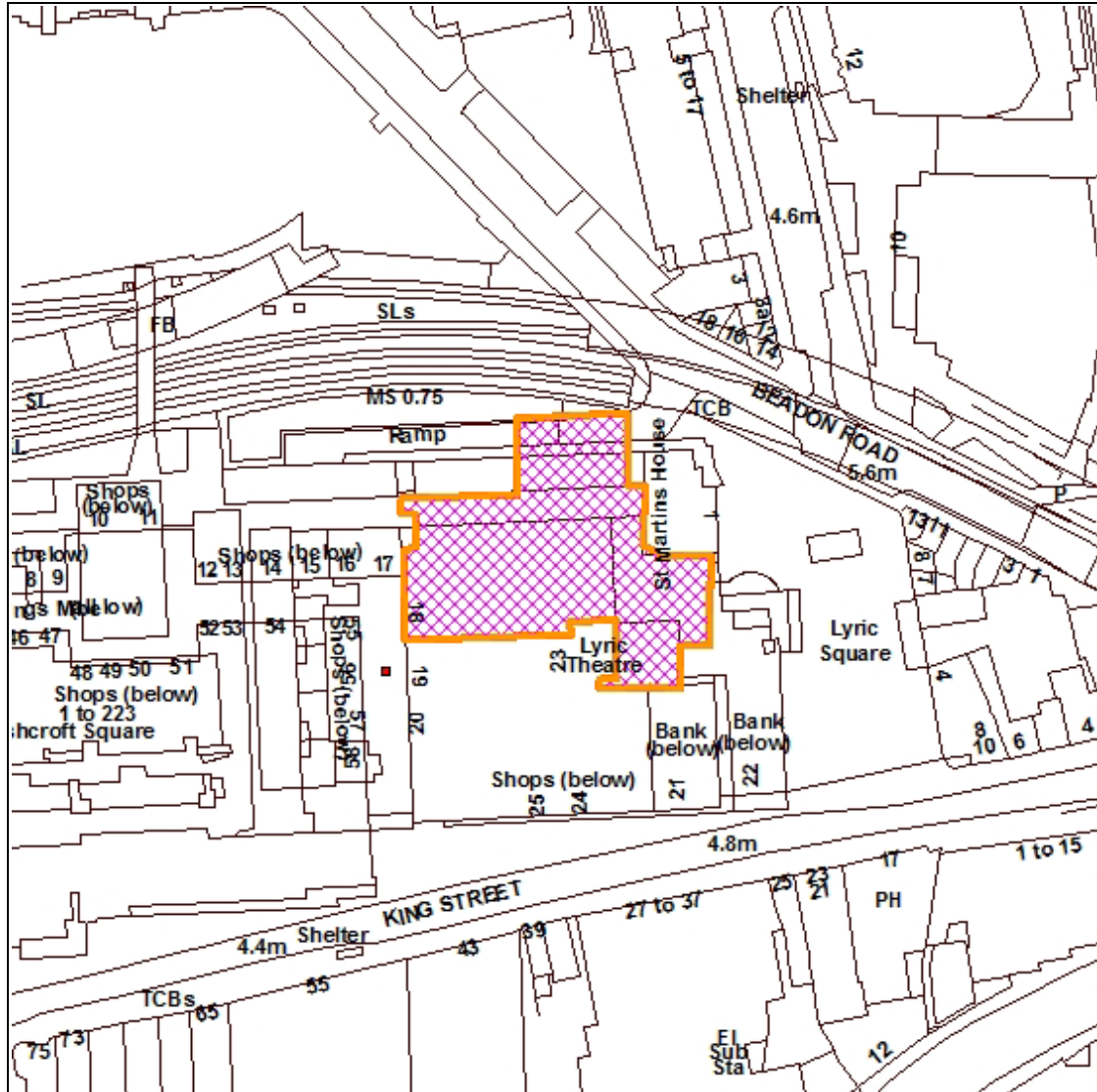

Ward: Hammersmith Broadway

Site Address:

Kings Mall Shopping Centre King Street London W6 0QS



© Crown Copyright. All Rights Reserved. London Borough Hammersmith and Fulham LA100019223 (2013).

For identification purposes only - do not scale.

Reg. No:
2024/01370/FUL

Case Officer:
Anisa Aboud

Date Valid:
06.06.2024

Conservation Area:

Committee Date:
10.06.2025

Applicant:

c/o Agent

Bargelaan 20 Leiden 2333 CT Netherlands

Description:

Change of use of Unit 18 of Livat Hammersmith from retail and ancillary use (Class E) to Hotel (Class C1).

Drg Nos: See Condition 2.

Application Type:

Full Detailed Planning Application

Officer Recommendation:

(1) That the Committee resolve 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.

Conditions:

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

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

- 2) The development shall be carried out and completed in accordance with the following approved drawings:

+ Proposed floor plans and Indicative Layouts:

IHM-BDP-ZZ-00-DR-A-ZZ_70_60-2300-PL R5

IHM-BDP-ZZ-00-DR-A-ZZ_70_60-2301-PL R3

IHM-BDP-ZZ-00-DR-A-ZZ_70_60-2200-PL R5

IHM-BDP-ZZ-00-DR-A-ZZ_70_60-2201-PL R3

+ Approved documents:

Design and Access Statement (IHM-BDP-ZZ-00-RP-A-ZZ_70_60-1001-PL) Revision 2, Fire Statement TS230864-R02-ISSUE 03 prepared by Tenos, Addendum to report P3000958-BDP-XX-XX-RP-YA-0003-P02 dated 29/01/2025, Access Statement dated 19 December 2024 prepared by Centre for Accessible Environments, Refuse and Recycling Management Plan (including Delivery and Servicing) prepared by Pell Frischmann Rev F3, Transport Statement prepared by Pell Frischmann Rev F3, Travel Plan prepared by Pell Frischmann Rev F4, Sustainability Statement prepared by Pell Frischmann Rev P02 S3, Noise Statement for Planning Rev P02 prepared by BDP.

In order to ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policies DC1, DC4, and DC8 of the Local Plan (2018).

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

In granting this permission, the Council has had regard to the particular circumstances of the case. The change of use could raise materially different planning considerations which the council would want to consider, in accordance with Policies T1, E3, DC1, DC4, DC8, CC10, CC11, CC11, CC12 and CC13 of the Local Plan (2018), and relevant Key Principles of the Planning Guidance SPD (2018).

- 4) The hotel hereby approved, shall contain a maximum of 89 bedrooms. The number of lettable rooms shall not increase without the written approval of the council.

In granting this permission, the Council has had regard to the particular circumstances of the case. An increase in the number of bedrooms could raise materially different planning considerations and the council wishes to have an opportunity to consider such circumstances at that time, in accordance with Policies T1, E3, DC1, DC4, CC10, CC11, CC11, CC12 and CC13 of the Local Plan (2018).

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

The width of the ground floor entrance doors to the building and integral lift/stair cores shall not be less than 1-metre, and the threshold shall be at the same level as the adjoining ground level fronting the entrances to ensure level access.

To ensure the provision and retention of facilities for all, including disabled people, in accordance with Policies D5 and E10 of the London Plan (2021) and Policies DC1 and E3 of the Local Plan (2018).

- 6) Prior to commencement of the development hereby permitted, a statement of how 'Secured by Design' requirements are to be adequately achieved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out prior to occupation or use of the development hereby approved and permanently retained thereafter.

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 Policy DC1 of the Local Plan (2018).

- 7) Prior to installation of any ventilation plant/system in the development hereby permitted, a Ventilation Strategy Report to mitigate the impact of existing poor air quality for the Hotel (Use Class C1) shall be submitted to and approved in writing by the council. This is applicable to all floors where Hammersmith & Fulham Councils 2030 Annual Mean Air Quality Targets for Nitrogen Dioxide (NO₂) - 10ug/m³ and Particulate (PM_{2.5}) - 5 ug/m³ are exceeded 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 hotel use floors
- b) 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
- c) Details of the independently tested mechanical ventilation system with Nitrogen Oxides (NO_x) and Particulate Matter (PM_{2.5}, 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 (PM_{2.5}, 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.

In the interests of energy conservation and reduction of CO2 emissions, in accordance with Policies SI2 and SI4 of the London Plan (2021) and Policies CC1 and CC2 of the Local Plan (2018).

- 8) Prior to occupation of the development hereby permitted, details of a post installation compliance report including photographic confirmation of the mitigation measures as detailed in the approved ventilation strategy as required by condition 7 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) or an appropriately accredited engineer. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of energy conservation and reduction of CO2 emissions, in accordance with Policies SI2 and SI4 of the London Plan (2021) and Policies CC1 and CC2 of the Local Plan (2018).

- 9) A minimum of one month prior to occupation of the development hereby permitted, an Ultra Low Emission Strategy (ULES) shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:
- a) Procurement policy and processes for contractors and suppliers that will incentivise and prioritise the use of Zero Exhaust Emission Vehicles in accordance with the emission hierarchy of 1) Walking Freight Trolley 2) Cargo bike (3) Electric Vehicle
 - b) Use of Zero Exhaust Emission Vehicles in accordance with the emissions hierarchy (1) Walking Freight Trolleys (2) Cargo bike (3) Electric Vehicle
 - c) Reduction and consolidation of deliveries and collections e.g., Waste
 - d) Re-timing of deliveries and collections outside of peak traffic time periods of 07:00-10:00 and 15:00-19:00 hrs

The ULES shall be monitored and reviewed on an annual basis and any subsequent modifications or alterations to the ULES should be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation and the ULES hereby permitted shall thereafter operate in accordance with the approved details.

In the interests of energy conservation and reduction of CO2 emissions, in accordance with Policies SI2 and SI4 of the London Plan (2021) and Policies CC1 and CC2 of the Local Plan (2018).

- 10) Prior to occupation of the development hereby permitted, details (including manufacturer specification, installation/commissioning certificates and photographic confirmation) of the installed cargo bike parking bays 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.

In the interests of energy conservation and reduction of CO2 emissions, in accordance with Policies SI2 and SI4 of the London Plan (2021) and Policies CC1 and CC2 of the Local Plan (2018).

- 11) At the development hereby permitted, no deliveries nor collections/ loading nor unloading shall occur other than between the hours of 10:00- to 16:00 and 19:00-21:00 on Monday to Friday, 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).

- 12) The development hereby approved shall operate in full accordance with the approved document: Refuse and Recycling Management Plan (including Delivery and Servicing) prepared by Pell Frischmann Rev F3. The approved details shall be implemented prior to occupation and the DSP hereby permitted shall thereafter operate in accordance with the approved details. The DSP shall be regularly monitored and reviewed and any subsequent modifications or alterations to the DSP should be submitted to and approved in writing by the LPA.

To ensure that satisfactory provision is made for refuse storage and collection and that servicing activities do not adversely impact on the highway, in accordance with Policy T7 of the London Plan (2021), and Policy T2 of the Local Plan (2018).

- 13) Prior to commencement (excluding site clearance) of the development hereby approved the following shall be submitted to, and approved in writing by, the Council:

(i) A Construction Management Plan

Details shall include monitoring and control measures for noise, vibration, lighting, delivery locations, contractors' method statements, waste classification and disposal procedures and locations, 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, advance notification to neighbours including local occupiers 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. The approved details shall be implemented throughout the project period.

(ii) A Construction Logistics Plan

This shall be in accordance with Transport for London (TfL) requirements and must seek to minimise the impact of construction traffic on nearby roads and restrict construction trips to off peak hours only. The details shall also include the numbers, size and routes of construction vehicles, and other matters relating to traffic management to be agreed. The approved details shall be implemented throughout the project period.

To ensure that construction works do not adversely impact on the operation of the public highway, and that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, lighting or other emissions from the building site, in accordance with policies T1, T6, T7, CC10, CC11, CC12 and CC13 of the Local Plan (2018).

- 14) Prior to installation of floors/ceiling/walls separating commercial part of the premises from hotel bedspaces, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/ walls separating the commercial part(s) of the premises from dwellings. 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 are implemented to contain commercial noise within the commercial premises and to achieve the criteria 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.

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

- 15) Noise from uses and activities within the building/ development site shall not exceed the criteria of BS8233:2014 at neighbouring noise sensitive/ habitable rooms and private external amenity spaces.

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

- 16) Prior to installation, details shall be submitted to and approved in writing by the Council, of the external sound level emitted from new plant/ machinery/equipment to be installed as part of the Hotel development site, inclusive of mitigation measures as appropriate. The measures shall ensure that the external sound level emitted from this new plant, machinery/ equipment will be lower than the lowest existing background sound level by at least 10dBA in order to prevent any adverse impact. The assessment shall be made in accordance with BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

A post installation noise assessment shall be carried out where required to confirm

compliance with the sound criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

- 17) Prior to installation, details shall be submitted to and approved in writing by the Council to confirm that sound emitted by new emergency plant to be installed as part of the Hotel development site during use or testing, does not exceed a limit set 10 dB above the lowest daytime background noise level LA90(15min) as measured or calculated according to BS 4142:2014, Details shall be submitted to and approved in writing by the Council of the frequency, times and duration for testing.

Reason: 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.

- 18) Prior to installation, measures to address the control of plant vibration associated with new building services to be installed as part of the Hotel development shall be submitted to and approved in writing by the Council. The measures are to be described via a performance specification which shall dictate that new machinery, plant/ equipment, extract/ ventilation systems and ducting in the finished build are mounted with proprietary anti-vibration isolators and fan motors are vibration isolated from the casing and adequately mitigated. Approved measures shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

- 19) The development shall be carried out and completed in full accordance with the details contained within the approved Flood Risk Assessment prepared by Pell Frischmann (Rev P05). 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 limit the impact on flood risk and mitigate the susceptibility of the development to flooding in accordance with Policies CC2, CC3 and CC4 of the Local Plan (2018).

- 20) Prior to occupation of the development hereby permitted details of safe, secure and accessible bicycle storage, for both the hotel and non-hotel guests/customers and staff, shall be submitted to, and approved in writing by the Council. The cycle parking facilities should be in accordance with London Cycling Design Standards (LCDS), and should also include facilities for cargo bikes. The bicycle storage facilities shall be implemented as approved prior to the occupation of the hotel, and shall thereafter be permanently retained for such use.

To ensure satisfactory provision for the bicycle and thereby promote sustainable and active modes of transport, in accordance with Policy T5 London Plan (2021), and Policy T3 of the Local Plan (2018).

Justification for Approving the Application:

- 1) 1. Land Use: The redevelopment of a vacant Class E commercial unit, located within Hammersmith Town Centre and the Hammersmith Regeneration Area to provide a Class C1 hotel in this well connected location, is considered acceptable in land use terms, subject to appropriate mitigation measures and controls. The provision of additional visitor accommodation is welcomed and will help ensure sufficient bedroom spaces are provided for visitors to Hammersmith and Fulham and adding to the vitality of Hammersmith Town Centre. The proposal is judged to accord with the NPPF (2024), London Plan (2021) Policy E10 and Local Plan (2018) Policies E3, TLC1 and TLC2.
2. Quality of Accommodation: The proposed development provides an acceptable standard of visitor accommodation, in accordance with London Plan (2021) policy E10.
3. Design and Heritage: The proposed change of use would not result in any harm to the character of appearance of the adjacent Bradmore conservation area and Hammersmith Broadway conservation area or the setting of any nearby Listed Buildings or Buildings of Merit. The proposal therefore accords with the NPPF (2024), London Plan (2021) Policies HC1 and D3, Local Plan (2018) Policies DC1, DC4, and DC11, and DC8, and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
4. Impact on Neighbouring Residents: The development is considered to respect the principles of good neighbourliness in relation to the on-site characteristics. There are no impacts on outlook, overlooking, and noise/disturbance, and sunlight/daylight. The proposed development therefore accords with London Plan (2021) Policies D14, Local Plan (2018) Policies DC1, DC4, HO11, TLC4, CC11, CC12 and CC13, and Key Principles of the Planning Guidance SPD (2018).
5. Safety and Access: The development would provide a safe and secure environment for all users in accordance with London Plan (2021) Policy D11, and Local Plan (2018) Policies DC1 and DC4. Inclusive access has been considered and at least 10% of rooms would be wheelchair accessible. The proposal would provide ease of access for all people, including disabled people, in accordance with London Plan (2021) Policy D5 and Local Plan (2018) Policies DC1 and DC4.

6. Highways and Transportation: It is considered that the scheme would not have a significant impact on the highway network or local parking conditions and is thus considered to be acceptable. The application is supported by highways/transport documents. More detailed documents would be secured by condition. Subject to a satisfactory legal agreement it is considered that the development would not contribute to on-street parking stress or significant disruption to traffic flows. Satisfactory provision would be made for cycle parking and refuse storage. External impacts of the development would be controlled by conditions related to servicing and deliveries. The proposed development therefore accords with the NPPF (2024), London Plan (2021) Policies T1-T7, Local Plan (2018) Policies T1, T2, T3, T4, T7 and CC7, and relevant Key Principles of the Planning Guidance SPD (2018).

7. Flood Risk and SUDS: A Flood Risk Assessment (FRA) has been submitted as required. In this respect the proposal is therefore in accordance with the NPPF (2024), London Plan (2021) Policies SI 12 and SI 13, and Local Plan (2018) Policies CC2, CC3 and CC4.

8. Air Quality: With regards to air quality considerations, a number of conditions will ensure additional mitigation is included including dust management plans, a ventilation strategy, restricted hours of deliveries and zero emission heating. The development would be acceptable and compliant with London Plan (2021) Policy SI 1, and Local Plan (2018) Policy CC10.

9. Planning Obligations: Planning obligations to mitigate the impact of the development and to make the development acceptable in planning terms are secured. This includes contribution towards public safety, contributions to public realm improvements. These measures for the proposed development would therefore mitigate external impacts and would accord with London Plan (2021) DF1 and Local Plan (2018).

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

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

Application form received: 5th June 2024

Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2024
The London Plan 2021
LBHF - Local Plan 2018
LBHF – Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments from:

Environment Agency - Planning Liaison
Crime Prevention Design Advisor - Hammersmith
Environment Agency - Planning Liaison
Transport For London - Land Use Planning Team
London Underground Limited
Environment Agency - Planning Liaison

Dated:

10.03.25
20.06.24
20.06.24
27.06.24
24.06.24
30.08.24

Neighbour Comments:

Letters from:

Dated:

144 Ashcroft Square King Street, Hammersmith London W6 0YN 19.06.24

1.0 Site and Surroundings

1.1 The subject site relates to Unit 18 within the shopping centre at Kings Mall in Hammersmith Town Centre. The shopping centre occupies basement, ground and first floors with five storeys of residential development above (Ashcroft Square) arranged around a large public square at podium level.

1.2 The site is not within a conservation area; however, it is adjacent to two conservation areas on three sides; Bradmore CA to the north and Hammersmith Broadway CA to the east and south. In addition to being in Hammersmith Town Centre, the whole of Kings Mall is designated as Prime Retail Frontage in the Local Plan and it also falls within the Hammersmith Regeneration Area.

1.3 The site also falls within the Environment Agency's Flood Risk Zone 3.

1.4 The PTAL is 6b indicating excellent levels of access to public transport, using TfL methodologies. Hammersmith Underground and bus stations are approximately 200m (two-to-three-minute walking distance) east of the Site and Ravenscourt Park Underground station is located approximately 950m (12- minute walking distance) west of the Site). There are multiple bus services that operate local to the site. A westbound stop is located on King Street, approximately 10m opposite the proposed site access outside the Livat Hammersmith Shopping Centre. Eastbound routes can be accessed approximately 400m (six-minute walking distance) the north of the site, on Glenthorne Road. These stops are served by bus routes 27, 110, 190, 218, 267, 306, H91, N9, N11 and N266, Hammersmith Bus Station is located adjacent to the Underground station and provides access to bus routes including 72, 533, N33 and N72.

2.0 Relevant Planning History

2.1 Kings Mall has already undergone some refurbishment over the past decade:

Ref. 2012/01397/FUL - Improvements including removing the west and east podium staircases and low concrete canopies to the King Street elevation; internal refurbishment of the mall. Approved. This has been implemented.

Ref. 2018/01206/FUL - External refurbishment of the Kings Mall Shopping Centre comprising of new shopfronts, high level cladding with integrated lighting, and alterations to the East and Western entrance. Approved. The high-level cladding has been implemented as approved.

- 2.2 Other units have received permission for bespoke shopfronts (Metro Bank, H&M, and the new IKEA city store) that are nevertheless in keeping with the 'standard design'. Minor alterations at podium level in connection with the IKEA store (Ref. 2020/01721/FUL) have also been approved.
- 2.3 More recently, permission has been granted to upgrade and modernise shop frontages along the King Street elevation.
- o 2023/02236/NMAT: Non-material amendment to planning permission reference: 2018/01206/FUL dated 6th June 2018 for the "External refurbishment of the Kings Mall Shopping Centre comprising of new shopfronts, high level cladding with integrated lighting, alterations to the East and Western entrance." Amendments sought are the Variation of Condition 2 of planning consent 2018/01206/FUL to allow amendments to the approved plans to permit modified elevation to Unit 30-31 King Street. Approved. 26.09.2023
 - o 2023/01355/ADV: Display of 2no. internally illuminated fascia signs to the east entrance and retrospective consent for the display of 1no. internally illuminated fascia sign to the west entrance of the Livat Shopping Centre, and 1no. internally illuminated fascia sign to the IKEA store entrance on King Street. Approved 18.08.2023
 - o 2023/00579/ADV: Display of 1no internally illuminated fascia sign, 1no internally illuminated digital led screen (applied to internal glazing shopfront) and 1no. non-illuminated acrylic name plate to replace the existing signs at the front elevation; display of 1no internally illuminated fascia sign, 1no internally illuminated projecting sign, 3no internally illuminated ATM surround and vinyls to replace the existing signs to the side elevation. Approved 26.07.2023
 - o 2021/03358/NMAT: Non-material amendment to planning permission reference: 2020/02583/FUL dated 5th May 2021 for the "Change of use of Unit 18 (Use Class A1) and part of Unit 17 (Use Class D2) to Class E and/or Class F.1 (Public hall/exhibition hall only) and/or Sui Generis use class (Drinking establishment), change of use of podium level entrance hall and external area to Class E, change of use of redundant plant and machinery to Class E, change of use of customer circulation space to retail kiosks (Use Class E); alterations and refurbishment to building entrances at King Street, service yard entrance and Multi-Storey Car Park on Glenythorne Road; new landscaping and seating on King Street; and alterations and refurbishment to podium level entrance hall and podium including replacement of existing windows, doors, canopy and cladding, installation of plant, replacement lighting, extension to toilets, new landscaping and seating." Amendments sought are alterations to the approved cladding system for the atrium building in being proposed to be changed to a render finish. Approved 15.11.2021
 - o 2021/00028/FUL: Installation of a gantry and plant enclosure to house a dry air cooler unit above the north-east service road ramp. Approved 17.03.2021

- o 2020/02983/ADV: Display of new and replacement signage (including internally illuminated fascia signs, non-illuminated projecting signs, totem signs and digital screens) to the entrances and high level cladding of Kings Mall, Lyric Square and the Multi Storey Car Park; and at podium level; use of the existing digital screen adjacent to the East entrance to display third party advertising. Approved 05.05.2021
- o 2020/02583/FUL: Change of use of Unit 18 (Use Class A1) and part of Unit 17 (Use Class D2) to Class E and/or Class F.1 (Public hall/exhibition hall only) and/or Sui Generis use class (Drinking establishment), change of use of podium level entrance hall and external area to Class E, change of use of redundant plant and machinery to Class E, change of use of customer circulation space to retail kiosks (Use Class E); alterations and refurbishment to building entrances at King Street, service yard entrance and Multi-Storey Car Park on Glenthorne Road; new landscaping and seating on King Street; and alterations and refurbishment to podium level entrance hall and podium including replacement of existing windows, doors, canopy and cladding, installation of plant, replacement lighting, extension to toilets, new landscaping and seating. Approved 05.05.2021
- o 2020/01876/NMAT: Non-Material Amendment to approved planning permission Ref 2014/02370/VAR dated 7 May 2015 for the conversion of two market residential units (plots 396 and 401) located on the first and second floors of Building E, from a 3-bed 5-person 1-bathroom layout to a 2-bed 4-person 2-bathroom layout, in Phase 2 of the development. Approved 14.08.2020
- o 2020/01721/FUL: Installation of a new shopfront to the King Street elevation for a new IKEA store; and minor alterations to the rear elevation of the unit at podium level. Approved 25.01.2021

3.0 Proposals

- 3.1. The proposed development site is located on the ground floor and basement of the shopping centre and was formerly a WHSmith retail unit.
- 3.2 The application seeks full planning permission for:
 - The change of use of unit 18 within the Kings Mall shopping centre from Class E to hotel use (C1).
 - The development proposals consist of an 80 room and 9 accessible room 'pod' Hotel within the former WHSmith unit and basement.
- 3.3 CityHub is unlike a traditional hotel; it caters for self-sufficient travellers who require accommodation to explore the city. CityHub is tailored towards those comfortable in a digital environment and therefore do not require the same attention as those in a 'typical' hotel. Guests desire to travel "on their own terms", in a more authentic manner.
- 3.4 Rather than individual rooms, there are 'hubs' which include a king-size bed alongside space to store luggage and clothes. CityHub has shared facilities and spaces, including communal bathrooms and a shared 'hangout' area comprising a reception, lounge and self-service kitchen area. These communal areas are designed for people to work or relax.

- 3.5 Travellers' check-in themselves and have access to a self-service 'bar' within the hangout. No food or drink outlets are proposed within the development. A CityHub staff member known as a CityHost will be available 24 hours to assist guests as required.
- 3.6 CityHub has hotels operating in Amsterdam, Copenhagen and Rotterdam and has been able to provide details operational details of servicing and waste requirements bespoke to this type of hotel.
- 3.7 The Livat is open for shoppers between 06:30-21:30 Monday to Saturday and 08:00-18:00 on Sundays. Pedestrians accessing the hotel during opening hours can use any of the shopping centre entrances but will most likely enter through the access point on King Street via Livat Hammersmith, to the south of the proposed development.
- 3.8 Outside of these hours, CityHub Hotel residents will be provided with a wristband with a fob for access to the Hotel premises. Should hotel residents need to check-in out of hours, residents can use an intercom system and the CityHost will grant them access to the building.

4.0 Publicity and Consultation

- 4.1. In addition to site and press notices, notification letters were sent to 396 neighbouring properties. 1 (one) letter of objection was received from a resident in Ashcroft Square, they questioned the need for another hotel in the area, were concerned by the construction noise and disturbance to local residents and more crime in the area. Officer's note that the principle of development and need for hotel use in assessed within this report (para 6.0), the potential noise and disturbance from the proposal is also assessed within this report and safeguarding conditions have been recommended. Lastly, the designing out crime officer has been consulted and have raised no objection to the scheme.

External & Statutory Consultees

- 4.4 Environment Agency (EA) - Initially objected to the scheme but additional information in the form of a revised Flood Risk Assessment was provided and the EA have removed their objection.
- 4.5 Metropolitan Police (design out crime) - no objection and has offered recommendations.
- 4.6 Transport for London - No objection.

5.0 Policy Context and Planning Considerations

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

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

National Planning Policy Framework (NPPF)

- 5.3 The NPPF (2024) is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.
- 5.4 The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

The London Plan

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

The Local Plan

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

Planning Considerations

- 5.7 The main planning considerations in the assessment of this application include the following:-
- The change of use from Class E to C1 Hotel and principle of a hotel use on the site
 - Impact on the character and appearance of the host building and the adjacent Conservation Areas
 - Residential amenity of neighbouring occupiers
 - Highways impacts
 - Environmental considerations
 - Fire Safety

Planning Assessment

6.0 Land Use / Principle of Hotel Use

- 6.1 Historically the unit was occupied by WHSmith, who vacated the unit in August 2020. The site has been temporarily used as a smaller retail unit on short term leases. The current proposal includes a change of use to C1 Hotel.

- 6.2. Paragraph 97 of the NPPF advises that planning decisions should provide the social, recreational and cultural facilities and services the community needs, including public houses.
- 6.3. Policy E10 of the London Plan requires planning decisions to enhance London's visitor economy and associated employment should be strengthened by enhancing and extending its attractions, inclusive access, legibility, visitor experience and management and supporting infrastructure. Part C of this policy seeks to ensure a sufficient supply and range of serviced accommodation. Part G seeks for visitor infrastructure to be located within the CAZ or where they are well connected by Public Transport, particularly to central London. Part H requires sufficient choice and at least 10% of bedrooms to be wheelchair-accessible.

6.4 Local Plan Policy E3 states that;

Permission will be granted for new visitor accommodation and facilities or the extension of existing facilities within the three town centres, the Earl's Court and West Kensington and White City Opportunity Areas subject to:

- the development being well located in relation to public transport;
- the development and any associated uses not having a detrimental impact on the local area;
- no loss of priority uses such as permanent housing;
- provision of adequate off-street servicing and pick up points for the type of facility proposed;
- at least 10% of hotel bedrooms designed as wheelchair accessible;
- the facility being of a high standard of design; and
- the scheme adding to the variety and quality of visitor accommodation available locally.

- 6.5 Policies TLC1 and TLC2 of the Local Plan aim to ensure that there is sufficient capacity for new retail floorspace in line with identified need and that surplus capacity does not lie vacant. The policies support the regeneration of the town centres for a mix of uses, including visitor accommodation where it is demonstrated that those facilities can improve the viability and vitality of town centres.

- 6.6 The scheme proposes the redevelopment of unit 18 within the Livat Shopping Mall into a hotel (use class C1). The development site forms part of the prime retail frontage. Policy TLC2 states that in designated centres, alternative uses will be permitted where they are complementary to the shopping frontage and maintain or increase the vitality and viability of the town centre and do not have an adverse impact on the local area. It is considered that the change of use of the existing retail premises into a hotel would not impact on the viability of the shopping area but it would help with the vitality of the centre by bringing more visitors which in turn would increase the footfall and support the night economy in Hammersmith. On this basis this would be supported by policies TLC1 and TLC2.

- 6.7 Moreover, the proposal relates to the change of use of a retail unit (Class E) to hotel use located within Hammersmith Town Centre and the Hammersmith Regeneration Area, that is considered to be well located in relation to public transport. As well as enhancing London's visitor economy the proposal would also provide additional employment opportunities and would support the viability of the Hammersmith Town Centre.
- 6.8 Subject to an assessment against all other material planning considerations, including design and heritage, accessibility, residential amenity and impact on the highways network, the principle of hotel use is considered to be acceptable and would accord with the NPPF(2024), London Plan Policy E10 and Local Plan Policies E3, TLC2 and TLC2. The abovementioned matters are discussed in more detail below.

Design and Heritage

- 7.1 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 (2024) 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.
- 7.2 Local Plan - Policies DC1, DC2 and DC4 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), states that new build development will be permitted if it is of a high standard of design and compatible with the scale and character of existing development and its setting. Policy DC4 (Alterations and Extensions, Including Outbuildings) sets out to ensure that a high standard of design will be achieved in all alterations and extensions to existing buildings.
- 7.3 The site is not located within a conservation area. However, it borders the Bradmore CA to the north and Hammersmith Broadway CA to the east and south. The proposals would not result in any impacts to the setting of other designated/non-designated heritage assets.
- 7.6 The proposed works to Unit 18 consist primarily of internal alterations with limited exterior alterations are proposed to provide a replacement ramp and secondary fire door in the service yard.
- 7.7 Overall, the proposed works are considered to be internal alterations which would have no impact on the external primary frontage of the shopping centre. Considering this, officers are satisfied that the proposals would not have a harmful impact on the setting of Hammersmith Broadway CA or Bradmore CA and would preserve its character and appearance.

7.8 Overall, the proposed development is considered acceptable having regard to the NPPF (2024), Policies D3 and HC1 of the London Plan (2021) and Policies DC1, DC4 and DC8 of the Local Plan (2018).

8.0 Residential Amenity

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

8.2. Key Principles HS6 and HS7 of the Planning Guidance SPD seek to protect the existing amenities of neighbouring residential properties, in terms of outlook, light, and privacy.

8.3 RESIDENTIAL AMENITY

8.4 Local Plan Policy HO11 states that proposals 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.

8.5 Policies DC1 and DC2 require all proposals for new builds to be formulated to respect the principles of good neighbourliness. Planning Guidance SPD Housing Key Principles 6 and 7 support Local Plan Policy HO11 and set out a more detailed means of assessment. 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.

8.6 The area surrounding the site is predominantly commercial as associated with a town centre with residential use on the upper floors. The nearest residential properties are located on Ashcroft Square on the first floor and above.

8.7 Although the first floor podium entrance, is surrounded by dwellings from Ashcroft Square, the proposal is not considered to have any significant impact upon the occupiers of the dwellings, in terms of loss of light, loss of outlook or overshadowing, as the proposals relate solely to the change of use of the ground floor and basement of unit 18 within the shopping centre.

- 8.8 London Plan Policies SD6 and HC6 seek to enhance vitality and viability of town centres through the promotion of managed vibrant daytime, evening and night-time activities. The London Plan acknowledges the important public function that spaces within and around town centres can play in providing opportunities for people to meet, gather, socialise and be entertained. Local Plan Policy TLC1 seeks to enhance the vitality and viability of the Borough's town centres by ensuring a range of accessible shopping and other town centre uses to meet the needs of local residents, workers, and visitors. In particular, Part C supports the night-time economy. The proposed hotel use would support these objectives.
- 8.9 Nonetheless, officers have considered the intensified use of this unit in terms of noise and disturbance. In this case the neighbouring residential properties that potentially stand to be most impacted by this development are those properties located on Ashcroft Square, in particular in terms of noise reverberations within the Livat entrance to the pod hotel. The Applicant will be adopting the following measures:
1. During the hours when the mall is closed to the general public (10.00 pm-6:30 am), only guests of CityHub will be given access to the mall.
 2. All guests arriving during these hours only be able to access via the eastern access point off King Street, and this will be a gated and controlled access.
 3. Access for guests will be via an electronic wristband that is activated during check-in and replaces the traditional hotel card.
 4. Access will be via an intercom system for those who haven't checked in before 10.00pm. Those guests will be let in by the CityHost.
 5. All guests will be informed of the sensitivity of the environment when they check in and reminded to be respectful of the local community especially during night-time hours.
 6. After 10.00pm, a barrier will be used to prevent any access to the remainder of the mall, beyond the point shown on the attached Plan (see Appendix 1). As a consequence, the area where residents can access the Mall is very limited (a length of only 18m).
 7. CCTV will be installed in the positions shown on the Plan which will have a live feed to the CityHosts who will continuously monitor all activity in that part of the Mall accessible to CityHub guests.
- 8.10 On this basis and subject to conditions, the operational use of the hotel itself would not result in an inappropriate and unneighbourly form of development, in accordance with London Plan Policy D14, Local Plan Policies DC1, DC4, CC11, CC13 and HO11.
- 9.0 Highways
- 9.1. London Plan Policy T6 sets out the intention to encourage consideration of transport implications as a fundamental element of sustainable transport, supporting development patterns that reduce the need to travel or that locate development with high trip generation in proximity of public transport services. The policies also provide guidance for the establishment of maximum car parking standards in relation to hotel uses as well as blue badge parking at Policies T6.4 and T6.5. London Plan Policy T5 sets out the requirements for cycle parking in accordance with the proposed use.

- 9.2. Local Plan Policy T1 sets out the Council's intention to "work with strategic partners to improve transport provision, accessibility and air quality in the borough, by improving and increasing the opportunities for cycling and walking, and by improving connections for bus services, underground, national and regional rail".
- 9.3. Local Plan Policy T2 relates to transport assessments and travel plans and states "All development proposals would be assessed for their contribution to traffic generation and their impact on congestion, particularly on bus routes and on the primary route network".
- 9.4. Local Plan Policies T3, T4, T5 and T7 relate to opportunities for cycling and walking, vehicle parking standards, blue badge holders parking and construction logistics. Local Plan Policy CC7 sets out the requirements for all new developments to provide suitable facilities for the management of waste.
- 9.5 The main pedestrian access to the site is from the Shopping Centre to the south via two points along King Street. The Site is accessed by walking approximately 50m north through the shopping centre from the eastern most access (adjacent to Metrobank to the west and H&M to the east). The shopping centre is open for shoppers between 06:30-21:30 Monday to Saturday and 08:00-18:00 on Sundays. Pedestrians accessing the hotel during opening hours can use any of the shopping centre entrances but will most likely enter through the main access point on King Street via Livat Hammersmith, to the south of the proposed development.
- 9.6 King Street permits one-way traffic only with vehicles required to travel in an westbound direction. There are double yellow lines and double yellow blips along the majority of King Street, including outside the proposed site access, indicating no stopping / waiting / unloading.
- 9.7 There is a multi-storey car park connected to the Livat Shopping Centre, this is accessed by two pedestrian bridges, or via the entrance on Glenthorne Road. The Livat Shopping Centre Car Park provides over 600 spaces.

SITE ACCESSIBILITY

- 9.8 The application site has a public transport accessibility rating (PTAL) of 6b on a scale of 0 (worst) to 6b (best). Guests, customers and employees accessing the site will therefore benefit from excellent access to public transport.
- 9.9 The nearest bus stops to the Site are located on King Street, approximately 10m opposite the proposed site access outside the Livat Hammersmith Shopping Centre. Eastbound routes can be accessed approximately 400m (six-minute walking distance) the north of the site, on Glenthorne Road. These stops are served by bus routes 27, 110, 190, 218, 267, 306, H91, N9, N11 and N266, Hammersmith Bus Station is located adjacent to the Underground station and provides access to bus routes including 72, 533, N33 and N72.

CAR PARKING

- 9.10. There would be no dedicated parking allocated to this proposal. Whilst there is no car parking associated with the application. Guests will have access to the multi-storey car park connected to the Livat Shopping Centre, this is accessed by two pedestrian bridges, or via the entrance on Glenthorne Road.

The Livat Shopping Centre Car Park provides over 600 spaces. The current pricing structure for the car park is as follows:

- 0-2 Hours - £4.00
- 2-3 Hours - £5.00
- 3-4 Hours - £6.00
- 4-6 Hours - £22.50
- 6-9 Hours - £32.50
- 9-12 Hours - £42.50
- 12-16 Hours - £52.50
- 16-24 Hours - £57.50.

- 9.11 The pricing structure will act as a deterrent to use of the car park by guests staying overnight and it is considered unlikely that guests staying in a low cost 'hub' style hotel would be prepared to pay for overnight parking
- 9.12 The multi-storey car park also provides access to 43 disabled spaces, that are free to Blue Badge Holders. So, If a Blue Badge holder arrives by car, they could use one of the 43 designated Blue Badge spaces in the multi-storey car park. Lifts are available from the car park to the first floor, granting access to pedestrian bridges that connect to the mall. From there, guests can take the lift down to the ground floor of the mall, where the hotel entrance is situated.
- 9.13 The site is located within a Controlled Parking Zone (CPZ). The Site is within CPZ A and the operational hours of the zone is Monday to Saturday 8:30am to 6:30pm. Outside of these hours, parking is free of charge.
- 9.14 The development is proposed to be car free which is in accordance with PolicyT6 of the London Plan. To minimise the impact of the proposal on parking capacity in the vicinity of the site, a s106 obligation will remove access to parking permits. Blue badge holders will be able to park in CPZ bays surrounding the site. To minimise the impact on parking in the vicinity of the site, a contribution is sought towards a review of the hours of surrounding CPZ. As such, hotel guests would be unable to arrive to the premises by private car and park their vehicle for the length of their stay during the week. Blue badge holders will be able to park in existing bays.

TRIP GENERATION

- 9.15 The proposed hotel is expected to generate a total of 30 AM peak trips and 29 PM peak trips, with the daily total equating to 359 trips. The mode split indicates that 46% of trips are likely to be undertaken by public transport and this is considered to be the most likely way in which guests will arrive to the site. 36% of trips are predicted to be undertaken on foot, which reflects trips undertaken to the local facilities within Hammersmith.

- 9.16 Trips by bicycle are low, which is typical of a hotel where guest usually have luggage to transport.
- 9.17 The mode share suggests a daily total of 26 two-way car trips, with 2 two-way trips in the AM peak and 2 two-way trips in the PM peak. Given that CityHub hotels cater more for budget-conscious travellers and taking into account the cost of parking in the Livat's multi-storey car park, it is unlikely many guests will opt to travel by car. Therefore this is considered to represent a worse case. Any car trips that are generated are considered to be offset by the previous use as a retail unit where visitors more typically rely on cars and utilising the car park for their visits.

TAXIS

- 9.18 Hotel residents arriving by taxi can be dropped off or picked up from the taxi rank situated approximately 200m (three-minute walk) to the east of the site on the Hammersmith gyratory. This taxi rank has four spaces and is in operation Monday to Sunday, 24 hours a day. Alternatively, taxis passengers could be dropped or picked up from part of Leamore Street, approximately 200m west of the Site access on King Street.

CYCLE PARKING

- 9.19 A total of seven cycle parking spaces are required for the proposed development, comprising five long stay and two short stay spaces.
- 9.20 The previous use of the unit was non-food retail, which has a higher cycle policy requirement when compared to a hotel. Following a review of the existing cycle parking facilities available within the site, it's evident the facilities are underutilised, have sufficient capacity to accommodate the cycle parking requirement, and are of a good standard. Therefore, no additional cycle parking is proposed but it is proposed that guests will use existing cycle parking storage. This will be managed as set out below.
- 9.21 The Livat Shopping Centre does not allow bicycles to be brought through the centre from the main entrances on King Street. This is to avoid conflict with pedestrians within the shopping centre.
- 9.22 Therefore guests arriving by bicycle will be instructed to temporarily park their bicycle at one of the stands outside the shopping centre on King Street and check in to the hotel. Once check in is complete, guests can ask for their bicycles to be transferred to one of the secure cycle stores in the basement. This will be undertaken by hotel staff who have access to the service yard.
- 9.23 Nine covered Sheffield cycle parking stands are located approximately 30m walk east of the service yard entrance. This is convenient cycle parking for a hotel guest and wanting short-stay cycle parking or to temporarily lock-up their bicycle before being escorted to the cycle store within the basement of the development.

TRAVEL PLAN

- 9.24 Staff and visitors to the site would be encouraged to travel by sustainable modes through the implementation of a Travel Plan, Staff and visitors to the site would be encouraged to travel by sustainable modes through the implementation of a Travel Plan.

COACHES

- 9.25 Due to the lack of suitable parking / waiting locations for coaches in the vicinity of the site and the constraints of the local highway network, coach travel to / from the development would be restricted. The coach restriction will be secured by obligation and the Travel Plan and hotel website will inform visitors that coach bookings will be restricted and that coaches are not able to access the hotel as a consequence of local restrictions.

WASTE MANAGEMENT

- 9.26 A Refuse and Recycling Plan has been prepared which provides details of the waste collection and management strategy. The proposal requires:
- 2 x 1,100L Bins (one for general waste and one for paper);
 - 3 x 660L Bins (one each for glass, metal and plastic); and
 - 1 x 140L Bin (organic).
- 9.27 The above storage requirements will be located in the service yard with smaller bins for the initial collection of waste located within the hotel itself.
- 9.28 Guests will be required to deposit their waste into bins located in the communal areas of the hotel. It is not intended to provide waste bins within the bedroom hubs themselves.
- 9.29 Bins will be located within the communal areas of the proposed development. All waste bins will be separated into non-recycling, dry recycling (further split into paper, glass, metal and plastic) and organic waste. These will be clearly marked to assist guests in separating their waste. The waste deposited in the communal bins will be emptied daily by cleaning staff and transferred to large waste containers stored in the service yard on the ground floor, ready for collection.

SERVICING AND DELIVERIES

- 9.30 The hotel will have access to the shopping centre's service yard, located to the east of the proposed development. The service yard operates a one way system, with access from Leamore Street, to the west of the Livat, and egress only onto A315 Beadon Road.
- 9.31 The applicant has provided detailed information in relation to delivery and servicing at the site. The submitted document: Refuse and Recycling Management Plan (including Delivery and Servicing) prepared by Pell Frischmann Rev F3 has been reviewed by Highways Officers and found to be satisfactory. Officers are therefore satisfied the proposed development would have acceptable servicing and delivery arrangements.

CONSTRUCTION MANAGEMENT

- 9.32 The proposed development involves fitting out an existing building and therefore no structural changes or significant construction activities are proposed. The majority of deliveries to fit-out the hotel are expected to be transported via vans and small lorries.
- 9.33 All loading and unloading activities associated with the fit out should take place within the existing Livat service yard and, deliveries would be transferred directly into the hotel unit.
- 9.34 Details of a Construction Method Statement (fit out) will be secured by condition. This is required to ensure vehicles associated with the fit out do not load on the public highway, and should include details of how vehicles movements associated with fit out will be coordinated with general deliveries to the Shopping Centre.

10.0 ACCESSIBILITY

- 10.1. London Plan Policy D5 and Local Plan Policy DC4 requires all new development to achieve the highest standards of accessible and inclusive design. Specifically, London Plan Policy E10 requires, either 10 per cent of new bedrooms to be wheelchair-accessible in accordance with British Standard BS8300-2:2018 Design of an accessible and inclusive built environment, Buildings, Code of practice; or 15 per cent of new bedrooms to be accessible rooms in accordance with the requirements of 19.2.1.2 of British Standard BS8300-2:2018 Design of an accessible and inclusive built environment, Buildings, Code of practice. Local Plan Policy E10 require at least 10% of new hotel rooms to be accessible. Access requirements have now been incorporated into Building Regulations.
- 10.2 The development provides 9 accessible rooms which would meet the 10% minimum requirement. The development is therefore considered to comply with London Plan Policy E10 and Local Plan Policies DC1, DC2 and E3 and as such no objections are raised to this proposal.

11.0 Climate, Energy and Sustainability

- 11.1. In terms of energy and sustainability, a commitment has been made to integrate energy efficiency measures and low/zero emission technologies such as Air Source Heat Pumps by 2025. The proposal will not have a stand alone energy generator but will connect to the wider shopping centre's existing network. Ingka (the applicant) has made a commitment to rely on 100% renewable electricity by 2025 and renewable heating/cooling by 2030. The applicant has confirmed that this site will be part of the developers broader ambitions to achieve net-zero. However, it is not within the scope of this change of use application to secure zero-emission technology.

11.2 With regards to energy use and associated CO2 emissions, the Sustainability and Energy Statement considers the impacts of the construction and operational phases and highlights that the aim is to increase energy efficiency performance of the unit through the refurbishment works by 35% and also transition to use of 100% renewable energy for heating and cooling demand (by 2025) by installing an electric boiler and Air Source Heat Pump.

11.3 On wider sustainability issues, water saving measures will be implemented such as low flush toilets and sensor taps, waste will be managed by segregating waste and recycling material with the aim of avoiding sending any waste to landfill. The scheme also proposes to contribute to improvements on the podium level community garden and is in a sustainable location in terms of its accessibility via public transport. There is also reference to introducing a Library of Things which will provide a facility for community members to borrow items, helping these to be re-used rather than discarded and promoting a circular economy environment at the site.

Given the nature of the development, the inclusion of the proposed sustainability and carbon reduction measures is welcomed.

12.0 Air Quality

12.1 London Plan Policy SI1 states that development proposals should not lead to deterioration of existing poor air quality, create any new areas that exceed air quality limits or create unacceptable risk of high levels of exposure to poor air quality.

12.2. The development site is within the borough wide Air Quality Management Area (AQMA). The development proposal would introduce new receptors into an area of existing poor air quality due to traffic along King Street.

12.3 On this basis, the Council's Environmental Quality officer has considered the proposal and has recommended conditions relating the submission of a ventilation strategy and ultra low emission strategy, and restrictions on delivery times. The implementation of the ventilation strategy will be secured via condition.

12.4 In terms of construction works a construction dust management plan will be required. This will be secured by condition and will ensure that air quality would not be adversely impacted by the works on the site. Car parking and coach use would be controlled via clauses in the S106 legal agreement.

12.5 On the basis of the above conditions it is considered that the proposed development would not detrimentally impact on Air Quality and would be in accordance with the policies cited above.

13.0 Flood Risk

13.1. London Plan Policy SI12 sets out that proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed.

- 13.2. Local Plan Policy CC2 requires major developments to implement sustainable design and construction measures, including making the most efficient use of water.
- 13.3. Local Plan Policy CC3 requires a site-specific Flood Risk Assessment (FRA) for developments in Flood Zones 2 and 3 that: a. addresses the NPPF requirements; b. takes account of the risk of flooding from all relevant sources; c. integrates appropriate flood proofing measures where there is a risk of flooding; and d. provides structural waterproofing measures in subterranean elements and using non-return valves or equivalent to protect against sewer flooding.
- 13.4. The application site is within Flood Risk Zone 3 with a high residual risk of flooding. A flood risk assessment has been submitted which sets out the required mitigation for flood risk from fluvial, surface water and groundwater sources. The provision of the required mitigation is to be secured by condition.
- 13.5. Thames Water have raised no objection to the scheme. The Environment Agency have also removed their objection after receiving a revised Flood Risk Assessment. As such, the implementation of the revised FRA will be secured by condition.

14.0 Land Contamination

- 14.1. The council's Land Contamination Officers have advised that they have no objection to the proposals subject to a safeguarding informative, in accordance with Policies CC9 and CC13 of the Local Plan.

15.0 Fire Safety

- 15.1. Policy D12 of the London Plan states that major applications should be accompanied by a fire statement, prepared by a suitably qualified third-party assessor, demonstrating how the development proposals would achieve the highest standards of fire safety, including details of construction methods and materials, means of escape, fire safety features and means of access for fire service personnel.
- 15.2. Fire Statement information was outlined within the updated DAS. This shows evacuation routes and all communal stair cores will be protected. A fire safety statement has also been produced by Tenos (Dated 03.06.2024). This statement is judged to be acceptable. Fire safety will also further be considered under the building regulations.

16.0 Designing Out Crime

- 16.1. Policy DC2 of the Local Plan requires developments to be designed in line with the principles of Secured by Design.
- 16.2. The proposals have been reviewed by the Metropolitan Police's design out crime officer. A series of recommendations have been made which could feasibly be incorporated into the hotel. The proposal would accord with the aims of Policy DC2, subject to secured by design accreditation being achieved.

16.3 A condition will ensure the development is secure by design accredited.

17.0 Planning Obligations and CIL

Mayoral CIL

17.1. 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 scheme would not be liable for a CIL payment.

Local CIL

17.2. The Council has also set a CIL charge. The Council's Community Infrastructure Levy (CIL) is also a charge levied on the net increase in floorspace arising from development in order to fund infrastructure that is needed to support development in the area. The Council's CIL runs alongside Section 106 Agreements (S106s) which will be scaled back but will continue to operate. The CIL Charging Schedule was presented to Council and approved 20 May and has formally taken effect since the 1st September 2015.

17.3. Hotels and public houses do not attract a charge under the adopted CIL Charging Schedule. Accordingly, no CIL payment would be due on this development.

17.4. 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.

17.5. 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'.

17.6. London Plan Policy DF1 (Delivery of the Plan and Planning Obligations) states that: "Development proposals should provide the infrastructure and meet the other relevant policy requirements necessary to ensure that they are sustainable and to support delivery of the Plan."

17.7. 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).

17.8. The planning obligations set out in the heads of terms below are 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 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.

17.9. In view of the fact the Section 106 agreement 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 Director of Planning and Property, after consultation with the Assistant Director Legal Services and the Chair of the Planning and Development Control Committee, to authorise the changes they consider necessary and appropriate, within the scope of such delegated authority.

Heads of Terms

17.10. The applicant would be required to enter into a legal agreement in the event that planning permission were to be granted. The Legal Agreement would include the following obligations:

- 1) Total contribution of £200,000 towards public realm improvements and community safety.
- 2) Clauses in S106 to not to permit any Occupation of any Hotel Room by an Occupier for more than 30 consecutive days, and to provide to the Council on request written reports detailing the number of people that have stayed at the hotel and the length of their stay.
- 3) Submission of a Travel plan including monitoring fee of £3,000 per submission (submissions on years 1, 3 and 5, depending on build program).
- 4) Coach Free development.
- 5) On-street car parking permit-free development, under Section 16 of the Greater London Council (General Powers) Act 1974.
- 6) Submission of a Community Safety Action Plan (CSAP) with a focus on Ashcroft Square and Livat Centre; to increase the number and frequency of security patrols and safety of the area.
- 7) Clauses in the S106 to not permit use as temporary hostel accommodation or other homeless accommodation use by third parties.
- 8) Economic development obligations; employment opportunities and potentially pathway bond to be discussed as part of the S106 drafting process.
- 9) A commitment to meet the costs of the Council's associated legal fees.

18.0 CONCLUSION

18.1. 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.

18.2. In the assessment of the application regard has been given to the NPPF (2024), London Plan (2021), and Local Plan policies as well as guidance.

18.3. In summary, the loss of the existing retail use has been justified. The proposals would enhance London's visitor economy, and promote uses that will further diversify the mix of uses and support the vitality and viability of the Hammersmith Town Centre and Hammersmith Regeneration Area, as well as providing economic and social regeneration benefits to LBHF. The proposal would have no visual impact and would not adversely impact upon the setting of the nearby heritage assets. Subject to conditions/planning obligations the proposal would not result in unacceptable impacts upon the amenities of neighbouring residential properties. Highways, transportation and environmental matters including energy and sustainability, flood risk and air quality have also been satisfactorily addressed and will be subject to conditions/planning obligations. In these respects, the proposals comply with the relevant policies of the NPPF (2024), the London Plan (2021), the Local Plan (2018) and the relevant Key Principles within the Planning Guidance Supplementary Planning Document (2018).

18.4. 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, and the completion of a s106 agreement.

18.5. 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.

19.0 RECOMENDATION

19.1. That planning permission be approved in line with the recommendations above.