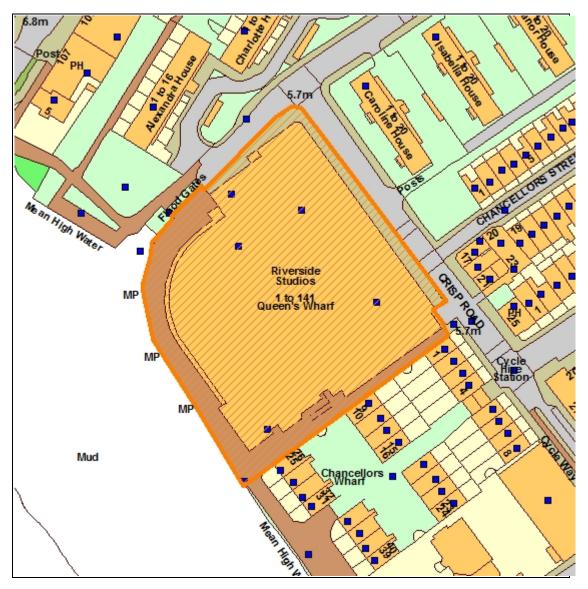
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**Ward**: Hammersmith Broadway

# **Site Address**:

Riverside Studios And Queens Wharf Crisp Road London W6



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For identification purposes only - do not scale.

Reg. No: 2022/00901/FUL

<u>Date Valid</u>: 30.03.2022

**Committee Date**: 05.03.2024

Case Officer: Sian Brown

# **Conservation Area**:

Constraint Name: The Mall Conservation Area - Number 2Constraint Name: Fulham Reach Conservation Area - Number 39

## Applicant:

Mount Anvil Ltd
140 Aldersgate Street London EC1A 4HY

## **Description:**

Retention of 2no. Air Handling Units within the podium courtyard to serve the Riverside Studios arts and media centre located on the ground and first floors.

Drg Nos: MA-RSS-101 Rev P3; MA-RSS-500 Rev P3; MA-RSS-701 Rev P3; MA-RSS-702 Rev P3

# **Application Type:**

Full Detailed Planning Application

# Officer Recommendation:

- 1) That the Committee resolve that the Director of Planning and Property be authorised to grant permission subject to the condition(s) 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 conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

# **Conditions:**

- 1) Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission in so far as it relates to the development (being granted under section 73A of the Act in respect of development already carried out) shall have effect from the date of this decision notice.
  - To ensure clarification of the works commenced in accordance with Section 73A of Chapter 8, Part III, of the Town and Country Planning Act 1990 (as amended).
- Within 3 months of the date of this decision details of soft landscaping of the planters and trellis associated with the air handling unit 1 (AHU 1), including planting schedules shall be submitted to the Council and subsequently approved in writing. The development shall be carried out in accordance with the approved details during the next available planting season and shall be permanently retained in this form. Any trees, shrubs or planting associated with the soft landscape details that is removed, or seriously damaged, dying, or diseased within five years of the date of planting shall be replaced in the next planting season with a similar size and species to that originally required to be planted.

To ensure a satisfactory external appearance, in accordance with Policies DC1, DC4, DC8 and OS5 of the Local Plan (2018).

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

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

4) The air handling units (AHUs) hereby approved shall be permanently mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

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

# **Justification for Approving the Application:**

- 1. Design: The proposal is judged to be acceptable in visual terms. The proposals do not harm the character, setting or significance of the Fulham Reach Conservation Area or the neighbouring historic assets. The proposed development is therefore considered acceptable in accordance with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF (2023), Policies D3 and HC1 of the London Plan (2021), and Policies DC1, DC4 and DC8 of the Local Plan (2018).
- 2. Residential Amenity: The impact of the proposed development upon adjoining occupiers is considered to be acceptable. The proposal would not have an unacceptably harmful impact on neighbouring residential amenity in terms of light, outlook or privacy and noise and disturbance. In this regard, the development would respect the principles of good neighbourliness, and would therefore be acceptable in accordance with the NPPF (2023), Policy D14 of the London Plan (2021), and Policies HO11, CC11 and CC13 of the Local Plan (2018).

# LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

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

Application form received: 29th March 2022

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

# **Consultation Comments:**

Comments from:Dated:Cinema Theatre Association21.04.22

# **Neighbour Comments:**

Letters from:	Dated:
58 Queen's Wharf 2 Crisp Road London W6 9NE	23.01.23
138 Queen's Wharf 2 Crisp Road London W6 9PF	26.04.22
164 Queen's Wharf 2 Crisp Road London W6 9PF	19.04.22
123 Queen's Wharf 2 Crisp Road London W6 9PF	03.05.22
123 Queen's Wharf 2 Crisp Road London W6 9PF	03.05.22
Flat 141, Queens Wharf, 2 Crisp Road, London W69PF	20.04.22
137 Queens wharf Crisp road London W6 9PF	04.05.22
11 Queen's Wharf 2 Crisp Rd London W6 9NE	08.04.22
Flat 123, Queens Wharf 2 Crisp Road London W6 9PF	22.01.23
Flat 58 Queens Wharf, 2 Crisp Road London W6 9NE	03.05.22
Apartment 3 Queen's Wharf, 2 Crisp Road, London W6 9NE	02.05.22
38 St. Peters Square London W6 9NW	29.01.23
123 Queen's Wharf 2 Crisp Road London W6 9PF	03.05.22
38 St. Peters Square London W6 9NW	02.05.22
24 queen's wharf crisp road london w6 9ne	04.05.22
151 Queens Wharf 2 Crisp Road London W69PF	04.05.22

## 1.0 SITE CONTEXT AND CONSTRAINTS

## + Site Context:

- 1.1 The application site is the former Queens Wharf and Riverside Studios buildings which have been redeveloped following the grant of planning permission in 2014, in the form of a new building comprising 165 residential units (Class C3) and 8,633 sqm of commercial floor space including a new facility for Riverside Studios. The application itself relates to the podium courtyard of the building.
- 1.2 The site is located on the north bank of the River Thames in a highly prominent riverside location within the setting of the iconic Grade II\* listed Hammersmith Bridge. The site also lies next to the historic Queen's Drawdock, Beckett's Wharf (now a raised river terrace with seating) and at the end of the view along Lower Mall with its many listed buildings. The Drawdock is a public right of way to the river.
- 1.3 The site is also bound by Crisp Road to the east, Chancellors Wharf residential development to the south and Queen Caroline Street to the north.

#### 2.0 RELEVANT PLANNING HISTORY

- 2.1 In January 2014 planning permission and conservation area consent (2013/03799/FUL and 2013/03800/CAC) was granted for the demolition of the existing buildings and the redevelopment of the site via a comprehensive proposal comprising the erection of a six to eight storey building with balconies and roof terraces and the provision of 165 residential units (Class C3) and 8,633 sqm of commercial floor space for television and film recording studios, storage, dressing rooms, offices, theatre, cinema and other facilities ancillary to those uses including cafe, restaurant, bar and other uses for the sale of food and drink, together with car and cycle parking, storage and plant space and the creation of a riverside walk along the frontage of the site facing the River Thames.
- 2.2 The above Planning Permission has subsequently been amended by section 96a applications 2014/01290/NMAT and 2014/04247/NMAT.

## 3.0 PROPOSAL

- 3.1 The development subject to the planning permission and conservation area consent (2013/03799/FUL and 2013/03800/CAC) was completed on 31 October 2017 (with the Riverside Studios opening May 2019).
- 3.2 On 1 July 2020, as part of the construction work, two Air Handling Units (AHUs) were installed within the podium courtyard of the building to serve the Riverside Studios arts and media centre located on the ground and first floors. The two AHUs were not part of the extant permission. The proposal seeks to regularise the planning situation.
- 3.3 A planning application for the retrospective installation of the two Air Handling Units within the podium courtyard (ref. 2021/04036/FUL) was withdrawn by the applicant to allow additional noise data to be collated and agreed with the Council's Environmental Protection team.

- 3.4 The current planning application is a re-submission, and includes an updated Acoustic Assessment.
- 3.5 The AHUs are used to provide air changes to the studios at a reduced airflow rate as not to be audible within the recording studios which is paramount in order for them to function. In turn, this helps cool the considerable heat produced by the stage lighting and create comfortable conditions for performers and members of the audience.
- 3.6 The application is supported by a letter from the Executive Director of Riverside Studios explaining the need for the AHUs. He states:
- "The majority of theatre productions take place in Studio 2, and without the air handling units they could not operate the space at all......Being unable to operate Studio 2 would be the end of Riverside Studios as a cultural venue in the Borough. It is our major performance space with a capacity of up to 440 people. We normally stage 6-8 performances a week in Studio 2 and reach around ten to twelve thousand people, primarily local residents, per production."

## 4.0 PUBLICITY AND CONSULTATION RESPONSES

- + Statutory Consultation
- 4.1 A Site and press notice were published to advertise this application and notification letters were sent to the occupants of 260 surrounding properties.
- 4.2 15 representations have been received, all objecting to the application on the following summarised grounds:
- o The space was intended for residents only as part of the communal gardens.
- o Noise generated from the equipment, particularly as the flats are naturally ventilated
- o Visual amenity eyesore
- o Trellising and Astroturf does not mitigate harm
- o The equipment was installed without planning permission
- o Lack of consultation between the Riverside Studios and the residents
- o The equipment should be relocated to the plant room
- o Report was undertaken in 2021 when the studios would have been closed due to the pandemic and as such noise levels would have been lower.
- o The units should be relocated
- o Impacts upon access
- o Existing landscaping around the site was the result of poor workmanship and is dying.
- o Do residents have to pay for the associated use of electricity?
- o Properties mis-sold on account of high-quality landscaping/communal gardens with picturesque views no longer being provided
- o Applicant should pay compensation to all residents
- o Equipment devalues properties
- o Expulsion of air from the units is a health issue
- 4.3 Theatres Trust support the application.

### 5.0 POLICY FRAMEWORK

- 5.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England.
- 5.2 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).
- 5.3 In this instance the statutory development plan comprises the London Plan (2021) and the Local Plan (2018). A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application.
- + National Planning Policy Framework (2023)
- 5.4 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and was subsequently revised in 2019, 2021 and more recently in 2023 and is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.
- 5.5 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.
- + London Plan
- 5.6 The London Plan was published in March 2021. It forms the Spatial Development Strategy for Greater London and sets out a framework for how London will develop over the next 20-25 years and the Mayor's vision for Good Growth. It forms part of the development plan for Hammersmith and Fulham.
- + Local Plan
- 5.7 The Council adopted the new Local Plan on 28 February 2018. The policies in the Local Plan together with the London Plan make up the statutory development plan for the borough. The Planning Guidance Supplementary Planning Document (SPD) (February 2018) is also a material consideration in determining planning applications. It provides supplementary detail to the policies and is organised around key principles.

## 6.0 PLANNING ASSESSMENT

6.1 The main considerations material to the assessment of this application have been summarised as follows:

- Visual amenity; and
- Impact on amenities of neighbouring residential properties

### VISUAL AMENITY

- 6.2 The NPPF (section 12) states that development should respond to local character and history and the surrounding environment and setting, whilst not preventing innovation but extends this to recognise a role for change and increased densities. The NPPF (section 16) advocates a positive strategy for conserving and enhancing the historic environment, taking account of (amongst other things) the desirability of new development to make a positive contribution to local character and distinctiveness. The NPPF states that economic, social and environmental gains are to be sought jointly and simultaneously in order to deliver positive improvements in the quality of the built, natural and historic environment.
- 6.3 Section 66(1) of the Listed Buildings Act applies to the determination of planning applications. Section 66 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.'
- 6.4 Section 72 of the above Act states in relation to Conservation Area that:'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'
- 6.5 London Plan Policy D3 specifies that development must take a design led approach that optimises the capacity of sites, with specific regard to form and layout, experience, quality and character. London Plan Policy HC1 states that development proposals affecting heritage assets, and their setting should conserve their significance and avoid harm and identify enhancement by integrating heritage considerations early on the design process.
- 6.6 Local Plan Policy DC1 states that 'Development 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. In particular, development throughout the borough should be of the highest standard of design that respects local context and character and should protect and enhance the character, appearance and setting of the borough's conservation areas and its historic environment'.
- 6.7 Local Plan Policy DC4 states that 'The council will require a high standard of design in all alterations and extensions to existing buildings. These should be compatible with the scale and character of existing development, their neighbours and their setting. In most cases, they should be subservient to the original building. Alterations and extensions should be successfully integrated into the architectural design of the existing building. In considering applications for alterations

and extensions the council will consider the impact on the existing building and its surroundings and consider the following:

- a) Scale, form, height and mass;
- b) Proportion;
- c) Vertical and horizontal emphasis;
- d) Relationship of solid to void;
- e) Materials;
- f) Relationship to existing building, spaces between buildings and gardens;
- g) Good neighbourliness; and
- h) The principles of accessible and inclusive design.'
- 6.8 Local Plan Policy DC8 states that the council will '..aim to protect, restore or and enhance the quality, and character, appearance and setting of the borough's conservation areas and its historic environment, including listed buildings, historic parks and gardens, buildings and artefacts of local importance and interest, archaeological priority areas and the scheduled ancient monument'. This is supported by Planning Guidance SPD Key Principle CAG3.
- 6.9 The site is located on the northern bank of the River Thames in a highly prominent riverside location within the setting of the iconic Grade II\* listed Hammersmith Bridge. The site also lies next to the historic Queen's Drawdock, Beckett's Wharf (now a raised river terrace with seating) and at the end of the view along Lower Mall with its many listed buildings.
- 6.10 The two AHUs have been installed in the lower section of the podium courtyard and measure:

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o AHU 1: 7m (L) x 2.4m (W) x 3m (H)
o AHU 2: 7.3m (L) x 1.6m (W) x 2.2m (H)
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- 6.11 Due to their location they are not visible to the public domain outside of the site. As such the retention of the AHUs would not harm the character, setting or significance of the Fulham Reach Conservation Area, or neighbouring heritage assets including the Grade II\* listed Hammersmith Bridge.
- 6.12 Within the site the units have been sited at the edges of the podium courtyard to minimise their prominence and so as not to impact upon the useability of the amenity space. Artificial turf has been laid on the roofs of both AHUs, and in the case of AHU1 trellising and raised planters have been added to the edges of the unit to encourage climbing plants to grow that will soften the appearance. Trellis on AHU2 is not practicable due to there being louvres on all sides of the unit that are required to maintain air flow.
- 6.13 The artificial grass replicates that installed throughout the remainder of the podium garden as approved under condition 4 of the extant consent (Ref. 2014/04793/DET). Despite this, the potential for the inclusion of a biodiverse roof on the AHUs has been explored. However, it is concluded that this cannot be feasibly delivered. The additional weight would require a supporting structure to be constructed around the AHUs rather than simply laid on the roof of the existing enclosure, which would notably increase the bulk and mass of the AHUs. In addition, the biodiverse roof would place an increased structural load on the

- podium courtyard, which it has not been designed to support. On this basis, the use of artificial grass is considered acceptable.
- 6.14 Details of the soft landscaping associated with the trellis and planters and the associated maintenance are secured by a condition to ensure the planting is retained for the lifetime of the development.
- 6.15 In view of the above, the proposal to retain the AHUs is judged to be acceptable in visual terms. The proposals do not harm the character, setting or significance of the Fulham Reach Conservation Area and neighbouring historic assets. The proposed development is therefore considered acceptable in accordance with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, London Plan Policies D3 and HC1 and Local Plan Policies DC1, DC4 and DC8.

## IMPACT TO RESIDENTIAL AMENITY

- 6.16 The properties that potentially stand to be most impacted by the AHU equipment are the residents of the 165 flats within the development site which surround the podium.
- 6.17 Local Plan Policy HO11 states that proposals for extensions and alterations will be considered acceptable where it can be demonstrated that there is no detrimental impact on:
- Privacy enjoyed by neighbours in adjoining properties;
- Daylight and sunlight to rooms in adjoining properties;
- Outlook from windows in adjoining properties; and
- Openness between properties.
- 6.18 Due to the location of the AHUs there would be no harm to neighbouring properties in respect to light, outlook and privacy. The main consideration with regards to neighbouring amenity is noise generated from the operation of the equipment.
- 6.19 NPPF Paragraph 191 states that new development should be appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and the quality of life.
- 6.20 London Plan Policy D14 states in order to reduce, manage and mitigate noise to improve health and quality of life, development proposals should manage noise by avoiding significant adverse noise impacts on health and quality of life.
- 6.21 Local Plan Policy CC11 seeks to control the noise and vibration impacts of developments, requiring the location of noise and vibration sensitive development 'in the most appropriate locations'. Noise assessments providing details of noise levels on the site are expected 'where necessary'. Local Plan Policy CC13 seeks to control pollution, including noise, and requires proposed developments to show that there will be 'no undue detriment to the general amenities enjoyed by existing surrounding occupiers of their properties'.
- 6.22 For developments that have the potential to increase noise or vibration levels Planning Guidance SPD Key Principle NN1 requires the submission of a noise

- and/or vibration survey and report. SPD Key Principle NN4 requires all noise generating uses, including plant, machinery and equipment, will be subject to requirements to minimise noise to relevant criteria in order to protect residential and other noise sensitive amenity.
- 6.23 Under the extant permission the following conditions were attached to ensure the amenity of occupiers of the development site are not adversely affected by noise and vibration from plant/mechanical installations/ equipment:
- 26) Prior to installation of the plant equipment, details of anti-vibration measures shall be submitted to and approved in writing by the Council. The measures shall ensure that machinery, plant/ equipment, extract/ ventilation system and ducting are mounted with proprietary anti-vibration isolators and fan motors are vibration isolated from the casing and adequately silenced. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.
- 28) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of building vibration levels, together with appropriate mitigation measures where necessary. The criteria to be met and the assessment method shall be as specified in BS 6472:2008. The relevant part of the development shall not be occupied until the approved details have been implemented. Approved details shall thereafter be permanently retained.
- 29) Prior to commencement of the development details shall be submitted to and approved in writing by the Council, of the external noise level emitted from plant/ machinery/ equipment. The measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the lowest existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:1997 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 noise 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.
- 6.24 Although the proposals for the AHUs have been submitted under a stand alone planning application Officers consider it to be reasonable to use these conditions for the basis of the assessment in terms of environmental nuisance.
- 6.25 The current application is supported by an Acoustic Report dated 7th March 2022 prepared by ACA Acoustics and a subsequent Technical Note dated 28th September 2023 which includes the results of a noise survey with the AHUs in place to demonstrate compliance with the above conditions. In more detail, the reports confirm that the AHU equipment would not be subjectively audible to noise sensitive properties and the limited noise generated would not be tonal or intermittent. Furthermore, the reports conclude there is no noticeable change in the measured sound levels with the equipment switched off or operating. Results of the sound level survey confirm that the specific level of the equipment is at least 10dB below the measured background soft level. On this basis Environmental Protection Officers are satisfied that the proposal complies with the requirements of condition 29.

- 6.26 With regard to vibration, the Acoustic Report also confirms that there is no noticeable change in measured vibration levels with the equipment operating or switched off. Results are exceptionally low and significantly lower than recommended criteria within the relevant British Standard (BS 6472-1:2008) and as such it is unlikely that residents would be able to detect any vibration. The AHU equipment is also provided with sufficient isolation to provide a good reduction in vibration. On this basis the Environmental Protection Officers are satisfied the parameters noted within conditions 26 and 28 have been fulfilled.
- 6.27 During the course of the application a resident of the building provided a video with sound recordings of the AHU equipment taken by a phone application to dispute the noise levels stated in the Acoustic Report. This was reviewed by Environmental Protection Officers, where it was concluded that the measurements taken are not precise enough to make a proper assessment of noise. In the first instance, using a phone application does not give an accurate reading, and the measurement taken would also include all environmental noise. Furthermore, it was noted that the recordings were made next to the plant rather than at the nearest dwelling, whereby levels are obviously higher, and noise levels within their home are not taken into account. On this basis, the findings of the submitted Acoustic Report by an acoustic professional consultant is deemed to be the most reliable/accurate assessment.
- 6.28 In conclusion, on the basis of the above, officers are satisfied that the operation of the AHUs do not have a negligible impact on the amenities of residents surrounding the podium. Conditions however will ensure the plant noise limits and anti-vibration measures remain in compliance with the above assessment. If complaints are received officers can assess the noise levels and determine any non-compliance, and appropriate action can be taken. On this basis, the proposals are considered to comply with London Plan Policy D14 and Local Plan Policies CC11 and CC13.

### + FLOOD RISK

- 6.29 The application site lies within the Environment Agency's Flood Risk Zone 3. Whilst a detailed flood risk assessment would typically be required for development within Flood Risk Zone 3 the AHUs are located on the first floor podium and accordingly do not raise flood risk issues. The proposal complies with the NPPF, London Plan Policy SI12 and Local Plan Policies CC2 and CC3.
- 7.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)
- 7.1 The proposals are not liable for either the Mayor's or Council's Community Infrastructure Levy.

## 8.0 CONCLUSION

8.1 In considering planning applications, the Local Planning Authority needs to consider the development plan as a whole and planning applications that accord with the development plan should be approved without delay, unless material considerations indicate otherwise and any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

- 8.2 In the assessment of the application regard has been given to the NPPF, London Plan, and Local Plan policies as well as guidance.
- 8.3 In summary, it is considered that the proposal would not have an unacceptable impact on the existing amenities of the occupiers of neighbouring residential properties, and would be of an acceptable visual appearance. It is not considered that the development would harm the existing character or appearance of the Conservation Area or the setting of nearby heritage assets. In these respects, the proposals comply with the relevant Policies of the NPPF (2023), the London Plan (2021), the Local Plan (2018) and the relevant Key Principles within the Planning Guidance Supplementary Planning Document (2018).
- 8.4 Officers have taken account of all the representations received and in overall conclusion for the reasons detailed in this report it is considered, having regard to the development plan as a whole and all other material considerations, that planning permission should be granted subject to the conditions listed.
- 9.0 RECOMMENDATION
- 9.1 Grant planning permission subject to conditions.