for their new permanent premises until the new premises are complete, at which point they will be given a new full lease. Traders not being relocated will continue to operate under the leases they have today, with a variation agreed with them, until the Market construction is complete, and the new leases will come into effect thereafter.
- 8.27 The supporting Economic Statement summarises the proposed investment package for the Market. A series of measures estimated to the value of £5.14m have been outlined to support traders during the refurbishment/construction works along with a further £9m of investment and improvement directly into the Market. The financial packages offered in the

Heads of Terms are based on three options:

- (1) Stay at the Market and trade during construction
- (2) Take a sabbatical during construction and return afterwards or
- (3) Receive a premium for a lease buyout.

8.28 Measures proposed include:

- Financial support by the cancellation of all rent and service charges, as well as reimbursement of business rates paid for during the period of construction for Traders that want to stay at the Market during construction and afterwards.
- For traders staying open during construction, financial support includes a one-off non-refundable payment of between £7,500 and £12,500, and an additional £30,000 to £50,000 profit-loss compensation.
- For traders opting to take a sabbatical during construction works, financial support is offered between £1,800 to £3,000 per month. Traders will be given 4-6 months' notice to run down stock.
- Brand new units of a similar size and in a similar location, or £10,000 to invest in or upgrade existing units.
- New long-term leases that fix traders' rent at their current levels from now until five years after construction is completed (e.g. if Market construction is completed in 2026, rent is fixed until 2031).
- Tenant-only break clauses in year one and year five of the lease.
- The precedent lease will also incorporate a third break opportunity within three months of determination of the rent review if the tenant has concerns with the level of rent.
- Offer of 1954 Act protected leases where this is legally possible.
- Service charges to be capped at an increase of 6% per year for all legacy traders. There will be no service charge payable during construction.
- Reasonable legal costs and, where applicable, moving costs paid for.

8.29 Current long-term leases in the Market would revert to an Open Market Rent on renewal, however delaying this by 5 years for the first lease term. The new leases offered by the Applicant to the legacy traders will have either index-linked rent or Open Market Rent reviews from the second term of the lease onwards, depending on the tenants' preference. For the first term, there is no index-linked rent review at the midpoint because the open market rent change at renewal will be delayed for five years until the mid-point.

8.30 Rents are frozen at 2015 levels before construction, cancelled during construction and frozen at 2015 levels for five years after construction. Service charges during construction would be frozen at 2021 levels before construction begins and cancelled during construction works. They would

restart at 2021 levels when construction finishes, with a 6% cap for legacy traders maintained for increases in subsequent years.

- 8.31 Currently there are a range of different leases in use in the Market, with varying terms from lease to lease. Most of the existing traders in the arches hold TfL 1954 Act Protection Leases whilst others are also quite old and need updating. As highlighted above some of the traders need to be relocated during construction on a temporary basis and new leases are required to enable this to happen. Tenants in the Arches not moving or going on sabbatical during the refurbishment works will keep any 1954 Act rights that they have. The Applicant intends to grant leases to the legacy traders with 1954 Act protection where legally possible and the TfL leases will be used as the basis for new leases. In summary the Applicant has offered (subject to planning permission being obtained) existing traders in the Market would be offered new 10-year leases following the Market Refurbishment, as well as certain other financial concessions during the period of the Market Refurbishment. The existing traders will be given a choice of options that best suit their preferences, in terms of either taking a sabbatical during the Market Refurbishment and then return to the Market on a new lease, relocate (or stay where they are, depending on their existing location) and trade during the Market Refurbishment; or leave the Market and surrender their existing lease.
- 8.32 Of the 67 legacy traders, the Applicant summarises that 60 (90%) have agreed Heads of Terms (HOT's) and they will continue to negotiate with every trader to ensure a satisfactory agreement can be found where possible. The Applicant has committed not to commence works to the market before 60% of the agreed HOT's are converted into new leases (thereby achieving a minimum 36 before works to the market). Following discussions with officers, the Applicant has added two subsequent stages in order to complete their commitment to meeting the 60. The Applicant intends to work towards converting the Heads of Terms into formal legal documentation as soon as possible if planning permission is being obtained and the S106 Agreement will secure this element.
- 8.33 SBMTA's solicitors, Seddons have confirmed that the precedent lease, as negotiated, is fair and reasonable and that it sufficiently mirrors the safeguards and protections required by the SBMTA to meet the needs of its current membership.
- 8.34 The proposals are considered to comply with London Plan Policy E9. There is no loss of Market floorspace. The proposals seek to protect the Market and deliver an overall uplift of 549 sqm of new retail floorspace throughout the Market. This is made up of the replacement stalls, repairs to space in the

arches and the new retail units which aim to support Shepherd's Bush Market as a successful and competitive retail destination. By their very nature Market stalls represent a more affordable type of retail space than conventional shops so measure that safeguard the long-term financial health of the Market will be in line with Policy E9.

- 8.35 Shepherd's Bush Market is identified as a priority location for town centre regeneration. Despite the success of Westfield, local shops and facilities have continue to decline and the Shepherd's Bush Market proposals together with improvements to the Green, will increasing activity, confidence and investment, with a consequent benefit for local services; the protection and attraction of small businesses; and the improvement of local employment prospects.
- 8.36 The Market is viewed by the Council as central to these ambitions, and the regeneration of the site with the market will enhance and strengthen the town centre in Shepherd's Bush and make a significant contribution to the economic revitalisation of the area.
- 8.37 In response to Policy WCRA3, the proposals would retain and improve the Market, including its layout, with the aim to create a vibrant, mixed-use area. The proposals are therefore in accordance with the aims of Policy WCRA3 and would regenerate and bring more trade to Shepherd's Bush Town Centre in accordance with Policy SD6 of the London Plan. Shepherd's Bush Market is a historically important street market which forms an intrinsic part of the local character and identity of the area. It provides low-cost alternative shopping facilities, and employment opportunities for independent local business owners.

### **Commercial Space**

- 8.38 The commercial space in Building A would comprise a range of flexible office spaces, life-science space and affordable workspace and retail (including food and drink) within Class E.
- 8.39 **London Plan Policy E1** relates to offices. The policy supports new office provision of different sizes, including lower cost and affordable workspace, particularly in town centres. **Policy E2** supports the provision of suitable business space, with a proportion of flexible workspace or smaller units suitable for micro, small and medium-sized enterprises. **Policy E3** relates to affordable workspace. The policy states that planning obligations may be used to secure affordable workspace. **Policy E8** (Sector growth opportunities and clusters) states that innovation, research and development, should be supported; and encourages collaboration between business, higher

education, and research and innovation organisations, including laboratory space and Life Sciences.

- 8.40 **Local Plan Policy E1** sets out the borough’s aspirations for mixed use and new employment schemes, and the retention, enhancement and intensification of existing employment uses. The Council recognises the existing strengths in the borough in creative industries, health services, life science and other research-based industries. The policy states that these industries will require flexible and affordable space suitable for small- and medium-sized enterprises in large new business developments. Furthermore, the delivery of employment generating floorspace to ensure a vibrant mix of uses is in line with the aims of Strategic Policy WCRA3 of the Local Plan and Policy WCRA with aims to deliver 10,000 additional jobs within the regeneration area. The delivery of office floorspace is therefore supported in principle, subject to compliance with all other relevant policies and the provision of affordable workspace.
- 8.41 **LBHF’s affordable workspace SPD** (October 2022), focusses on the delivery of affordable workspace to meet local needs. The SPD states the Council will take a flexible approach to affordable workspace proposals, consider a range of options (rental discounts, flexible leases, co-working, start-up spaces, pay-as-you-go operations etc) as well as consider area and site-specific circumstances and considerations in determining appropriate arrangements. Furthermore, the SPD confirms that where applicants have occupiers and/or affordable workspace providers committed, the Council will support discussions to help best meet needs.
- 8.42 The proposals would provide affordable workspace within the commercial building proposed and in the market space. The table below outlines proposed areas of affordable workspace.

| <b>Location</b>                                  | <b>Approx. Total area of the commercial space (sqm)</b> | <b>Proposed affordable workspace</b>   |
|--|---|--|
| Basement (Life Science Incubator Space)          | c.2,000   | 20% discount on the market rents (on all space) for a period of 10 years.  |
| Ground floor/mezzanine flexible co-working space | 2,000   | Not less than 10% (c.200 sqm) of commercial co-working floorspace secured at a discount of 20% to net open market rent for a period of 10-years. |
| Affordable Market Retail Space                   | n/a   | Not less than 10% (c. 92 sqm) of retail floorspace, secured at a discount of 20% to net open market rent for a period of 10 years.               |

**Table 2: Affordable Workspace /Community Space**

- 8.43 Imperial College London proposes to occupy and manage the basement level of the commercial building for incubator space in the form of life-science laboratories, with dry labs for start-up companies and occupy part of the ground floor. Imperial's White City incubator has been running for 6 years and has continued to adapt to meet changing user needs. The Imperial White City Incubator currently has a total annual capacity to support 10-20 physically located start-ups per year, however state the demand is much higher. The proposed use on the Site would allow Imperial to expand its offering and help more start-up enterprises getting access to affordable laboratory space and services. Imperial would manage the incubator space for a variety of start-up enterprises, including a mix of both Imperial ventures and external SMEs. Given Imperial's connections to the White City Innovation District, the proposal would complement the growing life science and research base facilities in this part of the borough and is welcomed. The Applicant is committed to sharing details to ensure that the occupiers in this space align with the Borough's strategic objectives and industrial strategy.
- 8.44 The lower floor of the building would be fully fitted out with containment level 2 ('CL2') laboratories, for early-stage companies looking for combination of lab space, workshop and offices. The Applicant is committed to net rents in the basement incubator laboratories (after deducting for fit-out contribution, operating expenses and service charges) at a 20% discount to market.
- 8.45 Together with the proposed laboratory space on the lower floors, the commercial building would feature approximately 2,000 sqm of flexible co-workspace at ground and mezzanine levels. This space would be operated by a specialist co-working operator and include a mix of bookable flexible desks for daily, semi-permanent and more permanent use, along with meeting rooms and event spaces. 10% of the co-working space would be designated as affordable and held at a market discount to the market rent to create access for SMEs and start-ups who would otherwise not be able to access this space.
- 8.46 The upper floors of the building would be tenanted, market office space. One key aspect for bringing commercial space to Shepherd's Bush Market, is the benefit of additional footfall it would bring to the Market and town centre generally. The proposals would deliver over 30,000 sqm of new and modern commercial floorspace that would meet a demand in West London. Overall, the proposed commercial building would provide a range of flexible and adaptable employment floorspace. In this regard the proposals would comply with Policy E1 of the London Plan.
- 8.47 10% of spaces in the market stalls (c.1,000 square feet) would be designated as part of the retail incubator and will be offered at a market discount to encourage new businesses to trial ideas and to provide a platform for them to grow. These spaces will be rented at a market discount to the market rent to create access for SMEs and start-ups who would otherwise not be able to access this space. Successful businesses that generate enough income to

pay market rents will be encouraged to graduate into other spaces in the market on a traditional lease model, thereby creating room for young businesses and start-ups to move into the affordable market spaces.

- 8.48 Alongside this and the Market Academy, a minimum of 1,500 sq ft would be available to local community and cultural groups and organisations, for 20% of the year, at a range of price points ranging from free (including production support and funding) to 60% of market rate (for hires).
- 8.49 Details relating to the delivery of affordable workspace within the commercial building and market been the subject of discussion with the Council. Heads of terms have been agreed with Imperial College. In this regard the proposals meet the aims of policy E2 and E3 of the London Plan.
- 8.50 The commercial building responds well to London Plan policies. Its construction will need to be rigorously controlled in order to protect the ongoing trading in the Market. The proposals are therefore supported in accordance with London Plan Policies SD1, SD6, SD7, SD8, SD9, E1, E2, E3, E8, and E9.
- 8.51 The majority of the proposed commercial, office building (including basement) would fall under Class E(g)(i) Offices to carry out any operational or administrative functions and E(g)(ii) Research and development of products or processes. A flexible Class E(a) and E(b) use is proposed on part of the ground floors of office and residential building which would include café use and shops/sale of food/drinks facing the Market.

## **Housing**

- 8.52 Paragraph 60 of the NPPF sets out that sufficient amount and variety of land can come forward where it is needed to boost the supply of housing, which also addresses the needs of groups with specific housing requirements. The NPPF actively encourages the delivery of affordable housing to assist with the growing demand.
- 8.53 **London Plan Policy SD1** supports the growth potential of Opportunity Areas. Table 2.1 gives an indicative capacity of 7,000 new homes in the White City Opportunity Area.
- 8.54 **London Plan Policy H1** (Increasing housing supply) sets ten-year targets for net housing completions that each local planning authority should plan for. To ensure that ten-year housing targets are achieved, boroughs should optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions. Table 4.1 of the

London Plan specifies a minimum ten-year housing target of 16,090 homes, which is equivalent to 1,609 homes per annum for Hammersmith and Fulham.

- 8.55 **Local Plan Policy HO1** (Housing Supply) supports the delivery of new housing but is predicated on the housing target derived from the previous version of the London Plan. Table 1 of the Local Plan supporting the policy sets out indicative housing targets for the White City Regeneration Area which this development site sits. The housing target outlined in Policy HO1 are superseded by the more up to date requirements of Policy H1 of the London Plan.
- 8.56 The proposal would provide 40 residential units on the Site which would make a small but valuable contribution towards the Borough's housing targets. The proposal would deliver genuinely affordable homes in the borough as set out in Policy H4 and exceed the threshold approach to applications which is set at 35% in Policy H5 of the London Plan. The principle of residential development on the site is supported subject to compliance with all other relevant policies. Therefore, it is considered the proposal accords with Policy H1 of the London Plan and Policy HO1 of the Local Plan 2018.

#### **Affordable Housing and Housing Mix**

- 8.57 **London Plan Policy H4** (Delivering affordable housing) sets a strategic target of 50% of all new homes delivered across London to be genuinely affordable. **Policy HO3 of the Local Plan** states that affordable housing will be sought on all developments capable of providing 11 or more self-contained dwellings and will be negotiated based on a borough wide target of 50% provision. The proposal would comprise 40 dwellings and trigger the threshold.
- 8.58 **Policy H5 of the London Plan** states the threshold level of affordable housing is a minimum of 35%. Part E states that schemes can follow the fast-track viability route and are not required to submit viability information nor be subject to a late stage viability review if they meet or exceed the relevant threshold level of affordable housing on site without public subsidy; are consistent with the relevant tenure split; meet other relevant policy requirements and obligations to the satisfaction of the borough and the Mayor where relevant; and demonstrate that they have taken account of the strategic 50% target and have sought grant to increase the level of affordable housing.
- 8.59 The policy states that to ensure an applicant fully intends to build out the permission, a requirement for an Early-Stage Viability Review be triggered if an agreed level of progress on implementation is not made within two years of the permission being granted (or a period agreed by the borough). In this case, the proposal is for 100% affordable housing, meeting the affordable housing targets in the Development Plan and further affordable housing



would not be able to be provided without significant alterations to the proposed massing and scale of the development. For this reason, an early-stage viability review is not considered necessary to be secured by the Section 106 Agreement.

- 8.60 **Policy HO3 of the Local Plan (2018)** states that housing development should increase the supply and improve the mix of affordable housing to help achieve more sustainable communities in the borough. The borough target for development capable of more than 11 units is 50%, which is in line with the London Plan strategic target. The policy requires that affordable housing should be provided in line with the following: a. a borough wide target that at least 50% of all dwellings built should be affordable; b. 60% of additional affordable housing should be for social or affordable renting, especially for families and 40% should be a range of intermediate housing; c. affordable dwellings should be located throughout a new development and not concentrated on one part of the site; d. the provision of affordable rented and social rented housing in ways that enable tenants to move into home ownership.

#### **Tenure Mix**

- 8.61 **London Plan Policy H6 (Affordable housing tenure)** describes the preferred affordable housing tenure arrangements across London, which comprises 30% low-cost rented homes, 30% intermediate products and 40% to be determined by the borough. All affordable homes are expected to meet the Mayor's definition of 'genuinely affordable homes.' **Policy HO3 of the Local Plan** defines the Council's preferred affordable tenure split as 60% social/affordable rented accommodation and 40% intermediate tenure homes. Schemes providing over 35% affordable housing may follow the fast-track viability route, whatever the tenure, where supported by the Borough and the Mayor.
- 8.62 The proposed development includes 40 affordable homes within Building B (100% affordable), with associated private amenity space and communal gardens, located in a highly sustainable location which is strongly supported in policy terms. It is proposed that all the residential units would be made available to the Council for occupation.
- 8.63 The provision of 2-bed and 3-bed units represents 36 of the 40 homes proposed and 90 % of the total unit mix.
- 8.64 The proposed development would comprise 119 habitable rooms (75 affordable/48 intermediate) which compares with tenure split of 60% affordable and 40% intermediate. Discussions with LBHF Housing Officers have taken place to ensure the affordable housing is affordable with a mix of

rented and intermediate homes is secured. Officers are satisfied that the provision of affordable housing in this case has been fully met and provides a suitable tenure split to meet local need. The affordable rent levels and intermediate tenures would be secured by the Section 106 Agreement to ensure they remain at genuinely affordable levels. Subject to this and meeting other housing policy/standard requirements, the proposals are supported in accordance with London Plan Policies H4, H5, and H6 of the London Plan and Local Plan Policies HO1 and HO3.

### **Housing Standards**

- 8.65 **Policy H10 of the London Plan** (Housing Size Mix) states that schemes should consist of a range of unit sizes.
- 8.66 **HO11 of the Local Plan** outlines that developments must provide housing that will meet the needs of future occupants and respect the principles of good neighbourliness.
- 8.67 **Policy HO5 of the Local Plan** relates to housing mix. Sets out that the council will work with registered providers and other house builders to increase the supply and choice of high-quality residential accommodation that meets local resident's needs and aspirations and demand for housing. The policy sets out aims which should be considered on a site-by-site basis:
- a) for affordable rented housing approximately:
    - 1 bedroom: 10% of units;
    - 2 bedrooms: 40% of units;
    - 3 bedrooms: 35% of units;
    - 4 bedrooms 15% of units;
  - b) for intermediate housing approximately:
    - 1 bedroom: 50%;
    - 2 bedrooms: 35%;
    - 3 or more bedrooms: 15% of units.
- 8.68 The housing mix would comprise of 10% 1- beds, 83% 2-beds, and 7% 3-beds in the development. The site is in the town centre (Shepherd's Bush) and a PTAL rating of predominately 6a. The mix is considered to respond to the accessible nature of the Site whilst including a proportion of larger units, including three-bedroom units which could support family accommodation. The mix and tenure of the proposed affordable housing have been discussed and deemed acceptable by the Council's Housing Team and is considered appropriate in accordance with London Plan Policy H10.

8.69 In terms of residential minimum space standards set out at **London Plan Policy D6 and Local Plan Policy HO4**, the proposals are of high quality and provide adequately sized rooms. Table 1.3 of policy D6 of the London Plan (2021) sets out space standards for different residential units. Policy D6 of the London Plan also requires that the number of dual aspect units should be maximised. For the units proposed as part of this scheme the standards would be as follows:

- 1b/2p – min required 50 sqm GIA (proposed: 55.2sqm GIA)
- 2b/3p – min required 61 sqm GIA (proposed range: 61sqm to 74sqm GIA)
- 2b/4p – min required 70 sqm GIA (proposed range: 70sqm to 78sqm GIA)
- 3b/5p - min required 86 sqm GIA (proposed range: 86sqm to 88sqm GIA)

8.70 The residential accommodation is well designed internally and externally with a good mix of unit sizes. All the units would comply with the standards for their given size. As a result, the units would be of a sufficient size to provide a suitable internal living arrangement. In terms of outlook north facing windows have been avoided wherever possible. In total 90% of the residential units would be dual aspect.

8.71 A daylight and sunlight assessment has been submitted with the application which includes an assessment of the daylight levels provided to the new residential units. This was carried out using the 2022 revision of the BRE guidelines and consists of an assessment based on the Climate Based Daylight Modelling (CBDM) methodology which replaced the old Average Daylight Factor (ADF) methodology. The new CBDM methodology is based on the British Standard 'Daylight in Buildings' (BS EN17037). This contains advice and guidance on interior daylighting for all buildings across Europe but also has a UK National Annex which provides suggested targets for dwellings in the UK. Overall daylight amenity within the scheme will be good, and the level of compliance with BRE targets is good, particularly considering the urban context. Therefore, it is considered that the proposal would provide a suitable standard of amenity for future occupiers.

8.72 Policy D6 of the London Plan specifies a minimum floor to ceiling height of 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling. The flats have been designed to have ceiling heights of 2.5m. Therefore, all the units would comply with the London Plan requirements on floor to ceiling heights which indicates a good standard of accommodation.

8.73 **London Plan Policy D7** (Accessible Housing) states that at least 10 per cent of dwellings should meet Building Regulation required M4 (3) 'wheelchair user dwellings and all other dwellings should meet M4 (2) 'accessible and

adaptable dwellings. Local Plan Policy HO6 (Accessible Housing) outlines that the Council will seek to ensure the highest quality of accessible homes in all developments. The Council will require 90% of new housing to meet Building Regulations requirement M4 (2) 'accessible and adaptable dwelling' and 10% of new housing should also meet Building Regulation requirement M4 (3) 'wheelchair user dwellings. In addition, accessible width car parking spaces should be provided to meet the needs of blue badge holders.

- 8.74 In accordance with London Plan Policy D7 and Local Plan Policy HO6, 4 of the units would be built to M4(3) wheelchair accessible standard (10%) whilst the remainder would all be M4(2). The entrance to the communal areas and external areas are designed with accessibility in mind and lifts have been provided which meets the requirements of Part M of the Building Regulations. The proposal is considered acceptable in this regard and would provide suitable accessibility for all potential occupiers in accordance with London Plan Policy D7 and Local Plan Policy HO6.

#### **Private Open Space**

- 8.75 **Policy S4 of the London Plan 4** (Play and Informal Recreation) states that development proposals should incorporate high quality, accessible play provision for all ages, of at least 10 sqm per child based on the GLA calculator. **Local Plan Policy HO4** sets out that 'ground level family housing should have access to private gardens/amenity space. Family housing on upper floors should have access to shared amenity space, children's play space, and/or a balcony or terrace subject to acceptable amenity and design considerations.'
- 8.76 **Local Plan Policy HO11 and SPD Key Principle HS1** require all new developments to make provision for open space to meet the needs of occupiers and users. It is also required that all new dwellings have access to an area of amenity space appropriate to the type of housing being provided. The Mayor's Housing SPG Standards 26 and 27 require a minimum of 5sqm. of private outdoor space to be provided for 1-2 person dwellings and an extra 1sqm. for each additional occupant, and where balconies are provided, these be designed to respect the amenity of neighbours and should have a minimum depth of and width of 1500mm. The latter is also reiterated under Planning Guidance SPD Key Principle HS1. This key principle also states that every new family (3 or more bedrooms) dwelling should have access to amenity or garden space, and for family dwellings on upper floors this space may be provided either as a balcony or terrace and/or communally within the building's curtilage.
- 8.77 In terms of communal space Key Principle HS1 states that this should: - have a well-designed area for children's play adequate to meet the needs of the

development; - be overlooked by surrounding development; - be accessible to wheelchair users and other disabled people; - be designed to take advantage of direct sunlight; - have suitable long term management arrangements in place to ensure open space is well managed over the life of the development.

- 8.78 In this instance, amenity space would be provided through small garden areas at ground floor level and balconies to the upper floor units along with communal amenity space and play space. Private open space, communal outdoor amenity space and play space are provided. Each residential unit is assigned 10m<sup>2</sup> of external amenity space. The proposed balconies have been designed in accordance with SPD policy HS1. Where this is not provided as part of the private open space in the form of a balcony or terrace, the residual amount will be provided within the shared private communal amenity space. In total 175 sqm of external community amenity space is provided at Podium Level. A further 495 sqm is provided at ground floor level. As a result, it is considered that the level of external amenity space provision is acceptable and would provide a suitable residential environment for future occupiers.

### **Children's Play Space**

- 8.79 Policy S4 (Play and Informal Recreation) of the London Plan states that development proposals for schemes that are likely to be used by children and young adults should increase opportunities for play and informal recreation and enable children and young people to be independently mobile. The Policy further states that for residential development proposals should incorporate good-quality accessible play provision for all ages. At least 10 square metres of play space should be provided per child that provides a stimulating environment, is accessible to all safely from the street and forms an integral part of the surrounding neighbourhood. These spaces should also incorporate trees, be overlooked to enable passive surveillance and not be segregated by tenure.
- 8.80 Play space provision should be made available to all housing tenures to promote social inclusion. Play space should normally be provided on-site however, off-site provision may be acceptable in circumstances where it can be demonstrated that this would address the needs of the development and is within an accessible and safe walking distance. Off-site provision will be acceptable and is secured by a Section 106 obligation.
- 8.81 The play space requirements for the development are 298 sqm. A minimum of 142 sqm of doorstep playable space accessible to all residents is proposed within the 670 sqm provided within the communal amenity space at ground floor level. Indicative designs for the play space have been provided, and the

final details would be secured by condition. The play space would be designed to be accessible in line with the London Plan and national standards.

- 8.82 The proposals exceed the 'door step' play space requirements for the 0-4 years category. With regards to the 5-11 and 12+ play requirements, the play area of Shepherd's Bush Green is less than 300 metres away. It is considered that there are and will be a range of facilities available in the area. An off-site contribution for children over five could be appropriately secured in the S106 under Public Realm and Environmental Improvements. The play space proposals are supported in accordance with London Plan Policy S4 and Policy HO4.
- 8.83 Provision of 78 long stay and 2 short stay cycle parking spaces for residents are provided.
- 8.84 The proposed 40 no. affordable residential units would contribute to delivery of much needed housing in the borough and London as a whole. Therefore, the proposed delivery of housing is in on this site is in accordance with national, regional and local planning policies.

### **Loss of Hostel**

- 8.85 **London Plan Policy HO8 relates to loss of existing housing and estate redevelopment.** In part B, the policy states 'loss of hostels, staff accommodation and shared and supported accommodation that meet an identified housing need should be satisfactorily re-provided to an equivalent or better standard.'
- 8.86 Policy HO8 of the Local Plan 2018 relates to hostels and houses in multiple occupation and sets out 'that the acceptability of planning applications for new houses in multiple occupation (HMOs) or hostels or for the loss of existing HMOs or hostels will be considered in relation to the following criteria:
- a) the quality of the accommodation that is proposed or might be lost;
  - b) the impact of the accommodation on the locality; and
  - c) the local need for the proposed or existing HMO or hostel Accommodation.'
- 8.87 Having regard to Policy HO8 of the Local Plan, St Mungo's occupied existing buildings on part of the Old Laundry site for a hostel use. The premises were no longer considered fit for purpose and were vacated in 2020. More recently the buildings have more been used for a meanwhile use and occupied by

Kindred Studios on a temporary basis. The application has therefore been assessed with regards to the loss of hostel use.

- 8.88 There was a history of amenity issues associated with the hostel use on the Site, in terms of noise and disturbance which impacted the residential amenity of the surrounding area. There was 24hr access to and from the Site for those staying at the premises and the Site has previously been associated with this antisocial behaviour late at night which was a subject of contention with residents of Pennard Road and the surrounding area. In terms of the need for the accommodation, St Mungo's have relocated to alternative premises and Kindred Studios operated from the site from early 2021. For the reasons set out above, the long history of antisocial behaviour together with the relocation of St Mungo's to an alternative site / lack of need for the hostel, the loss of the hostel use is considered acceptable in the context of London Plan Policy S1 and Local Plan Policy HO8.

### **Land Use Conclusion**

- 8.89 The mix of uses proposed will not only improve the Market as a destination, but it will help to regenerate and bring more trade to the town centre and the wider White City Opportunity area. The Proposed Development would significantly contribute towards the priorities identified in LBHF's Industrial Strategy and generate a wide range of economic benefits together with the delivery of affordable housing as sought by Local Plan Policies WCRA and WCRA3 and London Plan policies GG1 (Building strong and inclusive communities) GG2 ((Making the best use of land) and SD1 (Opportunity Areas).
- 8.90 Officers consider the proposal in land use terms is considered appropriate within this strategic location, and consistent with relevant national, regional, and local planning policies. Officers therefore consider the proposal, subject to S106 legal agreement to secure the benefits identified and agreed, is in accordance with London Plan Policies GG1, GG2 and SD1 and Local Plan Policies WCRA and WCRA3. These benefits however need to be weighed against the design and form of the proposed new build and whether the development would have an unacceptable impact on the amenities of neighbouring properties and the local area or impact significantly on the highway network and the generation of traffic.

### **Accessibility**

- 8.91 **London Plan Policy GG1** seeks inclusivity in new buildings and spaces in order to enhance the identity, legibility, permeability and inclusivity of neighbourhoods. **London Plan Policy S3** seeks to ensure that new developments are accessible and inclusive for a range of users, including

disabled people, by adopting an inclusive design approach. **London Plan Policy D5** seeks to ensure developments achieve the highest standards of accessible inclusive design and be designed to incorporate safe and dignified emergency evacuation for all building users. In all developments where lifts are installed, as a minimum at least one lift per core (or more subject to capacity assessments) should be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building. **Policy D7 of the London Plan** requires suitable housing. Residential development should ensure that at least 10 per cent of dwellings to meet Building Regulation requirement M4(3) 'wheelchair user dwellings'. All other dwellings should meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.

- 8.92 **Local Plan Policy DC1 (Built Environment)** require new development to be designed to be accessible and inclusive to all who may use or visit the proposed buildings. **Policy D2 (Design of New Build)** states that new build development must be designed to respect the principles of accessible and inclusive design. **Principle DA1 (Inclusive design) together with DA2, DA3**, of the Planning Guidance SPD requires that new buildings are designed to be accessible and inclusive to all who may use or visit the building.
- 8.93 **London Plan Policy D7 (Accessible housing) and Local Plan Policy HO6 (Accessible housing)** both require residential development to ensure that at least 10% of all units meet Building Regulation requirement M4(3) 'wheelchair user dwellings' i.e., designed from the outset to be wheelchair accessible, or easily adaptable for residents who are wheelchair users with the remaining 90% to be designed to M4(2) 'accessible and adaptable dwellings'.
- 8.94 The overall site is predominantly level and step-free access is proposed to all parts of the external landscape. Any graded routes are designed to be 1:21 or less. Vehicular routes would be segregated from footways by a small kerb, with contrasting tactile paving and drop kerbs included to safely assist those with visual needs at crossing points.
- 8.95 The market is to undergo a comprehensive refurbishment as part of a mixed-use development. The design of the Market and supporting facilities is designed to ensure it is accessible and inclusive to all and low gradient ramps would be designed only where necessary. The two public access points to the market at either end would be retained. Whilst the Market would be level and step-free throughout, the proposal would further rationalise the layout of the Market with the 3m central stall zone which would form part of a maximum parameter zone within which the new stalls will be located. The stalls would be positioning 3-4m away from the shops and 3m away from the arches. This would improve accessibility, safety and wayfinding whilst maximising spatial



visibility and enabling the spill out of displays during trading hours. Ground surface materials would be conditioned. The proposed welfare facilities would feature wheelchair accessible toilets and changing rooms.

- 8.96 The two accessible parking bays associated with the office building would be located within a 50m travel distance and direct step-free access would be provided from the parking bays into the building. A further wheelchair accessible parking bay would be provided outside residential building. These accessible parking bays have been designed to provide a clear 1200mm access zone to both sides and foot of the bay.
- 8.97 Cycle parking is provided within the proposed office building in the basement level. Direct step-free access is provided to cycle parking in the form of a suitably sized passenger lift accessed at ground floor level, located adjacent to the café area of the office. Larger spaces will be provided at a minimum of 5% of the total storage space. The cycle store will be developed to accommodate non-standard cycles, such as cargo bikes, tricycles and purpose-built cycles for disabled persons. Circulation routes, door widths and vertical circulation to all levels within the commercial-office building would be designed to meet the guidance. Three general traffic passenger lifts operate from basement to mezzanine level and six general passenger lifts operate from ground floor to level 07. Each passenger lift would meet the minimum lift size requirements of 1400mm long by 1100mm wide. At least one passenger lift in each core will be provided and operate as a suitably size fire evacuation lift. Sanitary facilities would be provided on each level of the office building in the form of separate sex toilets with adjacent unisex wheelchair accessible WCs.
- 8.98 In total, 40 new homes are being created in residential building. Four of the residential units (10%) are designed as wheelchair user dwellings. All the wheelchair user dwellings are proposed to be designed to M4(3)(2)(b) 'wheelchair accessible' from the outset. Two of the wheelchair user units would be located on the ground floor and two on the fourth floor.
- 8.99 Direct step-free access will be provided to the main communal entrance in the residential building, serving access to the residential core and lifts. Cycle parking will be provided within residential building at ground floor level and visitors spaces as part of the communal gardens. Larger spaces will be provided at a minimum of 5% of the total storage space and the design will be developed to accommodate non-standard cycles, such as cargo bikes, tricycles and purpose-built cycles for disabled persons. Direct step-free access is provided to all floor levels of residential building in the form of two passenger lifts and at least one passenger lift is to be a suitably sized fire

evacuation lift. A minimum of 1500 x 1500mm clear space would be provided outside the lift doors at each level.

- 8.100 The Council's Disability Forum engaged with the Applicant at the pre-application stage. Clarifications were sought and recommendations provided. In response to recommendations highlighted by the Disability Forum, the Applicant sought to address and clarify points within submitted Design and Access Statement.
- 8.101 A condition is proposed requiring an Inclusive Access Management Plan (IAMP) be provided. This would set out a strategy for ongoing consultation with specific interests' groups regarding the accessibility of site.
- 8.102 It is considered that the proposal would provide a high-quality environment for disabled and impaired members of the community and the commitments within the Access Statement are positive and deliverable by way of conditions. As such the proposal will comply with Policy D5 and D7 of the London Plan and Policy DC1 and HO6 of the Local Plan.

### **Fire Safety**

- 8.103 **Policy D12 in the London Plan** requires major applications to be accompanied by a detailed draft Fire Safety Statement, prepared by a suitably qualified third-party assessor, to demonstrate demonstrating how the development proposals would achieve the highest standards of fire safety. **London Plan Policy D5** seeks to ensure that developments incorporate safe and dignified emergency evacuation for all building users. In all developments where lifts are installed, as a minimum, at least one lift per core (or more subject to capacity assessments) should be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building.
- 8.104 A Fire Safety Statement dated 20 April 2023, prepared by OFR Consultants Limited is included, which details how the proposals respond to London Plan Policies D12 and D5.
- 8.105 The fire-safety design for the residential building (Plot B) is based upon the design guidance contained within the British Standard BS 9991:2015 – 'Fire safety in the design, management and use of residential buildings – Code of practice', as well as the standards referenced therein. It is noted that at the time of the application submission BS 9991:2015 was under review and that a draft issue was published in 2021 for public consultation. The Fire Safety Statement adds that consideration has been given to the recommendations of BS 9991:2021 (Draft) where practicable, and once the new revision of BS

9991 is published, the Detailed Fire Strategy will be developed in accordance with the revised BS 9991.

- 8.106 Plot A comprise a predominantly concrete construction frame with either reinforced concrete or post-tensioned (floor) slabs. Supplementary steel elements would be provided where necessary. Plot A is primarily an office space and therefore not a relevant building or sleeping risk as defined in Regulation 7 (of the Building Regulations).
- 8.107 Plot B building construction would be similar to Plot A. Plot B is below 18 m in height and is not a relevant building per Regulation 7. Nevertheless, the external walls throughout the building will be designed and constructed per the expectations for a relevant building.
- 8.108 The proposed fire strategy sets out that Plot A would operate a phased evacuation strategy, whereby evacuation would commence on the floor most immediately affected by a fire and the floor directly above (phase 1). The next two floors above the fire are then evacuated in phase 2, two levels at a time moving upwards until all floors above the fire are evacuated. Subsequently, all floors below the fire will be evacuated on a two-floor basis until all floors have evacuated. The ground floor, basement levels, and rooftop level (GF, BL, BM and RF) occupants would be evacuated in phase 1 (alongside the floor of fire origin), together with any mobility impaired persons in the building. This mitigates conflict at the GF escape level with Fire Brigade entering the building. To support a phased evacuation regime, an automatic fire detection and alarm system would be provided within the building.
- 8.109 The proposed fire strategy for the residential units in Plot B would operate a 'stay put' evacuation strategy, whereby only the flat of the fire origin would be evacuated and other residents may remain in their flats. The fire protection measures proposed mean occupants in the non-fire flats may evacuate of their own will, in tenable conditions or at the instruction of the responding Fire and Rescue Service (FRS), with a combination of compartmentation, sprinklers, and the smoke control system designed to support tenable conditions within the communal escape routes. In terms of the ancillary areas (e.g., stores, plantroom, post, etc.), a simultaneous evacuation policy will be operated whereby all people within these areas will receive an alarm and evacuate concurrently upon the detection of fire in any of these ancillary spaces. Policy D12 of the London Plan states that the provision of stair cores which are designed with appropriate features to allow simultaneous evacuation should be explored wherever possible. In support of the evacuation strategy, all flats will be provided with a minimum of a Grade D1, Category LD1 fire detection and fire alarm system in accordance with relevant regulations.

- 8.110 Plot A would be served by three lobby protected stairs (Stairs A, B and C) from Ground to the 6F. Two stairs (B and C) would continue to serve up to 7F. The three stairs lead to protected corridors at GF before discharging outside. In Plot B building vertical escape is through a protected staircase (Stair 1) serving all the floors. At the GF, the stair leads directly to outside.
- 8.111 In line with Policy D5 of the London Plan, evacuation lifts would be provided within both Plot A-office building and Plot B-residential building, i.e., at least one evacuation lift per lift core at all above and below ground (escape) level. Plot A has two dedicated evacuation lifts independent from two firefighting lifts. Plot B has one evacuation lift serving all floors. Final details for the evacuation lifts would be agreed at the next stage of design stage by a consultant. All evacuation lifts would be designed with a refuge space (900 x 1,400 mm) for Plot A and (1,500 x 1,500 mm) for Plot B connected to an emergency voice communication system (EVC). Smoke control and ventilation systems installed would facilitate the escape of occupants and operation of firefighters within the building.
- 8.112 No internal car parking spaces are proposed for the buildings. Electric scooters/bicycles would be contained within a 30-minute fire resisting enclosure within the cycle store, supplemented by the sprinkler system provided in the building.
- 8.113 The proposed buildings are to be constructed on a site within an existing urban area, close to existing hydrants. At least six existing fire hydrants are identified along the surrounding streets or roads, four of which (one at Goldhawk Road, one at Pennard Road, and two at Shepherd's Bush Market Street) are within 90m of the dry riser inlets of Plot A and Plot B and thus able to provide water supply for firefighting. However, to ensure sufficiency of coverage especially at the North side of Plot A, a new fire hydrant is proposed within the development site in Pennard Mews. Fire appliance access would be provided to within 18m of a dry fire main inlet point.
- 8.114 The main vehicle access routes are via existing roadways, i.e. Goldhawk Road, Uxbridge Road, and Pennard Road, while inner routes within the site provide proximity and access to Plot A and Plot B. The access routes and turning facilities around both buildings are designed for a fire appliance.
- 8.115 Officers are satisfied that the third-party consultants appointed by the Applicant have considered the building construction, means of escape and evacuation and emergency access arrangements, passive and active fire safety systems and access and facilities for emergency services including firefighting lifts. Accordingly, the current fire safety features proposed

demonstrate that the requirements of the Building Regulations have been met for the determination of the planning application.

- 8.116 The proposal would be subject to a final assessment of compliance, which would be completed when the Building Regulations application is submitted. Officers are satisfied that the submitted Fire Safety Statement provides sufficient information for the planning stage and recommends that a condition is imposed to ensure that the fire strategy is implemented, and the development is carried out in accordance with this document. As such the proposal would comply with London Plan Policies D5 and D12.

### **Crime, Safety and Security**

- 8.117 The NPPF seeks to ensure that planning decisions promote public safety and consider wider security and defence requirements. They should anticipate and address all plausible malicious threats and natural hazards and create safe, inclusive, and accessible places that have high levels of amenity and do not undermine quality of life, community cohesion and resilience to crime and disorder.
- 8.118 **London Plan Policy D11 (Safety, security, and resilience to emergency)** states that Development should include measures to design out crime that – in proportion to the risk – deter terrorism, assist in the detection of terrorist activity and help mitigate its effects. These measures should be considered at the start of the design process to ensure they are inclusive and aesthetically integrated into the development and the wider area. **Local Plan Policy DC1 (Built Environment)** seeks to ensure that new developments, new publicly accessible open spaces and new community and leisure facilities are inclusive and accessible, contribute to improving quality of life and reducing the incidence of crime and anti-social behaviour.
- 8.119 Along with the Design and Access Statement (DAS), a Crime Impact Statement was submitted with the application. The development has been designed to minimise the security risk within the development and the immediate surrounding area. During the construction period, a level of physical and procedural practices would be agreed with the contractor to include robust perimeter delineation of the site with a 24/7 physical presence to minimise loss of tools and materials.
- 8.120 Once completed and operational, the development would have an on-site 24/7 management team providing security, safety and access control roles. A comprehensive CCTV system would provide extensive coverage and act as a visual deterrent. The on-site team would be able to monitor CCTV views at any time and CCTV would be connected to Council's system. Market Lane, due to it being unregistered land which the development has no control over,

there is no opportunity to secure this area. Vehicle and pedestrian routes from Goldhawk Road and Pennard Road are intended to have security gates installed. The gates would be secured outside of normal day hours. The on-site management team would control all access to the site outside of hours. Residents and occupants would be given fob or key access.

- 8.121 A lighting strategy would add to enhancing a safer environment. Lighting would be designed into the entrances, routes and spaces, whilst assisting users as part of a site way-finding strategy.
- 8.122 The Market, is a linear site with public access presenting a challenging environment to secure, and enhancements to existing security measures would be based on best practicable measures. It is recommended that CCTV at the entrances and appropriate lighting be provided throughout the Market to improve public safety.
- 8.123 The Crime Prevention Officer has been consulted and raises no objections with the scheme at this design stage. Generally satisfied the development would be able to achieve a 'Secured by Design' (SBD) accreditation once complete, subject to design recommendations being provided. Officers are satisfied that the overarching SBD principles have been established and reflected in the current proposals which would be carried into subsequent design stages. To ensure the overall security strategy and design intent, a planning condition regarding secure by design criteria is included in accordance with Policy DC1 of the Local Plan which requires development to reduce the opportunities for criminal behaviour.

## **9.0 AMENITY CONSIDERATIONS**

### **Residential Amenity**

- 9.1 One of the key objections received from residents relates to the impact of the proposed development on the amenity of the surrounding residential occupiers, including the neighbouring properties on Pennard Road, Goldhawk Road and Lime Grove. Matters relating to daylight/sunlight and overshadowing plus loss of outlook and overlooking and privacy are covered in this section of the report.
- 9.2 **Daylight, Sunlight, Overshadowing and Solar Glare**  
**Policy D6 of the London Plan**, supported by the Mayor's Housing SPG, seeks to ensure that high quality housing schemes are delivered, which includes providing sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing, and maximising the useability of outside amenity

space. **London Plan Policy D8** reiterates the importance of ensuring that tall buildings do not compromise the comfort and enjoyment of neighbouring residential properties and open spaces to new development.

- 9.3 There are no specific policies about daylight, sunlight or overshadowing in the Local Plan. **Policy HO11 of the Local Plan** includes requirements for residential developments to avoid detrimental impacts on the amenities of residents in the surrounding area. The policy states the protection of existing residential amenities, including such issues such as loss of daylight, sunlight, privacy, and outlook. **Policy DC1 (Built Environment) and DC3 (Tall Buildings)** require development to be well designed and respect of the principles of good neighbourliness. **Policy DC2 (Design of New Build)** requires development to be designed to respect residential amenity and to demonstrate good neighbourliness. This is expanded on within the Planning Guidance SPD (2018). **Key Principles HS6 and HS7** of the SPD seek to protect the existing amenities of neighbouring residential properties, in terms of outlook, light, and privacy.
- 9.4 A daylight/sunlight and overshadowing assessment has been submitted based on the Building Research Establishment (BRE) guidance set out in 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice' published in June 2022 and British Standard EN 17037: 2018 – Daylight in buildings. Chapter 10: A daylight, sunlight, and overshadowing also form part of the ES. The report is based on the scheme's current proposed design massing. The 3D computer model for testing daylight, sunlight and overshadowing has been created from the drawing information. The assessments and supporting evidence have been reviewed by officers and a daylight/sunlight advisor appointed by the Council (Schroeders Begg (UK) LLP) having regard to the sensitivities and objections received on this matter.
- 9.5 The BRE Guide states in its own introduction that: *"The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design."*
- 9.6 The residential properties closest to the proposed development which either face directly on to the development site or have an unobstructed view of the development site have been tested, as well as existing amenity areas surrounding the site.
- 9.7 The assessments consider the impact of the proposed development at Shepherd's Bush Market on any adjacent surrounding buildings and amenity

areas, as well as the potential light levels within the new residential part of the proposed development.

- 9.8 Main habitable rooms of existing neighbouring residential properties have been considered. Habitable rooms in residential properties are defined as kitchens (although smaller kitchens below 13m<sup>2</sup> could potentially be considered as 'non-habitable' in reference to the Major's House SPG), living rooms, dining rooms and bedrooms.
- 9.9 For daylight adequacy to existing neighbouring residential properties, the Vertical Sky Component (VSC) and No Skyline (NSL) assessments have been carried out, and for sunlight adequacy the Annual Probable Sunlight Hours (APSH) study is carried out. The assessment carried out is based on the standard values/targets set out in the BRE guidelines.
- 9.10 Alternative target values referred to for skylight to neighbouring properties (Daylight VSC) and sometimes sunlight, are often used in dense urban areas have been applied in this case. However, in the first instance, background to the BRE Guide and tests and guidelines are provided as follows.
- 9.11 **The Vertical Sky Component (VSC) test** calculates the amount of skylight received at the centre of an existing window. The target value is at least 27% VSC or more. If this value cannot be achieved, the skylight to the existing window should not be reduced by more than 20% (0.8 times) of its the current value, as this may be deemed to have a noticeable impact on daylight levels.
- 9.12 **The No Skyline (NSL) assessment** (also known as Daylight Distribution test) divides those areas of the working plane within an existing room which can receive direct skylight, from those which cannot. It provides an indication of how good the daylight distribution is within an existing room at working plane level. The BRE advises that an existing room may be affected if the area of the working plane in a room which can receive direct skylight is reduced by more than 20% (0.8 times) of its current value. The Interior Illuminance assessment in the current updated guidance is an alternative climate-based daylight test which uses target illuminance (lux) values.
- 9.13 **Annual Probable Sunlight Hours (APSH)** is the measure of the level of sunlight reaching the window on the external face of a building. The BRE Guide recommends that the appropriate date for undertaking a sunlight assessment is on 21st March, this being the spring equinox. Calculations of both summer and winter sunlight availability are also made. The target value is at least 25% of annual probable sunlight hours, and at least 5% in winter. If this target cannot be achieved, the existing sunlight values should not be reduced by more than 20% (0.8 times) in either period or have a reduction in



sunlight received over the whole year greater than 4% of annual probable sunlight hours, which would represent an adverse impact.

- 9.14 The target number of hours of sunlight to be received within a proposed room are:
- Minimum level of sunlight exposure - 1.5 hours
  - Medium levels of sunlight exposure - 3 hours
  - High levels of sunlight exposure - 4 hours
- 9.15 For daylight adequacy to existing neighbouring residential properties, the Vertical Sky Component (VSC) and No Skyline (NSL) assessments have been carried out, and for sunlight adequacy the Annual Probable Sunlight Hours (APSH) study is carried out. The assessment carried out is based on the standard values/targets set out in the BRE guidelines.
- 9.16 Where reductions do not meet BRE Guidelines (for daylight and / or sunlight), ordinarily reductions will be noticeable. For transgressions not meeting target BRE Guidelines for daylight, these have initially been considered in reference broad reduction adversity as follows:
- Minor Adverse: Reductions in VSC or NSL of >20% to 30%.
- Moderate Adverse: Reductions in VSC or NSL of >30% to 40%; and
- Major Adverse: Reductions in VSC or NSL of greater than 40%.

#### **Alternative Targets for Daylight – Neighbouring Review**

- 9.17 Given the background to the site with minimal massing currently on site (and associated subsequent high levels for some properties of daylight and / or sunlight), for suitable development of the site given the site designation as both a White City Opportunity Area and a White City Regeneration Area, Alternative Targets for the site have been considered as appropriate for this site. Alternative Target value approaches are recognised within the Appendix F of the BRE Guide.
- 9.18 Where transgressions to BRE Guidelines exist for daylight VSC or Sunlight APSHs, reference to applicable Alternative Target for the site have been considered as follows.

#### Daylight VSC

Unencumbered windows:

Living rooms / Living/Kitchen/Dining rooms: Retained VSC of 18

Bedrooms: Retained VSC of 16

For windows in a recessed / 'winged wall' arrangement or side facing position relating to Pennard Road properties: Retained VSC of 8 (ground floor).

### Sunlight APSH

Main living rooms, serving predominantly unencumbered windows of applicable orientation (room APSH): 20 APSH.

- 9.19 The aforementioned Alternative Targets have been arrived at with due consideration to minimal massing currently on the site, the site being within an opportunity/ regeneration area, reference to various appeal cases and with some consideration to suitable typology of values within applicable context. It is important to highlight, similar to BRE Guide default target criteria, Alternative Target values should be considered flexibly given other factors may also be relevant to the window / room under consideration.
- 9.20 In consideration of the BRE Guide, including applicable Alternative Targets and overall context / background, consideration of the effect of the proposal upon neighbouring properties has been summarised in reference to Environmental Impact Assessment (EIA) as per Appendix H of the BRE Guide.

### **Daylight Assessment**

- 9.21 Daylight results (and as applicable for sunlight) were tested for the following neighbouring properties:

#### **Broadly East of site:**

- Nos. 5 - 69 (odds) Pennard Road
- Flat Nos. 9 - 11 (odds) Lanark Mansions, Pennard Road

#### *Opposite side of Pennard Road / further from site:*

- Nos. 4 - 16 (evens) Pennard Road
- Flat Nos. 10 - 16 (evens) Lanark Mansions, Pennard Road

#### **Broadly South of site:**

- Nos. 24, 26 Goldhawk Road
- 1-28 Pennard Mansions, Goldhawk Road
- Nos. 34, 36-38, 40, 50 & 52 Goldhawk Road

#### *Opposite side of Goldhawk Road / further from site:*

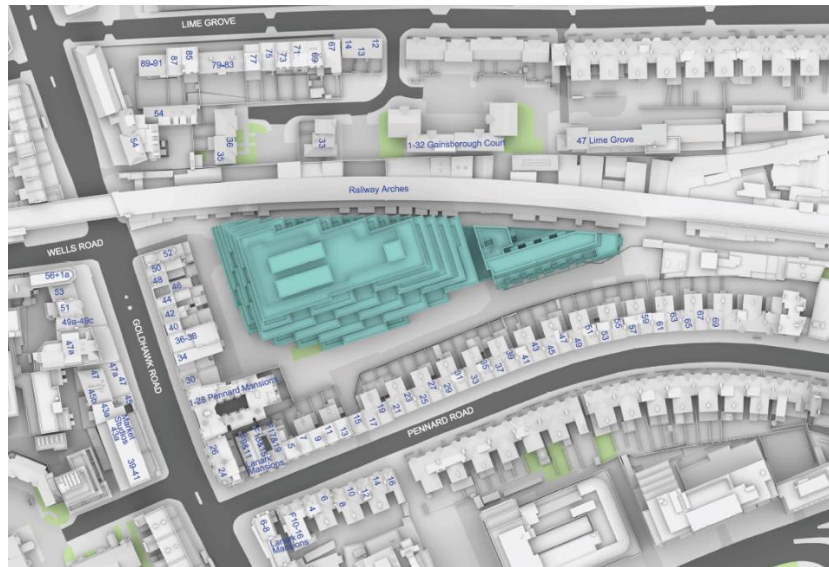
- 39-41 Goldhawk Road
- Market Studios, 43a Goldhawk Road
- 45a, 45b, 47, 49, 49a-49c, 51, 53 Goldhawk Road
- 56 Goldhawk Road & 1a Wells Road

#### **Broadly West of site:**

- 54 Goldhawk Road
- 1-32, 33, 35, 36 Gainsborough Court, Lime Grove
- 47 Lime Grove

Further from site but rear elevation windows facing:

- 67 - 77 (odds), 79-83, 85, 87 & 89-91 Lime Grove
- 12, 13 & 14 Gaumont Terrace, Lime Grove



**Table 19: Properties tested for Daylight/Sunlight**

9.22 In summary the following details/results have been provided in respect of BRE Guidelines with consideration to reductions:

- Overall, 933 windows tested for VSC daylight standards and 573 rooms for NSL.
- 52% of Nos. 5-13 (odds) & 17-69 (odds) Pennard Road windows (150 out of 291) meet the VSC daylight standard. In terms of transgressions to BRE Guide, those not meeting could be considered as 51 No. 'minor', 51 No. 'moderate' and 38 No. more 'major'.
- 68% of Nos. 5-13 (odds) & 17-69 (odds) Pennard Road rooms (128 out of 187) meet the NSL daylight standard. In terms of transgressions to BRE Guide, those not meeting could be considered as 8 No. 'minor', 19 No. 'moderate' and 32 No. more 'major'.
- 78% of 1-28 Pennard Road Mansions, Goldhawk Road windows (52 out of 67) meet the VSC daylight standard. 87% (46 out of 53) meet for NSL.
- 5 out of 19 windows for Nos. 34, 36-38, 40, 50-52 Goldhawk Road meet the VSC daylight standard. 3 out of the 14 rooms meet for NSL.
- 92% of windows (285 out of 309) to 54 Goldhawk Road, 1-32, 33, 35, 36 Gainsborough Court 47, 67-77 (odds), 79-83, 85, 87, 89-91 Lime Grove and 12, 13, 14 Gaumont Terrace, Lime Grove meet the VSC daylight standard. 95% of rooms (207 out of 218) meet for NSL.
- 100% of windows for VSC and rooms for NSL meet for Flat Nos. 9-11 (odds) and Nos. 10-16 (evens) Lanark Mansions on Pennard Road, Nos. 4

- 16 (evens) Pennard Road including also Nos. 24, 26, 39-41, Market Studios, 43a, 45a, 45b, 47, 49, 49a-49c, 51, 53 and 56 Goldhawk Road & 1a Wells Road.

9.23 The results are summarised in more detail below:

**Nos. 5-13(odds) & 17-69 (odds) Pennard Road:**

- For 7 No. properties (Nos. 57-69 odds Pennard Road), reductions in daylight VSC and NSL meet BRE Guidelines. For the remaining 25 No. properties, there are some windows / rooms having reductions not meeting BRE Guidelines.
- For daylight VSC, reductions to ground floor broadly 'unencumbered' site facing window positions not meeting BRE Guidelines are summarised in Table 3 below.

**Table 3 – Daylight VSC - Nos. 5-13 (odds) and Nos. 17-69 (odds) Pennard Road – Ground floor broadly unencumbered windows for reductions not meeting BRE Guideline**

| <b>Prop. No.</b> | <b>Room Ref.</b> | <b>Window Ref.</b> | <b>Existing VSC</b> | <b>Proposed VSC</b> | <b>Reduction %</b> |
|------------------|------------------|--------------------|---------------------|---------------------|--------------------|
| 9                | R1/390           | W1/390             | 23.7                | 17.7                | 25.3%              |
| 9                | R2/390           | W2/390             | 22.5                | 17.7                | 21.7%              |
| 11               | R2/440           | W3/440*            | 24.6                | 18.2                | 25.9%              |
| 13               | R1/470           | W1/470*            | 25.0                | 18.6                | 25.6%              |
| 17               | R2/500           | W4/500*            | 29.5                | 19.8                | 32.8%              |
| 19               | R1/510           | W1/510*            | 30.5                | 18.6                | 39.1%              |
| 21               | R2/540           | W5/540*            | 29.8                | 18.3                | 38.8%              |
| 23               | R1/550           | W1/550*            | 30.8                | 18.1                | 41.3%              |
| 25               | R1/590           | W5/590*            | 33.2                | 18.9                | 43.2%              |
| 27               | R1/600           | W1&2/600(av.)      | 27.6                | 16.8                | 39.1%              |
| 29               | R1/630           | W4/630*            | 19.5                | 14.4                | 26.2%              |
| 31               | R1/650           | W1/650             | 25.5                | 14.6                | 42.7%              |
| 33               | R1/690           | W5/690*            | 26.9                | 14.3                | 46.9%              |
| 35               | R1/700           | W1/700*            | 32.4                | 17.5                | 45.9%              |
| 37               | R1/1120          | W1/1120*           | 31.3                | 17.6                | 43.7%              |
| 39               | R1/1100          | W5/1100*           | 28.6                | 18.0                | 37.1%              |
| 41               | R1/1080          | W2/1080*           | 23.1                | 13.7                | 40.8%              |
| 43               | R1/1060          | W3/1060*           | 32.4                | 18.6                | 42.5%              |
| 47               | R2/1020          | W6/1020*           | 30.4                | 16.5                | 45.8%              |
| 49               | R1/1000          | W1/1000*           | 32.8                | 18.3                | 44.2%              |
| 51               | R1/980           | W4/980*            | 31.0                | 18.5                | 40.2%              |
| 53               | R1/960           | W5/960*            | 28.3                | 19.7                | 30.5%              |
| 55               | R2/940           | W5/940*            | 28.7                | 18.7                | 34.9%              |

*\*room also served by more than one window*

- From Table 1, whilst there are transgressions to BRE Guidelines, in consideration of an alternative target criteria of a retained VSC of 18 in the proposed scenario (as rooms more typically living / living/kitchen/dining arrangements in this locality), more than half would still meet this alternative target. For 2 No. of these properties (Nos. 9 & 29), whilst the retained is below a VSC of 18, it is evident that existing values were lower and the effect of the proposal is limited to a 'minor adverse' reduction / minor transgression to BRE Guide default target criteria. For remaining Nos. 27, 31, 33, 35, 37, 41 and 47 Pennard Road, the retained VSC is both below an Alternative Target and incurred reductions are typically 'major adverse'; however, in a number of instances, the windows are not totally 'unencumbered' so some reasonable consideration to such context and in other instances, there are other aspects applicable in the inherent arrangement / reduction applicable.
- For unencumbered windows at 1<sup>st</sup> and 2<sup>nd</sup> floor, whilst reductions would typically be 'moderate or major' at 1<sup>st</sup> floor and 'moderate' adverse at 2<sup>nd</sup> floor, the windows in most instances are considered to serve bedrooms. In consideration of Alternative Targets, for bedrooms the target retained VSC is 16; except for one isolated instance, all retained VSC's are readily above 16 at 1<sup>st</sup> floor and even more the case for 2<sup>nd</sup> floor.
- For 'recessed' window positions, reductions could be considered typically 'moderate' at ground floor and 'minor' adverse at 1<sup>st</sup> floor and retained almost all retained values at ground floor are above the Alternative Target (i.e. ground floor recessed VSC of 8).
- For daylight distribution, reductions to ground floor rooms broadly served by 'unencumbered' site facing window positions for reductions not meeting BRE Guidelines is summarised in Table 4 below.

**Table 4 – Daylight Distribution - Nos. 5-13 (odds) and Nos. 17-55 (odds) Pennard Road – Ground floor rooms served by broadly unencumbered windows for reductions not meeting BRE Guideline**

| <b>Prop. No.</b> | <b>Room Ref.</b> | <b>Window Ref.</b> | <b>Existing NSL %</b> | <b>Proposed NSL %</b> | <b>Reduction %</b> |
|------------------|------------------|--------------------|-----------------------|-----------------------|--------------------|
| 9                | R1/390           | W1/390             | 96.0                  | 53.5                  | 44.1%              |
| 27               | R1/600           | W1,2/600           | 99.3                  | 22.5                  | 77.3%              |
| 31               | R1/650           | W1/650             | 79.3                  | 35.6                  | 54.9%              |
| 35               | R1/700           | W1/700*            | 98.2                  | 52.4                  | 46.6%              |
| 47               | R2/1020          | W6/1020*           | 99.9                  | 74.2                  | 25.7%              |

*\*room also served by more than one window*

- From Table 4, whilst there are transgressions to daylight distribution to BRE Guidelines, for ground floor rooms served by broadly ‘unencumbered’ window positions, the quantum is limited. For the highest daylight distribution reduction, the applicable room in that instance, has a maximum depth of circa 7 metres; the BRE Guide recognises in para. 2.2.4 that ‘... if an existing building contains rooms lit from one side only and greater than 5m deep, then a greater movement of the no skyline may be unavoidable’ (part extract). Whilst the depth of this effectively single-aspect room is having some inherent sensitivities upon the analysis review, it is acknowledged that a significant loss in daylight distribution would occur to this room.
- For rooms served by unencumbered windows at 1<sup>st</sup> and 2<sup>nd</sup> floor, whilst reductions in daylight distribution would typically be ‘major’ at 1<sup>st</sup> floor and ‘moderate or major’ adverse at 2<sup>nd</sup> floor, the windows in most instances are considered to serve bedrooms. In the majority of instances, retained daylight distribution would be to at least half the room area able to receive direct skylight at working plane, although there are 12 No. instances where retained values are below this. In consideration that the majority of these rooms are anticipated to be bedrooms, the BRE Guide recognises within para. 2.2.10 in respect of daylight distribution ‘... bedrooms should be analysed although they are less important’.
- For rooms served by ‘recessed’ window positions, reductions in daylight distribution more typically meet BRE Guidelines; there are 13 No rooms at ground floor (served by a recessed window position) which have reductions not meeting BRE Guidelines; 2 ‘minor’, 6 ‘moderate’ and 5 No. ‘major’ adverse reductions.

- In conclusion, it is evident that a number of windows / rooms to Nos. 5-13 (odds) and Nos. 17-69 (odds) Pennard Road would have reductions in daylight VSC and / or daylight distribution beyond BRE Guidelines. However, for the Alternative Target considered for daylight VSC, the majority of reductions would meet such target. For reductions to daylight distribution, there are a limited rooms served by unencumbered windows which do not meet BRE Guidelines plus 13 No. rooms served by recessed windows (the latter having inherent sensitivities existing in such arrangement); typically, rooms at 1<sup>st</sup> and 2<sup>nd</sup> floor are bedrooms where daylight distribution is considered less important. Overall, for Nos. 5-13 (odds) and Nos. 17-55 (odds) Pennard Road, in consideration of EIA, impacts are considered ranging between 'minor' to 'moderate' adverse impact for these particular properties with due consideration also to Alternative Target criteria.

### **1-28 Pennard Mansions, Goldhawk Road:**

- The existing residential flats in the block would meet BRE Guidelines excepting for some windows / rooms due generally to inherent limitations of these particular window positions, e.g. flank wall position, recessed within lightwell etc. For reductions in daylight VSC not meeting BRE Guidelines, these are summarised as; 2 No. living/dining rooms ('minor' adverse'), 8 No. kitchens (although could potentially be considered as 'non-habitable as below 13 m<sup>2</sup> in reference to the Major of London Housing SPG) and 4 No. bedrooms (ranging 'minor' to 'major' adverse reduction). For reductions in daylight distribution not meeting BRE Guidelines, these are summarised as; 1 No. living/dining rooms ('minor' adverse'), 1 No. kitchen and 5 No. bedrooms (being either 'moderate' or 'major' adverse reduction however, daylight distribution is less important to bedrooms). In consideration of EIA, impacts are considered 'minor' with isolated 'moderate' adverse impact for this building with due consideration also to Alternative Target criteria.

### **34 Goldhawk Road:**

- This property has 3 No. single-aspect studio flats facing site (one at 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> floor). The windows serving these rooms are almost on the boundary and could be considered as seeking an inequitable share for daylight if such factors as 'mirror-development' were to be considered. Balcony soffits are also above the windows at 1<sup>st</sup> and 2<sup>nd</sup> floor resulting in some inherent sensitivity.
- For reductions in daylight VSC, all would be considered 'major' adverse reductions (ranging 43.8% to 70%). Retained Alternative target values would be met for the 3<sup>rd</sup> floor studio but not at 1<sup>st</sup> or 2<sup>nd</sup> floor.
- For reductions in daylight distribution, the 3<sup>rd</sup> floor meets BRE Guidelines, and the remaining 2 No. studios are considered broadly 'minor adverse' Retained values of daylight distribution result in at least two-thirds of the room area at

working plane having access to direct skylight which is considered good for an urban context.

- In conclusion, EIA could be considered broadly 'moderate' adverse impact.

#### **36-38 Goldhawk Road:**

- This property has 3 No. single-aspect one-bedroom flats facing site (one at 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> floor). The windows serving these rooms are almost on the boundary and could be considered as seeking an inequitable share for daylight if such factors as 'mirror-development' were to be considered. Balcony soffits are also above the living room windows at 1<sup>st</sup> and 2<sup>nd</sup> floor and a large roof eaves above 3<sup>rd</sup> floor windows resulting in some inherent sensitivity.
- For reductions in daylight VSC, all would be considered 'major' adverse reductions (ranging 56.3% to 81.5%). Retained Alternative target values would not be met although for 1 No. living room and all 3 No. bedrooms they could be considered as generally meeting 'mid-teens'.
- For reductions in daylight distribution, all would be considered 'major' adverse reductions (ranging 62.4% to 73.6%). Retained values of daylight distribution result in just circa one-quarter of the room area at working plane having access to direct skylight.
- In conclusion, EIA could be considered 'major' adverse impact.

#### **Nos. 40 and 50-52 Goldhawk Road:**

- There are limited windows to these properties facing site serving residential flats but given the context, there is some adversity to daylight VSC and / or daylight distribution. In consideration of EIA, these could be considered broadly 'minor / moderate' adverse impact.

#### **Remaining Nos. 1-32 Gainsborough Court Lime Grove, Nos 67-77 (odds) Lime Grove, Nos. 12, 13 & 14 Gaumont Terrace, Lime Grove:**

- There is some isolated adversity to daylight VSC and / or daylight distribution to these residential properties. In consideration of EIA, these could be considered broadly 'minor' adverse impact.

#### **Daylight – Conclusion**

- 9.24 Given that there is minimal massing across site, and for meaningful development to take place having consideration of this Site being an opportunity / regeneration area, some transgressions from BRE Guide default target criteria are inevitable; hence consideration has also been given to Alternative Target criteria. For those properties with reductions not meeting BRE Guidelines, and in consideration of context and Alternative Target criteria, in respect of EIA, impacts would range 'minor' to 'moderate' pending which property is under consideration with the isolated exception of 36-38



Goldhawk Road where impacts are considered 'major adverse'. Officers therefore consider that the overall effects are not sufficient to warrant refusal of planning permission.

### **Sunlight**

9.25 Given the orientation of windows to neighbouring properties, Nos. 5-13 (odds) & 17-69 (odds) Pennard Road, 1-28 Pennard Road and 12, 13, 14 Gaumont Terrace Lime Grove are the main properties for review. In terms of room use, living rooms are the main focus for review and summarised as follows for reductions not meeting BRE Guidelines.

- **Nos. 5-13 (odds) & 17-69 (odds) Pennard Road:** For anticipated living rooms / (including open plan living/kitchen/dining rooms) served by windows facing the site and in broadly 'unencumbered' window positions, reductions typically meet BRE Guide default target (on a room basis review), excepting for a small number of isolated living rooms for winter hours (this statement excludes recessed windows given the anticipated relative room use and inherent sensitivities).
- **1-28 Pennard Mansions, Goldhawk Road:** Main living rooms windows would ordinarily not be applicable for review given the rear elevation facing site is broadly north facing. However, the windows within the west facing elevation serving living rooms are applicable for review; there are 2 No. living rooms with reductions in ASPH not meeting BRE Guidelines; reduction of circa 30% and circa 50% respectively (winter hours is met).
- **12, 13 & 14 Gaumont Terrace:** Isolated reduction of winter hours to No. 13 and isolated reduction of APSH to No. 14. Both respective reductions are circa 30%.

9.26 The overall sunlight results presents reductions but in the majority of instances, reductions would meet BRE Guidelines in consideration of main living rooms (non-recessed). There are some higher reductions to bedrooms but there is not a target set for such rooms as considered less important to sunlight provision for living rooms.

### **Overshadowing Existing Amenity Areas**

9.27 61 No. out of the 67 No. amenity areas meeting the BRE Guide default target (BRE Guide 2-hour amenity test on 21<sup>st</sup> March). For the 6 No. not meeting the target, 3 No. can be considered as 'minor adverse' / close to the target. For the remaining 3 No. amenity areas, this relates to:

- **1-32 Gainsborough Court:** Existing 30.9% to Proposed 19.7% (reduction 36.1%)
- **29 Pennard Road:** Existing 21.3% to Proposed 13.0% (reduction 39.1%)
- **31 Pennard Road:** Existing 17.3% to Proposed 9.2% (reduction 47.2%)

9.28 It is evident that there are inherent arrangements to the aforementioned respective amenity areas, resulting in greater sensitivity and contributing towards the outcome of reductions not meeting BRE Guide target. The scheme demonstrates for the majority of amenity areas, reductions in reference to the 2-hour amenity test meets BRE Guidelines. In terms of transient shadowing, it is inevitable that there will be some increased shadowing from the scheme; transient shadow plots for standard assessment dates within the year have been prepared, including the change in shadow pattern to the Pennard Road amenity areas (albeit the 2-hour test on 21<sup>st</sup> March is met excepting as identified).

### **Daylight and Sunlight to Proposed Residential**

- 9.29 A daylight and sunlight assessment has been undertaken for the habitable rooms within the proposed residential part of the development. Habitable rooms in residential properties are defined as kitchens, living rooms, dining rooms and bedrooms.
- 9.30 Daylight has been reviewed on an illuminance method (using climate files) and in terms of quantitative review, circa 83% of habitable rooms (97 No. out of 117 No. habitable rooms) meet target provision for daylight which could be considered reasonable for the given context (allowing a 150-lux target for open plan living/kitchen/dining rooms).
- 9.31 In terms of the 20 No. rooms not meeting target, from a qualitative viewpoint, the majority of rooms are still relatively close to target provision with the exception of 2 No. living/kitchen /dining (LKD) rooms (room refs. R1/2001 at 1<sup>st</sup> floor and R1/2002 at 2<sup>nd</sup> floor) and 4 No. bedrooms (room refs. R2/2001 at 1<sup>st</sup> floor, R2/2002 at 2<sup>nd</sup> floor, R2/2003 at 3<sup>rd</sup> floor and R2/2004 at 4<sup>th</sup> floor). In reference to these 2 No. LKDs, the daylight is lower than comparable LKDs within the scheme since for these particular rooms, the room is not dual aspect / there is no rear window due to the return of the building / deck access arrangement. However, the main front living area within this room (served by the front window) will have good access to daylight provision. This building return / deck access arrangement also affects the 4 No. bedrooms highlighted with lower levels of daylight although to highlight, these relate to the smaller of the bedrooms within these two-bedroom flats.

- 9.32 In terms of sunlight exposure to dwellings, this has been reviewed and all dwellings meet BRE Guide target criteria; officers conclude that reasonable sunlight exposure is provided to the dwellings.
- 9.33 In terms of sunlight to amenity, the ground floor public amenity space has been reviewed which readily meets the BRE Guide target criteria.
- 9.34 It is concluded that reasonable daylight and sunlight provision has been made for the future occupants of the proposed residential part of this scheme. As such, the conclusions presented in the supporting document are considered acceptable.
- 9.35 Officers have considered effects of the proposals on daylight, sunlight, overshadowing. The policy framework clearly supports the flexible application of daylight, sunlight, and overshadowing guidance to make efficient use of land, and not to inhibit density. These policy documents resist the rigid application of guidelines and signal a clear recognition that there may be circumstances in which the benefits of not meeting them are justifiable, so long as acceptable levels of amenity are still enjoyed. Whilst there is the possibility of some isolated alterations in daylight, sunlight and overshadowing to neighbouring properties, the results discussed above illustrate the development will not lead to effects to warrant withholding planning permission. As such, the conclusions presented in the ES and supporting documents are considered acceptable.

#### **Outlook/sense of enclosure**

- 9.36 **Local Plan Policy DC2 and Policy DC3** state that all new builds and tall buildings must be designed to respect good neighbourliness and the principles of residential amenity. **Local Plan Policy DC2**, at part E states that all proposals must be designed to respect good neighbourliness and the principles of residential amenity.
- 9.37 **Key Principle HS6** of the Planning Guidance SPD states that 'The proximity of a new building or an extension to an existing building can have an overbearing and dominating effect detrimental to the enjoyment by adjoining residential occupiers of their properties' and prescribes a method for assessment of outlook:' Although it is dependent upon the proximity and scale of the proposed development, a general standard can be adopted by reference to a line produced at an angle of 45 degrees from a point 2 metres above the adjoining ground level of the boundaries of the site where it adjoins residential properties. If any part of the proposed building extends beyond these lines, then on-site judgement would be a determining factor in assessing the effect which the extension would have on the existing amenities of neighbouring properties.' Where original rear gardens are less than 9

metres depth, a measurement is taken from ground level at the boundary. Where there are existing circumstances, such as buildings which would be replaced in a redevelopment, it would be inappropriate not to have regard to these.

- 9.38 The site is adjoined to the rear by residential properties on both Pennard Road and Goldhawk Road. At present the neighbouring residential properties have unobstructed views across the Old Laundry Yard, meaning they enjoy daylight and outlook conditions which are more akin to a suburban location rather than an urban environment in central London. It would not be realistic for there to be an expectation that this character should prevail for a brownfield site in a regeneration area. The commercial building would be located at the widest part of the site, with the residential building to the north, where the site narrows. The workspace building would measure (41.95m AOD at its highest point). The residential building measures 27.8m AOD at its highest point.
- 9.39 Separation distances to the rear of houses on Pennard Road achieve an acceptable minimum distance of at least 18 metres at lower levels (21 metres to primary living space windows), with upper levels of the commercial building deliberately stepping away from these residential uses. The boundary condition to the rear of properties on Pennard Road is also proposed to be softened with planting, including mature trees, providing additional screening.
- 9.40 The height, form and massing of the proposed buildings have been designed to respond to existing surrounding conditions, with a stepped arrangement. The commercial building would have prominence from adjacent rear gardens and rear rooms of properties on Pennard Road and properties to the rear of Goldhawk Road. The stepped arrangement would however break-up of the mass and reduce the scale and prominence of the buildings when viewed from neighbouring residential properties. Overall, the impacts identified are considered acceptable for this dense urban context and highly accessible location.
- 9.41 The tallest elements of each of the proposed buildings is set furthest away from the residential properties. The mass and form have been carefully considered to minimise the impacts on outlook and officers conclude that whilst the buildings are visible the surrounding neighbouring properties, it would not adversely harm the amenities of the surrounding occupiers. Based on on-site judgement, officers conclude that the loss of outlook or increase the sense of enclosure would not be to such an extent to warrant the withholding planning permission.

- 9.42 At the southern end of the site, the commercial building allows an acceptable minimum separation distance of 10 metres to neighbouring commercial uses on Goldhawk Road.
- 9.43 It is recognised that the proposals will have some impact on the Goldhawk Road and Pennard Road properties. However, this has been minimised as far as possible with measures taken to protect residential amenity. The proposals fully address policy HS6 and are considered to be of an appropriate given the White City Opportunity Area location.

#### **Privacy/overlooking**

- 9.44 **SPD Key Principle HS7 (iii)** sets an 18m standard from windows in new development to existing windows, in order to protect privacy. The SPD clarifies that the 18m distance would be measured by an arc of 60 degrees taken from the centre of the proposed new window to ensure that there is no loss of privacy to neighbouring occupiers.
- 9.45 The proposed buildings are at a minimum 18m away from the closest window and greater than 21m away from primary windows. Setbacks to the design of both building reduce the impact further. The proposed development complies with SPD Policy 8. It is considered that the separation distance between the development and closest neighbouring properties would ensure that no loss of privacy or significant overlooking would occur to existing properties. Accordingly, officers are of the opinion that the proposal would not have an unacceptable impact on the privacy to neighbouring properties. Further details of the proposed material and glazing treatment to windows are required to be submitted by condition. Whilst acknowledging the objections received, it is considered that the proposed building does not result in a significant loss of outlook, privacy or overlooking to neighbouring properties to warrant refusal of planning permission and as such, it is considered that it complies with Local Plan Policies DC2, DC3, HO4 and HO11 and Key Principle HS6 and HS7 of the Planning Guidance SPD.
- 9.46 Overall officers are satisfied that the proposal would provide acceptable amenity and environmental standards for existing and future residents. The proposals are considered to be well designed and in accordance with the NPPF, London Plan, and Policies HO11, DC1, DC2 and DC3 of the Local Plan and the Council's Planning Guidance Supplementary Planning Document.

## **10.0 DESIGN, HERITAGE, AND TOWNSCAPE**

### **Design**

- 10.1 **The NPPF** seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The NPPF also requires that proposals should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
- 10.2 **The NPPF** states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Part 12 of the NPPF outlines the requirement for good design and Paragraph 127 sets out that planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 10.3 **Chapter 3 (Design) of the London Plan 2021** seeks to secure the delivery of good design through a variety of ways. Policies D3 (Optimising Site Capacity through the Design-Led Approach), D4 (Delivering Good Design), D6 (Housing Quality and Standards), D8 (Public Realm) and D9 (Tall Buildings) are particularly relevant to the consideration of this application. Policy D3 highlights that all development must make the best use of land by following a design-led approach that optimises the capacity of sites, through careful consideration of issues such as form and layout, experience, alongside consideration of quality and character. Policy D4 highlights that where appropriate, visual, environmental and movement modelling / assessments should be undertaken to analyse potential design options for an area, site, or development proposal. These models, particularly 3D virtual reality and other interactive digital models alongside use of design review should, where possible, be used to inform decision-taking, and to engage Londoners in the

planning process. Policy D6, promotes a series of quality and standards new housing development should aim to achieve. Policy D8 sets a series of criteria to ensure that ensure the public realm is well-designed, safe, accessible, inclusive, attractive, and well-connected. Policy D9 promotes a plan-led approach to tall buildings and a framework to assess the impacts of such developments.

- 10.4 **Local Plan Policies DC1, DC2 and DC3** are particularly relevant to the assessment of design. Policy DC1 (Built Environment) states that all development within the borough should create a high-quality urban environment that respects and enhances its townscape context and heritage assets. There should be an approach to accessible and inclusive urban design that considers how good design, quality public realm, landscaping and land use can be integrated to help regenerate places. Policy DC2 (Design of New Build) sets out to ensure that new build development will be of a high standard of design and compatible with the scale and character of existing development and its setting. Policy DC3 (Tall Buildings) identifies four areas within which tall building may be appropriate, including White City Regeneration Area; the policy also sets a framework to assess proposals for tall buildings in those areas.

#### **Architectural Character**

- 10.5 The architectural character of the proposal scheme is informed by both the varied character of the local area, whilst also bringing forward a scheme with its own distinctive appearance. The two new-build blocks, the workspace, and housing blocks are largely focussed on the use of brick as the main interface material and use of other elements such as contrasting concrete detailing. The workspace building features a stepped approach to massing which is broken-up through the introduction of landscaped planting features. The layering of the building façades adds character and richness both in terms of detailing and reveals.
- 10.6 The residential block, has a slightly more ordered appearance, seeking to balance the detailing of the workspace building, whilst also reflecting and interpreting the detailing of the surrounding Victorian terraces. Again, the approach takes a stepped approach to the eastern façade, using recessive balconies to break-up the massing of the scheme.
- 10.7 Within the market itself, the approach to architectural interventions has been carefully considered with the proposal for new entrance features sensitively designed to create a legible entrance to the market from both Goldhawk Road and Uxbridge Road. The introduction of canopies to the viaduct arches have also been sensitively designed to ensure that the historic features of these elements remain prominent.

- 10.8 Overall, the scheme is considered to represent a high quality of design, which makes a positive contribution to the site and the legibility of Shepherd's Bush Market.

### **Tall Building**

- 10.9 The proposed 9 storey workspace building would be defined as a tall building following the approach of the London Plan Policy D9. This element of the proposal scheme has been subject to significant design development to ensure that the appearance and architectural detailing of the scheme is of the highest quality achievable.
- 10.10 Overall, the building has been designed to bring forward a stepped massing, which helps to anchor this element of the proposal within the surrounding context. The stepped 'landscaper' approach is considered to represent a positive addition to the surrounding streetscape, which not only highlights and provides a wayfinding market to Shepherd's Bush Market, but also seeks to moderate the scale of development to the adjacent context.
- 10.11 The proposals have been subject to review by the Hammersmith and Fulham Design Review Panel, where the panel supported the approach to design of the building. The panel recognised the constraints of the site and the need to balance the approach to scale and massing within this setting.
- 10.12 1:25 bay studies of the development have already been provided to give additional detail of the architectural appearance of the scheme. These details would be supplemented by further 1:20 details, alongside further details of the proposed materials and sample panels are proposed to be secured by condition as part of the suggested conditions attached to this report.

### **Tall Building Assessment**

- 10.13 **Local Plan Policy DC3 (Tall Buildings)** highlights, tall buildings, which are significantly higher than the general prevailing height of the surrounding townscape and which have a disruptive and harmful impact on the skyline, will be resisted by the council. The policy also highlights several areas within which development of tall buildings would be appropriate.
- 10.14 The application site is situated in an area within which tall/large buildings would be considered appropriate, the White City Regeneration Area. Therefore, the principle of a tall building-up to 9 storeys would comply with Policy DC3 in this regard.
- 10.15 Local Plan (2018) Policy DC3 provides a framework for the assessment of applications for tall buildings in regeneration areas. Tall buildings, which have



a disruptive and harmful impact on the skyline, will be resisted by the council. The framework includes a number of criteria which should be met:

Impact assessment

*a. has a positive relationship to the surrounding townscape context in terms of scale, streetscape and built form;*

10.16 As suggested above, the scale of the proposed tall building varies from part 3/4 storeys adjacent to Pennard Road to the east of the site boundary to a height of 9 storeys to the elevated railway viaduct to the west. The stepped arrangement of the building provides a transition in the scale of the building, which also serves to create a local 'marker' to provide wayfinding to the market within the surrounding streetscape. As such, the development is considered to have a positive relationship to the surrounding built form.

*b. is of the highest quality of architectural design and materials with an appropriate form and silhouette which contributes positively to the built heritage and image of the borough;*

10.17 The architectural appearance of the development is considered to represent a high-quality of design. The stepped massing of the scheme and recessive elements are designed to create a sensitive balance with the varied local context, whilst also, (in the case of the workspace building), provide a local 'marker' to Shepherd's Bush Market. Additional 1:25 details have been provided within the application submission to illustrate the detailed quality of design and appearance of the development.

*c. has an acceptable impact on the skyline, and views from and to open spaces, the riverside and waterways and other locally important views and prospects;*

10.18 The proposal would, given its modest scale and height would not result in any detrimental impacts upon the skyline of Hammersmith and Fulham. Whilst there would be some localised impact upon some views, these are not considered to detrimental to the character or skyline overall. Key views of the borough, particularly from the riverside and Shepherd's Bush Green would be preserved.

*d. has had full regard to the significance of heritage assets including the setting of, and views to and from, such assets, has no unacceptable harmful impacts, and should comply with Historic England guidance on tall buildings;*

10.19 The impact of the development has been fully considered upon adjacent heritage assets as set out in the latter sections of this report. The development would have some limited impact upon the setting of the Shepherd's Bush Conservation Area, (namely the Pennard Road sub-area). However, this harm is considered to be less than substantial harm, to the lower end of the scale of harm. The proposals are not considered to result in any harm to other heritage assets surrounding the application site. (Further detailed assessment of this element is provided later in this report).

*e. is supported by appropriate transport infrastructure;*

10.20 The proposal is located in a highly accessible location and is served by a number of public transport interchanges, namely at Shepherd's Bush. The development is car-free and supported by adequate cycle storage provision.

*f. has an appropriate design at the base of the tall building and provides ground floor activity;*

10.21 The base of the tall building is designed to provide a workspace environment with active frontages to the site and to address the key frontage to the existing market environment to the western frontage of the building. These frontages would contribute to the enlivened function of the market.

*g. interacts positively to the public realm and contributes to the permeability of the area;*

10.22 The development is designed to upgrade and complement the existing movement and permeability of Shepherd's Bush Market. It is considered that the tall building, and other principles of the proposal scheme would improve upon the current arrangement adding to the permeability of the area.

*h. is of a sustainable design and construction, including minimising energy use and the risk of overheating through passive design measures, and the design allows for adaptation of the space;*

10.23 The proposal is considered to be of a sustainable design and seeks to achieve an 'Excellent' BREEAM rating. Further detailed consideration of these matters is made elsewhere in this report.

*i. does not have a detrimental impact on the local environment in terms of microclimate, overshadowing, light spillage and vehicle movements; and*

10.24 The proposals are not considered to have a detrimental effect on the local environment. Again, further detailed consideration of these matters is made elsewhere in this report.

*j. respects the principles of accessible and inclusive design.*

10.25 The proposals are considered to meet the principles of accessible and inclusive design. Again, further detailed consideration of these matters is made elsewhere in this report.

10.26 Overall, the proposal scheme is considered to comply with Local Plan (2018) policy DC3 and the development of a tall building would not result in a disruptive or harmful impact upon the skyline.

10.27 **London Plan Policy D9 (Tall Buildings)** is split into three elements, Part A provides a London wide definition of a tall building, Part B, highlights the need for boroughs to take a plan-led approach to the development of tall buildings within Local Plans, and Part C provides an impact framework to assess proposals for tall buildings. The policy definition for a tall building is a building which is 6 storeys or 18 metres measured from ground to the floor level of the uppermost storey.

10.28 Consequently, the proposed development would constitute development of tall buildings for the purpose of Policy D9.

10.29 The following section provides a detailed assessment of the application against the impact framework of Policy D9 as required based on part C of the policy.

## **Impact assessment**

### Visual Impacts

10.30 a) *the views of buildings from different distances:*

- i. long-range views – these require attention to be paid to the design of the top of the building. It should make a positive contribution to the existing and emerging skyline and not adversely affect local or strategic views.*
- ii. mid-range views from the surrounding neighbourhood – particular attention should be paid to the form and proportions of the building. It should make a positive contribution to the local townscape in terms of legibility, proportions and materiality.*
- iii. immediate views from the surrounding streets – attention should be paid to the base of the building. It should have a direct relationship with*

*the street, maintaining the pedestrian scale, character and vitality of the street. Where the edges of the site are adjacent to buildings of significantly lower height or parks and other open spaces there should be an appropriate transition in scale between the tall building and its surrounding context to protect amenity or privacy.*

10.31 The proposed development, given the scale of the tall building up to 9 storeys, would impact upon predominantly upon immediate, mid-range views. The application is supported by a detailed Heritage, Townscape and Visual Impact Assessment (HTVIA).

10.32 The outcomes of this assessment are considered in later sections of this report.

10.33 In summary, the townscape impacts of the scheme are largely limited to views from Goldhawk Road, Pennard Road, Lime Grove and the adjacent context. The stepped massing and design of the proposal scheme has been sensitively designed to mitigate these impacts and provide a stepped transition from the immediate and varied surrounding context.

*a. whether part of a group or stand-alone, tall buildings should reinforce the spatial hierarchy of the local and wider context and aid legibility and wayfinding*

10.34 The proposed development would create a stepped transition from the varied townscape context, whilst also providing new buildings which positively provide a wayfinding marker to Shepherd's Bush Market from the surrounding environment.

*b. architectural quality and materials should be of an exemplary standard to ensure that the appearance and architectural integrity of the building is maintained through its lifespan.*

10.35 The architectural quality of the development has been fully considered throughout the design process and subject of Design Review. The architectural appearance of the development is considered to represent a high-quality of design. The stepped massing of the scheme and recessive elements are designed to create a sensitive balance with the varied local context, whilst also, (in the case of the workspace building), provide a local 'marker' to Shepherd's Bush Market. Additional 1:25 details have been provided within the application submission to illustrate the detailed quality of design and appearance of the development.

*c. proposals should take account of, and avoid harm to, the significance of London's heritage assets and their settings. Proposals resulting in harm*

*will require clear and convincing justification, demonstrating that alternatives have been explored and that there are clear public benefits that outweigh that harm. The buildings should positively contribute to the character of the area*

10.36 A small element of the proposal site, 15 Pennard Road/entrance to Pennard Mews is located in the Shepherd's Bush Conservation Area, however beyond this element, other parts of the site are not located in a Conservation Areas and do not include any heritage assets. Following careful consideration of the impacts of the development, (as discussed in the section below), the proposals would result in some limited harm to the setting of the Shepherd's Bush Conservation Area. The balance of this harm, against high quality, character and architectural quality of the proposal scheme has been carefully considered through the assessment of the application; consideration of the balance taken with regard to this harm and the other public benefits of the scheme are considered in the conclusion of this report.

*d. buildings in the setting of a World Heritage Site must preserve, and not harm, the Outstanding Universal Value of the World Heritage Site, and the ability to appreciate it*

10.37 The proposal site is not within the setting of any World Heritage Site.

*e. buildings near the river Thames, particularly in the Thames Policy Area, should protect and enhance the open quality of the river and the riverside public realm, including views, and not contribute to a canyon effect along the river.*

10.38 The proposal is not located close to the river Thames. Therefore, there would be no impact in this regard.

*f. buildings should not cause adverse reflected glare*

10.39 The design principles of the scheme include provision of fenestration set into reveals. As such, these measures should avoid adverse reflected glare from the development upon the surrounding environment.

*g. buildings should be designed to minimise light pollution from internal and external lighting*

10.40 The existing site will be replaced with a mixed-use development. A condition would ensure that external illumination from all external artificial lighting relating to the development shall be in accordance with the recommendations of the Institution of Lighting Professionals in the 'Guidance Note 01/21 for the reduction of obtrusive light 2021'.

### **Functional Impacts**

- 10.41 The second set of impacts to be assessed under Policy D9 are the functional impacts. As evidenced in the submitted Design and Access Statement, there are dedicated access, entry, and maintenance, that show these concerns have been thought about during the design process. Incorporating these domains into the design from an early stage has resulted in a proposal that would function in a safe and efficient manner while preserving the amenity of neighbours and residents. Additionally, a Fire Statement, details the safety measures utilised in this design and authenticates the fire safety level of the proposed building. This is in line with part C2(a), (b), and (c) of Policy D9.
- 10.42 Transport impacts are dealt with by part C2(d) of Policy D9 and it must be demonstrated that the transport network has capacity to accommodate the development. The submitted Transport Assessment has found that there are no sound transport objections to the proposal and so it is clear that the local transport network has sufficient capacity. As the transport assessment shows, the proposal is located near London Underground, there are several bus routes and the local street and cycle network is flat, and usable so that residents of this development would have plentiful transport options, despite not having access to a car.

### **Environmental Impacts**

- 10.43 The third set of impacts to be assessed under Policy D9 are the environmental impacts of the development. The proposed development is seeking to achieve an 'Excellent' BREEAM rating which ensure that this proposal would meet the highest environmental and sustainability standards.
- 10.44 A Daylight, Sunlight, and Overshadowing Assessment has been prepared which shows that there would be minor reduction in terms of daylight amenity for the surrounding area. The Assessment however states the neighbouring properties will retain a good level of amenity for an urban location, and therefore some reductions are inevitable.
- 10.45 Overall, it is considered that these reductions are acceptable and that the retained levels of sunlight and daylight amenity are good for an urban location such as this. Consequently, this proposal would not have an unacceptable impact on surrounding daylight and sunlight levels.
- 10.46 The form of the building would have a stepped effect, with varying height, and the taller element is furthest away from surrounding properties to the north. Therefore, part C3(b) of Policy D9 is complied with.

### **Tall Building conclusion**

- 10.47 Considering the development of a tall building at this location, the principle of development is supported by Local Plan Policy DC3. Given the modest scale of proposals, alongside the stepped massing and architectural detailing of the scheme, the current proposals are not considered to have a disruptive or harmful impact on the skyline for the purposes of Policy DC3.
- 10.48 Furthermore, the scheme is considered to provide a positive addition to the skyline and the surrounding townscape creating a marker building to Shepherd's Bush Market from the surrounding townscape. As such, the proposal is considered to comply with the impact frameworks set out in Local Plan (2018) Policy DC3 and London Plan (2021) Policy D9.
- 10.49 The scheme is considered to provide a positive addition to the skyline and the townscape of the borough and would comply with both Local Plan (2018) Policy DC3 and London Plan (2021) Policy D9.

### **Heritage and Townscape**

- 10.50 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the principal statutory duties which must be considered in the determination of any application affecting listed buildings or conservation areas.
- 10.51 It is key to the assessment of these applications that the decision-making process is based on the understanding of specific duties in relation to listed buildings and Conservation Areas required by the relevant legislation, particularly the s.66 duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements set out in the NPPF.
- 10.52 **S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990** requires that: In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 10.53 **Paragraph 184 of the NPPF** states: Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 10.54 **Paragraph 190 of the NPPF** states: Local Planning Authorities should identify and assess the significance of any heritage asset that may be affected by a

proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

- 10.55 **Paragraph 192 of the NPPF** states: In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 10.56 **Paragraph 193 of the NPPF** states: When considering the impact of a Proposed Development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 10.57 **Paragraph 194 of the NPPF** states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
  - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be exceptional.
- 10.58 **Paragraph 195 of the NPPF** states that where a Proposed Development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: a) the nature of the heritage asset prevents all reasonable uses of the site; and b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and d) the harm or loss is outweighed by the benefit of bringing the site back into use.



- 10.59 Paragraph **202 of the NPPF** states: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.60 The **NPPF** makes a clear distinction between the approach to be taken in decision-making where the Proposed Development would affect the significance of designated heritage assets (listed buildings, conservation areas, Registered Parks and Gardens) and where it would affect the significance of non-designated heritage assets (buildings of local historic and architectural importance).
- 10.61 The **NPPF** also makes a clear distinction between the approach to be taken in decision-making where the Proposed Development would result in 'substantial' harm and where it would result in 'less than substantial' harm.
- 10.62 Case law indicates that following the approach set out in the NPPF will normally be enough to satisfy the statutory tests. However, when carrying out the balancing exercise in paragraph 202, it is important to recognise that the statutory provisions require the decision maker to give great weight to the desirability of preserving designated heritage assets and/or their setting.
- 10.63 The Planning Practice Guidance notes which accompany the NPPF remind us that it is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed.
- 10.64 The scheme would impact indirectly on heritage assets. These impacts are considered separately in the following sections.
- 10.65 Impacts are mainly focussed upon the setting of a limited number of heritage assets, including statutory Listed Buildings and Conservation Areas. In order to fully assess the proposal scheme, officers have agreed the scope of supporting documents with the applicant. The applicant's statements submitted with the application, identifies the significance of designated/non-designated heritage assets within a study area surrounding the application site, within Hammersmith & Fulham.
- 10.66 In the first instance, the assessment to be made is whether the development within the setting of a designated heritage asset will cause harm to that designated heritage asset or its setting. If no harm is caused, there is no need to undertake a balancing exercise. If harm would be caused, it is necessary to assess the magnitude of that harm before going to apply the balancing test as set out in paragraphs 202 and 203 of the NPPF as appropriate.

10.67 **Local Plan Policy DC8 (Heritage and Conservation)** states that the council will conserve the significance of the borough's historic environment by protecting, restoring, and enhancing its heritage assets. These assets include listed buildings, conservation areas historic parks and gardens, the scheduled monument of Fulham Palace Moated site, unscheduled archaeological remains and buildings and features of local interest. When determining applications affecting heritage assets, the council will apply the following principles:

- a. the presumption will be in favour of the conservation, restoration and enhancement of heritage assets, and proposals should secure the long-term future of heritage assets. The more significant the designated heritage asset, the greater the presumption should be in favour of its conservation;
- b. applications affecting designated heritage assets, including alterations and extensions to buildings will only be permitted if the significance of the heritage asset is conserved or enhanced;
- c. applications should conserve the setting of, make a positive contribution to, or reveal the significance of the heritage asset. The presence of heritage assets should inform high quality design within their setting;
- d. applications affecting non-designated heritage assets (buildings and artefacts of local importance and interest) will be determined having regard to the scale and impact of any harm or loss and the significance of the heritage asset in accordance with paragraph 135 of the National planning Policy Framework;
- e. particular regard will be given to matters of scale, height, massing, alignment, materials and use;
- f. where changes of use are proposed for heritage assets, the proposed use, and any alterations that are required resulting from the proposed use should be consistent with the aims of conservation of the asset's significance, including securing its optimum viable use;
- g. applications should include a description of the significance of the asset concerned and an assessment of the impact of the proposal upon it or its setting which should be carried out with the assistance of a suitably qualified person. The extent of the requirement should be proportionate to the nature and level of the asset's significance. Where archaeological remains of national significance may be affected applications should also be supported by an archaeological field evaluation;
- h. proposals which involve substantial harm, or less than substantial harm to the significance of a heritage asset will be refused unless it can be demonstrated that they meet the criteria specified in paragraph 133 and 134 of the National Planning Policy Framework;
- i. where a heritage asset cannot be retained in its entirety or when a change of use is proposed, the developer should ensure that a suitably qualified person carries out an analysis (including photographic surveys) of its

- design and significance, in order to record and advance the understanding of heritage in the borough. The extent of the requirement should be proportionate to the nature and level of the asset's significance;
- j. the proposal respects the principles of accessible and inclusive design;
  - k. where measures to mitigate the effects of climate change are proposed, the applicants will be required to demonstrate how they have considered the significance of the heritage asset and tailored their proposals accordingly;
  - l. expert advice will be required to address the need to evaluate and conserve archaeological remains, and to advise on the appropriate mitigation measures in cases where excavation is justified; and
  - m. securing the future of heritage assets at risk identified on Historic England's national register, as part of a positive strategy for the historic environment.

10.68 The Council's Supplementary Planning Guidance SPD is relevant, in particular Key Principles AH1 (Information Requirements for applications for consent affecting heritage assets); AH2 (Protection of Heritage Assets); CAG1 (Land Use in Conservation Areas); CAG2 (Urban Design in Conservation Areas) and CAG3 (New Development in Conservation Areas). These Key Principles provide guidance which seeks to ensure that heritage assets are conserved in a manner appropriate to their significance in accordance with the NPPF.

#### **Application site – Heritage constraints**

10.69 A small portion of the application site, (15 Pennard Road/entrance to Pennard Mews), is located in the Shepherds Bush Conservation Area. Beyond this designation, the remainder of the site is not located within a Conservation Area and does not feature any designated/non-designated heritage assets.

#### **Approach to assessment of heritage and townscape**

10.70 The assessment deals with heritage and townscape issues in two ways. Firstly, there is a review of the wider of wider townscape implications of the development; focussed in-part upon consideration of key heritage receptors. Secondly, the assessment reviews the impact of the development upon the character, significance and setting of heritage assets.

10.71 Given that the application site is not located in a Conservation Area and does not contain any listed buildings, the main considerations of the scheme relate to the impact of the development upon the setting of surrounding heritage assets. To support the assessment of these impacts, as discussed above, the applicant has submitted a fully detailed Heritage, Townscape and Visual Impact Assessment, (HTVIA) and a Planning Statement.

10.72 Details of the outcome of these assessments are considered below.

### **Townscape Assessment – Views**

10.73 To assess the impact of the Proposed Development, the application includes a Heritage, Townscape and Visual Impact Assessment which assesses a series of views from an agreed selection of locations around the site. Within some of the images, wirelines have been used, where the degree of visibility or impact on the skyline is the most important part of the assessment. However, most of the studies are fully rendered representations of the proposed scheme which indicate the development and the design of the facades in its urban context. The buildings proposed within the current scheme, are of a modest scale varying between 6/9 storeys overall. As such, the townscape impacts of the proposal would be limited to local/mid-range views of the proposal.

### **Westward facing Views**

10.74 In most of the westward facing views, the visibility of the proposal scheme would be limited. Generally, the development would be visible within localised views along Goldhawk Road and Pennard Road. In these views the stepped massing of proposals would serve to limit any significant townscape impact. The design quality of the scheme, coupled with the ability of the tallest building to provide a wayfinding, marker to the market would serve to reduce the scope of townscape impact overall.

10.75 The scope of change would be negligible, and the impact of change would be neutral/beneficial.

### **Northward facing Views**

10.76 Within northward facing views, the development would again largely be visible only in localised views of the site from Goldhawk Road and some northward vistas. Again, in these views, the massing and architecture of the scheme would limit any townscape harm and provide a marker to the market environment.

10.77 The scope of change would be negligible and the impact of change neutral/beneficial.

### **Southward facing views**

10.78 Within southward facing views, particularly those from Pennard Road, the development would have additional visibility in a small series of views. This impact, although localised, would have some townscape impact, introducing a more dominant form of development. This would in part challenge the dominance of the existing terraces; but also provide a scheme providing a marker to the market site. As such, on balance it is considered that there would be some townscape impact.

10.79 The scope of change would be moderate and the impact of change neutral/adverse.

### **Eastward facing views**

10.80 In many eastward facing views of the development the proposal scheme would not be readily visible, apart from views along Goldhawk Road and Lime Grove. These local townscape impacts, should be considered alongside the design quality of the scheme, coupled with the ability of the tallest building to provide a wayfinding, marker to the market which would serve to reduce the scope of townscape impact overall.

10.81 The scope of change would be moderate and the impact of change neutral/beneficial.

10.82 Townscape impacts of views within the local area have been considered, and it is considered that although the proposal would result in some change to views, the impact of this changes, would be largely neutral/ beneficial. Some localised adverse impact has been identified to the environment of Pennard Road and this impact is considered in the assessment below.

### **Impacts on Heritage Assets**

10.83 The proposal site is not situated within a Conservation Area and does not feature any designated/non designated heritage assets. Given the scale and massing of the proposed development, there is a need to consider wider impacts upon the setting, character and significance of surrounding Conservation Areas and heritage assets.

### **Heritage Assets - Conservation Areas**

10.84 The proposed development would, given its limited scale and visibility, have limited impacts upon the setting of adjacent Conservation Areas. The main Conservation Areas which would be impacted are as follows:

- Shepherd's Bush
- Hammersmith Grove
- Coningham and Lime Grove

### **Shepherd's Bush**

10.85 The Shepherd's Bush Conservation Area was designated in 1984. The significance of the Conservation Area is largely focused upon Shepherd's Bush common and the mix of uses/architectural design of buildings which enclose this important space. Beyond the main focus of the area, Pennard Road is a sub-area of interest, and typifies the fully developed Victorian terrace. The curve in the street and the strong regular building line provides a

townscape of interest with the rhythm created by the bay windows. The uniformity of the street is important in defining the character of the area.

- 10.86 Generally, the setting of the Pennard Road sub-area varies between the two-storey terraces and the more substantial commercial/hotel developments to the east, (within the Conservation Area) and flanking Shepherd's Bush Green. However, the character and appearance of both the common and terraces remains clearly legible overall.

#### Assessment of Impact

- 10.87 The proposal scheme would result in some minor alterations to the existing property at 15 Pennard Road/entrance to Pennard Mews to provide a new ground floor elevation and access to the mews. These alterations would result in some minor improvements to the Pennard Road frontage of the scheme, when considered against the existing context. As such, these changes are not considered to have any harmful impact upon the character or appearance of the Conservation Area. Considering the impact upon setting, as discussed above, the proposal would be readily visible in several background views of the Conservation Area, mainly from a selection of views within the Pennard Road subsection. The proposal would introduce a prominent development within this setting which although having a clear contrast with the well-preserved character of the Conservation Area, would have a visually distracting impact overall and would cause harm to the character, significance of the Conservation Area. Officers consider that this harm would be less than substantial harm when considered following the NPPF test, towards the lower-range of less than substantial harm.

#### **Hammersmith Grove**

- 10.88 The Hammersmith Grove Conservation Area was designated in 1982 and its significance largely relates to the early 19<sup>th</sup> Century development of the area following the introduction of the railway system. The area features a mix of high-quality semi-detached villas and later terraces which developed throughout the Victorian era. The composition, scale and character of the area remains clearly legible.

#### Assessment of Impact

- 10.89 Based upon the submitted townscape views and visibility of the proposal scheme would largely be as a background feature terminating northbound views. Given the large frontages of the existing developments, the impact of the proposal scheme would be limited with the character of existing buildings remaining prominent and clearly appreciated in these views. As such, it is not considered that the proposal would result in any harm to the setting of the Hammersmith Grove Conservation Area.

### **Coningham and Lime Grove**

10.90 Coningham and Lime Grove Conservation Area was designated in 1990 and its significance relates to the grid pattern and grain of streets interspersed with prominent public buildings. The area due west of the proposal site along Lime Grove features a mix of traditional terraces and later more contemporary terraced developments. However, despite the introduction of more modern development, the character and appearance of both the common and terraces remains clearly legible overall.

#### Assessment of Impact

10.91 The Proposal scheme would largely have a degree of visibility within key gaps between the more modern developments within Lime Grove, and as such would largely be appreciated as background features within these views. Considering the more historic features of Lime Grove, namely the Victorian terraces and public buildings, the screening of these features by the existing contemporary developments would diminish any detrimental impacts. As such, the proposals are not considered to result in any harm to the setting of this Conservation Area.

### **Heritage Assets – Statutory Listed buildings and Locally Listed (Buildings of Merit)**

10.92 There are a group of both listed buildings, and locally listed, (Buildings of Merit), in the vicinity of the site, the setting of which may be affected due to a potential inter-visibility with the Proposed Development.

10.9 Following consideration of these assets, the assets can be summarised as follows:

#### Grade II Assets

- 60 Shepherd's Bush Green, (former Odeon Cinema)
- Television Centre Theatre
- Hammersmith School of Building Arts and Crafts
- Church of St Stephen and St Thomas
- 

#### Locally Listed, (Buildings of Merit)

- Pennard Mansions
- Bush Theatre
- 2-6 Goldhawk Road, (former Bush Hotel Public House)

## **Assessment of Harm**

- 10.94 The applicant has considered the impact of the proposed development upon the setting of these heritage asset through careful consideration of views of the individual sites.

Considering the Grade II assets, 60 Shepherd's Bush Green and the Television Centre Theatre, the scale, prominence and architectural character of these assets would remain clearly legible and appreciated as key elements flanking the western section of the green. Whilst there would be some intervisibility of the proposal scheme, namely in background views along the passage of Rockwood Place, this intervisibility is considered not to be harmful to the appreciation of either asset or its setting. (Any potential harm would also be further limited owing to the recent development and extensions to the former Odeon Cinema site, as part of the redevelopment of the Hoxton Hotel). Considering the setting of the Hammersmith School of Building Arts and Culture, this setting is largely composed of the Victorian terraces enclosing the site and the more modern developments to the eastern extent of the site. Given the street scene frontage of these latter developments, and the limited degree to which the proposed development would be perceived and visible from the context/setting of the Listed Building, it is not considered that the proposal would result in any harm to the setting of this asset overall.

Considering the setting of the Locally Listed, (Buildings of Merit). Given the discrete commercial scale of the existing building, it is not considered that the development would result in any harmful impacts upon these assets. Whilst there may be some appreciation of the proposal within localised views of these assets, the existing buildings and their architectural character would be clearly legible within immediate townscape views.

- 10.95 As such the development would result in some harm to the setting of the Shepherd's Bush Conservation Area, this harm is considered to be less than substantial harm, towards the lower end of the scale of less than substantial harm, having regard to and applying the statutory provisions in Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **Design, Heritage, and Townscape Conclusion**

- 10.96 The proposal scheme represents an opportunity to optimise development of key regeneration site in accordance with the London Plan and Council's Local Plan policies.

### Urban Design and Heritage Balance:

- The application site is located within an area identified as suitable for the development of a tall building by Local Plan policy DC3 and London Plan



Policy D9. Following careful consideration, officers conclude that the proposed development would not result in any disruptive and harmful impact on the skyline and would therefore comply with the impact frameworks of both of these policies.

- The proposed scale and massing of the proposal would result in less than substantial harm, (towards the lower end of the scale of less than substantial harm) to the setting of the Shepherd's Bush Conservation Area, beyond this harm, it is not considered that proposals would result in any harm to result in any harm to the setting or significance of any other nearby heritage assets.
- The development would have some intervisibility in localised townscape views. However, the impact upon these views would be neutral to beneficial overall.
- The configuration, design and materiality of the proposed development is thought to be well considered and would provide a high-quality development which would enhance the appearance of the local area, reinforcing the legibility and identity of Shepherd's Bush Market in the wider locality.

10.97 Officers have assessed the impact of the proposal on the heritage assets and consider that for the reasons summarised above it is appropriate to grant planning permission having regard to and applying the statutory provisions in Section 66 and 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. In summary, it is considered that by optimising the use of the site to provide a development of this scale it is possible to provide the number of significant important benefits outlined above. Although some elements of conflict with policy have been identified above, (particularly the less than substantial harm to the setting of the Shepherd's Bush Conservation Area), overall, the Proposed Development is considered acceptable having regard to the NPPF, Policies D3, D4, D6, D8, D9 and HC1 of the London Plan (2021) and Policies DC1, DC2, DC3, DC7 and DC8 of the Local Plan (2018). Further discussion of the public benefits of the scheme, are referenced in in the conclusion of this report.

## **11.0 HIGHWAYS AND TRANSPORT**

11.1 **The NPPF** requires that developments which generate significant movement are located where the need to travel would be minimised, and the use of sustainable transport modes can be maximised; and that development should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. All developments that will generate significant amounts of movement should be required to provide a travel plan,

and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

- 11.2 In determining this application, consideration has been given to the requirements of **Policies T1, T2, T4, T5, T6, T6.1, T6.5 and T7 of the London Plan**, as well as the Healthy Streets for London strategy, published by TfL, in assessing the effects on the local highway network along with the proposed car parking, cycling parking and servicing requirements.
- 11.3 **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 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.
- 11.4 **Local Plan Policies T2, T3, T4, T5, T6 and T7** relate to traffic impact/transport assessments, car parking standards, cycle parking, encouraging walking have been considered. **Policy CC7** sets out the requirements for all new developments to provide suitable facilities for the management of waste.
- 11.5 The following transport reports have been submitted in relation to this application:
- Healthy Streets Transport Assessment
  - Transport Assessment Clarification Notes
  - Stage One Road Safety Audit
  - Framework Travel Plan
  - Servicing and Delivery Management Plan
  - Site Operations Management Plan
  - Construction Logistics Plan

#### **Site Accessibility**

- 11.6 The site is located adjacent to the LUL infrastructure, running north-south between Shepherd's Bush Underground station in the north and Goldhawk Underground station to the south. The development site incorporates the existing Shepherd's Bush market and an area to the east of the Market and behind properties on Pennard Road and Goldhawk Road, known as the Old Laundry Yard and Kindred Studios.

- 11.7 The site is located within a PTAL 6a area, meaning the site has a very good level of accessibility.
- 11.8 Bus stops are accessible along Goldhawk Road to the south, within 100m of the southern access point and Bus stops located on Uxbridge Road to the north, within 100m of the northern access point.
- 11.9 Bus stops and Underground Stations can be accessed by sustainable movements, with pedestrians being able to walk through the market or Pennard Road, between Uxbridge Road and Goldhawk Road. Signalised pedestrian crossings are located on both Uxbridge Road and Goldhawk Road, less than 20m from the market entry points, enabling pedestrians to cross these roads.
- 11.10 Cyclists are permitted to use Pennard Road, in both directions, in a contra-flow arrangement to the direction of travel for vehicles. Cycle lanes are marked on-street on both sides of Goldhawk Road and segregated cycle lanes are on both sides of Uxbridge Road.
- 11.11 These existing access arrangements provide facilitates for pedestrian and cycle entry/exit to the Market from each end, via Uxbridge Road and Goldhawk Road.
- 11.12 Vehicle access is also permitted along the Market, but the hours of access are limited. Alongside the Market access, a secondary vehicle access runs adjacent to the Underground infrastructure and No. 50 Goldhawk Road, known as Market Lane, a 3.3m wide access, this access forms part of the strip of unregistered strip of land, that includes Market Lane and continues along the rear of the properties of Goldhawk Road, the unregistered strip of land connects to a small car parking area to the rear of 30-32 Goldhawk Road. A 3.2m wide vehicle access, with a separate 1.8m pedestrian access, is also available from 15 Pennard Road, which previously served as the access to the Old Laundry Yard.

### **Access**

- 11.13 All the existing vehicle access points into the site will be retained, with these located on Goldhawk Road, Uxbridge Road and Pennard Road. A new 4.4m wide vehicle entry point, plus a 2.0m footway is proposed in addition to the existing arrangements to facilitate larger vehicle access into the site for deliveries and servicing.
- 11.14 This new 6.4m wide entry access would be created from Goldhawk Road, with the proposed demolition of no. 42 Goldhawk Road, within the signalised pedestrian crossing. Security measures would include a single gate entry

point, set 11m back from the public highway boundary on Goldhawk Road, to ensure that vehicles are prevented from being stopped on the footway on entry. A security intercom system for commercial vehicle entry and a fob entry in connection to residential occupiers would be provided to facilitate access through this single-entry gate. This gated entry point would provide a level of control to manage and monitor vehicles entering the site, in conjunction with the sitewide Servicing and Delivery Plan and Site Operations Management Plan. Vehicles would not be permitted to reverse back out of the site onto Goldhawk Road, as the management plans set out that all vehicles who arrive at the gate would be permitted to enter the site, vehicles would then be guided through the site to exit via 15 Pennard Road, even if not directly connected to the site operations.

- 11.15 Once vehicles have accessed the site, through the 11m set back gate along the proposed 4.4m wide new vehicle access from Goldhawk Road, they would be required to cross the 3.3m wide strip of unregistered land to the rear of the buildings and turn right along a proposed 5.5m wide new internal service road (Goldhawk Yard). Vehicles connected to the site operations would then be directed to then turn left (along Pennard Mews) to reach the internal service yard with turntable, that is located to the rear of the commercial building. On exit a vehicle would leave the service yard back along the internal 'Pennard Mews' service road before being directed to leave the site via the 3.2m wide Pennard Road access. In effect a new managed partial 'one-way' entry and exit arrangement would be created with the proposal, with vehicles entering via Goldhawk Road and exiting via Pennard Road.
- 11.16 In recognition that a new vehicle crossover is proposed off Goldhawk Road within the signalised pedestrian crossing (across the footway) and the Pennard Road vehicle access being brought back into daily use, to facilitate larger vehicle access to serve the development, the applicant was requested to commission an independent Stage One Road Safety Audit, as it is recognised that providing vehicle access across a busy footway is not desirable and could pose a safety issue, particularly as turning vehicles may need to give way to opposing traffic as well as pedestrians.
- 11.17 The Stage One Road Safety Audit report submitted has followed the requirements set out in TfL SQA 0170. If a problem hasn't been raised in the report, it doesn't necessarily mean it hasn't been considered – rather it is simply not deemed a safety problem by the Audit Team. The new vehicle access has been proposed on the premise that a number of circumstances are in place that would enable a vehicle access to be appropriate in this location. These include the width of the public footway being circa 6m and the number of additional vehicle movements that would be generated. Based on

Figure 5.2 of Appendix E of the TA, this details that a total of 33 – 65 vehicle trips per day (depending on how the development site is managed) compared with the existing 6 – 8 vehicles using Market Lane would be generated. This proposed daily total, predominantly connected to delivery and service vehicles, could result in between 4-8 vehicle movements being undertaken during the network peak hours. The lower vehicle numbers being set out are those predicted as a result of the managed site approach detailed in the Delivery and Servicing Plan and Site Operations Management Plan, with the Delivery and Servicing Plan setting out that the site would operate in conjunction with an off-site consolidation centre.

11.18. Separate pedestrian and cycle access would also be available from Goldhawk Road and Pennard Road. Pedestrians and cyclists would be able to enter and exit the site via dedicated gates on the main entry and exit points. A dedicated pedestrian entrance is proposed to be provided via no. 48 Goldhawk Road. Cyclists, pedestrians and smaller vehicles would continue to be able to access the site via Market Lane, via the unregistered land.

11.19 A package of highway works will be secured through the statutory Section 278 agreement process in connection to identified mitigation measures along Uxbridge Road, Pennard Road and Goldhawk Road. The highway works will be subject to the necessary highway design technical standards and related works to ensure the measures are both practical and logistically possible. In the event that the mitigation measures cannot be delivered as described then alternative mitigation measures will be secured through s278 negotiations with the developer at that time. In all instances the final decision will be at the total discretion of the Council. The works would be part of a holistic approach to prioritise vulnerable roads users in meeting the Healthy Streets objectives. The measures that have been set out, have sought to incorporate a number of mitigation measures identified in the Active Travel Zone Assessment. The highway works package would consist of the following five highway infrastructure scheme components:

- improving connectivity for cyclists along Uxbridge Road (London Cycle Network route 39) with Shepherd's Bush Green.






















11.20 The majority of the new net trips generated by the development would be undertaken by sustainable/public transport (66%) and active travel (29%). It is anticipated that 4,617 total trips would be undertaken by rail/underground and around 3,217 total trips would be undertaken by bus.

11.21 The majority of vehicular trips to the site are likely to be by delivery and servicing vehicles accessing the development site. A Servicing and Delivery

Plan would be secured within a Section 106 to manage and reduce the number of vehicle movements connected to the development.

## Walking

- 11.22 The TA includes an Active Travel Zone (ATZ) Assessment and a Pedestrian Comfort Level (PCL) Assessment. These two assessments consider the development impact on the surrounding highway network. The ATZ has been informed by Transport for London and LBHF, the following walking and cycling routes (as defined in the ATZ) have been assessed:

| <i>Walking Routes</i>   |  |
|---|--|
|    | Goldhawk Road (Stop K)                                     |
|    | Goldhawk Road London Underground Station                   |
|    | Shepherd's Bus Market London Underground Station           |
|    | Shepherd's Bush London Underground Station                 |
|    | Shepherd's Bush Rail Station                               |
|    | Shepherd's Bush Green – Open space                         |
|    | Richford Gate Primary Care Centre                          |
|    | St Stephen's Church of England Primary School              |
|    | Church of St Stephen & St Thomas                           |
|    | Hammersmith Academy  |
|    | Shephard's Bush Market Mosque                              |
|   | Little People of Willow Vale Nursery                       |
|  | London Sevashram Sangha                                    |
|  | Miles Coverdale Primary School                             |
|  | Pennard Road   |
|  | Goldhawk Road  |
|  | Little Garden Nursery                                      |
|  | Brackenbury Primary School                                 |
|  | Khalsa Jatha British Isles Est. 1908 (Central Gurdwara Lon |
| <i>Cycling Routes</i>   |  |
|  | Wood Lane cycle lane                                       |
|  | Cycleway 39  |

- 11.23 Alongside the ATZ assessment, a PCL assessment has also been undertaken. The PCL assessment seeks to quantify the environment faced by pedestrians and is measured in pedestrians per metre of clear footway width per minute. Targets are set for individual land-uses, with different levels of acceptability set accordingly. For an office and retail development, a peak hour target of C+ is considered acceptable and a score of C- would be 'at risk'; below this level would be unacceptable. For a residential development, a peak hour target of B- is considered acceptable and a score of C+ would be at risk, below this level would be unacceptable. The future baseline PCL indicates that there could be areas of public footway that would be categorised as uncomfortable, the PCL for the future + development scenario, which introduces improvement works, the footway widths on the public highway could be improved to be categorised as comfortable, to support the net increase in footfall as a result of the development.

11.24 The highway works package to be progressed through the statutory S278 agreement process has been informed by both the ATZ and Healthy Streets assessments. As has been advised, the package of works has been developed with a focus on improving pedestrian connectivity and cycle infrastructure upgrades between the site and the local area. The highway works package would also include enhancements identified towards greening, lighting and public realm, which have been identified in the assessments submitted.

### **Cycling**

11.25 **London Plan Policy T5** (including the London Cycling Design Standards) and **Local Plan Policy T2** seeks to develop and promote a safe environment for cyclists across the borough to encourage future residents and businesses to consider these modes. **Local Plan Policy T3** seeks to increase and promote opportunities for cycling through the provision of convenient, accessible, safe and secure cycle parking within the boundary of the site. Appendix 8 of the Local Plan seeks to ensure that satisfactory cycle parking is provided for all developments.

11.26 The TA sets out the cycle parking for the proposed development. The applicants provided updated numbers and provision is made for 597 cycle spaces (574 long-stay and 23 short-stay). The cycle spaces are provided across the development in a mixture of basement and ground floor level locations. As a guide, 437 long-stay cycle spaces are to be provided at basement level connected to the non-residential elements, these long-stay spaces will be accessed via a cycle lift. The basement provision will be a mixture of two-tier stands and Sheffield stands, with the Sheffield stands proposed to accommodate larger cycles. 78 long-stay cycle spaces would be provided for the residential element. The long-stay spaces would be provided in two locations, an external area for 18 cycles providing Sheffield stands, to accommodate larger cycles and an internal ground floor store for 60 cycle spaces provided on two-tier stands. All the short-stay cycle spaces are provided as Sheffield stands distributed around the development site within the public realm at ground floor level. Provision of a mixture of long and short stay cycle parking would meet London Plan standards in accordance with London Plan policy T5.

11.27 Provision of the cycle parking provision would be secured as a condition and within the Section 106 agreement. The condition will secure cycle parking provision, including large Sheffield stands to ensure compliance with the London Cycle Design Standards (LCDS), for a minimum of 5% accessible cycle parking. In addition, the Car Parking and Cycle Management Plan will set out provision for cargo bike and e-bike stands/charging facilities. The Section 106 agreement will secure a Car Parking and Cycle Management

Plan that will be reviewed and monitored to ensure that this provides increased provision on-site where demand is identified.

### **Framework Travel Plan**

11.28 A Framework Travel Plan (FTP) has been submitted alongside the Transport Assessment and Site Operations Management Plan in line with London Plan policy T4. A final FTP document would be secured through the Section 106 agreement, as an obligation with a monitoring fee of £5,000 on Years 1, 3 and 5 for the commercial and residential elements of the development would be secured. The FTP sets out the key objectives and measures to be incorporated in a final full Travel Plan which would aim to target the commercial and life sciences. The travel patterns of employees would be influenced by the car-free nature of the development and the impact of employees currently not be covered by this FTP will need to be included.

11.29 A full Travel Plan would also need to incorporate, site wide measures such as:

- Consideration of how taxi arrivals are managed within the site.
- Consideration as to how powered two wheelers will be incorporated and managed within the site.
- Location of notice boards around the site and ensuring updated information is provided on a regular basis.
- Details including costs for appointing a Travel Plan Coordinator over the lifespan of the Travel Plan to ensure all measures set out in the action plan are delivered.

11.30 A series of specific measures connected to the development should also be undertaken in an updated full travel plan.

- Options to enable increased cycle parking provision to be provided if identified over the lifespan of the Travel Plan
- Installation of 'live' stream transport information boards within the foyer areas of the non-residential elements.
- Any associated website to include a dedicated page on travel and accessibility information relating to the site.
- Subsidised options for employees to obtain an Oyster card/or similar, and
- Measures to be included to enable bike repair to be undertaken within the cycle store.

### **Site Operations Management Plan**

11.31 Site Operations Management Plan (SOMP) has been submitted as an appendix of the TA. This is noted as a draft document. The final SOMP will need to be updated to reflect the final on-site management and security considerations for all elements of the site including the market. The SOMP will



need to address hours of operation, physical access arrangements, lighting, security, maintenance, deliveries and servicing (as related to the market), and all operational and management details. These elements will need to be picked up and detailed in addition to any aspects already put forward to address the impact of the development on a day-to-day basis and these will need to be clearly set out for each element of the site.

11.32 Further information will be required to identify how the final agreed restrictions would be introduced to ensure vehicle access is not permitted at peak pedestrian movement times, such as during the periods when the TA details that pedestrian movements would be highest. Specific details in a final SOMP will also need to be included, to cover the following:

- Contact details of the company and named person responsible for the management of the development, which should be aligned with the other management documents for the site.
- That waste collection bins are presented for collection, on the collection day and returned to the waste store area and not left out within the public realm space.
- A designated person is always available to ensure that large vehicles can be guided through the site and/or into the loading area, this should be the same person identified within the Servicing and Delivery Plan, for consistency.
- The named on-site person should also be responsible for maintaining the area around the development, to prevent waste being left out within the public realm space blocking routes through the site.
- The SOMP would include measures and enforcement options to ensure that motorcycle and cycle courier/delivery-based trips do not create an impact on the pedestrian routes in and around the site.
- The SOMP needs to set out the extent of management / enforcement responsibility. Details on how the arrivals and departures will be enforced and length of booked slots, should a vehicle be on site longer than the assigned time.
- A commitment that the SOMP will be secured in perpetuity should also be given by the applicant.

11.33 For this reason, officers recommend the SOMP be secured as a planning obligation rather than condition. The SOMP should be prepared in conjunction with the requested Car Parking and Cycle Management Plan (CPCMP) and Delivery and Servicing Plan (DSP), to ensure that all these management documents, which cover the wider development and are aligned with each other.

## Waste Management Plan and Delivery and Servicing and Plan

- 11.34 **London Plan Policy T7 and Local Plan Policy CC7** seek that all developments have suitable, off-street, facilities to manage servicing and waste generated by the development. The London Plan policy T7 and Planning Guidance SPD principle TR27, sets out that adequate space servicing, storage and deliveries should be made off-street.
- 11.35 The applicant has submitted a Delivery and Servicing Plan (DSP), as Appendix G of the TA. This details that a new waste storage approach for the market, alongside waste collection for the commercial and residential elements would be provided at ground floor level at the rear of the site, within or close to the service yard for the site.
- 11.36 All waste, servicing and deliveries for the proposed building being is proposed from the service yard (with turntable) to the rear of the site to the north, the vehicle routes to the service yard can be seen in the image, extracted from the DSP prepared by the applicant. The service yard/loading bay location is centrally placed within the development to enable all waste and servicing activities to be undertaken from one point for all users on-site, covering residential, commercial and market.



- 11.37 The service yard has been designed to accommodate two vehicles at any one time: one large vehicle (10m) and one small vehicle (8m). The size and operation of the service yard has been designed to provide sufficient capacity for the site demand, taking into account an off-site consolidation centre will be operational in conjunction with this development for the commercial occupiers. The service yard will operate with a turntable function, to ensure that all vehicles can arrive and depart the site in forward gear.

- 11.38 Assessment has been detailed that up to 65 delivery and servicing trips could be generated on a daily basis, for an unmanaged site. In this scenario the development has the potential to generate up to 8 vehicle movements at peak times. The DSP sets out that the development would only operate with an off-site consolidation in place, for the commercial occupier. The residential element of the site would not be subject to the same level of management. With the introduction of an off-site consolidation centre, the number of vehicle movements connected to the commercial occupiers is advised to be reduced by 50%, with the site generating up to 4 vehicle movements per hour at peak times.
- 11.39 An updated DSP would need to set out a clear management strategy around how all vehicles' movements will be marshalled along the internal service vehicle route in recognition of the length and location of the shared use service yard within the centre of the site.
- 11.40 The proposed delivery and servicing plan, is unclear as to how moped/cycle-type deliveries such as Deliveroo and Uber Eats would be enabled to the site, as this may result in increased dwell times within the service yard. The DSP in conjunction with the SOMP would be required to set out measures to manage moped/cycle access and to ensure mopeds/cycles for servicing trips to the site do not use pedestrian walkways and can be accommodated without impacting the operation of the service yard for vehicle-based deliveries.
- 11.41 Officers recommend that a final DSP be secured within the Section 106 agreement as an obligation, as elements set out in the DSP are essential to the reducing the impact of service vehicles on the operation of the site, including the consolidation centre and management of the site entry access from Goldhawk Road.
- 11.42 Details will need to be provided as to who is and takes overall responsibility for the day-to-day site operations, in conjunction with the Travel Plan Coordinator, security team, site facilities team and management team. Confirmation of the final roles, responsibilities, contact details and the person responsible for management of the documents to be secured as obligations for this development in respect to: DSP, SOMP, CPCMP and FTP.

### **Construction Logistics Plan**

- 11.43 **London Plan Policy T7 and Local Plan Policy T7** seek that all developments prepare a Construction Management Plan to manage the construction impacts and ensure the smooth operation of the highway network.

- 11.44 The applicant has submitted an Outline Construction Logistics Plan (CLP). The CLP at this stage identifies preliminary proposals to manage construction. A final CLP will be required to provide a greater level of detail covering construction processes, details regarding environmental and amenity impacts and associated mitigation measures, site logistics plan, traffic management (to cover a cumulative approach), vehicle routing, cumulative impacts, health and safety and community liaison meetings.
- 11.45 The approval of a final CMP/CLP together with a DMP/DLP for the demolition works ahead of the commencement of the development will be secured by obligations, to ensure the construction works will minimise the likelihood of congestion during the construction phase, including the monitoring and control of vehicles entering and exiting the site will be undertaken (in accordance with CLOCS and contractor on-site are required to be FORS silver accredited), the vehicle routing and how workers will travel to and from the site.
- 11.46 A final CLP would be expected to include the proposed vehicle routes to the site agreed with the Council and TfL, cumulative considerations around delivery times and agreements in place with contractors already on-site and contractors that may be operating in close proximity to the site in order regulate deliveries and eliminate bottlenecks and construction vehicles stopping/waiting on the surrounding highway network seeking access to the site. Details on restricted construction vehicle hours of access in conjunction with an agreed limit on the number of construction vehicles to a maximum per hour. The final CLP will also need to include details relating to the impact and protection of vulnerable road users on Goldhawk Road.
- 11.47 The CLP will need to be fully finalised and developed to comply with the TfL Construction Logistics Plan (CLP) guidance, which seeks to minimise the impact of construction traffic on unsuitable roads and restrict construction trips to off-peak hours only. The final DLP/CLP would be secured within the S106 Agreement.

## **12.0 ENVIRONMENTAL CONSIDERATIONS**

12.1 The following environmental impacts have been assessed and documents submitted supporting planning application.

- Flood Risk and Drainage
- Energy and Sustainability
- Air Quality
- Ground Contamination
- Noise and Vibration

- Light Pollution
- Archaeology
- Arboriculture, Ecology and Biodiversity
- Wind Microclimate

12.2 The below sections comprise a planning assessment of the development impacts against adopted planning policies, supplementary planning guidance and the National Planning Policy Framework.

### **Flood Risk and SuDS**

12.3 The NPPF seeks to meet the challenge of climate change, flooding, and coastal change by supporting the transition to a low carbon future in a changing climate taking account of flood risk and coastal change. The NPPF seeks to guide development to areas of low flood risk, ideally to Flood Zone 1. Where there are no reasonably available sites in Flood Zone 1, then sites in Flood Zones 2 and 3 would be considered.

12.4 **London Plan Policies SI 12 (Flood risk management) and SI 13 (Sustainable drainage)** outline strategic objectives in relation to flood risk management and sustainable drainage. London Plan Policy SI 12 requires development proposals to ensure that flood risk is minimised and mitigated, and that residual risk is addressed. Policy SI 13 states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible, in line with the drainage hierarchy. **Policy SI 5 (Water infrastructure)** states that development proposals should minimise the use of mains water; incorporate measures to help achieve lower water consumption; ensure that adequate wastewater infrastructure capacity is provided; and minimise the potential for misconnections between foul and surface water.

12.5 **Local Plan Policy CC2** requires major developments to implement sustainable design and construction measures, including making the most efficient use of water. **Policies CC3 (Minimising Flood Risk and Reducing Water Use) and CC4 Minimising Surface Water Run-Off with Sustainable Drainage Systems)** contain similar requirements designed to assess and mitigate against the risk of flooding and integrate surface water drainage measures into development proposals. Policy CC3 requires development proposals within Flood Zones 2 and 3 to provide a Flood Risk Assessment. Consideration is also required with regards to the conservation of water resources through water efficiency measures.

12.6 In compliance with the requirement of Local Plan Policy CC3, a Flood Risk Assessment (FRA) has been undertaken and is included with the application

documents. The proposed development is of mixed vulnerability, with the proposed residential building classified as “more vulnerable” whilst the office building is classified as “less vulnerable”. The FRA identifies that the northern part of the site is in the Environment Agency’s Flood Zone 1, while the southern part is within Flood Zones 2 and 3. The site is therefore classified as being at high risk from flooding from the River Thames. The EA’s “high risk” flood rating does not take account of the presence of flood defences, such as the Thames Barrier and local river wall defences which provide a high level of protection against flooding from the Thames. The Thames Tidal Defences provide up to a 1 in 1000 (0.1%) chance in any year flood event. The 2017 upriver tidal breach modelling carried out by the Environment Agency confirms that the development site falls outside the zone and the site has a low residual risk of tidal and fluvial flooding. The Applicant has confirmed that the proposed Finished Floor Levels will be raised above the surrounding ground level with external levels designed to fall away from the buildings. Combined, these measures will minimise the flood risk to the proposed development.

- 12.7 A separate Surface Water Drainage Strategy has been submitted alongside the FRA. The assessment concludes that flood risk from ground water, sewers and artificial water bodies is considered to be low. The development proposal includes a basement level within the commercial building for laboratory use, so groundwater and sewer flood risks are also relevant. To protect the proposed basement from risk of flooding from surcharged sewer, it is proposed to pump the drainage generated at the basement level by submersible package pumping stations. The forms of pumped devices are welcomed. Therefore, the site is deemed to have a low risk from sewer flooding. A basement waterproof grade would be determined by the principal contractor, and subject to agreement with Building Control, which would ensure no ingress of groundwater. Details of basement waterproofing would be secured by condition.
- 12.8 The western part of the site where the market is located has potentially been more susceptible to surface water flood risks during times of intense or prolonged rainfall events while the southern end of the market identified as having a high to medium risk of surface water flooding. The rest of the Site is shown to be at very low risk of surface water flooding. A further technical note has been provided on the existing drainage found within Shepherd’s Bush Market relating to the drainage from the viaduct found on TfL owned land. Run-off from the viaduct connects into an existing 300mm diameter drain located under the Market. This drain also currently drains surface water run-off from the Market, foul waste from some of the market stalls and shops located under the viaduct. This drain then connects to the Thames Water combined sewer in Goldhawk Road to the south of the development site. The

proposed SuDS strategy for the Market is to attenuate the surface water run-off from the Market area via below ground tanks or oversized pipes to Greenfield rates.

- 12.9 Thames Water raise no objection to the proposal subject to conditions/informatives. The Environment Agency have commented and raise no objections to the proposal.
- 12.10 A detailed Strategy has been developed which shows a range of Sustainable Drainage Systems (SuDS) measures. The current site is largely impermeable (92%) and the redevelopment provides an opportunity to improve the current situation and significantly reduce discharges of surface water into the sewer network and reduce flood risks. The site has been subdivided into 3 different catchment areas – (1) Plot A office block, (2) Plot B residential block and (3) the Market. A combination of above and below ground SuDS are proposed to achieve the minimum surface water flowrates. SuDs measures designed into the scheme include green/blue roofs, permeable paving, soft landscaping features including filter strips and swales and also underground tanked systems in the form of attenuation tanks.
- 12.11 A maximum surface water flowrate of 8.4 l/s is proposed for the whole development for up to and include the 1 in 100 year + 40% climate change rainfall events. This flow rate is close as possible to greenfield runoff rates.
- 12.12 These will collect and manage surface water run-off, reducing discharges to the sewer network by over 90%. This will help to mitigate flood risks on the site. A range of SuDS measures such as green/blue roofs, swales, filter strips, permeable paving, and below ground attenuation tanks are proposed. All SuDS options have been explored and integrated and maximised where feasible across the site.
- 12.13 In line with the above and subject to the inclusion of conditions requiring the submission of a detailed surface water drainage strategy and design, officers consider that the proposed approach would be acceptable and in accordance with Policies SI12 and SI 14 of the London Plan and policy requiring flood risk assessment and development to mitigate flood risk, Policies CC3 and CC4 of the Local Plan which requires development to minimise future flood risk.

### **Energy and Sustainability**

- 12.14 **London Plan Policies SI 2 (Minimising greenhouse gas emissions), SI 3 (Energy infrastructure), SI 4 (Managing heat risk)** require development proposals should minimise carbon dioxide emissions and exhibit the highest standards of sustainable design and construction, they should provide on-site

renewable energy generation and boroughs should seek to create decentralised energy network.

- 12.15 Policies SI 2 and SI 3 set out how new development should be sustainable and energy saving. Policy SI 2 seeks to extend the extant requirement on residential development to non-residential development to meet zero carbon targets. It maintains the expectation that a minimum reduction of 35% beyond Building Regulations to be met on site (10% or 15% of which should be achieved through energy efficiency for residential development, and non-residential development). Where it is clearly demonstrated that the zero-carbon target cannot be met on site, the shortfall should be provided through a cash in lieu contribution to the borough's carbon offset fund, or off-site provided an alternative proposal has been identified and delivery is certain.
- 12.16 Policy SI 3 states that within Heat Network Priority Areas, which includes the site, major development proposals should have communal low-temperature heating systems in accordance with the following hierarchy: a. Connect to local existing or planned heat networks b. Use zero-emission or local secondary heat sources (in conjunction with heat pump, if required) c. Use low-emission combined heat and power (CHP) (only where there is a case for CHP to enable the delivery of an area-wide heat network, meet the development's electricity demand and provide demand response to the local electricity network) d. Use ultra-low NOx gas boilers.
- 12.17 Policy SI 4 requires development proposals to minimise adverse impacts on the urban heat island through design, layout, orientation, materials, and the incorporation of green infrastructure. This should be demonstrated by following the cooling hierarchy along with an assessment using The Chartered Institution of Building Services Engineers (CIBSE) guidance on assessing and mitigating overheating risk in new developments, using TM59 and TM52 for domestic and non-domestic developments, respectively.
- 12.18 **Local Plan Policy CC1 (Reducing Carbon Dioxide Emissions)** requires all major developments to implement energy conservation measures with a view to reducing carbon dioxide emissions. The policy, however, refers to the previous version of the London Plan and as such has been partly superseded by the more up to date requirements contained in the new London Plan.
- 12.19 **Local Plan Policy CC2 (Sustainable Design and Construction)** seeks to ensure the implementation of sustainable design and construction measures by implementing the London Plan sustainable design and construction policies.



- 12.20 An Energy Strategy has been provided with the application. The strategy outlines the requirements of planning policy and sets out how the design of the development is intended to follow the London Plan Energy Hierarchy and meet the carbon reduction targets, including net zero requirements.
- 12.21 For a Building Regulations compliant scheme, the baseline for annual CO<sub>2</sub> emissions for the residential block is 36.1 tonnes. For the non-residential block, annual emissions of CO<sub>2</sub> are calculated to be 131.9 tonnes. Passive design and energy efficiency measures have been incorporated into the scheme to reduce demand for energy and reduce CO<sub>2</sub> emissions by 28% for the residential block which meets the London Plan requirement of at least a 10% improvement in emissions. The non-residential block achieves an 8% improvement, which falls short of the 15% target set in the London Plan. Although the assessment shows that there are a range of energy efficiency/passive measures included, this is not currently sufficient to meet the target. Further consideration has been given to whether additional measures could be included, or if the performance of elements such as walls, windows, thermal bridging could be improved. This is not feasible.
- 12.22 As required, consideration has been given to whether or not there is a nearby heat network for the site to connect into. At the moment there is no district heat network in this part of the borough and there are no plans for one at this time. The Applicant has however committed to the two buildings being designed with future-proofing arrangements to make a connection to a DHN if this comes forward.
- 12.23 Consideration has also been on providing a site wide heat network approach. The development proposes two separate networks, one for the residential block and one for the commercial block. It is claimed this a more efficient approach. In response there are no prospects for connecting the two buildings to a single connection. The residential block is required to be independent would be managed by the Council/Registered Provider and an independent energy provision for this element is fundamental to manage, maintain and operate the affordable housing. In conclusion the future proofing for a future DHN will be included and secured under a planning obligation within the S106 agreement but has to be separate for the two buildings
- 12.24 The issue of overheating risk and need for cooling has also been assessed. Measures have been used to minimise internal heat gain, reduce the amount of heat entering the buildings by using measures such as living roof, reducing urban heat island effects, using dual aspect designs where possible to enable cross ventilation through openable windows although there are also mechanical ventilation systems (with heat recovery) to boost as required.

Active cooling is proposed for the non-residential scheme but not residential units.

- 12.25 With regards to on-site renewable energy generation, Air Source Heat Pumps and solar PV panels are proposed. These can reduce CO2 emissions by a further 9% for the non-residential block and 43% for the residential block.
- 12.26 Overall, the residential element is calculated to reduce CO2 emissions by 71% compared to the 2021 Building Regulations baseline and the commercial building is expected to reduce emissions by 17%. The residential element of the development meets the minimum target of a 35% improvement and also meets the more stringent 50% benchmark set by the GLA for major residential schemes. The non-residential element falls short of the 35% target and the separate energy efficiency target as mentioned above. If taken together, the whole site is achieving a 29% reduction in CO2 emissions.
- 12.27 The Assessment notes that the predicted level of CO2 emission reductions will potentially vary as the project moves forward, as the current predictions are based on concept design information. However, the key design aspirations as set out remain in place.
- 12.28 Once the on-site carbon savings have been maximised, a carbon offset payment would be required to meet the net zero-carbon target, to be secured by section 106 agreement. This should be calculated based on a net-zero carbon target using the GLA's recommended carbon offset price (£95/tonne). The Carbon offset shortfall is estimated at £343,203.
- 12.29 In broad terms, the approach is acceptable in energy policy and CO2 reduction terms although there may be scope to revise the Carbon offset shortfall once a final Energy Strategy is submitted, secured by condition.

### **Sustainability**

- 12.30 A Sustainability Statement has been provided. The development proposes to optimise energy efficiency in order to minimise the energy demand. The incorporation of suitable passive design measures, followed by proposed enhanced fabric, and efficient building services and control systems are included. Photovoltaics (PV) are proposed to provide a proportion of the electricity demand of the scheme. As highlighted, there are currently no existing district heating networks (DHN) to connect to. The proposed development has however the potential to be connected to a district heat network in the future should area wide infrastructure be developed. Two separate central energy system are proposed on the site, and each would benefit from reverse cycle air-source heat pumps (ASHP) to meet the space heating and domestic hot water-cooling demands. In addition to the carbon

reduction measures which are described in detail in the Energy Strategy, measures are proposed to support sustainable transport use, minimise water use, manage flood risk, use building materials with low environmental impacts, improve biodiversity levels, reduce pollution, reduce waste and boost recycling.

- 12.31 The Sustainability Statement states that the scheme is targeting BREEAM “Excellent” rating. The BREEAM Assessment does not cover the residential properties or the market itself and only applies to the office/workspace related part of the scheme. As a minimum the development would achieve a BREEAM “very good”. The requirement of a post construction BREEAM assessment to confirm that the measures have been implemented with the aspiration of reaching BREEAM “Excellent” rating as set out in the Sustainability Statement is recommended.
- 12.32 As the proposed development is GLA referable, a Circular Economy Statement and Whole-Life Cycle Carbon Assessment have been provided in accordance with London Plan Policy SI 2 and SI 7. The scheme design focuses on efficient use of resources such as building materials and reduction in waste generation. The assessment looks at the potential to integrate flexibility for future reconfigurations or refurbishments and “end of life” scenarios for the structures in terms of potential for re-use, recycling etc.
- 12.33 A Whole Life-cycle Carbon Assessment has been undertaken in accordance with the London Plan, which considers the draft GLA Guidance (2020). These reviews the embodied carbon emissions associated with the proposed development, considering the materials quantities and loads, the operational energy consumption of the built scheme, with total emissions estimated and compared to the GLA benchmarks. The report outlines a range of opportunities which could be undertaken to reduce the carbon associated with the development at the more detailed design stage when materials are being selected and specified. The GLA have requested further information during the course of the application. The applicant has updated the WLC Assessment and the reporting template. A final post-construction monitoring report is secured by condition.

### **Circular Economy**

- 12.34 A Circular Economy Statement has been submitted which takes into account the GLA’s draft guidance (2020) and outlines how circular economy principles will be incorporated in the design, construction and management of the proposed development, including through minimising materials use and the sourcing and specification of materials; minimising and designing out waste at various stages; and by promoting re-usability, adaptability, flexibility and longevity. This is supported and complies with London Plan Policy SI7. The

GLA have requested that a post-construction report be provided with further details secured via a planning condition.

- 12.35 Officers consider the proposed energy and sustainability strategies align with the latest requirements of the London Plan. It is recommended that the implementation of the measures outlined in the Energy Strategy and Sustainability Assessment be conditioned. Officers therefore consider that subject to conditions, the proposed development accords with Policies London Plan Policies SI 2, SI 3 and SI 4 and Policies CC1, CC2 and CC7 of the Local Plan.

### **Air Quality**

- 12.36 **London Plan Policy SI 1 (Improving air quality)**, supported by the Mayor's Control of Dust and Emissions during Construction and Demolition SPG (July 2014), provides strategic policy guidance on avoiding a further deterioration of existing poor air quality. All developments will be expected to achieve Air Quality Neutral status with larger scale development proposals subject to EIA encouraged to achieve an air quality positive approach.
- 12.37 **Local Plan Policy CC10 (Air Quality)**, states that the Council will seek to reduce the potential adverse air quality impacts of new developments through a range of policy measures.
- 12.38 The development is located within the Council's Air Quality Management Area (AQMA) and within the GLA Air Quality Focus Area 61. An Air Quality Assessment has been submitted with the application as required and assesses the likely impact of the construction works and operational stages on local air quality and its subsequent effect on sensitive receptors. Baseline conditions show elevated NO<sub>2</sub> concentrations in the local area, close to major roads; however, concentrations at locations away from these roads, and particulate matter concentrations at all monitoring locations, are below the objectives.
- 12.39 The main effects are expected to take place during demolition and construction phase, related to dust deposition and emissions from construction vehicles and machinery on the site. The Overall Dust Risk Assessment for the site is High risk without mitigation, therefore mitigation will be required for the demolition and construction phases of the development. Any potential impacts associated with construction traffic would be temporary in nature, with the construction programme anticipated to have a maximum duration of approximately 37 months. With the inclusion of best practice mitigation measures, which include an Air Quality Dust Management Plan, a Construction Environmental Management Plan (CEMP) and taking into consideration that construction vehicles are now expected to meet the more

stringent Low Emission Zone (LEZ) emission standards (equivalent to the Ultra-Low Emission Zone (ULEZ) standards, the residual effects on all receptors are expected to be insignificant.

- 12.40 Once operational, the proposed development, is not expected to have a significant impact on local air. Even though, the trip generation of the proposed development is currently estimated, it is anticipated that the development will not generate more than 100 annual average daily traffic (AADT) vehicle trips or 25 heavy goods vehicle (HGV) trips on the local road network, once operational, as the proposed development will be 'car-free'. Therefore, it is considered that the air quality impacts from development-generated road traffic emissions would be 'not significant'. The proposed development will utilise air source heat pump technology alongside photovoltaic panels. The energy strategy for the proposed development is therefore expected to be all electric and there will not be any emissions associated with energy provision. The development is expected to have diesel generators for the provision of power in an emergency only.
- 12.41 Design interventions are proposed to improve the internal air quality conditions for future residents of the residential building. As proposed, the habitable rooms in the residential units are orientated away from the road traffic emissions on Goldhawk Road, Uxbridge Road (A4020) and Shepherd's Bush Green (A40) as part of the design mitigation. Nevertheless, and due to the emissions from transportation sources, further mitigation will be required in the form of additional ventilation for the proposed residential use on all floors. The ventilation intakes should be located at rear roof level or on the rear elevations of all residential floors. To avoid contamination of the fresh air intake, supply the Ventilation system for the residential units should be designed to ensure that all the extracts for the ventilation system are located are a minimum of 2m away from the fresh air intakes. This is considered acceptable and should be secured by condition.
- 12.42 The development is air quality neutral, and an air quality positive statement is provided, in accordance with Policy SI 1. Several conditions are however recommended by the Council's Air Quality officer for various air quality control measures in relation to both construction and operational phases of the proposal. Conditions relating to ventilation strategy, low emissions, delivery and servicing plan and Zero Emissions Heating (Air Source Heat Pump) compliance would be secured by conditions to ensure compliance with Policy CC10 of the Local Plan. Planning obligation would be secured for Air Quality Dust Management Plan compliance monitoring for the demolition and construction phases of the development. Subject to conditions and obligation, the proposal would accord with Policy CC10 of the Local Plan and Policy SI 1 of the London Plan.

12.43 Council's Environmental Quality Officer (Air Quality) reviewed the submitted documents and raised no objections, subject to conditions. Therefore, several conditions are recommended for various air quality control measures in relation to both construction and operational phases of the proposal to ensure compliance with Policy CC10 of the Local Plan. Subject to these conditions, the proposal would accord with Policy CC10 of the Local Plan and Policy SI 1 of the London Plan.

### **Ground Contamination**

12.44 **London Plan Policy SD1** encourages the strategic remediation of contaminated land.

12.45 **Local Plan Policy CC9** ensures that no unacceptable risks are caused to humans, controlled waters, or the wider environment during and following the development works. Key principles LC1-6 of the Planning Guidance SPG identify the key principles informing the processes for engaging with the council on, and assessing, phasing, and granting applications for planning permission on contaminated land. The latter principle provides that planning conditions can be used to ensure that development does not commence until conditions have been discharged.

12.46 Investigations and contamination assessments carried out on site are included as part of Geo Environmental Appraisal Report. The preliminary report concludes that the site is considered to present a predominantly low to moderate risk to the identified receptors. All on-site buildings on the Old Laundry part of the site would be demolished. The risks to controlled waters are generally considered to be low. The proposed development involves the removal of the made ground and a proportion of the natural soils, down to 7m below ground level, as part of the basement construction. The majority of the proposed development will be covered in buildings and hardstanding. Based on the investigation findings to date, it is considered likely that standard development-led remediation techniques and mitigation measures for this typical brownfield site including the importation of soil for the new soft landscaping areas and private gardens at ground level would be secured by the conditions. On the basis of the above, it is considered that the proposed development is unlikely to give rise to significant adverse environmental effects in relation to ground conditions.

12.47 No objection is raised by the Council's Contaminated Land officers to the proposed development or land uses subject to attaching the full set of contaminated land conditions/informatives to ensure an adequate desk study and preliminary risk assessment is completed and ensure the works are adequately undertaken in accordance with the old CLR11/new LCRM (land

contamination risk management) requirements. Subject to the inclusion of the conditions, officers consider that the proposed development accords with Policy SD1 of the London Plan and Policy CC9 of the Local Plan.

### **Noise and Vibration**

- 12.48 **London Plan Policy D14 (Noise)** sets out measures to reduce, manage and mitigate noise to improve health and quality of life.
- 12.49 **Local Plan Policy CC11** advises that noise and vibration impacts will be controlled by locating noise sensitive development in appropriate locations and protected against existing and proposed sources of noise through design, layout, and materials. Noise generating development will not be permitted if it would materially increase the noise experienced by occupants/users of existing or proposed noise sensitive areas in the vicinity. **Policy CC13** seeks to control pollution, including noise, and requires proposed developments to show that there would be 'no undue detriment to the general amenities enjoyed by existing surrounding occupiers of their properties'.
- 12.50 A Noise and Vibration assessment is included in Chapter 9 of the Environmental Statement Volume 1: Main Report. The existing baseline and the main noise and vibration source present at the Site is the elevated London Underground tracks, which run along the western boundary of the Site. There are no major road links affecting the Site in terms of noise and vibration, given the two largest roads are located on either end of the market (Goldhawk Road to the south, Uxbridge Road to the north), with the residential and commercial buildings screened by existing buildings/structures.
- 12.51 Consideration has been given to the impact of increased noise levels during the demolition, construction, and operational phases of development. The cumulative impact of neighbouring construction works has also been taken into consideration. Receptors in different locations around the site have been identified, comprising predominantly existing residential and commercial properties. The impact on the internal ambient noise of the proposed residential building and future occupiers of the commercial building have been assessed for the operational stage. It should be noted that the market would remain open during the construction programme. The market receptors have also been considered in the assessment even though of low sensitivity but located immediately adjacent to the construction works.
- 12.52 Works during the construction stages are anticipated to increase noise levels immediately adjacent to the site. The highest predicted noise levels are expected to occur during the demolition of the existing buildings phase. However, the demolition works will only be temporary for a few weeks.

Mitigation measures are proposed to reduce such impact and will form part of the separate Demolition and Construction Management Plans (DMP/CMP). Best practice measures are proposed to mitigate against noise and vibration. Measures proposed include controlling hours of working, using appropriate machinery and following best practice procedures. Advanced notifications and consultation of particularly noisy activities is considered beneficial, and procedures should be put in place for noise complaints to be addressed. These measures are indicated in the submitted Construction Traffic Management Plan and a final Demolition and Construction Management Plan (DMP/CMP) would be conditioned. With these measures in place, it is considered that the noise and vibration effects of the construction works on surrounding residents would range from Negligible to Minor Adverse.

- 12.53 The submitted noise assessment confirms that noise emission limits for fixed plant have been set in line with guidance in BS 4142:2014 and taking into account the requirements of LBHF. The proposed noise limits are set at 10 dB below the typical background noise level and aim to reduce the risk of disturbance to residents due to noise emitted from plant associated with the development. The plant would be designed and attenuated to minimise disturbance at nearby residential properties. Plant and servicing during the operational phase would be conditioned to be below existing background noise levels and as such the long-term effect is likely to be of negligible significance.
- 12.54 Operational noise from the future Shepherd's Bush Market has been considered to be equivalent to its existing noise; given the type, size and nature of permanent shops and stalls will not change significantly in the proposed development. Operational management plans for both, the Market and the new commercial building, would be secured by conditions to ensure that there would be no adverse impact in terms of noise and disturbance on the surrounding residential amenities. The assessment confirmed that suitable internal ambient noise levels can be achieved within flats and at the proposed external amenity areas of the proposed development. The detailed specification of noise control measures required to achieve these noise criteria will be subject to further development at detailed design stages. The key elements of the internal sound insulation scheme will include acoustically rated window systems and alternative means of providing overheating control in apartments most exposed to external noise (western elevation of the Residential Building). This would ensure that the overheating and noise criteria can be met, which would necessitate windows being closed during sleeping hours to achieve an appropriate internal acoustic environment during sleeping hours. This is acceptable and the proposed mitigation measures should be secured, in line with London Plan Policy D14.



- 12.55 It is noted that most of the Cumulative Schemes are more than 700 metres away from the proposed development with the closest development being the construction of a hotel at the former Threshold and Union House (65 Shepherd's Bush Green, planning ref. 2017/01898/FUL, located 100m north- east of the Proposed Development). The construction of the hotel has now been completed, therefore there would be no cumulative construction noise or vibration impacts on residents. Furthermore, it is considered that the operational noise limits advised in the noise assessments for each of the cumulative schemes will not be exceeded once all developments are in operation.
- 12.56 Officers consider that the impacts for noise and vibration have been satisfactorily assessed. The proposed development is considered acceptable subject to mitigation measures including appropriate sound insulation between the ground floor commercial use and residential accommodation on the upper floors, insulation and anti-vibration measures for machinery and plant, suitable noise level limits and acceptable construction and servicing plans secured by conditions. Subject to the inclusion of conditions requiring the implementation of the submitted documents and submission of further information, officers consider that the residents of the proposed development and neighbouring occupiers would not experience any significant adverse noise or vibration impacts.
- 12.57 The Council's Environmental Protection team have considered the proposals and raise no objections subject to conditions regarding sound insulation, plant machinery and construction and servicing management plans. Subject to these conditions the proposals would accord with London Plan Policy D14 and Policies CC11 and CC13 of the Local Plan.

### **Light Pollution / Solar Glare**

- 12.58 **Local Plan Policy CC12 (Light Pollution)** seeks to control the adverse impacts of lighting arrangements including that from signage and other sources of illumination.
- 12.59 Details relating to Exterior Lighting in the Design and Access Statement and light spillage are included with the application. The site is in an urban location with high levels of night-time activity. The proposed development has been assessed as an "E4 Environmental Zone" as defined in the Institution of Lighting Professionals publication 'Guidance Notes for Reduction of Light Pollution'. The exterior lighting for Shepherd's Bush Market development would be designed in accordance with current relevant British Standards, good practice Society of Light and Lighting SLL) guidelines, and in compliance with the Institution of Lighting Professionals (ILP) Guidance Notes

for the Reduction of Obtrusive Light to minimise potential effects on light pollution in the surrounding.

12.60 Effects caused by light spillage during the demolition and construction works would be controlled in the Demolition/Construction Management Plans. The effects would be temporary and not be any worse than presented by the completed development. The lighting strategy for the completed development has been developed to enhance the architectural and landscape design at night, with emphasis to the perceived safety and security, luminaire selection, light distribution and quality, energy, maintenance and lighting control. The lighting strategy for the market itself would provide a consistent baseline level of ambient illumination that ensures safety and security are enhanced whilst improved light colour rendering would create visual comfort and reduce energy consumption. The new canopy, extending throughout the market would provide an opportunity to have a consistent lighting environment. The lighting strategy for the new buildings will be primarily focused on the active frontages at ground floor level, with column mounted luminaires to provide circulation lighting. Lighting to vehicular entrances will be tailored to define a clear hierarchy and encourage their use accordingly whilst the existing Pennard Road and Goldhawk Road (Market Lane) vehicular entrances are envisioned to be less accentuated in comparison but clearly identified as

access points to the development, conveying a sense of security and welcoming ambience to the site. All internal/external lighting specified for the scheme (except for safety and security lighting) would include appropriate controls to ensure they can be automatically switched off when not required. It is expected that the office building will be predominantly unoccupied at night and the lights will be off if areas of the building are unoccupied.

12.61 In terms of solar glare the potential effects cause by reflections to road and rail users which could cause visual discomfort or impair vision have been taken into consideration. No significant effects for solar glare have been identified in relation to the completed development and no mitigation measures are proposed.

12.62 Conditions would ensure that vertical external illumination of neighbouring premises from all external artificial lighting relating to the development shall be in accordance with the recommendations of the Institution of Lighting Professionals in the 'Guidance Note 01/21 for the reduction of obtrusive light 2021' and that lights of the commercial building are controlled and switched off when not in use. As such officers consider that the proposal accords with the requirements of Policies CC12 of the Local Plan 2018.

## **Archaeology**

- 12.63 **London Plan Policy HC1 (Heritage conservation and growth)** states that new development should make provision for the protection of archaeological resources. Together with Policy DC1 of the **Local Plan, Policy DC8** sets out the principles for the conservation and protection of heritage in the borough. Supporting paragraph 5.2.3 states that where the preservation of remains in situ is not possible or is not merited, 'planning permission may be subject to conditions and/or formal agreement requiring the developer to secure investigation and recording of the remains and publication of the results.
- 12.64 An Archaeological Desk Based Assessment has been submitted with the application. The assessment concludes that there is low potential for Palaeolithic, paleoenvironmental prehistoric, Roman, Early Historic and medieval remains; and a medium potential for post-medieval agricultural, landscaping and railway construction related remains; and a high potential for modern construction remains and debris to survive within the Site. Any archaeological remains on the Site are likely to have been truncated, damaged or destroyed by Second World War bomb damage and late 20th century developments on the Site. No designated heritage assets are likely to be located on the Site and as such no harm is anticipated.
- 12.65 Historic England's – The Greater London Archaeological Advisory Service (GLAAS) provides archaeological advice to the borough and were consulted. GLAAS considers that the site has seen extensive modern disturbance and any archaeological remains surviving are likely to be fragmentary or removed. GLAAS agrees with the findings of the assessment and confirm that no further archaeological work or condition is required in this instance.
- 12.66 Officers consider that the details submitted sufficiently address the archaeological considerations and accords with the NPPF, Policy HC1 of the London Plan 2021 and Policy DC8 of the Local Plan 2018.

## **Arboriculture, Ecology and Biodiversity**

- 12.67 The NPPF requires that development should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); minimise impacts on and provide net gains for biodiversity, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability; and

remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

- 12.68 **Policy G1 of the London Plan** states that development proposals should incorporate appropriate elements of green infrastructure that are integrated into London's wider green infrastructure network. **London Plan Policy G5** states that major development proposals should 'contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage'. Boroughs should develop an Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments. Higher standards of greening are expected of predominately residential developments (target score 0.4). **London Plan Policy G7** states that existing trees of quality should be retained wherever possible or replace where necessary. New trees are generally expected in new development, particularly large-canopied species.
- 12.69 **London Plan Policy G6** seeks to protect Sites of Importance for Nature Conservation (SINCs) and avoid harm. Where harm is unavoidable, this should be managed and mitigated to secure net biodiversity aim.
- 12.70 **Local Plan Policies OS1 and OS5** seeks to enhance biodiversity and green infrastructure in the borough by (inter alia) maximising the provision of gardens, garden space and soft landscaping, and seeking green and brown roofs and planting as part of new development; seeking retention of existing trees and provision of new trees on development sites; and adding to the greening of streets and the public realm. **Policy OS4** relates to nature conservation areas and green corridors and prevent harm to ecological (habitats and species) value from development.
- 12.71 A Preliminary Ecological Appraisal was submitted with the application. A Landscape Statement and Arboricultural Impact Assessment have also been submitted. The Landscaping Report sets out the landscaping, public realm and urban greening aims of the proposed development.
- 12.72 There is a distinct lack of urban greening and trees on the site evidenced by the existing urban greening factor score of nearly zero. This includes the Market area. 15 individual trees and nine groups of trees of limited value would be removed to facilitate construction of the proposals, however a total c.59 new trees with diverse range of species would be planted as part of proposed landscape scheme. Four existing trees located on third party land are proposed for retention. The proposals further seek to maximise urban greening as far as possible through planting across all levels, together with

habitat creation and permeable paving. Proposals are included within the Landscaping Report and the Design and Access Statement. The proposals will incorporate the potential to provide green roofs to the top of the new central Market stalls and to combine the dwell and play zones with deep planters for mature planting. High UGF scoring plant typologies are proposed where feasible such as wildflower blankets for green roofs, and SuDS/biodiverse planting mixes at ground level. Close to 60 new trees are to be planted to maximise the provision on site. Vertical surfaces are proposed to have vertical planting, for example along the existing boundary walls.

- 12.73 The London Plan sets a target Urban Greening Factor (UGF) score of 0.3 for a predominantly commercial development. Urban greening has been further maximised as far as possible through a combination of ground level and podium/roof level provision of planting and habitat creation alongside permeable paving. Achieving a score of 0.3 within the site's red line is however challenging. Two scenarios have been presented with the application, one with the market and one without. This is due to the red line boundary of the Site including the market including its hardstanding areas, its shops stalls and arches together with any retained/un-developable market structures and sub-stations. The figures presented are: an overall UGF factor of 0.1445 (including the market) increasing to 0.2866 (excluding the market). The GLA Stage 1 report acknowledged that with the inclusion of the market land, the site provides significant constraints and challenges to achieve the target of 0.3 yet advised that the figure of 0.1445 should seek to be improved. Following the GLA's advice and, through additional measures, the UGF score was increased to 0.175 (including the Market area).
- 12.74 This heavily restricts the potential for urban greening in those locations. The Applicant considers this distorts and constrains the potential for achieving a score of 0.3 for the fuller site. To demonstrate a comparative picture of urban greening provision, an alternative 'development only' assessment of the UGF provision based on the residential and commercial buildings, access, public realm and amenity provision has been carried out. The 'development' red line boundary would achieve a score of 0.2866.
- 12.75 Overall, officers consider that proposals for potential urban greening have been maximised and taking into consideration the characteristics of the site the application would accord with London Plan Policy G4.
- 12.76 Subject to the inclusion of conditions officers consider that the proposed development accords with Policies G5, G6 and G7 of the London Plan and Policies OS1, OS4 and OS5 of the Local Plan in terms of ecological and urban greening.

## Wind Microclimate

- 12.77 **London Plan Policy GG1** requires streets and public spaces to be planned for circulation by the comfort in comfort and safety, and to be welcoming. **London Plan Policy D8** addresses the environmental impact of tall buildings, requiring careful consideration of the wind conditions around tall buildings and their neighbourhoods so that they do not compromise the comfort and enjoyment of them.
- 12.78 **Policies D8 and D9 of the London Plan and Policy DC3 of the Local Plan** require consideration to be given to avoiding detrimental microclimatic impacts as part of tall building proposals. **Policy CC2** seeks to ensure that developments are comfortable and secure for users and avoid impacts from natural hazards.
- 12.79 Wind Microclimate was assessed under Chapter 12 of Environmental Statement Volume 1: Main Report submitted with the application. The baseline conditions of the Site in its existing condition and the surrounding area (within 360m radius of the Site) have been identified using wind tunnel testing to provide a detailed, quantitative assessment of the existing wind microclimate conditions in terms of pedestrian comfort and safety. Mean and peak wind speeds have been measured at a scaled height of 1.5m above ground level for both the windiest season (normally winter in the UK but can also include spring / autumn) to show the worst-case scenario, and summer season for amenity spaces. Measurements have also been taken at locations across the existing site and at other surrounding buildings, paths, roads and areas of open spaces for 36 wind directions in 10° increments within a 360 m radius of the Site, which is considered a large enough scale to capture all wind effects.
- 12.80 The results have been combined with long-term meteorological climate data for the London area (combined data from the meteorological stations at Heathrow and London City Airports) which is deemed to be representative of the local wind microclimate. The potential wind microclimate impacts during demolition and construction of the proposed development have not been directly assessed within the wind tunnel, as this is a temporary condition and would be highly variable. This approach is taken assuming that the activity on-site during the construction is less sensitive to wind conditions (due to protection from site hoarding and site access being restricted to site workers protected by health and safety measures).
- 12.81 Wind tunnel testing is one of the most well-established and robust means of assessing the pedestrian wind microclimate. To produce the results within the wind tunnel, a 1:300 scale model comprising the Site and the surrounding

area (including relevant existing and future buildings and other topographical features) was constructed allowing for the surrounding area within a 360m radius of the centre of the Site to be modelled. Two configurations have been tested within the wind tunnel:

- Configuration 1: The Existing Site with Existing Surrounding Buildings (the Baseline Condition); and
- Configuration 2: The Proposed Development with Existing Surrounding Buildings.

The Threshold and Union House development (Ref: 2017/01898/FUL) lies within the 360m radius of the Site and is now completed. This development has been included within the existing surrounding context (baseline and proposed development).

- 12.82 The assessment of the wind conditions requires a standard against which the measurements can be compared. The assessment of the wind tunnel results presented in this chapter of the ES adopts the Lawson Criteria (if the measured wind conditions exceed the threshold wind speed for more than 5% of the time, then they are unacceptable for the stated pedestrian activity). The Lawson Criteria sets out four pedestrian activities (comfort categories) which reflect the fact that less active pursuits require more benign wind conditions. For a mixed-use urban environment, such as the Site and surrounding area, the desired wind microclimate for the proposed development would typically need to have areas suitable for sitting, standing and strolling use. The Lawson Criteria also specifies a strong wind threshold when winds exceed 15m/s for more than 0.025% of the time (approximately 2.2 hours of the year) would have the potential to cause distress to pedestrians and cyclists. Exceedance of this threshold may indicate a need for remedial measures or a careful assessment of the expected use of that location.
- 12.83 The results of the assessment under the baseline – existing site indicate that, due to the existing site buildings being of similar height to the surrounding context, on-site locations are generally sheltered from the prevailing winds. The wind conditions in and around the existing site during the windiest season range from suitable for sitting to standing use. All locations measured within the market area have wind conditions suitable for sitting use. This is one category calmer than targeted. There are no instances of strong winds exceeding 15m/s for more than 0.025% of the time (approximately 2.2 hours per year) at any measurement location in the baseline scenario.
- 12.84 During the demolition phase it is considered the conditions would be suitable for a working construction site and pedestrian thoroughfares around the site (with hoardings in place). During the demolition and construction period all off-

site locations (thoroughfares, pedestrian crossings, road users, entrances, bus stops and ground level amenity) would remain suitable for their intended uses. Strong winds exceeding the safety threshold would not occur at any off-site locations. As the construction proceed, the wind conditions at the Site would gradually adjust to those of the completed proposed development, as described below. It is therefore considered that there would be a Negligible (not significant) effect during demolition and construction of the proposed development.

- 12.85 For the completed development, most on-site thoroughfares would have suitable sitting and standing use conditions. There would be two locations, to the east of the Proposed Development, that would have strolling use conditions. Off-site thoroughfares would have wind conditions suitable for sitting and standing use. Entrances both on-site and off-site would have wind conditions suitable for sitting and standing use during the windiest season except for one location that would be one category windier than the baseline scenario. Three bus stops in the vicinity of the site would have conditions suitable for sitting use. All market stalls would have wind conditions suitable for standing or sitting use except for four locations that may experience a minor increase in wind speeds and have standing use conditions. This is within the target conditions for market stalls and the location would remain suitable for intended use. Wind conditions on Goldhawk Road for road users would range from sitting to standing use. All ground level mixed use amenity spaces on-site would have sitting conditions during the summer as the new massing would provide shelter from prevailing south-western wind. Proposed canopy would also reduce wind interactions at ground level. Off-site ground level amenity (private gardens of Pennard Road and café area at Uxbridge Road) would have sitting conditions in the summer season. Therefore, wind conditions at most measured locations are considered to result in a negligible (not significant) effect.
- 12.86 The majority of terraces assessed would have wind conditions suitable for sitting use. The north-eastern corner of the proposed commercial building would have standing use conditions during the summer season. Localised mitigation measures in the form of landscaping would be required for sitting. All assessed balconies would have wind conditions suitable for sitting use in the summer. There would be no instances of strong winds exceeding safety criteria on-site or off-site once the development is completed.
- 12.87 Overall pedestrian comfort and safety are assessed to be suitable for walking, sitting, and standing within the site and in the vicinity during both the winter and summer months and no specific mitigation measures would be required. Officers consider that the proposed development accords with Policies GG1,



D8 and D9 of the London Plan (2021) and Policies DC3 and CC2 of the Local Plan (2018).

### **13.0 SOCIO ECONOMICS/ EQUALITY CONSIDERATIONS**

- 13.1 **London Plan Policy E2 (C)**, states that the applicant should show how a proportion of low cost and flexible business space would be incorporated into the proposals to provide workspace suitable for small and medium sized enterprises. **Local Plan Policy E1** requires flexible and affordable space suitable for small to medium enterprises in new large business development. **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.
- 13.2 A socio-economics impact assessment is included in the ES using a wide range of information sources, including census data and studies/assessments relating to businesses, housing, travel and commuting patterns, education, and health care.
- 13.3 The ES expects temporary demolition and construction benefits through the creation of temporary jobs. The ES estimates that works associated with the development would generate approximate 350 (full-time equivalent) construction jobs over the duration of the indicative 37 months (3 years) construction period. There will be an opportunity during the construction phase for employment placements/apprenticeships for H&F residents. As the number of on-site workers would fluctuate over the course of the demolition and construction programme, it is not possible to quantify the level of spending captured locally, although it is likely to be beneficial.
- 13.4 The development would also generate permanent jobs once completed and operational. The proposed office development would deliver approximately 1,780 Full Time Equivalent (FTE) jobs which is a significant increase for the White City Regeneration area. The new on-site employees would give rise to additional local expenditure on local goods and services, estimated to be in the region of £4 million per year. The retail uses in the Market as well as the café in the workspace building will support additional employment opportunities.
- 13.5 The Applicant would be required to work with the borough and local training, employment, and education agencies to maximise local take-up of positions during the construction phase of the development. The legal agreement will secure that 10% of the construction costs will be offered as local procurement contracts and are secured for the local economy together with delivering by way of a contribution secured by obligation to apprentices, and work

placements. The Applicant is also committed to providing support, training and mentoring to existing market traders via a Market Academy so businesses have the opportunity to grow and evolve and create further employment opportunities.

- 13.6 The proposed development would deliver 40 new homes, which would be a significant beneficial effect at the borough level. The new on-site households are estimated to spend approximately £420,000 per year in household goods and services annually, a proportion of which would be captured within the local area, based on the Average Weekly Household Spending of £300.70. This local spending would be a significant beneficial effect for the local level economy. The development would also contribute to the overall housing delivery targets for the borough.
- 13.7 There are seven GP surgeries within approximately 1km of the Site. Based on the number/size of residential units proposed, the development is likely to generate the equivalent of a 0.05 full time GPs. The additional requirement is not considered to have an impact on the existing capacity in the area.
- 13.8 An estimated 15 school places would be needed to meet educational need arising from the amended proposed development's new residents – 10.3 primary school places and 5.1 secondary school places. In total 29 primary schools and five secondary schools have been identified within a 2km radius of the Site. There is currently surplus capacity within primary and secondary schools locally. Accordingly, the adverse effect would not be significant.
- 13.9 In summary, the development will have an overall positive socio-economic impact through the provision of employment opportunities and economic multiplier effects and through the provision of new affordable housing. There are benefits associated with providing good quality housing accommodation in terms of mental and physical wellbeing and the creation of public realm and landscaping features will serve the needs of proposed residents and the wider community.
- 13.10 The applicant would be required to work with the borough and local training, employment, and education agencies to maximise local take up of positions during the construction phase of the development. The legal agreement will secure that 10% of the construction costs will be offered as local procurement contracts and are secured for the local economy together with delivering by way of a contribution secured by obligation to apprentices, and work placements.
- 13.11 Overall the proposals will help deliver further regeneration, increased employment opportunities and affordable housing provision for people living

within the White City Opportunity area and within the White City Regeneration Area and Shepherd's Bush Market and adjacent land as required by Local Plan Policies WCRA and WCRA3 and London Plan policies GG1 (Building strong and inclusive communities) and SD1 (Opportunity Areas).

- 13.12 A Health Impact Assessment was submitted with the application. A baseline review has identified information relating to the 11 key determinants of health and the assessment was made using the 'HUDU Rapid Health Impact Assessment Matrix'. The primary health benefits of the Proposed Development identified include (but are not limited to) 100% affordable housing, retention and enhancement of the Market, promoting sustainable forms of transport and inclusive design, creating active frontage and improving safety in the area, inclusion of low and zero carbon technologies, provision of private and communal amenity space and creation of jobs. These measures have been included to promote health and wellbeing. It is considered that the proposed development would provide a positive health impact to existing and future residents and users of the development and the surrounding area.

### **Equality Considerations**

- 13.13 The Equality Impact Assessment (EQIA) prepared for the planning application, considers the potential equality impacts related to the proposed development, having regard to the 2010 Equalities Act. The 2010 Act sets out the following nine protected characteristics under which discrimination is unlawful: Age; Gender reassignment; Being married or in a civil partnership; Being pregnant or on maternity leave; Disability; Race, including colour, nationality, ethnic or national origin; Religion or belief; Sex; and Sexual orientation. The 2010 Act outlines the need to eliminate discrimination, advance equality and foster good relations. A Health Impact Assessment has also been submitted in support of the Planning Application.
- 13.14 Regard has been given to walking, cycling, car parking, wheelchair accessible and adaptable homes, built environment improvements, open space and green infrastructure, land use and employment provisions there will be impacts on: age, disability, pregnancy and maternity, sex, race, religion and belief including non-belief, children, and in the main these will be positive and have varying degrees of relevance.
- 13.15 During construction there will be temporary disruption to the operation of Shepherd's Bush Market as a number of shops and stalls will need to be temporary closed or be temporary relocated. Once operational, improvements to the Market and the provision of permeability through the site with new public realm and landscaping features will also serve the needs of proposed

residents and the wider community and make tangible improvements to connectivity to the wider regeneration area and biodiversity.

- 13.16 The affordable housing will have a positive impact and will not discriminate against any protected groups. The proposed development would enable the Council to deliver the maximum reasonable level of affordable housing on this site, taking into consideration other factors. Together with the housing, the proposed development will provide a mix of commercial uses, investment in the Market and new public realm which will increase activity at this end of the town centre and have with knock on benefits for the vitality and viability of surrounding shops, services and amenities, including the Market itself. Additional financial contributions have been secured which are considered necessary to mitigate the effects of the development and which will contribute towards wider Regeneration Area, including funding towards social and environmental infrastructure improvements.
- 13.17 Crime and antisocial behaviour has been highlighted in some of the representations received. Officers consider that the design of the proposed development will offer a safer place than the existing with public spaces enhancing the local area and offering natural surveillance. The Site has the potential to reduce crime through the implementation of Secure by Design recommendations, including a comprehensive CCTV system. A Threat Vulnerability Risk Assessment is proposed to be undertaken to enhance the security for the Market.
- 13.18 The S106 Agreement will also include an obligation on the owners to optimise access to construction and end user jobs and financial contributions towards work placements, apprenticeships, procurement and skills programmes particularly those who live in the local wards where there are high levels of deprivation and unemployment. The proposals would have positive equalities impacts in this regard.
- 13.19 The Local Inclusive Access Group were consulted during the course of the application. Conditions are recommended having due regard for people with impaired mobility including people with disabilities and wheelchair users. Wheelchair accessible units shall be provided in the development and such details shall be secured via the S106 Agreement.
- 13.20 Planning Conditions and S106 obligations, securing level access, inclusive internal design and layouts, blue badge parking spaces (close to entrances/lobbies etc), appropriate use of ground surface materials, suitable design of street furniture etc will need to be secured by conditions in order to implement the principles of inclusive design to ensure visitors and residents with particular protected characteristics are duly accommodated.

13.21 With regard to this application, all planning policies in the National Planning Policy Framework (NPPF), London Plan (2021), Local Plan (2018), and Planning Guidance Supplementary Planning Guidance (SPD) which have been referenced where relevant in this report have been considered with regards to equalities impacts through the statutory adoption processes, and in accordance with the Equality Act 2010 and Council's PSED. Therefore, the adopted planning framework which encompasses all planning policies which are relevant in Officers' assessment of the application are considered to acknowledge protected equality groups, in accordance with the Equality Act 2010 and the Council's PSED.

## **14.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)**

### **Mayoral / Borough CIL**

- 14.1 Mayoral CIL (Community Infrastructure Levy) came into effect in April 2012 and is a material consideration to which regard must be had when determining this planning application. Under the London wide Mayoral CIL the development would be subject to a CIL payment. The GLA expect the Council, as the Collecting Authority, to secure the levy in accordance with London Plan Policy 8.3.
- 14.2 The Council has also set a local CIL charge levied on the net increase in floorspace arising from developments to fund infrastructure that is needed to support development. The CIL Charging Schedule has formally taken effect since the 1 September 2015.
- 14.3 Community Infrastructure Levy is payable, both to the London Mayor and to the Borough (although certain types of use/floorspace are exempt from Borough CIL given the site's location). The development also qualifies for Social Housing Relief.
- 14.4 In conclusion the payable amount for Mayoral CIL<sup>2</sup> would be £2,630,708.00 and for LBHF Borough CIL £137,875.02. This would be total of £2,768,583.02 payable CIL.

## **15.0 SECTION 106 HEADS OF TERMS**

- 15.1 The NPPF provides guidance for local planning authorities in considering the use of planning obligations. It states that 'authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations and that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition'.

- 15.2 **London Plan Policy DF1** recognises the role of planning obligations in mitigating the effects of development and provides guidance of the priorities for obligations in the context of overall scheme viability.
- 15.3 **Local Plan Policy INFRA1** (Planning Contributions and Infrastructure Planning) advises that the Council will seek planning contributions to ensure the necessary infrastructure to support the Local Plan is delivered using two main mechanisms 'Community Infrastructure Levy (CIL) and Section 106 Agreements (s106).
- 15.4 **Local Plan Policy WCRA3** is a material consideration in the context of identifying S106 contributions, referring to (a) "Retain and improve the market..." (b) "Assist market traders so they can continue to trade and remain part of the market; and (c) "Provide affordable housing and affordable workspace in accordance with Policy HO3 and Policy E1".
- 15.5 As set out above the applicant's proposals provide a significantly financial package to support the Market, including Trader packages during construction phase, together with the provision of affordable housing (40 homes) and affordable workspace.
- 15.6 The planning obligations set out in the heads of terms below are however considered necessary to make the development acceptable in planning terms, they are related to the development and fairly and reasonable in scale and kind to the development. A Section 106 agreement, including financial obligations is therefore required to ensure the proposal is in accordance with the statutory development plan and to secure the necessary infrastructure to mitigate the needs of the proposed development.
- 15.7 In view of the fact the Section 106 agreements will be the subject of extended negotiations, officers consider that circumstances may arise which may result in the need to make minor modifications to the conditions and obligations (which may include the variation, addition, or deletion). Accordingly, the second recommendation has been drafted to authorise the Chief Planning Officer after consultation with the Director of Law and the Chair of the Planning and Development Control Committee, to authorise the changes he/she considers necessary and appropriate, within the scope of such delegated authority.
- 15.8 To this end, and in compliance with the above policies, the following Heads of Terms have been agreed with the applicant to be included within a legal agreement:

### **40 Affordable Homes**

Secure the provision of 40 affordable homes comprising: 60% Affordable Rent and 40% Intermediate.

### **Wheelchair Accessible Units**

10% of all units (4 in total) within Residential Building to be provided as Wheelchair User Dwellings meeting the requirements set out in M4(3)(2)(b) category 3: "wheelchair user dwellings" of the 2015 edition.

### **Market Leases**

Procure that, prior to commencing development on the Market Refurbishment, formal documentation will be completed with at least 60% of the relevant Legacy traders (i.e. those that have already signed up to Heads of Terms, representing a total of 36 existing traders).

Use reasonable endeavours to procure that formal documentation with at least 80% of the relevant Legacy traders (including those completed under (i) above, so 48 in total) will be completed within six months of development on the Market Refurbishment having commenced; and

Use reasonable endeavours to procure that formal documentation with the remaining Legacy traders that have already signed up to Heads of Terms (so, 60 Legacy traders in total) will be completed within 18 months of development on the Market Refurbishment having commenced.

**The Academy, free training for traders - £100,000** pa operational costs until funded by profit from the Market (5-years)

### **Affordable Market Retail space**

**Market space:** no less than 10% (c.92 sqm) of retail floorspace, secured at a discount of 20% to net open market rent for a period of 10 years, and preparation and submission of an affordable retail workspace management plan.

### **Affordable Workspace**

**Basement:** all commercial floorspace (c. 2,000 sqm) secured for life science incubator purposes at a discount of 20% to market gross rents for a period of 10-years, and preparation and submission of an affordable workspace management plan.

**Co-working Space at Ground/Mezzanine Floor:** not less than 10% (c.200 sqm) of commercial co-working floorspace secured at a discount of 20% to

net open market rent for a period of 10-years, and preparation and submission of an affordable workspace management plan.

### **Community Facilities**

Provision in Building A of not less than 140 sqm of commercial floorspace for use by the local community and cultural groups/organisations for not less than 73 days of the year, secured at a range of discounts from free to 60% of net open market net market, and preparation and submission of an affordable workspace management plan.

### **Public Realm and Environmental Improvements**

Financial contribution - **£1,400,000**

### **Social, physical, economic, and transport infrastructure**

Financial contribution of **£1,400,000** - towards WCRA including Shepherd's Bush Town Centre for appropriate infrastructure.

### **Employment/Training /Local Procurement Contributions:**

Financial contribution of **£411,750** (comprising **£399,000** employment and skills contribution; and **£12,750** contribution to Local Procurement/Supply Chain) and include the following:

- An Employment & Skills financial contribution of ££399,000 to carry out and provide procuring training and employment during the construction and after the construction of the development.
- 10% of the labour employed on the construction of the development to be H&F residents for a minimum of 6 months.
- 19 apprenticeships to be H&F residents during construction period to last full term and complete apprenticeship qualification.
- 19 apprenticeships to be H&F residents post-construction to last full term and complete apprenticeship qualification created through Market Academy and STEM sector.
- A package of training for local residents in the Market Academy.
- A package of training for local residents to better access STEM jobs created in the incubator spaces.
- One session per academic year, for the first two years after the occupation of the development, of careers education in STEM-related careers with at least three different local schools.
- 20% of the staff employed in the end use of the development in the first 24 months of occupation to be H&F residents.
- Submit a delivery plan for construction-phase employment & skills outputs to the council for approval.



- Submit a delivery plan for post-construction/end use-phase employment & skills outputs to the council for approval.
- Non-compliance with the agreed number of apprentices and placements attracting a contribution of £7,000 per apprentice/placement not created,
- 10% of the build cost to be spent on suppliers based in H&F, and
- Prepare a Local Procurement Strategy and / Local Procurement Supply Chain Financial Contribution of £12,750

**Demolition / Construction Site Air Quality Dust Compliance Monitoring**  
**Contribution: (based on 36 months) £30,000**

£10,000 payable every 12 months from anniversary of the Commencement of the Development for the purposes of reviewing and monitoring the demolition and construction site AQDMP compliance plan during the demolition and construction phases of the Development.

**Construction Logistics Plan Monitoring Contribution** **£15,000**

A monitoring fee of £5,000 per year of construction (and demolition) for the purposes of reviewing and monitoring the Demolition Logistics Plan, Demolition Management Plan, Construction Logistics Plan and Construction Management.

Monitoring to include reference to a Community Liaison Meeting being held with local residents prior to commencement of development, and at regular intervals, to ensure that they are aware of the impacts and have had the opportunity to input into the CLP.

**Construction Workforce Travel Plan & Monitoring Contribution** **£9,000**

Monitoring Fee of £3,000 per year of construction for the purposes of reviewing and monitoring the Construction Workforce Travel Plan.

**Final Travel Plans & Monitoring Contribution** **£30,000**

Travel Plans for the Commercial and Residential land uses to promote sustainable modes of transport and to discourage use of single car occupancy by Occupiers and visitors.

Each Travel Plan to be monitored at years 1,3 and 5.

Monitoring Fee of £5,000 per submission.

**Site Wide Delivery & Servicing Plan & Monitoring Contribution** **£15,000**

Monitoring Fee of £3,000 per year for a minimum period of five years following occupation, for the purposes of reviewing and monitoring an annual Delivery and Servicing Plan.

**Energy & Sustainability** **£343,203**

Carbon Dioxide Emissions Offset Payment estimated as above and subject to a revised Energy Strategy secured by Condition 29.

Development to be capable of connecting into a District Energy Network.

**No Business / residential parking permits**

To prohibit any occupiers of the residential units, other than valid Blue Badge Holders, from obtaining a parking permit, under Section 16 of the Greater London Council (General Powers) Act 1974.

To prohibit any occupiers of the commercial units from obtaining car parking permits other than to valid Blue Badge Holders.

**CPZ Review Contribution**            **£10,000**

A monitoring fee towards reviewing the Controlled Parking Zone (CPZ). Subject to any subsequent changes required following the CPZ review, the applicant would be required to pay for any identified Traffic Management Order costs.

**Site Wide Cycle and Car Parking Management & Maintenance Plan and Monitoring Contribution**            **Capped at £5,000**

- For the purposes of reviewing and monitoring the Site Wide Cycle and Car Parking Management and Maintenance Plan.

To include monitoring and review of site facilities and mechanisms set out for providing increased provision for cycle parking and blue badge spaces where demand is identified, provision for both cargo bikes and e-bikes with mechanism to maintain and monitor use and details of the mechanism to ensure future residents are made aware they are unable to obtain an on-street car parking permit.

To be submitted on a yearly basis for a minimum period of five years following full occupation.

**Off-site Consolidation Centre**

Requirement for details that set out that an off-site consolidation centre has been secured (prior to occupation) for the site in perpetuity.

**Service yard and turntable access**

Requirement for access to the service yard and turntable to be made available for the residential use to facilitate all deliveries and servicing requirements in perpetuity and free of any service charge for its use.

**A Site Operations Management Plan (SOMP)**            **£5,000**

Monitoring fee of £5,000 to review site management regime to ensure the most appropriate mechanisms are in place to reduce and minimise the impacts by Occupiers and visitors with a clause for the applicant to fund any measures, should these be identified.

The Site Operational Management Plan, shall relate to all elements of the development site, including the market use. The SOMP shall include details about hours of operation, physical access between all the spaces of the market and the wider development, lighting, security, maintenance, deliveries and servicing (where not covered by Delivery and Servicing Plan), and all operational and management details relating to the site use. The development shall be implemented in accordance with the approved details, and thereafter shall be operated in accordance with the approved Site Operational Management Plan.

### **Highway/S278 Highway Works**

Highways Improvement Works [to be delivered under s278 agreement subject to the detailed scope and costs being agreed between the Local Highways Authority and the Applicant]. Highway works package would consist of the following components:

- A) Upgrading and improving the cycle infrastructure along Uxbridge Road from the development site, eastwards to Shepherd's Bush Green. To upgrade and enhance London Cycle Network route 39. Works to incorporate the introduction of a permanent cycle segregation scheme in agreement with LBHF and TfL, such as stepped track. Future agreed scheme to align with cycling improvements currently being developed and delivered in accordance with the London Cycling Design Standards.
- B) Upgrading and improving the cycle infrastructure along Goldhawk Road from the development site, eastwards to Shepherd's Bush Green. Scheme to be agreed to include improved cycle segregation in accordance with the London Cycling Design Standards and to align with future LBHF cycling network development.
- C) Improvements and enhancements to Pennard Road to upgrade pedestrian connectivity between the site and Rockwood Place in accordance with the appropriate statutory processes in relation to design development and safety audits. Highway infrastructure works to include kerb-buildout with greening and cost of Traffic Management Order to remove on-street car parking bays as required to support kerb-build out and development site exit.
- D) Improving connectivity between the site and Shepherd's Bush Underground Station. A scheme to be agreed in accordance with the appropriate statutory technical analysis, design development and safety audits. Highway works scheme to focus on footway repaving works on Uxbridge Road at market access, improved connection with London Cycle Network route 39, enhancements to lighting and greening and consolidation of signalised crossing through removal of the two existing pedestrian crossings

and replacing these with a new single signalised junction with pedestrian facilities to create a new 'gateway' feature.

E) Improving the highway network experience on Goldhawk Road across the site extents. An agreed highway works scheme to be brought forward in accordance with statutory processes in relation to appropriate technical analysis, design development and safety audits. Scheme to be agreed shall promote a new signalised junction (Goldhawk Road j/w Wells Road) to incorporate pedestrian crossing facilities (to allow removal and relocation of the existing signal pedestrian crossing), delivering repaving works along Goldhawk Road between the market and the new vehicle access, relocating street furniture as necessary, enhancements to lighting, greening, construction of the new vehicle access at 42 Goldhawk Road.

The final agreed highway mitigation schemes forming the highway works package will be subject to the necessary highway design technical standards and related works to ensure the measures are both practical and logistically possible. In the event that the mitigation measures cannot be delivered as described then alternative mitigation measures will be secured through s278 negotiations with the developer at that time. In all instances the final decision will be at the total discretion of the Council.

### **Retention of the Architect (AHMM Architects)**

#### **Council's Legal Costs**

Payment of the Council's reasonable legal and other professional costs incurred in preparing the S106 agreements.

## **16.0 CONCLUSION**

- 16.1 In considering the planning application, the Local Planning Authority needs to consider whether or not the proposed development accords with the development plan as a whole and any other material considerations. The NPPF explains that planning applications that accord with the development plan should be approved without delay.
- 16.2 In the assessment of the application regard has been given to the NPPF, London Plan, and Local Plan policies as well as guidance.
- 16.3 The proposal would result in the redevelopment of a Local Plan designated Strategic Site (WCRA3) within part of the White City Regeneration Area and will contribute to new homes and jobs set out in the London Plan (2021). The provision of 40 affordable homes, alongside improvements to the Market and provision of commercial uses and affordable workspace would represent a

significant betterment of the current uses on the site. It is considered that the proposal is acceptable in land use and the quantum of the proposed land uses, will not give rise to any unacceptable impacts within this urban high-density Opportunity / Regeneration Area within inner London and will amount to sustainable development in accordance with the National Planning Policy Framework.

- 16.4 The impact of the proposed development upon adjoining occupiers is considered on balance to be acceptable. It is acknowledged that the proposal results in some instances whereby significant losses of sunlight or daylight are recorded within adjacent developments and existing residential receptors. The resulting retained sunlight and daylight conditions within the most affected properties are considered to be typical of high-density urban high-rise developments. Consideration has also been given to issues relating to noise/disturbance and outlook/overlooking/loss of privacy and assessed in the round it is not considered that the likely Impacts would be such as to warrant refusing planning permission, taking into account the wider benefits of the scheme.
- 16.5 The redevelopment would contribute beneficially to the local area and the borough by creating a high-quality built environment, delivering a good sustainability rating, and would see a car-free development with policy compliant cycle spaces and adapting to climate change.
- 16.6 The height, scale and massing of the proposed built form is considered appropriate and provides a satisfactory design response to the site and surrounding townscape, delivering an appropriate level of density with regard to its location and the size of the site. The elevations have an architectural character which provide interest and the relationship between the built form and public realm would assist in the creation of a sense of place.
- 16.7 The application site is in the White City Regeneration Area, an area which is considered suitable for the development of tall buildings, following the approach of Local Plan (2018) Policy DC3. Following consideration of the framework of this policy, the proposal scheme is not considered to result in any disruptive or harmful impact upon the skyline and is also considered acceptable when assessed against the framework of London Plan (2021) Policy D9. As such, development of a tall building is considered to comply with the tall building policies.
- 16.8 Less than substantial harm (at the lower end of the scale) has been identified to the setting of adjacent heritage assets (character of the Shepherd's Bush Conservation Area) with the substantial public benefits outweighing the harm

identified. The proposals are therefore considered to be in accordance with the NPPF with regards to heritage.

- 16.9 It is recommended that planning permission be granted for the proposed development, subject to no contrary direction from the Mayor of London, the completion of a satisfactory Legal Agreement based on the Heads of Terms outlined above and subject to the conditions listed at the beginning of this report.