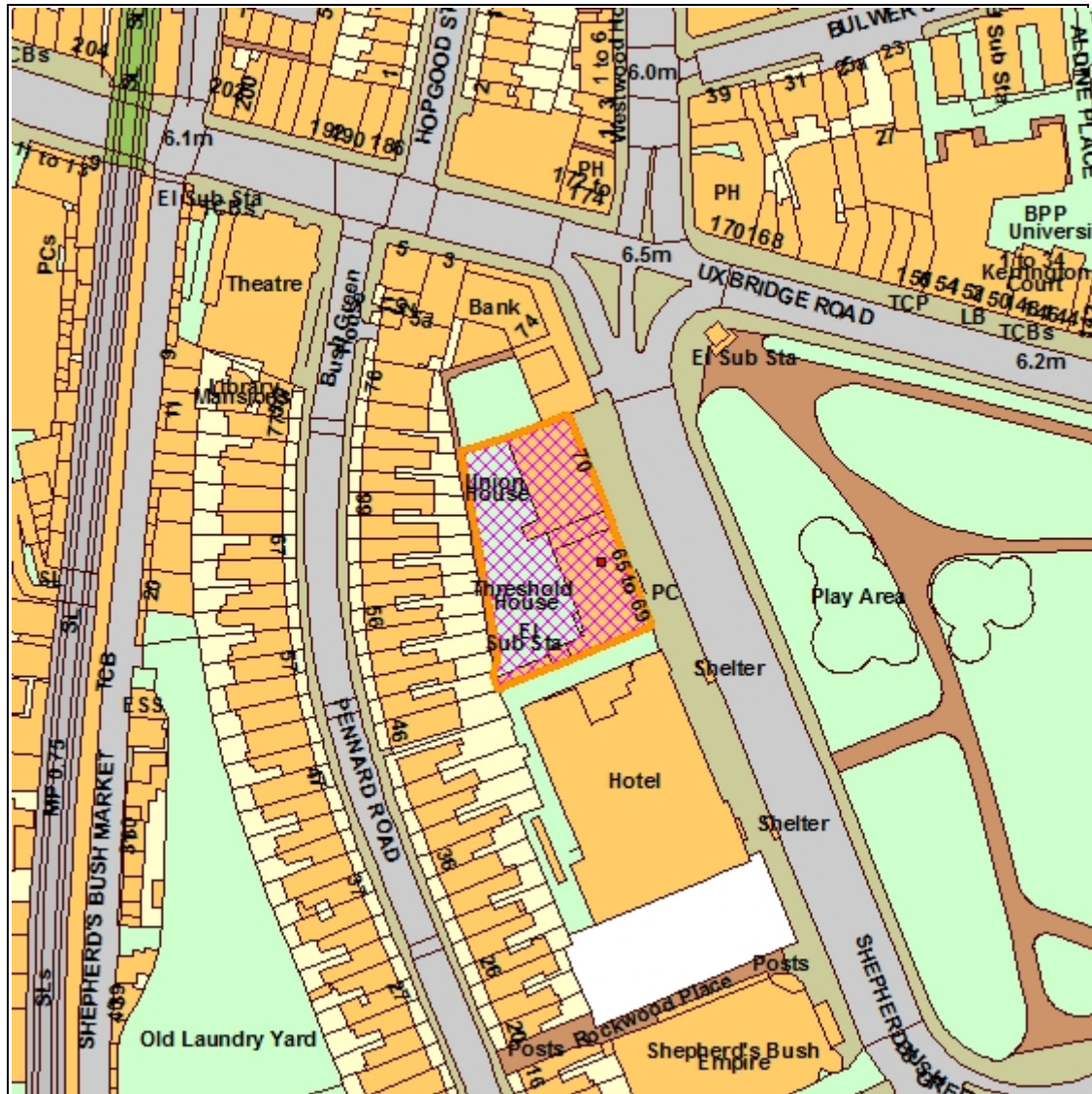


Ward: Shepherd's Bush Green

Site Address:

Threshold And Union House 65 Shepherd's Bush Green London W12 8TX



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

For identification purposes only - do not scale.

Reg. No:
2024/00917/VAR

Case Officer:
Elliot Brown

Date Valid:
23.04.2024

Conservation Area:
Constraint Name: Shepherds Bush Conservation
Area - Number 21

Committee Date:
30.07.2025

Applicant:

Newco Newco 8915 Ltd

Ennismore Sessions House 23 Clerkenwell Green London EC1R 0NA

Description:

Variation to the wording of Condition 41 (rear outside terrace) of planning permission reference: 2020/01790/VAR dated 15th December 2020 for the "Minor material amendments to planning permission reference: 2017/01898/FUL dated 14/08/2019 for Demolition of existing building and erection of part 7, part 8 storey plus basement building for use as Class C1 Hotel with ancillary restaurant and bar; new retail unit (Class A1), and supporting facilities, ancillary plant, servicing, cycle parking, plus highway, public realm and landscaping improvements. Current wording of Condition 41 reads: 'The rear outside terrace at ground floor level to the west of the building shall only be used between 09:00 and 18:00 hours Mondays to Sundays, Including Bank Holidays.' Proposed wording of Condition 41 to read: 'For a temporary consent of 18-months, the rear outside terrace at ground floor level to the west of the building shall only be used between 09:00 and 21:00 hours Mondays to Sundays, Including Bank Holidays.'

Drg Nos: See Condition 2.

Application Type:

Vary or Delete Conditions Full/Outline

Officer Recommendation:

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

Conditions:

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

10383-EPR-00-GF-TP-A-01-0100 Rev 3; 10383-EPR-00-GF-TP-A-01-0101 Rev. 4; 10383-EPR-01-BA-TP-A-02-0199 Rev 3; 10383-EPR-01-GF-TP-A-02-0200 Rev. 4; 10383-EPR-01-01-TP-A-02-0201 Rev 3; 10383-EPR-01-02-TP-A-02-0202 Rev 3;

10383-EPR-01-03-TP-A-02-0203 Rev 3; 10383-EPR-01-04-TP-A-02-0204 Rev 3; 10383-EPR-01-05-TP-A-02-0205 Rev 3; 10383-EPR-01-06-TP-A-02-0206 Rev 3;

10383-EPR-01-07-TP-A-02-0207 Rev 3; 10383-EPR-01-RF-TP-A-02-0208 Rev 3; 10383-EPR-01-NO-TP-A-04-0401 Rev 3; 10383-EPR-01-WE-TP-A-04-0402 Rev 3;

10383-EPR-01-EA-TP-A-04-0403 Rev 3; 10383-EPR-01-SO-TP-A-04-0404 Rev 3; 10383-EPR-01-EA-TP-A-04-0407 Rev 3; 10383-EPR-01-EA-TP-A-04-0410 Rev 3; 10383-EPR-01-AA-TP-A-05-0501 Rev 3; 10383-EPR-01-BB-TP-A-05-0502 Rev 3; 10383-EPR-01-CC-TP-A-05-0503 Rev 3; 10383-EPR-01-DD-TP-A-05-0504 Rev 3;

10383-EPR-00-GF-DR-A-48-0500 Rev 1.

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 7.1, 7.2, 7.3, 7.4, 7.6, and 7.21 of the London Plan (2016) and Policies DC1 and DC2 of the Local Plan (2018).

- 3) The development hereby approved shall be implemented in accordance with the following documents relating to demolition logistics throughout the project period:

- Site Logistics Plan (John F Hunt Ltd. Rev 02, 09.04.2018).

To ensure that demolition works do not adversely impact on the operation of the public highway, in accordance with Policy T7 of the Local Plan (2018).

- 4) The development hereby approved shall be implemented in accordance with the following documents relating to demolition management throughout the project period:

Demolition Method Statement (John F Hunt Ltd. Rev 04)
Demolition Environmental Management Plan (John F Hunt Ltd. second issue, 18.04.2018).

To appropriately mitigate the impact of the development during demolition in terms of noise, vibration, dust, lighting or other emissions from the building site, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

- 5) The development hereby approved shall be implemented in accordance with the following documents relating to construction logistics and road safety throughout the project period:

- Construction Logistics Plan Pro Forma dated 29.09.20;
- Road Safety Audit Decision Log dated 29.09.20;
- Road Safety Audit Brief dated 09.09.20;
- Figure 1 Pit Lane Location Plan;
- DWGS 2826A 001-006;
- Road Safety Audit Combined Stage 1 and 2 Ref. 15849 dated 17.09.20;
- Information required to carry out Road Safety Audit Stage 2 or Combined Stage 1 and 2 Road Safety Audit (Detailed Design).

To ensure that construction works do not adversely impact on the operation of the public highway and ensure impacts on air quality are not adversely affected in accordance with Policies CC11, CC13 and T7 of the Local Plan (2018) and London Plan (2016) Policy 7.14.

- 6) The development hereby approved shall be implemented in accordance with the Construction Management Plan dated July 2020 (Revision 03) throughout the project period.

To appropriately mitigate the impact of the development during construction in terms of noise, vibration, dust, lighting or other emissions from the building site, in accordance with policies CC11 and CC13 of the Local Plan (2018) and London Plan (2016) Policy 7.14.

- 8) With the exception of the set extent of development as set out within the following documents agreed by the Council:

Letter from Capita dated 11.09.2019 (ref. CS/087871-190911-1),
Letter from Capita dated 22.05.2018 outline the set extent of development previously agreed with the Council (ref. CS087871-PE-18-051-L Rev A)
Email dated 01.10.20 from Portfolio Town Planning.

No development shall commence until a remediation method statement is submitted to and approved in writing by the Council. This statement shall:

1. Detail the proposed depths of imported soils (if required)
 2. Confirm that any imported soils (if required) will be tested against CLEA compatible values (e.g. public open space- residential) calculated by McLaren (or other instructed specialist/soil provider) or an off the shelf set of published values plus the category 4 screening level (C4SL value) for lead. Testing will be at least one sample per 50 cubic metres and at least three samples per source of soil. Testing to take place when delivered on site.
 3. Detail the validated soil depths once on site (see notes at 1 above).
- and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

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

[details approved under application ref. 2021/00860/DET]

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

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

[details approved under application ref. 2022/03320/DET]

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

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

[details approved under application ref. 2022/03320/DET]

- 11) The development shall be carried out and completed in accordance with the Secured by Design measures set out in the 'Secured by Design Discharge Report' by EPR Architects dated June 2020 and permanently retained as such thereafter.

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

- 14) The development hereby approved shall be carried out and completed in accordance with the Planning Stage Acoustic Assessment Report, Rev. 01 dated 24 September 2020 by Hoare Lee. 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/use of the development and thereafter be permanently retained.

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).

- 15) The development hereby approved shall be carried out and completed in accordance with the Noise Assessment Report Rev. 00 16 April 2020 by Hoare Lee. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site is not adversely affected by noise from transport [industrial/ commercial noise sources], in accordance with Policies CC11 and CC13 of the Local Plan (2018).

- 16) Prior to occupation/use of the development hereby permitted, details of anti-vibration measures shall be submitted to and approved in writing by the Council. The measures shall ensure that machinery, plant/ equipment and 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.

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

[details approved under application ref. 2022/02708/DET]

- 17) Neither music nor amplified voices emitted from the development shall be audible at any residential/noise sensitive premises.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise, in accordance with Policies TLC5, CC11 or CC13 of the Local Plan (2018).

- 18) The uses hereby permitted shall not commence until all external doors to the premises have been fitted with self-closing devices, which shall be maintained in an operational condition; and at no time shall any external door be fixed in an open position.

To ensure that the amenity of occupiers of the development site/surrounding premises is not adversely affected by noise/ odour/ smoke/ fumes, in accordance with Policies TLC5, CC11 and CC13 of the Local Plan (2018).

- 19) Prior to occupation/use of the relevant part of the development hereby permitted, details shall be submitted to and approved in writing by the council of the hours of use of each commercial part of the development. The uses hereby approved shall only operate as per the details approved.

To ensure that the amenity of the occupiers of the development site/surrounding premises is not adversely affected by noise from activities or people at or leaving the site, in accordance with Policies TLC5, CC11 and CC13 of the Local Plan (2018).

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

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

- 21) The development hereby approved shall be carried out and completed in accordance with the details of external artificial lighting set out in the report 'Exterior Lighting Design' by Hoare Lea (dated 30 June 2020, Rev. 6). The approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting, in accordance with Policy CC10 of the Local Plan (2018).

- 22) The development hereby approved shall be carried out and completed in accordance with the Air Quality and Dust Management Plan dated 25.02.20). The approved details shall be fully implemented and permanently retained and maintained during the demolition and construction phases of the development

In the interest of air quality, to comply with the requirements of the NPPF, Policies 7.14 a-c of The London Plan (2016) and Policy CC10 of the Local Plan (2018).

23) Prior to commencement of above ground works in the development a Ventilation Strategy Report to mitigate the impact of air pollution shall be submitted to and approved in writing by the Local Planning Authority. The report shall include the following information:

- a) Details and locations of the air intake locations for C1 use class at rear roof level
- b) Details and locations of openable windows for C1 use class
- c) Details and location of the air intakes for A1 use class at rear elevations
- d) Details and locations of ventilation extracts, chimney/boiler flues, to demonstrate that they are located a minimum of 2 metres away from the fresh air ventilation intakes, openable windows, balconies, roof gardens, terraces
- e) Details of the independently tested mechanical ventilation system for C1 use with Nitrogen Dioxide (NO₂) and Particulate Matter (PM_{2.5}, PM₁₀) filtration to remove airborne pollutants. The filtration system shall have a minimum efficiency of 75% 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 minimize 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. A post installation certificate of the approved ventilation strategy shall be submitted to the Council prior to the occupation/use of the development. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interest of air quality, to comply with the requirements of the NPPF, Policies 7.14 a-c of The London Plan (2016) and Policy CC10 of the Local Plan (2018).

[details approved under application ref. 2022/03324/DET]

24) Prior to occupation of the development hereby permitted a Low Emission Strategy for the operational phase of the development in order to mitigate the impact of air pollution shall be submitted to and approved in writing by the Local Planning Authority. The Low Emission Strategy must detail the remedial action and mitigation measures that will be implemented to protect receptors (e.g. design solutions). This Strategy must make a commitment to implement the mitigation measures that are required to reduce the exposure of poor air quality and to help mitigate the development's air pollution impacts, in particular non-combustion energy generation sources the emissions of NO_x and particulates from on-road vehicle transport by the use of Ultra Low Emission Vehicles in accordance with the emissions hierarchy (1) Cargo bike (2) Electric Vehicle, (3) Hybrid (non-plug in) Electric Vehicle (HEV), (4) Plug-in Hybrid Electric Vehicle (PHEV), (5) Alternative Fuel e.g. CNG, LPG. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interest of air quality, to comply with the requirements of the NPPF, Policies 7.14 a-c of The London Plan (2016) and Policy CC10 of the Local Plan (2018).

[details approved under application ref. 2022/03053/DET]

- 25) Prior to the occupation of the development hereby permitted, a report with details of the combustion plant in order to mitigate air pollution shall be submitted to and approved in writing by the council. The report shall include the following:
- a) Details to demonstrate that the termination height of the shared Flue stack for the combustion Plant has been installed a minimum of 2 metres above any openable window and/or roof level amenity area of the development plot and meet the overriding minimum requirements for Chimney heights memorandum of the third edition of the 1956 Clean Air Act.
 - b) Details of emissions certificates, and the results of NO_x emissions testing of each Ultra Low NO_x gas boiler and Emergency Diesel Generator Plant to demonstrate that the Ultra-Low NO_x Gas fired boilers, Emergency Diesel Generator Plant and associated abatement technologies shall meet a minimum dry NO_x emissions standard of 25 mg/Nm³ (at 5% O₂), 30 mg/kWh (at 0% O₂) and 95 mg/Nm³ (at 5% O₂) respectively by an MCERTS accredited laboratory shall be provided following installation and thereafter on an annual basis to verify compliance of the relevant emissions standards in part b). Where any combustion plant does not meet the relevant emissions Standards in part b) above, it should not be operated without the fitting of suitable secondary NO_x abatement Equipment or technology as determined by a specialist to ensure comparable emissions.
 - c) Details to demonstrate where secondary abatement is used for the Emergency Diesel Generator the relevant emissions standard in part b) is met within 5 minutes of the generator commencing operation. During the operation of the emergency Diesel generators there must be no persistent visible emission. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications. The diesel fueled generators shall only be used for a maximum of 48 hours when there is a sustained interruption in the mains power supply to the site, and the testing of these diesel generators shall not exceed a maximum of 12 hours per calendar year.

Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interest of air quality, to comply with the requirements of the NPPF, Policies 7.14 a-c of The London Plan (2016) and Policy CC10 of the Local Plan (2018).

- 26) Prior to commencement of any landscaping works, details of the hard and soft landscaping of all areas external to the building, including replacement tree planting and paving, detailed drawings at a scale of not less than 1:20 shall be submitted to and approved in writing by the Council, and the development shall not be occupied or used until such landscaping as is approved has been carried out. This shall include planting schedules and details of the species, height and maturity of any trees and shrubs and proposed landscape maintenance and management. Any landscaping removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of similar size and species to that originally required to be planted.

To ensure a satisfactory external appearance and biodiversity in accordance with policies OS4, DC2 and DC8 of the Local Plan (2018) and in the interest of air quality, to comply with the requirements of the NPPF, Policies 7.14 a-c of The London Plan (2016) and Local Plan (2018) Policy CC10.

[details approved under application ref. 2022/01501/DET]

- 27) The development hereby permitted shall not be occupied or used until a Refuse Management Plan, including for recycling, has been submitted to and approved in writing by the council. The development shall thereafter be permanently occupied/used in accordance with the approved plan.

To ensure that there is sufficient waste and recycling management provision, in accordance with Policy CC7 of the Local Plan (2018)

[details approved under application ref. 2022/02735/DET]

- 28) No demolition or construction shall commence prior to the temporary enclosure of the site being erected in accordance with approved drawing no. 17072-05 Rev A. The enclosure shall be retained for the duration of the demolition and construction works.

To ensure that the site remains in a tidy condition during demolition works and the construction phase and to prevent harm to the street scene, in accordance with policies DC1, DC2 and DC8 of the Local Plan (2018).

- 29) Details of methods proposed to identify any television interference caused by the proposed development, including during the construction process, and the measures proposed to ensure that television interference that might be identified is remediated in a satisfactory manner shall be submitted to and approved in writing by the council prior to the commencement of any above ground works hereby permitted. The approved remediation measures shall be implemented immediately that any television interference is identified.

To ensure that television interference caused by the development is remediated, in accordance with Policy 7.7 of The London Plan 2016 and Policies DC2 and DC10 of the Local Plan (2018).

[details approved under application ref. 2021/00860/DET]

- 30) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any part of the development hereby permitted.

In order to ensure that the Council can fully consider the effect of telecommunications equipment upon the appearance of the building, in accordance with Policies DC1 and DC2 of the Local Plan (2018).

- 31) The development hereby permitted shall be carried out in accordance with the 'Design Stage BREEAM Assessment Report, Stage 4 (Revision 02, dated 13 December 2018) and with the recommendations set out in the Sustainability Statement prepared by Hoare Lea Rev 02. Within 6 months of first occupation/use of the premises, confirmation that the development meets the requirements of the agreed BREEAM rating shall be submitted (in the form of a post-construction BREEAM assessment), to the council for its written approval.

To ensure that sustainable design is implemented, in accordance with Policy 5.3 of The London Plan 2016 and Policies CC1 and CC2 of the Local Plan (2018).

[details approved under application ref. 2023/03278/DET]

- 32) No water tanks, water tank enclosures or other structures shall be erected upon the flat roofs of the building hereby permitted, without having first been submitted to and approved in writing by the council. The development shall only be carried out in accordance with the details hereby approved. The development shall be permanently maintained as such thereafter.

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

- 33) Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

a) Details including samples of all external materials to be used in the development including:

- i) Brickwork, including colour, composition, texture, bond, pointing style, mortar mix and colour to be used;
- ii) Window and door openings (including RAL colour, composition, texture and joints;
- iii) Balustrades
- iv) Shopfront treatments and entrance gateways
- v) Plant screening and
- vi) Roofing material(s).

and

b) A sample panel of the approved brickwork types, shown in context with each other as appropriate, shall be erected onsite for the inspection and approval of Officers;

c) A mock-up panel of a typical front façade window bay, including junctions between different materials and the window reveal.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, to preserve the character and appearance of the conservation area; and the setting and special architectural and historic interest of the neighbouring listed building in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2016) and policies DC1 and DC2 of the Local Plan (2018).

[details approved under application ref. 2021/01882/DET]

- 34) Prior to commencement of the relevant part of the works hereby permitted, detailed drawings of the following relevant building sections in plan and elevation at scale of no less than 1:20 shall be submitted to, and approved in writing by, the Council:

- a) Brickwork, to include section build-up, corners, and joints;
- b) Fenestration (including framing, opening and glazing details);
- c) Building entrances (including canopies and soffit treatments) and gateways;
- d) Shopfronts
- e) Junctions between the ground floor and upper floor elevations and different types of cladding, in particular those used at the top floor level on the north and south wings;
- f) Roof installations (such as lift overrun, flues) and rooftop plant enclosures.

The development shall be carried out and permanently retained in accordance with the approved details.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, to preserve the character and appearance of the conservation area; and the setting of the neighbouring listed building in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2016) and Policies DC1, DC2 and DC8 of the Local Plan (2018).

[details partially discharged under application refs. 2021/01881/DET and 2022/00758/DET]

- 35) No advertisements shall be displayed on the external faces of the development hereby permitted, or within the site, unless full details of the proposed signage have been previously submitted to and approved in writing by the Council.

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

- 36) The development hereby permitted shall only be carried out in accordance with the submitted Flood Risk Assessment, including the implementation of the identified flood resilient design measures it contains.

To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy CC4 of the Local Plan (2018) and policies 5.11, 5.13, 5.14 and 5.15 of the London Plan (2016) and part 10 of and the Technical Guidance to the National Planning Policy Framework (2012).

- 37) The development hereby permitted shall be carried out and completed in accordance with the details of the on and off-site below-ground drainage works set out in the following documents:

- Updated Below Ground Drainage Strategy Report 17 June 2020;
- Water Reclamation Options Design Note Rev. P02;
- Rainwater Harvesting Proposals Rev. P01.

No foul or surface water from the site shall be discharged into the public system until the drainage works referred to in the strategy as approved have been completed.

To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy CC3 of the Local Plan (2018), policies 5.11, 5.13, 5.14 and 5.15 of the London Plan (2016) and part 10 of and the Technical Guidance to the National Planning Policy Framework (2019).

- 38) The development hereby permitted shall not be occupied or used until the Low & Zero Carbon (LZC) Technologies and renewable energy options, as identified within the Sustainability Energy Strategy Revision 5 dated 24.04.20 submitted with the application, have been implemented. The development shall thereafter be permanently retained in this form. Any revised energy strategy for the development site shall be submitted to and approved in writing by the Local Planning Authority and shall result in carbon reductions which would not be less than 54.2%.

To ensure that the development is consistent with the Mayor's carbon emissions objectives in accordance with Policies 5.5, 5.6, 5.7, 5.8 and 5.9 of the London Plan (2016) and in accordance with Policies CC1 and CC2 of the Local Plan (2018).

- 39) All trees to be retained on this and adjoining the development site shall be protected from damage in accordance with BS5837:2012. No construction shall take place until any such trees are adequately protected as per BS5837:2012.

To ensure that trees on site are retained and to prevent harm during the course of construction, in accordance with policy OS5 of the Local Plan (2018).

- 41) The rear outside terrace at ground floor level to the west of the building shall only be used between 0900 and 21:00 hours Mondays to Sundays, including Bank holidays, on a temporary 18-month basis from the date of this decision notice. After the 18-month period has elapsed, the rear outside terrace at ground floor level to the west of the building shall only be used between 09:00 and 18:00 hours Mondays to Sundays, including Bank holidays.

To ensure that control is exercised over the use of these terraces so that undue harm is not caused to the amenities of the occupiers of neighbouring residential properties as a result of noise and disturbance, particularly in the quieter night time hours, in accordance with policy CC11 of the Local Plan (2018).

- 42) Prior to commencement of the use, details shall be submitted to and approved in writing by the Council, of the installation, operation, and maintenance of the odour abatement equipment and extract system, including the height of the extract duct and vertical discharge outlet, in accordance with the 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' January 2005 by DEFRA. Approved details shall be implemented prior to the commencement of the use and thereafter be permanently retained.

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

[details approved under application ref. 2022/03054/DET]

- 43) The permitted use shall not commence until the parking spaces for use by disabled persons (which shall be clearly marked out as such) as detailed on drawing no. 10383-EPR-01-GF-TP-02-0200 Rev. 4 have been provided. This arrangement shall thereafter be retained permanently.

To ensure the provision and permanent retention of space for parking purposes for disabled persons, in accordance with London Plan (2016) Policy 7.2, Policy T5 of the Local Plan (2018), and Key Principles DA1, DA2 and DA3 of the Planning Guidance Supplementary Planning Document (2018).

- 44) There shall be no access to the open areas to the rear (west) of the building at roof level, except for maintenance purposes.

To ensure that the amenities of the surrounding residential occupiers are not duly affected by overlooking and noise and disturbance, in accordance with policies DC2 and HO11 and Key Principle HS8 of the Planning Guidance Supplementary Planning Document (2018).

- 45) The hotel use hereby permitted shall have a maximum of 237 bedrooms as detailed on approved drawing nos. 10383-EPR-01-BA-TP-A-02-0199 Rev 3; 10383-EPR-01-GF-TP-A-02-0200 Rev. 4; 10383-EPR-01-01-TP-A-02-0201 Rev 3; 10383-EPR-01-02-TP-A-02-0202 Rev 3; 10383-EPR-01-03-TP-A-02-0203 Rev 3; 10383-EPR-01-04-TP-A-02-0204 Rev 3; 10383-EPR-01-05-TP-A-02-0205 Rev 3; 10383-EPR-01-06-TP-A-02-0206 Rev 3; 10383-EPR-01-07-TP-A-02-0207 Rev 3; 10383-EPR-01-RF-TP-A-02-0208 Rev 3.

To safeguard the amenities of surrounding neighbours from noise disturbance, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

- 46) The development shall not be occupied until the cycle storage arrangements indicated on approved drawing no. 10383-EPR-01-GF-TP-A-02-0200 Rev. 4 which shall include no less than 16 bicycle parking spaces to serve staff and guests of the hotel have been provided and made available. The facilities shall be permanently retained thereafter.

To ensure the suitable provision of cycle parking within the development to meet the needs of future site occupiers, in accordance with policy 6.9 of The London Plan 2016 and Policy T3 of the Local Plan (2018).

- 47) Prior to the first use or occupation of the retail unit hereby approved, 14 short stay cycle parking spaces shall be created in accordance with the details shown on approved drawing no. 10383-EPR-00-GF-DR-A-48-0500 Rev 1. Thereafter all of the cycle parking spaces shall be permanently retained in this form thereafter.

To ensure the satisfactory provision of cycle parking, in accordance with policy 6.9 of The London Plan 2016 and Policy T3 of the Local Plan (2018).

- 48) Prior to the occupation of the basement hereby approved, a non return valve and pump device should be installed to prevent sewage 'back-surfing' into the basement in times of heavy rain and to allow the property's sewage to continue to flow properly into the sewer network.

To protect the new units from flooding, as recommended by Thames Water and in accordance with Policies DC11 and CC4 of the Local Plan (2018).

- 50) The development hereby approved shall be carried out and completed in accordance with the Piling Method Statement set out in drawing nos. HOX-CAP-XX-XX-SK-S-0140 Rev. P01 and CFA Piling Rev. 0 (Rock & Alluvium date 08/04/20). Any piling must be undertaken in accordance with the terms of the approved piling method statement.

The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

- 51) Prior to the occupation of the development hereby permitted, details of the construction of green infrastructure (including details of planting species and maintenance) in order to mitigate air pollution for public and private amenity area's on the site boundaries with Shepherds Bush Green (A219) shall be submitted to and approved in writing by the Council. The green infrastructure shall be constructed and planted in full accordance with 'Using Green Infrastructure to Protect People from Air Pollution', Mayor of London, GLA, April 2019 guidance document within the first available planting season following completion of Buildings. Any plants which die, are removed, become seriously damaged and diseased within a period of five years from completion of these buildings shall be replaced in the next planting season with others of similar size and species. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interest of air quality, to comply with the requirements of the NPPF, Policies 7.14 a-c of The London Plan (2016) and Policy CC10 of the Local Plan (2018).

[details approved under application ref. 2022/03407/DET]

- 52) Prior to commencement of development of above ground works, full details the Sustainable Urban Drainage System (SUDS) proposed above basement level as described within the submitted SUDs Strategy Document (September 2020), comprising details of green/brown roofs (including planting and maintenance schedules, and ecological enhancement measures), permeable paving and soft landscaping, and a maintenance strategy, shall be submitted to and approved in writing by the Council.

To ensure that surface water run-off is managed in a sustainable manner, in accordance with policy 5.13 of The London Plan 2016 and Policy CC3 of the Local Plan (2018).

[details approved under application ref. 2022/01679/DET]

- 53) At no time shall roller shutters, either internal or external, be fitted to any glazing or other openings within the ground floor frontage to Shepherd's Bush Green.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, to preserve the character and appearance of the conservation area; and the setting of the neighbouring listed building in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2016) and Policies DC1, DC2 and DC8 of the Local Plan (2018).

- 54) All bedroom windows shall be securely locked and non-openable by guests, and shall only be opened by maintenance staff for the purposes of window cleaning and maintenance.

To prevent harm to the amenities of neighbouring properties by way of noise disturbance, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

Justification for Approving the Application:

- 1) 1) Land Use: The principle of the proposed hotel development is considered to be appropriate in land use terms. The loss of office is considered acceptable under Policy E2 of the Local Plan (2018). The loss of the college is considered acceptable under Policy CF2 of the Local Plan (2018). The proposed development would promote the vitality and viability of Shepherd's Bush Town Centre. The new hotel use together with the ancillary retail, restaurant and bar use is considered to be an appropriate use for this town centre location, which is highly accessible by public transport. Section 1 of the NPPF (2019), London Plan (2016) Policies 4.5, and 4.7, and policies
- 2) Design and heritage: The proposal would use innovative design principles to redevelop this site. The proposal would respect the local architectural and townscape importance and the setting of the adjacent listed buildings and buildings of merit. The visual amenities of the area would be enhanced through improved aesthetics. The proposal would use contemporary yet acceptable materials, that would preserve and enhance the appearance, character and views of the conservation area. Policies DC1, DC2 and DC8 of the Local Plan (2018) and Policies 7.6 and 7.9 of The London Plan 2016 are thereby satisfied.
- 3) Highways matters: There would be no adverse impact on traffic generation and the scheme would not result in congestion of the primary road network. No general car parking would be provided and the development is not considered to contribute significantly towards pressure on on-street parking, subject to satisfactory measures to discourage the use of the private car which would be contained in a Travel Plan, secured by legal agreement. Subject to the completion of a satisfactory legal agreement preventing coach party bookings, the development would not generate congestion or disturbance as a result of coach parking. Acceptable provision would be made for cycle parking. The public transport accessibility level of the site is high. Acceptable provision for servicing and the storage and collection of refuse and recyclables would be provided. The proposal is thereby in accordance with policies CC7, T1, T3, T4 and T7 of the Local Plan (2018).
- 4) Sustainability: The application proposes a number of measures to reduce CO2 emissions from the baseline using passive design measures. Any shortfall would be off-set by a developer contribution towards off-site carbon reduction measures. Renewable technologies would also be included as part of the development. The proposal would seek to reduce pollution and waste and minimise its environmental impact. Policies CC1 and CC2 of the Local Plan (2018) and Policies 5.2, 5.5, 5.6 and 5.7 of The London Plan 2016 are therefore satisfied.

5) Amenity: On balance, the impact of the proposed development upon adjoining occupiers is not considered unacceptable. Measures would be secured by conditions to minimise noise and disturbance to nearby occupiers from the development. In this regard, the development would respect the principles of good neighbourliness, and thereby satisfy Policies DC1, DC2 and HO11 of the Local Plan (2018).

6) Safety and Access: The development would provide a safe and secure environment for all users in accordance with London Plan Policy 7.3 and Local Plan (2018) Policy DC2. The proposal would provide ease of access for all people, including disabled people, in accordance with London Plan Policy 4.5, Core Strategy Policy H4 and Key Principles DA1, DA22 and DA3.

7) Land Contamination: Conditions would ensure that the site would be remediated to an appropriate level. The proposed development therefore accords with policy 5.21 of The London Plan, and Policy CC9 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: 22nd April 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:

London Fire And Emergency Planning Authority Fulham Station	10.12.24
Environment Agency - Planning Liaison	22.05.24
Crime Prevention Design Advisor - Hammersmith	08.05.24
Historic England London Region	29.04.24
London Fire And Emergency Planning Authority	21.10.24
Transport For London - Land Use Planning Team	30.04.24

Dated:

Neighbour Comments:

Letters from:

Dated:

12 Pennard Road London W12 8DS	08.05.24
Flat 2 Library Mansions Pennard Road London W12 8DR	10.05.24
68 Pennard Road First Floor Flat London W12 8DS	20.04.25
70 Pennard Road London W12 8DS	14.04.25
45 Stanlake Road London W12 7HG	16.05.24
29 Pennard Road London W12 8DW	27.04.25
74 Pennard Road, London W12 8DS	21.05.24
72 Pennard Road London W12 8DS	17.05.25
37 Pennard Road Shepherds Bush London W12 8DW	07.05.24
70 Pennard Road London W12 8DS	15.05.24
74 Pennard Road London W12 8DS	18.05.24
62 Pennard Road Shepherds Bush London W12 8DS	09.06.24

COMMITTEE REPORT

1.0 SITE DESCRIPTION

- 1.1 The application site comprises a part 8/part 9 storey plus basement hotel on the west side of Shepherd's Bush Green in Shepherd's Bush town centre. It was formerly occupied by a pair of commercial buildings, Threshold House and Union House, dating from the late 1950s.
- 1.2 The site lies within the Shepherd's Bush Conservation Area and there are a number of heritage assets in the wider area, including the neighbouring Dorsett Hotel which is Grade II listed; the Odeon cinema at Shepherd's Bush Green, also Grade II listed; and the former Walkabout nightclub, identified as a Building of Merit by the council and currently being redeveloped for visitor accommodation.
- 1.3 The area is well-served by public transport and the site has a Public Transport Accessibility Level (PTAL) of 6a, according to TfL's methodology, which is excellent. The Circle/ Hammersmith and City line stations at Goldhawk Road and Shepherd's Bush Market are both approximately 300m from the site and the Central line station at Shepherd's Bush is approximately 450m away. There are also numerous bus routes which stop outside the site on Shepherd's Bush Green en route to Acton, White City and Central London.

2.0 RELEVANT PLANNING HISTORY

2022/01761/NMAT - Non-material amendments to Condition 2 (Drawing Numbers) and Condition 43 (Disabled Parking) of planning permission reference: 2020/01790/VAR dated 15th December 2020, which was for "minor material amendments to planning permission reference: 2017/01898/FUL dated 14/08/2019 for Demolition of existing building and erection of part 7, part 8 storey plus basement building for use as Class C1 Hotel with ancillary restaurant and bar; new retail unit (Class A1), and supporting facilities, ancillary plant, servicing, cycle parking, plus highway, public realm and landscaping improvements

comprising the variation of conditions 2 (approved drawings), 45 (no. of bedrooms), 43 (parking spaces for disabled persons, 46 (cycle storage), 47 (short stay bicycle parking) to allow for: Changes to internal hotel layout, including omission of ancillary basement restaurant area and rationalisation of back of house, the provision of 23 additional bedrooms, and minor external detailed design. Also the variation of conditions 12 (Sustainable Urban Drainage Strategy), 13 (SUDs Management Programme), 14 (details of the external sound level emitted from plant/machinery/equipment and mitigation measures), 15 (Noise Assessment), 21 (external artificial lighting), 31 (BREEAM Assessment) to enable the deemed consent of these conditions." Amendments sought result from an identified requirement to increase the size of the generator to serve the development, and therefore results in a need to change the positions of the generator and disabled parking space. Granted consent.

2021/01995/NMAT - Non-material amendments to planning permission reference: 2020/01790/VAR dated 15th December 2020, which was for minor material amendments to planning permission reference: 2017/01898/FUL dated 14/08/2019 for the "Demolition of existing building and erection of part 7, part 8 storey plus basement building for use as Class C1 Hotel with ancillary restaurant and bar; new retail unit (Class A1), and supporting facilities, ancillary plant, servicing, cycle parking, plus highway, public realm and landscaping improvements", comprising the variation of conditions 2 (approved drawings), 45 (no. of bedrooms), 43 (parking spaces for disabled persons, 46 (cycle storage), 47 (short stay bicycle parking) to allow for: Changes to internal hotel layout, including omission of ancillary basement restaurant area and rationalisation of back of house, the provision of 23 additional bedrooms, and minor external detailed design. Also the variation of conditions 12 (Sustainable Urban Drainage Strategy), 13 (SUDs Management Programme), 14 (details of the external sound level emitted from plant/machinery/equipment and mitigation measures), 15 (Noise Assessment), 21 (external artificial lighting), 31 (BREEAM Assessment) to enable the deemed consent of these conditions.

Amendments comprised the relocation of an external service access door, plus minor internal amendments at 7th floor level, requiring the replacement of approved drawings within Conditions 2 and 45. Granted consent.

2021/00964/NMAT - Non-material amendment to planning permission reference: 2020/01790/VAR dated 15th December 2020, which was for minor material amendments to planning permission reference: 2017/01898/FUL dated 14/08/2019 for 'Demolition of existing building and erection of part 7, part 8 storey plus basement building for use as Class C1 Hotel with ancillary restaurant and bar; new retail unit (Class A1), and supporting facilities, ancillary plant, servicing, cycle parking, plus highway, public realm and landscaping improvements. Amendments sought were to vary the wording of Condition 52 (above ground Sustainable Drainage Systems) to allow submission of details prior to the commencement of external ground floor areas and works to roofs. Granted consent.

2020/01790/VAR - Minor material amendments to planning permission reference: 2017/01898/FUL dated 14/08/2019 for Demolition of existing building and erection of part 7, part 8 storey plus basement building for use as Class C1 Hotel with ancillary restaurant and bar; new retail unit (Class A1), and supporting facilities, ancillary plant, servicing, cycle parking, plus highway, public realm and landscaping improvements comprising the variation of conditions 2 (approved drawings), 45 (no. of bedrooms), 43 (parking spaces for disabled persons, 46 (cycle storage), 47 (short stay bicycle parking) to allow for: Changes to internal hotel layout, including omission of ancillary basement restaurant area and rationalisation of back of house, the provision of 23 additional bedrooms, and minor external detailed design. Also the variation of conditions 12 (Sustainable Urban Drainage Strategy), 13 (SUDs Management Programme), 14 (details of the external sound level emitted from plant/machinery/equipment and mitigation measures), 15 (Noise Assessment), 21 (external artificial lighting), 31 (BREEAM Assessment) to enable the deemed consent of these conditions. Granted consent.

2020/01374/NMAT - Non-material amendment to planning permission reference: 2017/01898/FUL dated 14th August 2019 for the "Demolition of existing buildings and erection of part 7, part 8 storey plus basement building for use as Class C1 Hotel with ancillary restaurant and bar; new retail unit (Class A1), and supporting facilities, ancillary plant, servicing, cycle parking, plus highway, public realm and landscaping improvements." Amendments sought were variations of timings of some planning Conditions 11, 12, 13, 15, 21, 29, 31, and 34 to require discharge in advance of piling and/or above ground works. Granted consent.

2017/01898/FUL - Demolition of existing buildings and erection of part 7, part 8 storey plus basement building for use as Class C1 Hotel with ancillary restaurant and bar; new retail unit (Class A1), and supporting facilities, ancillary plant, servicing, cycle parking, plus highway, public realm and landscaping improvements. Granted consent.

3.0 PROPOSAL

3.1 This Section 73 application seeks the variation of Condition 41 (Opening hours of ground-floor external terrace) of the planning application ref. 2020/01790/VAR, to allow for the following amendments:

- To extend the opening hours of the external terrace area at ground-level until 9pm, for a temporary 18-month period. The proposed opening hours would be 09:00 - 21:00 (Mondays - Sundays, including Bank Holidays).

3.2 Officers note that the current wording of Condition 41 specifies that the external terrace at ground-level shall only be used between 09:00 - 18:00 (Mondays - Sundays, including Bank Holidays).

3.3 Officers would highlight that the original submission sought consent to extend the opening hours of the external terrace area at ground-level until 11pm, seven days a week on a permanent basis. Following concerns raised during the consultations, the applicants amended their submission to the temporary proposal outlined in Paragraph 3.1 of this report.

- 3.4 As part of their submission the applicants have confirmed that as per their Management Plan, there will be no loud amplified or live music externally; and the terrace will continue to be monitored and supervised by staff and coverage of CCTV. Rules relating to appropriate behavior and use of the terrace will continue to be enforced to ensure ongoing respectful operation. The current restrictions and monitoring of numbers to prevent over intense use and overcrowding will continue to be enforced. The continued operation and supervision of the area in line with current regulations and rules will ensure that the terrace will continue to function over the amended hours in a way that does not raise issues in terms of noise or disturbance to occupiers in the surrounding area.

4.0 CONSULTATIONS

- 4.1 The application was publicised by means of a site notice and a press advertisement, together with letters of notification to surrounding properties. In response to the original consultation, 8 no of objections were received. These can be summarised as follows:

- An objection to the planned building works is raised on the grounds that this will impact surrounding residents Right to Light, impact on congestion and parking stress, cause excessive noise associated with building works, result in a loss of light and would impact upon the character and appearance of the Conservation Area.
- The proposal to extend the opening hours of the external terrace at ground-level from 09:00 - 18:00 to 09:00 - 23:00 would result in harmful levels of noise and disturbance, affecting the quality of life of surrounding residents. This would be exacerbated by the close proximity of the external terrace to the residential properties along Pennard Road.
- The hotel development was established after the residential houses along Pennard Road, and concerns were raised about the opening hours of the terrace during the original planning application (ref. 2017/01898/FUL).
- The Council must consider Protocol 1, Article 1 and Article 8 of the Human Rights Act, which state that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land and respect for their private and family life.

- 4.2 Following receipt of a revised proposal a re-consultation was carried out, and a further 4 no of objections were received. The following new issues were raised:

- The external terrace is used by people to smoke cigarettes, and the smell of smoke comes into the houses of properties along Pennard Road. The extended opening hours would harmfully exacerbate this.
- It is highly likely that careful noise controls would be in place during the temporary period, that may subsequently relax over time, with the long-term result being harmful levels of noise and disturbance to surrounding residents.

4.3 Officer response:

- Officers note that the planning merits of the hotel building were assessed as part of the original application ref. 2017/01898/FUL. The current application has been made under Section 73 of the Town and Country Planning Act (1990, as amended), and only the proposed material amendment sought can be assessed as part of this application;
- The material planning considerations raised will be assessed within this committee report.

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 (December 2024)

- 5.4 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and was revised in 2024 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 sets out the overall strategic plan for London and a fully integrated economic, environmental, transport and social framework for the development of the Capital over the next 20-25 years. 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 CONSIDERATIONS

- 6.1 Officers consider that the proposal would raise the following material planning considerations:

- Impact upon neighbouring amenity (including noise and disturbance).

IMPACT UPON NEIGHBOURING AMENITY

- 6.2 Policy HO11 of the Local Plan (2018) specifies that any proposal should ensure an acceptable impact upon the amenity of neighbouring residential occupants, especially with regard to outlook, privacy, daylight/sunlight and a sense of enclosure.
- 6.3 Policies CC11 and CC13 of the Local Plan (2018) specify that all proposed development will be required to demonstrate that there will be no undue detriment to the general amenities enjoyed by existing surrounding occupiers as a result of nuisances (including noise).
- 6.4 Policy D13 of the London Plan (2021) sets out that new noise generating development proposed close to residential and other noise sensitive uses should put in place measures to mitigate and manage any noise impacts for neighbouring residents and businesses. Policy D14 of the London Plan (2021) sets out that residential and other non-aviation development proposals should manage noise to avoid significant adverse noise impacts on health and quality of life. Where it is not possible to achieve separation of noise sensitive development and noise sources without undue impact on other sustainable development objectives, then any potential adverse effects should be controlled and mitigated by applying good acoustic design principles.

+ Noise and privacy

- 6.5 The current proposal would seek to extend the opening hours of the external terrace at ground-level from 09:00 - 18:00 (Mondays - Sundays, including Bank Holidays) to 09:00 - 21:00 (Mondays - Sundays, including Bank Holidays), for a temporary 18-month period. This would result in the existing external terrace being open for an additional 3 hours each day, in comparison to the existing situation. The agent has confirmed in writing that the external terrace area's primary use is to accommodate tables associated with the hotel's restaurant ('Chet's').

- 6.6 The submitted Planning Statement confirms that as part of the current proposal, there would be no changes to the building and no physical changes to any outdoor area, or access to and from the ground-floor terrace.
- 6.7 The application site is located within the Shepherd's Bush Town Centre, close to busy main roads and existing commercial activity (including late night activity associated with the Shepherd's Bush Empire) and is therefore in an area with a high level of background noise. Based on the current opening hours of the outside areas of the Hoxton Hotel (including the subject terrace), The Council's Environmental Health team have confirmed that they have not received any complaints regarding the use of the outside areas associated with the Hoxton Hotel.
- 6.8 Officers highlight that Pennard Road, which is predominantly residential in character, is located to the rear of the application site, with the rear boundaries of these properties adjoining the external terrace at ground-level. Accordingly, it is important that any extension to the opening hours of the terrace mitigates against detrimental harm to the amenity of residents within Pennard Road, with regard to noise and disturbance associated with usage of the terrace. The applicant has therefore agreed to an 18-month temporary consent, which would provide a reasonable time period to enable the Council to assess the potential impacts of the extended opening hours of the terrace; given this would enable the terrace to operate under the extended opening hours during two summer periods (2025 and 2026), when the terrace would be most frequented.
- 6.9 Following the expiration of this 18-month period, the opening hours of the terrace would revert back to the hours specified in the original consent, and the applicant would be required to submit a further application in the event that they wished to make the extended terrace hours permanent. Any future application would be judged on its merits at that time.
- 6.10 Furthermore, officers note that management controls relating to the external terrace include: no loud music being played, supervision of the external areas by staff and coverage by CCTV and strict adherence to the permitted hours of use.
- 6.11 With regard to privacy, officers note that the external terrace is an existing feature of the Hoxton Hotel, and the submitted Planning Statement confirms that there would be no physical changes to any outdoor area, or access to and from the ground-floor terrace. Accordingly, officers are satisfied that the current proposal would not harmfully exacerbate any existing levels of overlooking.

+ Outlook, light and a sense of enclosure

- 6.12 Given that no physical changes are proposed to any outdoor area, officers are satisfied that the current proposal would mitigate against detrimental harm to the amenity of neighbouring residents, with regard to outlook, light and a sense of enclosure.

7.0 CONCLUSION

- 7.1 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.
- 7.2 In summary, the proposed development would result in a minor material change to the previously approved opening hours of the ground-level external terrace, for an additional 3 hours each day, for a temporary 18-month period. This allows for the impacts of the extended hours to be the subject of further review, were a further application to be submitted. Officers consider that the extended hours would strike an acceptable balance between the neighbouring amenity of residents within Pennard Road and the existing commercial activity within the Town Centre location of the application site.
- 7.3 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 temporary planning permission should be granted in line with the recommendations above.

8.0 RECOMMENDATION

- 8.1 Grant permission, on a temporary basis for 18 months, subject to conditions and a Legal Agreement (Deed of Variation).