

London Borough Of Hammersmith & Fulham

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**Planning Applications Committee**

**Agenda for 10th May 2016**

**Index of Applications, Enforcement Actions, Advertisements etc.**

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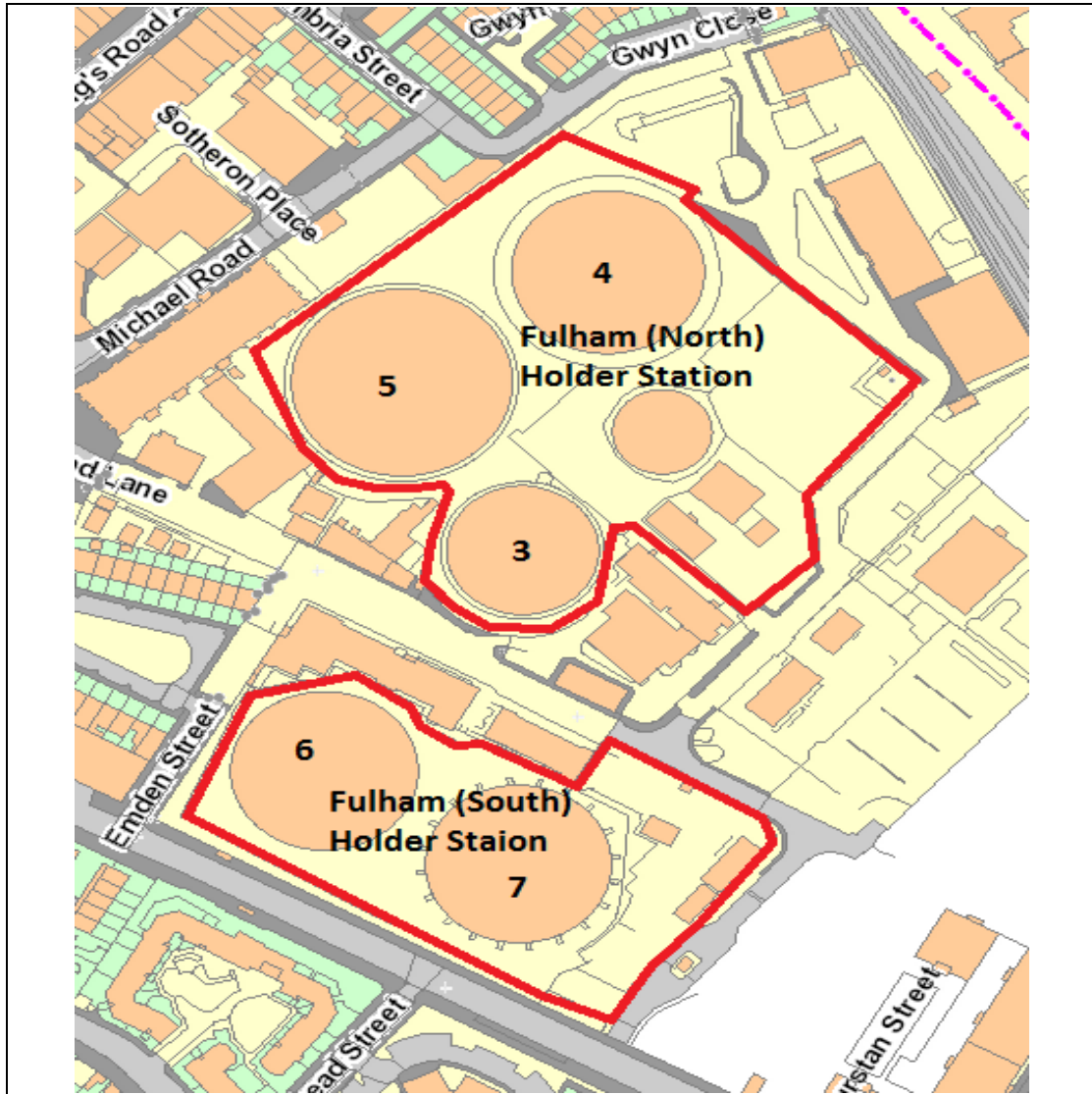
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**Ward:** Sands End

**Expiry Date:** 27th July 2015

**Site Address:**

Gas Holder Station Michael Road London



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**For identification purposes only - do not scale.**

**Reg. No:**

2015/02559/HAZ

**Date valid:**

01.06.2015

**Recommendation Date:**

13.04.2016

**Committee Date:**

10.05.2016

**Case Officer:**

Jacques Du Plessis

**Conservation Area:**

Imperial Square Conservation Area - Number 6

**Applicant:**

National Grid  
Uxbridge Road Slough Berkshire SL2 5NA

**Description:**

Application requesting the Council to revoke the Hazardous Substances Consent (HSC) No RN/1993/8131/P (LBHF Ref: 1993/01831/HAZ) granted 18 November 1992 for the Fulham Holder Station and subsequent continuations [Refs. 2000-01476-HAZ and 2001-03248-HAZ for the Fulham South Holder Station (Gasholder Nos. 6 and 7) and Ref 2000-01004-HAZ for the Fulham North Holder Station (Gasholder Nos. 2, 3, 4 and 5)] and to make an Order to the Secretary of State in accordance with the procedures set out under S.14(1) of The Planning (Hazardous Substances) Act 1990.  
Drg. Nos: 1993/01831/HAZ; 2000-01476-HAZ; 2001-03248-HAZ and 2000-01004-HAZ.

**Application type:**

Hazardous Substances Consent Revocation

**Officer Recommendation:**

That the Committee resolve that the Director of Law be authorised to make an Order to be confirmed by the Secretary of State in accordance with the procedures set out under S.14(1) of The Planning (Hazardous Substances) Act 1990 to revoke the Hazardous Substance Consent no. RN/1993/8131/P granted 18 November 1992 and subsequent continuation consents subject completion of and Indemnity Agreement and a satisfactory Insurance Policy.

**Justification for approving application:**

- 1) The gas storage use of the site has permanently ceased. The gasholders have been physically isolated, purged of gas and are programmed to be demolished by the operator (National Grid Gas). There is no detrimental impact on the operator or gas supply. Having regard for all material consideration it is considered expedient to revoke the Deemed Consent (RN/1993/8131/P granted 18 November 1992) in relation to Natural Gas in accordance with the procedures set out under S.14(1) of The Planning (Hazardous Substances) Act 1990. The revocation of the Hazardous Substances Consent would assist with achieving the regeneration aspirations for the site and wider area and resulting significant public benefits in accordance with policy SFR of the Core Strategy (2011); relevant policies of the Development Management Local Plan (2013); the South Fulham Riverside Supplementary Planning Document (2013) and the Planning Guidance Supplementary Planning Document (2013).

## Officer Report

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### LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

#### All Background Papers held by case officer named above:

Application received: 23 March 2015

Drawing Nos: see above

**Policy Documents:** The London Plan 2015  
Core Strategy 2011  
The Development Management Local Plan 2013

#### 1.0 BACKGROUND

- 1.1 The Council received a letter from National Grid on 23 March 2015 stating that they wish for the Council in its capacity as the Hazardous Substances Planning Authority, under the Planning (Hazardous Substances) Act 1990 to revoke the Planning Hazardous Substance Consents (HSC) for the Fulham Gasholder Stations.
- 1.2 National Grid is the site operator of this natural gas storage site which currently benefits from hazardous substances consent for the presence of natural gas granted in 1992.
- 1.3 By letter dated 19 January 2012 to the Health and Safety Executive, National Grid de-notified the Fulham Gasholder Stations under the Control of Major Accident Hazards Regulations (COMAH) confirming that the gasholders are redundant, open to air and have been physically isolated from the gas supply system.

#### SITE DESCRIPTION

- 1.4 Currently two areas of land known as Fulham North Holder Station comprising Gasholders 2, 3, 4 and 5 and Fulham South Holder Station comprising Gasholders 6 and 7 within the overall Gasworks Area benefit from hazardous substances consent for the presence of natural gas. The Gasworks Area measures approx. 6.84 hectares of previously developed industrial land irregular in shape and bounded by Gwyn Close and the South Western Railway Line to the north; Chelsea Creek residential development to the east; Imperial Road with Imperial Square to the south; and Michael Road to the west. Both vehicular and pedestrian access is taken from the Waterford Road / Michael Road / Harwood Terrace roundabout located to the north west of the Gasworks Area.
- 1.5 The Gasworks Area includes six redundant gasholders (No's 2, 3, 4, 5, 6 and 7), overground pipes, a Pressure Reduction Station (PRS), and a series of buildings in operational use and non-operational related uses. Gasholders 2, 3, 4 and 5 are located in the Fulham North Gasholder Station, while Gasholders 6 and 7 are in the Fulham South Gasholder Station on the opposite side of Sands End Lane.

- 1.6 The site is located within the South Fulham Riverside Regeneration Area (Core Strategy Policies A and 'South Fulham Riverside') identified as a suitable area for residential-led redevelopment and within Flood Risk Zones 2 and 3.

## SURROUNDING AREA

- 1.7 The surrounding area is characterised by a mix of uses, with predominantly residential buildings to the north with some commercial and business premises located off Michael Road. Similarly, residential areas including Harwood Terrace and Imperial Square are located to the southwest with commercial units located to the northern end of Imperial Road known as Imperial Studios. There are residential units within No. 11 Imperial Road on the corner of Emden Street and Imperial Road and residential estates on the south side of Imperial Road. To the southeast lies Chelsea Creek and Imperial Wharf, two residential-led developments with Chelsea Creek still under development at the date of this report. Lots Road Power Station is located to the east on the opposite side of the railway line which has planning permission for a residential-led mixed use development and work to the Hammersmith and Fulham side south of the creek, known as Chelsea Waterfront, commenced construction early in 2014.

## RELEVANT HISTORY

- 1.8 The gasholders at Imperial Road were once part of a larger industrial area, which also included a power station and chemical works. Many of the local houses came as a result of the Fulham industrial centre, providing homes for local workers. The six gasholders that are on-site were built to store London's gas, and were run by the Gas Light and Coke Company from 1824.
- 1.9 As technology progressed and London deindustrialised, the gasworks fell out of use. Enhancements to the gas pipeline networks across London resulted in the gasholders being no longer required. With increasing use of the pipelines to store gas, the requirement for gas holders has fallen away completely. There are now no operational gas holders left within National Grid and a number have been earmarked for demolition. The site currently houses a Pressure Reduction System (PRS) which regularises the pressure of gas from the associated high pressure pipeline for domestic use.

## STATUS OF THE PRESENT CONSENTS

- 1.10 The presence of natural gas on land in excess of 15 tonnes requires Hazardous Substances Consent.
- 1.11 The Fulham North and Fulham South Holder Stations currently benefit from hazardous substances consent for the presence of natural gas granted under the 'deeming' arrangements in 1992. This deemed consent was subsequently 'continued' three times in the early 2000s to amend the areas of land on, over or under which natural gas was allowed to be present.
- 1.12 The legislation governing hazardous substances is the Planning (Hazardous Substances) Act 1990 ("the Act"). In addition to granting consent, Section 14 of the Act contains powers to revoke consents. The Council acting as the

Hazardous Substances Authority may order the revocation of a hazardous substances consent or modify it to such extent as they consider expedient if it appears to them, having regard to any material consideration, that it is expedient to revoke or modify it, thereby removing this development constraint.

- 1.13 National Grid Gas has, in consultation with the Health and Safety Executive (HSE), been able to decommission the gas holders which lie within the Gasworks Area (Gasholders 2, 3, 4, 5, 6 and 7). National Grid confirmed by letter in January 2012 that they have de-notified the Fulham Gasholder Stations and that the gasholders had been physically isolated from the gas supply system. This has provided an opportunity for the site to be substantially released for redevelopment.
- 1.14 National Grid and The Berkeley Group announced on 7 November 2014 that they have established a new equal Joint Venture partnership, to be named St William Homes LLP ("St William"), to develop major residential and mixed-use development schemes across London and the South East. Officers have since met with St William and the appointed architects to start discussions regarding development and design principles for bringing forward a residential-led development on the former Fulham Gasworks site. Therefore, officers consider that it is expedient to revoke the hazardous substances consent, which would result in the planning benefit of lifting a significant constraint on development sites that are in close vicinity and potentially would contribute to the general regeneration of the local area.

## PLANNING HISTORY

- 1.15 From 1950 to 1989 there have been various planning permissions granted relating to the Application Site, all permissions granted relate only to the use of the site as a Gas Works. No further applications have been made and no permissions granted since 1989.
- 1.16 Various Hazardous Substances Consents (Refs. 1993-01831-HAZ, 2000-01004-HAZ, 2000-01476-HAZ and 2001-03248-HAZ) to store natural gas on site.

a) RN/1993/8131/P (LBHF Ref: 1993/01831/HAZ)

This was a 'deemed consent' for an 'established quantity' of a hazardous substance because the gas works and its gas holder(s) pre-dated the Planning (Hazardous Substances) Act 1990 and which came into force in 1992.

Transitional arrangements were in place at the time for existing situations which could make a claim for 'deemed consent' could be made where the hazardous substance had been present for the 12 months preceding the Act. British Gas PLC (North) had deemed consent confirmed by LB Hammersmith and Fulham on 18 November 1992.

b) RN/1993/8131/P (LBHF Ref: 2000/01004/HAZ)

Continuation of the deemed consent RN/1993/8131/P granted 18 November 1992 for Fulham (North) Holder Station (Gasholder Nos. 2, 3, 4 and 5). BG Transco Plc applied to the council for a continuation of the deemed consent granted in 1992 under the provisions of the Planning Hazardous Substances Act 1990. This application was made in anticipation of a change in control of part of

the site which took place from 30 June 2000 following the reorganisation of the former BG plc (previously known as British Gas plc).

c) RN/1993/8131/P (LBHF Ref: 2000/01476/HAZ)

Continuation of the deemed consent RN/1993/8131/P granted 18 November 1992 for Fulham (South) Holder Station (Gasholder Nos. 6 and 7). BG Transco Plc applied to the council for a continuation of the deemed consent granted in 1992 under the provisions of the Planning Hazardous Substances Act 1990. This application was made in anticipation of a change in control of part of the site which took place from 30 June 2000 following the reorganisation of the former BG plc (previously known as British Gas plc).

d) RN/1993/8131/P (LBHF Ref: 2001/03248/HAZ)

Continuation of the deemed consent RN/1993/8131/P granted 18 November 1992 for Fulham (South) Holder Station (Gasholder Nos. 6 and 7). BG Transco Plc applied to the council for a continuation of the deemed consent granted in 1992 under the provisions of the Planning Hazardous Substances Act 1990. This application was made in anticipation of a change in control of part of the site which took place from 30 June 2000 following the reorganisation of the former BG plc (previously known as British Gas plc).

- 1.17 On 12 November 2014, members of the PADCC resolved to grant full planning permission (2014/03637/FUL) for the demolition of five redundant gasholders (Nos. 3, 4, 5, 6 and 7), with associated structures and three ancillary pre-fabricated type buildings. Gasholder No. 2, a Grade II listed structure and the UK's oldest surviving gasholder dating from c.1830, did not form part of this application. The Demolition Works proposed will involve removal of the physical structure of these five gasholders, part of their foundations, three ancillary buildings and associated structures. Following completion of the Demolition Works, the former gasholder voids will be filled with inert material and the ground will be levelled. As a result, the site will have the appearance of cleared ground in the character of a former industrial area that is being prepared for redevelopment. No redevelopment was proposed therefore permission was not sought for any new housing or commercial uses.

## CURRENT APPLICATION

- 1.18 The Council is being requested to exercise its powers as the Hazardous Substance Authority to revoke the hazardous substance consent for the Fulham Holder Stations.
- 1.19 This report recommends the revocation of the Hazardous Substance Consent (RN/1993/8131/P and Refs. 1993-01831-HAZ, 2000-01004-HAZ, 2000-01476-HAZ and 2001-03248-HAZ) listed in paragraph 1.16 above.

## CONTEXT FOR APPLICATION

- 1.20 Following the decommissioning of the redundant gasholders, the Hazardous Substance Consent represents a significant planning constraint to redevelopment of the South Fulham Riverside Area and the revocation of the HSC would ensure this risk is removed from the development process.

1.21 The HSC currently poses a significant risk to the development process, as the Health and Safety Executive (HSE) would automatically object to any proposed residential development located within any of the three consultations zones of the HSC. The HSE is a statutory consultee for any development proposal and any residential proposal recommended for approval by the Council with the HSC still in place can be called in by the Secretary of State.

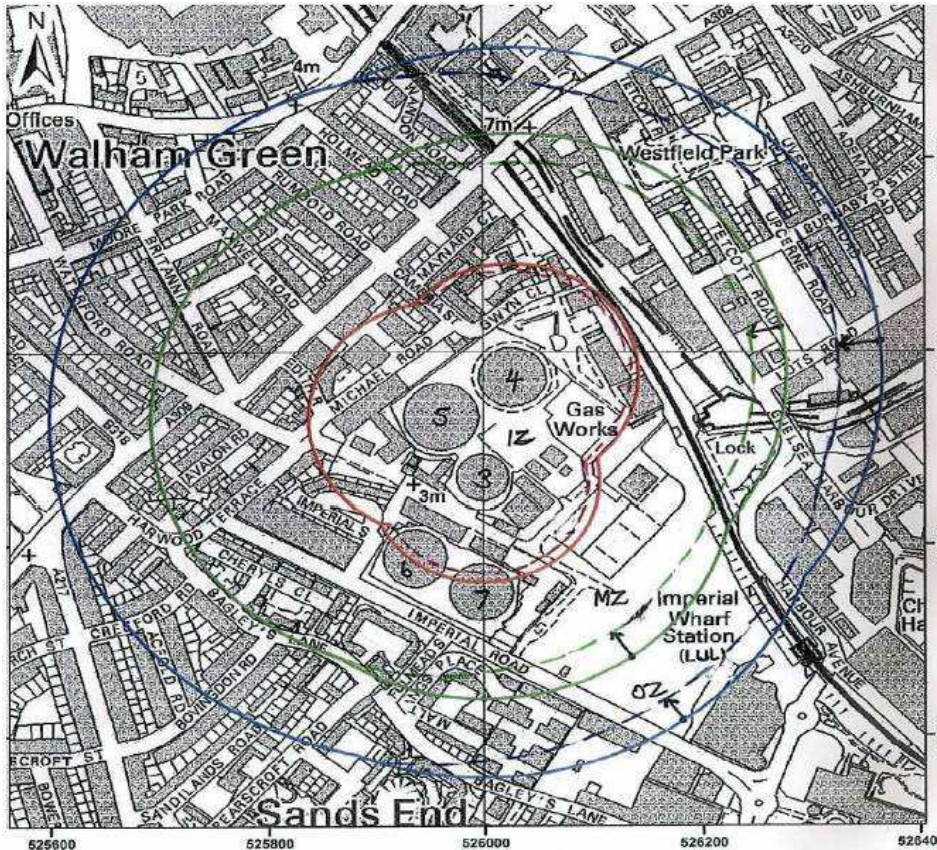


Figure 1.1 - Extent of Consultation Zones (Gasholders 3, 4 and 5)



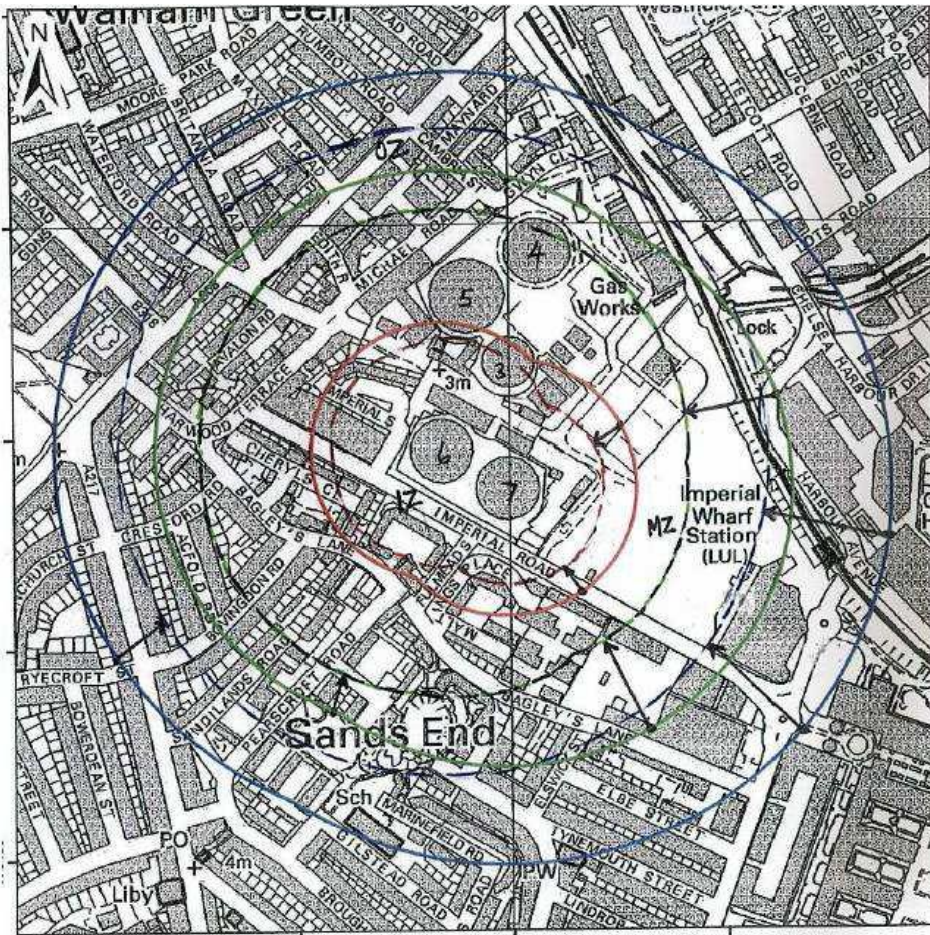


Figure 1.2 - Extent of Consultation Zones (Gasolders 3, 4 and 5)  
**LEGAL FRAMEWORK FOR REVOCATION**

- 1.22 Section 14(1) of the Planning (Hazardous Substance Act) 1990 (the Act) grants power to the Hazardous Substances Authority to revoke or modify a hazardous substances consent by order where it appears expedient to do so, having regard to any material circumstances.
- 1.23 The Council acting as the Hazardous Substances Authority may also by order revoke the HSC under Section 14(2) of the Act in one of the following circumstances;
- a) That there has been a material change in the use of the land to which the HSC relates; or
  - b) Planning permission has been granted and commenced for development of the site and would involve making a material change in the use of the land; or
  - c) In the case of a HSC which relates only to one substance, that the substance has not for at least five years been present on, over or under the land to which the consent relates in a quantity equal to or exceeding the controlled quantity; or
  - d) In the case of a HSC which relates to a number of substances, that none of those substances has for at least five years been so present.
- 1.24 Revocation of the HSC under section 14(1) or (2) of the Act will require confirmation by the Secretary of State under section 15 of the Act (even if it is unopposed).

## 2.0 PUBLICITY AND CONSULTATIONS

- 2.1 This report seeks authorisation from the Council to enact the revocation procedure. There is no public consultation exercise required. If the council resolves to authorise making the Order, the Act requires notice to be served on all interested parties for a period of at least 28 days, site notice and newspaper advertisement publicising the proposed Order.
- 2.2 Council officers have sought the informal advice of the Health and Safety Executive and UK National Grid on whether they have any reservations for the Council to pursue revocation of the HSC and no objections were raised subject to the material considerations identified in this report. Both organisations will be consulted formally if the council is minded to authorise making the Order.

## 3.0 MATERIAL CONSIDERATIONS

- 3.1. It is considered that the key considerations relating to this application are:

### LEGAL AND FINANCIAL IMPLICATIONS

- 3.2. In respect of legal implications, compensation may be payable by the council to the beneficiary of the hazardous consent or any third party who might be affected by the revocation according to S.16 of the Act in respect of revocation orders made under S.14(1). National Grid, the freehold owners of the site and sole beneficiary of the hazardous consent, has confirmed in writing that they would not challenge or seek compensation if the Council proceeded with the revocation of consent order.
- 3.3. There is a requirement to notify all relevant landowning and leasehold interests in accordance with part 15(3) of the Act who "will be affected by the Order". Any persons "affected by the Order" have at least 28 days to notify the Secretary of State that they wish to challenge the Order and be heard at a public inquiry. Given that National Grid is the sole owner and beneficiary of the HSC it is highly unlikely that any such claims will come forward as a result of the revocation. The adjoining site's developer 'St George', has provided the council with an insurance backed indemnity against any potential third party claim. St George are currently building out the site adjoining the Gasworks Area known as Chelsea Creek on which there are occupation restrictions placed on the subsequent phases by the HSC. If any claim were to come forward within the 28day consultation carried out by the Secretary of State as part of the revocation process which is successful, the financial claim will be covered by the indemnity, and not by the Council.
- 3.4. Notice will be served on other interested parties who need to be consulted on any proposed new application for consent listed in Regulation 10 of the Planning (Hazardous Substances) Regulations 1992. These include the Health and Safety Executive, the Environment Agency, the adjoining authority (RLB Kensington and Chelsea) and the GLA. It does not include adjacent and neighbouring landowners.
- 3.5. In summary, 'Authority' is sought to revoke the Hazardous Substance Consents and to make an Order in accordance with the procedures set out under S.14(1) of The Planning (Hazardous Substances) Act 1990. It should be noted that the

risk of challenge or compensation claims appears to be low, on the basis that National Grid (as the sole owner/beneficiary) have informed the council that they will not carry out this action. Further risks to the council are also minimised by the indemnity policy against any potential third party claims.

## PLANNING BENEFIT

- 3.6. The revocation of the HSC (and therefore the HSE consultation zones) would remove a planning constraint affecting the area within the current consultation zones. It should be noted that paragraph 72 of the Circular 04/00 advises that;  
  
"It may be undesirable for a hazardous substances consent which has fallen into disuse to continue to have effect, however, as it could restrict unnecessarily the uses to which neighbouring land can be put."
- 3.7. The constraint currently affects site allocated for development in the South Fulham Riverside Regeneration Area and sites within the vicinity of the regeneration area.
- 3.8. The revocation of the HSC is necessary to remove the safeguarding restrictions around the Fulham Gasworks to enable residential redevelopment on this site and on a number of surrounding development sites as the hazardous substance consent acts as a constraint to redevelopment. Specifically, sensitive uses such as residential are precluded in proximity to hazardous sites such as gas holders as set by the Health and Safety Executive (HSE) who are the safeguarding authority. HSE maintain the statutory consultation zones around gas holders as required by Article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.
- 3.9. If development sites within the consultation zones sought to progress with their proposals for residential development with the HSC still in place, the HSE would object on health and safety grounds. The council would be obliged to take such a material planning consideration into account in the assessment in each instance which could add significant delay to the assessment process. Amendments to any scheme in an effort to address the safety concerns may not fully address the concerns of the HSE and could therefore result in a less efficient and sub-optimal use of the site(s) and/or render development schemes economically unviable.
- 3.10. In the current situation (and 'do nothing' option) the HSE would make an assessment of the hazard and risk posed by the gas holder using its methodology PADHI (Planning Advice for Development Near Hazardous Installations). The assessment of risk produces a map with three risk contours (Inner, Middle and Outer) which plot risk in relation to proximity to the gasholders.
- 3.11. Therefore, it is considered necessary to revoke the Hazardous Substance Consent in order to remove this development constraint and thereby enable the site and others in the vicinity, to come forward in a more efficient and viable way. This will allow the planning and regeneration benefits of these schemes to be maximised which could optimise new housing delivery and form the catalyst for significant urban renewal in the area.

- 3.12. It is further noted that unlocking brownfield sites for redevelopment and the associated regenerative potential and benefit accords with the Sustainable development principle which underlines UK planning, as guided by the National Planning Policy Framework (NPPF). The identified land use priority for the former Fulham Gasworks site is housing, as expressed locally in the South Fulham Riverside Regeneration SPD as well as nationally (NPPF) and regionally (The London Plan).
- 3.13. Allowing the safeguarding restriction to continue to preclude redevelopment of the site conflicts with planning policy, guidance and the NPPF.
- 3.14. The HSE has stated that if the Council commence formal revocation action under S14(1), either immediately or at a particular date in the future, then the HSE will consider what additional land use planning advice they can give during the period (if any) before the Council start revocation action, and during the revocation process itself. There is thus a potential that the HSE would support removing Grampian conditions on some surrounding sites within the middle and outer consultation zones once the Council has confirmed our intention to revoke or once the revocation order has been submitted to the SoS. It is considered that a revocation order should proceed under section 14(1) of the Act irrespective of the potential risk of compensation, which officers have highlighted in this report and is considered to be low. In conclusion officers have had regard to all the material circumstances mentioned in this report and consider it expedient to revoke the consent under section 14(1) in order to remove the development constraint.

#### 4.0 EQUALITY AND DIVERSITY ISSUES

- 4.1 Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

For the purposes of this obligation the term "protected characteristic" includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex; and
- sexual orientation.

- 4.2 In considering the recommendation, the Committee has duty to consider the implications of the revocation in terms of the Equality Act 2010. The key equality protected characteristics include age, disability, gender, gender reassignment,

marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation. There is no indication or evidence that the protected groups have or will have different needs, experiences, issues and priorities in relation to the proposal. Therefore in terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the proposal.

4.3 Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to revoke the Hazardous Substance Consent for the Fulham Gasworks will not have any equality implications. The revocation will not involve any prohibited conduct, nor have any effect whatsoever to persons with protected characteristics, to their opportunities or to their relationships.

## 5.0 CONCLUSION

5.1 The Council is being requested to exercise its powers as the hazardous Substance Authority under section 14(1) of the Planning (Hazardous Substances) Act 1990 to revoke the hazardous substance consent no. RN/1993/8131/P granted 18 November 1992 and subsequent continuations deemed to have consent.

5.2 The planning benefit of revoking the Hazardous Substance Consent is that a major planning constraint is lifted enabling a more optimal and viable development to be pursued for a major residential-led redevelopment for the Gas Works Area which will bring about regeneration benefits to the wider area.

5.3 Regard has been given to all material considerations and it is considered expedient to make the revocation under S.14(1) of the Act.

5.4 Further in pursuance to S.14(1) of the Act, there is a potential liability for payment of compensation through revoking the consent. National Grid who holds the sole interest in the land has confirmed in writing that they will not seek compensation and has also signed up to a Planning Performance Agreement to cover the council's legal and administrative costs in making the Order and in the event that the Secretary of State calls a public inquiry. Furthermore the indemnity offered by St George will ensure that there is no financial risk for the Council to pursue with the revocation on the HSC. It is recommended that the committee authorise the making of the Order to revoke the Hazardous Substance Consent no. RN/1993/8131/P granted 18 November 1992.

## RECOMMENDATION

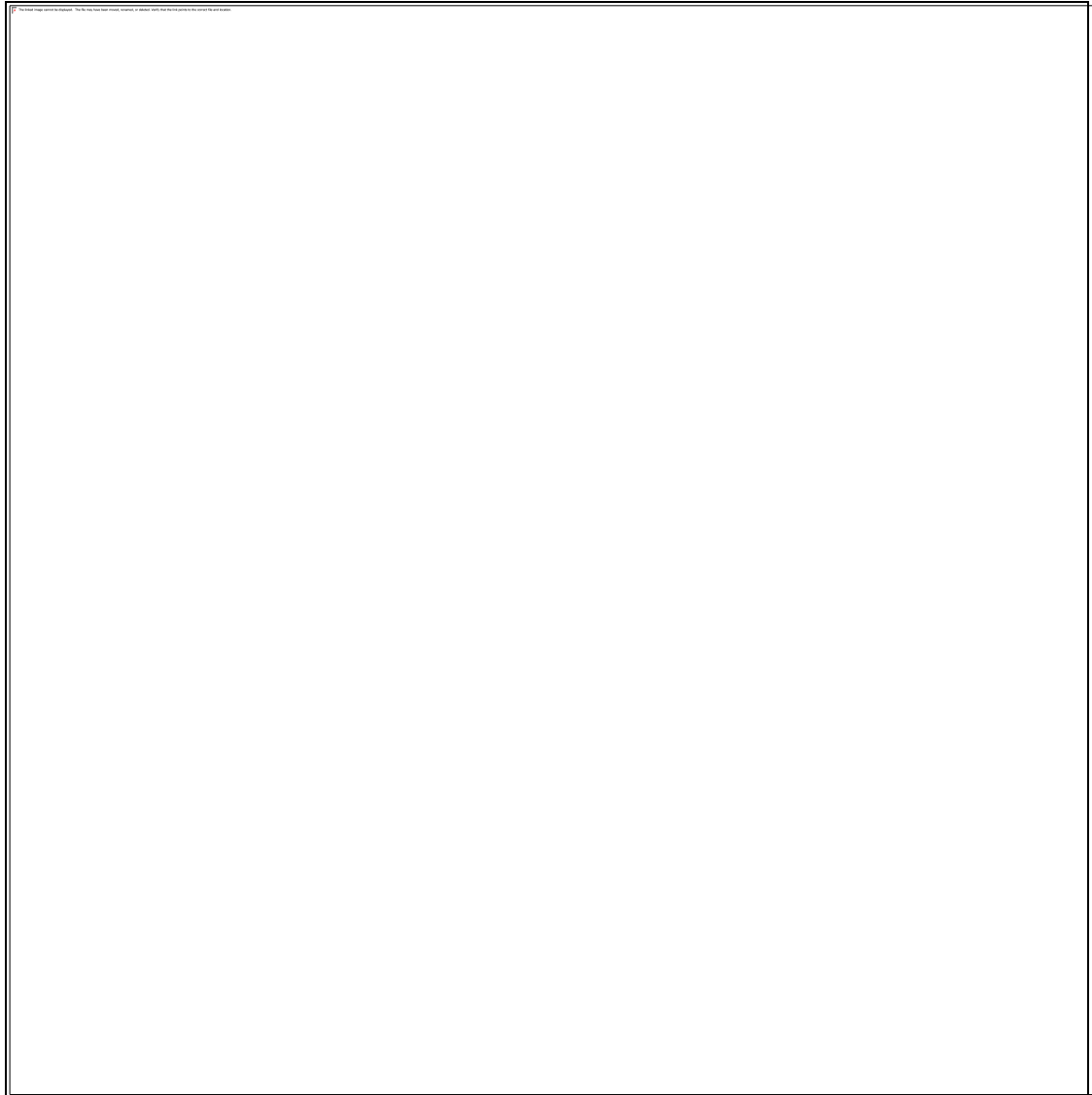
5.5 To authorise the making of an Order subject to completion of and indemnity agreement and a satisfactory insurance policy. The Order will then be subject to confirmation by the Secretary of State to revoke the Hazardous Substance Consent no. RN/1993/8131/P granted 18 November 1992 and subsequent continuation deemed consents.

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**Ward:** Parsons Green And Walham

**Site Address:**

Fulham Town Hall Fulham Road London SW6 1ER



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**Reg. No:**  
2015/04022/FUL

**Case Officer:**  
Roy Asagba-Power

**Date Valid:**  
03.09.2015

**Conservation Area:**  
Walham Green Conservation Area - Number 14

**Committee Date:**  
10.05.2016

## 1.0 BACKGROUND

- 1.1 The purpose of this report is seek approval to an amendment to the Council's case as expressed in resolved reason for refusal 1 of the planning application (ref: 2015/04022/FUL) which was reported to the Planning Applications Committee of 30 November 2015 for the purpose of assisting with preparations for the forthcoming public inquiry. The purpose of the proposed amendment is to clarify the intended scope of the Council's case.
- 1.2 On 30 November 2015, the Planning Applications and Development Control Committee considered planning and listed building consent applications including the following works to Fulham Town Hall: the demolition and alterations to 1934 Town Hall Extension; extensions to Harwood Road Building; extensions and alterations to Concert Hall and Grand Hall within original Town Hall together with other internal and external alterations in connection with a change of use of the buildings to retail, residential accommodation and some community uses. The committee resolved that both of these applications be refused respective planning and listed building consent.
- 1.3 The planning application was refused on the following grounds: unacceptable impact on the character, appearance and setting of the listed building, unacceptable impact on the character and appearance of the Walham Green Conservation Area, and views within and into the Conservation Area;; lack of affordable housing; transport; residential amenity; energy and sustainability; air quality and surface urban drainage.
- 1.4 The listed building application was refused on the grounds that the proposed alterations to the 1934 Extension together with the cumulative alterations to the original Town Hall 1880-90 building and Harwood Road 1904-05 building would be harmful to the listed building and would not represent the optimum viable use of the listed building.
- 1.5 In December 2015, the applicants submitted appeals against the Council's decisions to refuse planning permission and listed building consent. The appeals are due to be considered by an independent Planning Inspector at a Public Inquiry that is due to commence in November 2016.
- 1.6 The Council has engaged Counsel to defend the Council's position and to represent the Council's case at the Public Inquiry. Following Counsel's ongoing review of the case in preparation for the Inquiry, Counsel has advised that for the avoidance of doubt the Council's case as expressed in Reason for Refusal 1 on the planning application should be clarified so that it is made clear that the concerns underlying the refusal of Listed Building consent are also relied upon by the Council as justifying the refusal of planning permission. These concerns include the cumulative effect of the changes to the listed original Town Hall and the Harwood Road building, whereas Reason for Refusal 1 as currently drafted makes explicit reference only to the 1934 extension. The harmful changes to these two buildings are a consequence of the development for which planning permission is sought, and cause a level of harm to their significance that the Council has already found to be unacceptable (as reflected in the refusal of listed building consent).

- 1.7 The report to the committee of November 20015 is appended to this supplementary report. Paragraph 1.2 of that report makes it clear that Fulham Town Hall is made up of three elements the 1888-1890 original Town Hall building fronting Fulham Road, the 1904-5 Harwood Road building and the 1934 Extension. It also set out the harm that would be caused by the cumulative impact of the changes to all three elements. For the avoidance of doubt, the fact that the Council relies on this heritage harm in relation to the planning appeal as well as the Listed Building Consent appeal should be made explicit in the Council's case, whereas there is a lack of clarity on this issue in the resolved heritage reason for refusal.
- 1.8 Officers recommend the following revised wording (in italics and underlined) to the Council's heritage case, as set out in refusal reason 1 of the planning application (ref 2015/04022/FUL).

'The development would cause harm to visual amenity; harm to the character, appearance and setting of the listed building (comprising the 1888-1890 original Town Hall fronting Fulham Road, the 1904-1905 Harwood Road wing, and the 1934 extension fronting Fulham Road) and harm to the character and appearance of the Walham Green Conservation Area. The harm caused would not be outweighed by public benefits, which would not result in sustainable development. It has not been demonstrated that the development would represent the optimum viable use of the listed building.

More particularly the design, height and massing of the replacement building behind the retained façade of the 1934 extension and the design of the replacement windows at first, second and third floor levels in the front elevation of the 1934 extension together with the cumulative impact of alterations to the 1888-1890 original Town Hall and 1904-1905 Harwood Road elements of the building would cause harm to the character and appearance of the listed building which it is desirable to preserve in accordance with Section 16(2) and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The design, height and massing of the replacement building behind the retained façade of the 1934 extension would fail to preserve the setting of the retained elements of the listed building which it is desirable to preserve in accordance with s.16(2) and s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The design, height and massing of the replacement building behind the retained façade of the 1934 building; the design of the replacement windows at first, second and third floor levels in the front elevation of the 1934 building and the unneighbourly and over dominant extension to the Concert Hall (to the rear of the Cedarne Road terrace of Buildings of Merit) would cause harm to the character and appearance of the Walham Green Conservation Area (including views within and into the Conservation Area), which it is desirable to preserve in accordance with s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.



In these respects the proposal is contrary to paras 131, 132 and 134 of the NPPF; London Plan Policies 7.1, 7.2, 7.4, 7.5, 7.6, 7.8 and 7.9; DM Local Plan Policies DM G1, DM G3, DM G5 and DM G7 and Planning Guidance SPD Policies 31, 37, 46, 49, 61 and 62.'

## 2.0 CONCLUSION AND RECOMMENDATION

- 2.1 It is recommended that the Council's case as reflected in reason for refusal 1 on the planning application be amended as per paragraph 1.8 of this report which is based on Counsel's advice.

## APPENDIX 1 PADCC REPORT 30 Nov 2015

### **Applicant:**

Dory Ventures Limited  
C/O Agent

### **Description:**

Demolition of 1934 building behind retained facade to Fulham Road, excavation of a basement and erection of a five storey building (plus plant enclosure) incorporating retained 1934 building facade; erection of additional floors at second, third and fourth floor levels plus plant to the Harwood Road building including erection of front and rear roof extensions and creation of roof terraces following demolition of existing second floor; erection of an enclosed circulation route flanking the south west elevation of the Grand Hall; erection of a four storey extension to the Concert Hall building abutting Cedarne Road boundary replacing fire escape stair; erection of an additional floor to Concert Hall kitchen block; erection of a single storey side extension at ground floor level fronting east yard; erection of a single storey extension, a two storey extension and balconies to south elevation of Harwood Road building, enclosure of central lightwell to create atrium and demolition of Concert Hall link bridge, raising of pavement to form a ramped entrance from Harwood Road and other external alterations all in connection with change of use from Town Hall (Sui Generis) to retail use with ancillary storage (Class A1) at basement, part ground and part first floor( Grand Hall) levels; cafe/restaurant uses (Class A3) at ground floor level, conference/event space (Class D2) in Council Chamber, ante room and Marriage Room; museum use (Class D1) in first floor bar and creation of 18 residential units (Class C3 - 6x1 bed, 9x2 bed and 3x3 bed), 5 parking spaces and service area with access between Harwood Road and Moore Park Road. Internal demolition and alterations including removal of staircase in Harwood Road entrance hall; creation of cafe hub space, installation of ground floor internal shopfronts; reconfiguration of central lightwell to include staircase and lift; removal of proscenium arch in Grand Hall; installation of mezzanine floors in Assembly Room and Concert Hall.

Drg Nos: 264\_PL: 200; 201; 202; 203; 204; 205; 206; 207; 250; 300;301; 302; 303; 304; 305; 306; 307; 308; 309; 312; 313; 314;;315; 316; 317; 318; 319; Design \_ Access Statement; Planning Statement; Heritage Statement; Transport Statement; Energy Strategy; Air Quality Assessment; Archaeology Report; Daylight \_ Sunlight Report; Sustainability Report; Retail Energy Strategy; Flood Risk; Windows Report; SBD Statement;;Retail Appraisal 2012; Contamination Report; Construction Logistics Framework; Construction Logistics Plan Museum Proposal; Internal Daylight and Sunlight Assessment; Noise Assessment; Retail Concepts.

### **Application Type:**

Full Detailed Planning Application

### **Officer Recommendation:**

The application be refused for the following reason(s):

- 1) The development would cause harm to visual amenity; harm to the character, appearance and setting of the listed building and harm to the character and appearance of the Walham Green Conservation Area. The harm caused would not be outweighed by public benefits, which would not result in sustainable development. It has not been demonstrated that the development would represent the optimum viable use of the listed building.

More particularly the design, height and massing of the replacement building behind the retained façade of the 1934 extension and the design of the replacement windows at first, second and third floor levels in the front elevation of the 1934 extension would cause harm to the character and appearance of the listed building which it is desirable to preserve in accordance with Section 16(2) and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The design, height and massing of the replacement building behind the retained façade of the 1934 extension would fail to preserve the setting of the retained elements of the listed building which it is desirable to preserve in accordance with s.16(2) and s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The design, height and massing of the replacement building behind the retained façade of the 1934 building; the design of the replacement windows at first, second and third floor levels in the front elevation of the 1934 building and the unneighbourly and overdominant extension to the Concert Hall (to the rear of the Cedarne Road terrace of Buildings of Merit) would cause harm to the character and appearance of the Walham Green Conservation Area (including views within and into the Conservation Area), which it is desirable to preserve in accordance with s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In these respects the proposal is contrary to paras 131, 132 and 134 of the NPPF; London Plan Policies 7.1, 7.2, 7.4, 7.5, 7.6, 7.8 and 7.9; Policy BE1 of the Core Strategy 2011; DM Local Plan Policies DM G1, DM G3, DM G5 and DM G7 and Planning Guidance SPD Policies 31, 37, 46, 49, 61 and 62.

- 2) The Transport Statement fails to provide sufficient information to carry out a satisfactory transport assessment. More particularly, the submitted information on trip generation, refuse, servicing and delivery, and construction does not provide a full robust assessment of the likely impact of the proposed development. The proposals are therefore contrary to Policy DM J1 of the Development Management Local Plan 2013 and SPD Transport Policy 1 of the Supplementary Planning Document.
- 3) No affordable housing would be provided, contrary to the target expressed within the Council's Core Strategy. It is not considered that the applicant has submitted satisfactory evidence to justify that off-site affordable housing provision or a payment in lieu would not be viable. The proposal thus fails to demonstrate that the development would maximise affordable housing provision, to support a mixed and balanced community, contrary to Policy H2 of the Core Strategy 2011 and Policies 3.11 and 3.12 of The London Plan 2011.
- 4) The proposed development is considered to be unacceptable in the interests of residential amenity. More particularly, the proposed extensions owing to their siting in close proximity to the boundary, height and elevated position, would result

in an overbearing increased sense of enclosure and loss of outlook, loss of daylight and loss of privacy to surrounding residential dwellings, contrary to Policy DM A9 and DMG1 of the Development Management Local Plan 2013 and SPD Housing Policies 7 and 8 of the Planning Guidance Supplementary Planning Document 2013.

- 5) The proposed development is considered unacceptable in terms of energy sustainability. More particularly, the proposals fail to include any details for the new build residential units in terms of sustainability issues. Furthermore the proposed 17% CO2 reduction falls a long way short of the 35% requirement for CO2 reduction. The proposed development is contrary to Policies 5.1, 5.2, 5.3, 5.6, 5.7, 5.8, 5.9, 5.11, 5.12, 5.13, 5.14, 5.15, and 7.19 of the London Plan (2011) and policies CC1, CC2 and H3 of the Core Strategy 2011, Policies DM H1 and H2 of the Development Management Local Plan 2013 and SPD Sustainability Policy 25 of the Supplementary Planning Document.
- 6) The proposals fail to provide sufficient information to carry out a satisfactory assessment of sustainable urban drainage. More particularly, the current proposals provide no attenuation of surface water run-off and fail to consider potentially suitable drainage measures. The proposals fails to accord with Policy 5.13 of the London Plan, Policies CC2 and CC4 of the Core Strategy 2011 and Policy DM H3 of the Development Management Local Plan 2013.
- 7) The proposals fail to provide sufficient information to carry out a satisfactory assessment of air quality impact. More particularly, the transport assessment concluded that that development would generate less vehicular trips than the previous use; however emissions from vehicular trips were not modelled in the assessment which is therefore inadequate as they are not reflected in the transport statement. Consequently, the submitted air quality assessment fails to demonstrate that the proposals would not cause a significant deterioration in air quality. The proposals are therefore contrary to London Plan policy 7.14, Core strategy policy CC4, policy DM H8 of the Development Management Local Plan 2013.

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

**All Background Papers held by Andrew Marshall (Ext: 3340):**

Application form received: 19th August 2015  
Drawing Nos: see above

**Policy documents:** National Planning Policy Framework 2012  
The London Plan 2015  
Core Strategy 2011  
The Development Management Local Plan 2013  
Planning Guidance Supplementary Planning Document July 2013

**Consultation Comments:**

<b>Comments from:</b>	<b>Dated:</b>
Thames Water - Development Control	12.10.15
Historic England London Region	22.10.15
The Theatres Trust	25.09.15
Hammersmith & Fulham Historic Buildings Group	17.10.15
Fulham & Hammersmith Historical Society	15.10.15
Hammersmith And Fulham Disability Forum	27.10.15
Historic England London Region	27.10.15

**Neighbour Comments:**

<b>Letters from:</b>	<b>Dated:</b>
10 Broadway Mansions Effie Road London SW6 1EL	06.10.15

**OFFICER'S REPORT**

**1.0 BACKGROUND**

**Site and surroundings:**

1.1 The application site (0.31 ha) comprises Fulham Town Hall and service area to the rear which lies on the south side of Fulham Road at its junction with Harwood Road. The Town Hall is made up of three connected buildings with an estimated net internal floor area of the buildings is 3,210 m<sup>2</sup>. The planning use of the site for local authority purposes does not fall into any particular category of use class and is considered to be 'Sui Generis.'

1.2 The three main buildings on the site include:

The 1888-1890 original Town Hall building fronting Fulham Road (Grade II\* listed). This element was designed by George Edwards FRIBA in a "Classical Renaissance" or "Italianate" style with a mansard roof over the Grand Hall and hipped roofs over the side wings to Fulham Road and to the Concert Hall. The Italianate façade is faced in rusticated Portland stone. The ground floor comprises offices to either side of an axial corridor. The main staircase is on the west side and on the first floor is a large public hall and ancillary rooms. To the south-east there is a linked block containing the Council Chamber with a Concert Hall above.

The 1904-5 Harwood Road wing (Grade II\* listed). This lies at a 45° angle to the original block and was designed by Francis Wood, the Borough Engineer in a Baroque style with an art nouveau interior. It has a large central entrance hall and stair with offices to either side, the Mayor's Parlour, and councillor's rooms and committee rooms, toilets and assembly rooms on the first floor. There are a number of hipped roofs and one flat roof to the Harwood Road building with stained glass rooflights over the staircase and committee room corridor.

The 1934 extension along Fulham Road (listed due to being within the curtilage of a listed building and dating before 1948). This extension has a good quality Portland stone façade but is of a much plainer stripped classical design with a flat roof by Walter Cave and J. Pritchard Lovell.

1.3 Each of the three parts of the Town Hall stem from a different stylistic era and each retains its own distinct character. All buildings have Portland Stone with some granite embellishments on their principal facades, while flank walls and rear walls are of London stock brickwork or white glazed bricks in the case of the rear of the 1930s building. Windows are timber framed on the two earlier buildings and metal on the 1930's block.

#### The Surrounding Area

1.4 Immediately to the east fronting Fulham Road at the junction with Cedarne Road is a five storey block of flats comprising 16 units. Cedarne Road runs along the full length of eastern site boundary and includes a three-storey terrace of houses (which has been converted to maisonettes) with gardens that back onto the site.

1.5 To the west, fronting Fulham Road is a mix of retail uses including a restaurant at 563-565 Fulham Road and estate agents at 567-569 Fulham Road and 1-5 Harwood Road. Harwood Road runs along the south-western edge of the site and includes a range of predominately residential properties to the south of the Town Hall.

1.6 To the north, immediately opposite the site fronting Fulham Road is Fulham Broadway underground station, Fulham Broadway Retail Centre and 200m to the east is Chelsea Football Club.

1.7 Vehicular access to the site is currently only possible from the service road running from Moore Park Road to Harwood Road.

1.8 The site benefits from excellent public transport links as it lies within a Public Transport Accessibility Level (PTAL) of 6a. The site lies opposite Fulham Broadway

Underground Station which serves the District Line. There are also several bus routes which run along Fulham Road

1.9 The site lies within the Fulham Regeneration Area as well as Fulham Town Centre which comprises a mixture of uses and is situated within the Walham Green Conservation Area.

1.10 The site also within Flood Zone 3, an Archaeological Priority Area and within a Borough wide designated Air Quality Management Area (AQMA).

#### Relevant Planning History

1.11 Until 1890 when the first part of Fulham Town Hall was constructed, the rear part of the site was largely undeveloped and the Harwood Road site was part of a continuous row of terraced housing. In 1885 Fulham Vestry launched a competition for the design of a new Town Hall to replace its existing Vestry Hall in Walham Green and the new Town Hall was built in 1888-90. The Fulham Road building proved to be too small and an extension facing Harwood Road was added in 1904-5. A later extension was constructed in 1934 when the Fulham Registration Service was transferred to Fulham Town Hall from 129 Fulham Palace Road.

1.12 The borough was administered from Fulham Town Hall until 1965 when the Metropolitan Borough of Hammersmith and the Metropolitan Borough of Fulham were merged. In January 1979 the name was changed again to the London Borough of Hammersmith and Fulham, and Hammersmith Town Hall was adopted as the administrative centre.

1.13 In 1981 the Town Hall was placed on the Statutory List of Buildings of Special Architectural or Historic interest as a Grade II listed building.

1.14 1986, listed building consent approved for works for conversion of second floor flat to offices.

1.15 1987, listed building consent approved for redecoration of Grand Hall - the "green scheme. Separate consent also approved for alterations to the interior of the building resulting from the removal and replacement of the heating system hot and cold water and gas services and rewiring of the electrical installation.

1.16 1988, listed building consent approved for various works:(1) Alteration and addition to the existing security Reception counter.(2) Removal of some internal partitions.(3) Timber duct work to existing heating pipes.(4) Redecorating the office area.(5) Installation of secondary security glazing to front windows.(6) Alterations to electrical wiring to electrical reception counter. (7) A new small internal office - partition constructed of re-using existing H.W. glazed partition.

1.17 1993, listed building consent approved for various internal alterations and refurbishment including redecoration, fitting out of kitchen, bar installation of cabling, trunking, switch cabinets and associated equipment relating to installation of computer systems, renewal of lighting.

1.18 1994, planning and listed building consent approved for alterations to existing kitchen layout at second floor level including the installation of new fume extraction ducting.

1.19 1996, listed building consent approved for internal works comprising alterations to the existing fire alarm system.

1.20 1998, planning and listed building consent approved for the formation of a ramped access to the Fulham Road entrance, including the erection of cast iron hand rails. Separate listed building consent for the redecoration and refurbishment (including repairs) of the Council Chamber, including the public gallery and entrance lobby/annexe.

1.21 1999, listed building consent approved for internal alterations in connection with the formation of a reception area.

1.22 2000, listed building consent approved for internal alterations comprising the installation of a temporary wheel chair platform to provide disabled access to the Council Chamber.

1.23 2005, listed building consent for internal ground floor public toilet refurbishment.

1.24 2006, listed building consent for dismantling and reuse of existing timber partition and installation of new partitions/doors to provide three new registrar's offices. Adaptation of existing timber lobby partition to provide additional doorway to newly formed offices.

1.25 In 2012, the statutory designation of Fulham Town Hall was upgraded to grade II\* due to the (i) architectural interest: the Italianate façade of the 1888-90 vestry hall is elegantly composed and richly detailed, while the 1904-5 elevation is a handsome example of full-blooded Edwardian Baroque. The quality of stonework and sculptural detail to both elevations is high; (ii) interiors: the town hall is exceptional for the rich panoply of interiors and wealth of high-quality fittings and decorative finishes from both its principal construction phases; (iii) Intactness: the building has undergone remarkably little alteration, externally or internally; (iv) historic interest: an eloquent illustration of burgeoning civic identity in late-Victorian and Edwardian London, marking the transition from a parish vestry to a fully-fledged metropolitan borough.

## 2.0 EVOLUTION OF THE SCHEME

2.1 In 2011, the Council's Planning Division produced a Planning and Heritage Assessment which provides an appraisal of the historical and architectural significance of the Fulham Town Hall buildings and an outline of the planning context for use in connection with marketing, bidding and shortlisting for the disposal of the site. In March 2012, the Council's Valuation \_ Property Services Team in its role as landowner accepted Dory's concept for use of the ground floor with retail anchored by a Maclaren (buggies) store with other complementary family and lifestyle retailers plus catering in key spaces with residential above. The accepted bid scheme included a basement spa, the retention of the Concert Hall as a public space and the retention of the Harwood Road staircase. The bid scheme also included a mezzanine for retail use in the Grand Hall.



The disposal process was a commercial bidding process and the consideration of the submitted bids was distinct from the planning application process. Furthermore the bid scheme was materially different from the submitted proposals. Officers consider that the scheme is different in important respects from that which was the basis for the acceptance of the bid. The Planning Committee's duty is to consider the submitted planning application on its merits.

#### Pre-application consultation

2.2 In August 2014, the applicants commenced formal pre-application discussions with officers and Historic England. Dory committed to the concept of using the Council Chamber and suite of rooms around it including the Marriage Room as a series of public event spaces for hire. During the discussions officers expressed strong concerns about the collective impact of the proposed extensions and external alterations and internal interventions to the building including the removal of the Harwood Road staircase. Overall officers were not convinced that the proposed change of use to retail would be maintainable in the long term and therefore had significant reservations about the extent of the associated irreversible physical changes to the fabric of the listed building. Officers also expressed concerns about the lack of any proposed affordable housing.

2.3 Much of the discussion during pre-application meetings focused on the design and potential impact on the heritage assets. Officers advised the applicants to submit a comprehensive heritage assessment statement, a retail viability assessment, financial appraisal and highways impact assessment. Draft versions of these documents were submitted and were under consideration. However the current planning and listed building applications were submitted in August 2015 before the formal conclusion of the pre-application discussions with officers.

2.4 The Council's Design Review Panel considered draft proposals at its meeting on the 20 January 2015. The Panel made a number of comments including the following concerns:

- As presented, the new interventions could be done with more conviction and more clearly expressed.
- An analysis of footfall is essential to consider whether the concept of linking two roads would really drive an active frontage on Harwood Road.
- The quality of the residential units is compromised by having a well overlooking the Harwood Road retail arcade.
- The use of the Assembly Hall as a showroom was a great shame and it should retain an "assembly" function, the offices should be relocated into some of the cellular offices.
- Whether the commercial units could be satisfactorily accommodated in the listed building. There was little evidence of how the non-Maclaren commercial space could be assimilated in the building.
- The impact of the roofscape could not be fully assessed as there was no evidence of the impact of the massing to the rear.
- The additional storey on the 1930s building should be done with more confidence and be acceptable in massing terms to contribute positively.
- The ground floor interventions should be done with more confidence.
- The removal of the staircase should only occur if there was a high level of confidence in the success of the retail arcade route and the successful letting of all the retail units.

2.5 The applicants placed site notices and sent out some 1,000 flyers to local residents and key local groups advertising a public exhibition. The applicants also set up a dedicated website which displayed the proposals and an email address inviting comments.

2.6 The public exhibition was held on 22nd and 23rd January 2015. A total of 67 people attended the exhibition. The applicants' Statement of Community Involvement advises that 15 written comments were received and all of these were generally in support of the refurbishment and proposed uses. However concerns were raised in relation to the following: the lack of affordable housing for local people; the preservation of the listed building; the development needs to create a buzz so it's well frequented in the long term and doesn't only attract one-off visits; the development should welcome high end retailers; there should be no adverse impact to on street parking.

### 3.0 PROPOSALS

3.1 The current planning application seeks permission for four main elements of works: demolition and alterations to 1934 Town Hall Extension; extensions to Harwood Road Building; extensions and alterations to Concert Hall and Grand Hall within original Town Hall and change of use of the building to retail and residential accommodation.

#### 1934 Building

3.2 The proposal includes the demolition of the 1934 building behind the retained facade to Fulham Road frontage; insertion of shopfronts at ground floor in the retained facade and replacement of existing windows in the retained facade. Excavation of a basement and erection of a five storey building (plus plant enclosure) incorporating retained 1934 building façade.

#### Harwood Road Building

3.3 The erection of additional floors at second, third and fourth floor levels plus plant to the Harwood Road building including erection of front and rear roof extensions and creation of roof terraces following demolition of existing second floor. The proposals also include the erection of a single storey extension, a two storey extension and balconies to south elevation of Harwood Road building. Raising the pavement to form a ramped entrance from Harwood Road and other external alterations

#### Original Town Hall - Concert Hall and Grand Hall

3.4 The erection of a four storey extension to the Concert Hall building abutting Cedarne Road boundary replacing fire escape stair. The proposals also include the erection of an additional floor to Concert Hall kitchen block as well as the enclosure of central lightwell to create atrium and demolition of Concert Hall Link Bridge.

3.5 The erection of an enclosed circulation route flanking the south west elevation of the Grand Hall.

3.6 The erection of a single storey side extension at ground floor level fronting east yard.

#### Change of Use

3.7 The various extensions and alterations are all in connection with change of use from Town Hall (Sui Generis) to a mixed use scheme including the following: retail use with ancillary storage (Class A1) at basement, part ground and part first floor( Grand Hall) levels; cafe/restaurant uses (Class A3) at ground floor level, conference/event space (Class D2) in Council Chamber, ante room and Marriage Room; museum use (Class D1) in the existing first floor bar and creation of 18 residential units (6x 1 bed, 9x 2 bed and 3x 3 bed) above ground floor; 5 parking spaces and service area with access between Harwood Road and Moore Park Road.

#### Listed Building Application

3.8 This report also covers the Listed Building application for the above elements as well as the following internal demolition and alterations:

3.9 The removal of staircase in Harwood Road entrance hall; creation of cafe hub space, installation of ramp to Council Chamber and ground floor internal shopfronts; reconfiguration of central lightwell to include staircase and lift; removal of proscenium arch in Grand Hall; installation of mezzanine floors in Assembly Room and Concert Hall; subdivision of Committee Room; demolition of escape staircase to Grand Hall, demolition of secondary staircase to first floor landing of Harwood Road building.

3.10 The main differences between the bid scheme and the current proposals are that the former included a basement spa, the retention of the Concert Hall as a public space and the retention of the Harwood Road staircase. The bid scheme also proposed a mezzanine in the Grand Hall for retail display purposes.

#### 4.0 PUBLICITY AND CONSULTATIONS

4.1 The application was advertised by way of site notices and a press notice and some 1225 letters were distributed, 1 objection has been received on the following grounds:

- Demolition
- Keep building as far as possible in its current form
- The three storey extension
- The resulting building is out of keeping
- Traffic generation and parking

4.2 Historic England has submitted a formal objection to the proposals which prevents the Council from granting planning permission without their consent on the following grounds:

- The interventions into the fabric of the listed building and alterations to its plan form would harm both its architectural and historic interest.
- The cumulative impact of the many interventions to create a 'shopping arcade' is harmful to the building's special interest.

- Demolition of the Harwood Road staircase would cause harm to both the architectural significance of the building and the historic interest.
- The proposed additional accommodation in the roof of the 1930s Town Hall extension would fail to preserve the setting of the principal listed building. The proposals erode the historic core character of the extension as part of the civic complex and the additional mass undermines the visual dominance of the listed building. The roof extension also weakens the positive relationship between the buildings and therefore their contribution to the special character and appearance of the conservation area.
- The loss of the Crittall style windows is regrettable, as this style of window is considered an integral part of the aesthetic design of 1930s buildings of this type. The altered massing and loss of distinctive Crittall windows is therefore considered to cause some harm to the special character of this part of the Conservation Area.
- The applicant has identified a number of perceived public benefits, including heritage benefits, arising from the scheme. Retaining public access to certain important interiors including the Council Chambers is certainly welcome, but this, along with the repair, refurbishment and restoration does not clearly and convincingly justify the harm we have identified. The proposal to remove the Proscenium Arch within the Grand Hall is an enhancement to the significance of the building but this enhancement is then eroded by the incongruous insertion of a glazed office partition within the stage area.
- While the applicant may consider the proposed degree of intervention is entirely necessary to make their particular scheme viable, this is not to say that it is demonstrably the only sustainable use for the asset. Whilst some public benefits have been put forward by the applicant, these are not considered sufficient to outweigh the harm caused.
- Proposals would cause unjustified harm to the special interest of the Grade II\* listed building and the special character of the Walham Green Conservation Area.

A subsequent letter of clarification from Historic England was received relating to the designation of the 1934 extension, following a request from Officers as to whether Historic England considered the 1934 extension to be part of the statutory listing in their assessment of the proposals. Historic England state that in this particular situation the principal listed building is that of the original 1890s building and 1904-5 extension. What is then attached to the principal may be part of the listing, if it was ancillary to the principal building at the date of listing.

4.3 Historic England (Archaeology) raises no objections subject to conditions.

4.4 The Theatres Trust is The National Advisory Public Body for Theatres, safeguarding theatre use or the potential for such use.

- welcomes the reuse of the Town Hall but are concerned about the loss of a potential community/cultural facility.
- it should be demonstrated that the Town Hall is surplus to requirements as once lost theatres are virtually impossible to replace.
- NPPF (notably paragraph 70) states that planning decisions should 'plan positively for cultural buildings' and 'guard against the loss of cultural facilities and services'.
- agree that the removal of the 1950's proscenium arch and retention of the original stage will allow the Grand Hall to be restored to its 1888 appearance and reveal the full roof and the windows blocked by the arch.
- Other than the glass wall enclosing the office space, we are pleased no other interventions are being made and the Grand Hall could be readily returned to a cultural use.

- If the Council is satisfied the building is surplus the cultural needs of the community, we would support the granting of listed building and planning permission.

#### 4.5 Twentieth Century Society raise objections and request refusal of the applications.

- We consider the 1934 Town Hall Extension to be an integrated part of Fulham Town Hall and therefore part of the listed building. Cave was a distinguished architect, prominent in the Edwardian era, and this was one of his last buildings. It is therefore of value as representing the culmination of a successful career. The extension takes its cues from its Victorian predecessor but reduces the decorative element to produce a more restrained facade typical of the inter-war period. It is a particularly thoughtful and responsive extension of the main building.
- The proposed uses are incompatible with the existing building. An alternative use such as a hotel would be more appropriate, enabling the original fabric to be retained and the building to be successfully converted for a renewed and beneficial life.
- No attempt has been made by the applicant to sustain or enhance the significance of the 1934 element of the heritage asset on this site. The proposed demolition, new build and alterations will reduce the distinctiveness of the heritage asset, thus making a negative impact on the local area. This proposed development contemplates irreversible and detrimental alterations to a Grade II\_ listed building contrary to para 132 [of the NPPF].
- The proposed changes of use and alterations do not justify the proposed treatment of the heritage asset and the Society does not consider them to be 'substantial public benefits that outweigh that harm or loss'.

#### 4.6 London and Middlesex Archaeological Society raise no objections subject to conditions.

#### 4.7 Fulham Society has raised some concerns.

- Main concerns are the extra floor on the 1934 building which will be very visible in the views along Fulham Road and as proposed do stand out conspicuously. The roof extension over the Harwood Road building is also visible, but less prominent. Concerned about large and dominating shopfront to the facade of the 1934 building and the design of the replacement windows.

#### 4.8 Hammersmith and Fulham Historic Buildings Group are not entirely convinced about the current proposals and wonder whether a less intrusive scheme could provide equal public benefits with fewer harmful interventions to the fabric of these buildings.

- Disappointed that the scheme will require the loss of the grand staircase leading from the Harwood Road entrance.
- Concerned about replacement windows to first and second floor levels of the 1934 building.
- Concerned about the viability of the project; the hub restaurant lacks an external public presence and seems to be served by a very small kitchen which will have to serve any functions associated with the wedding facilities. Doubt whether the retail element will attract sufficient footfall to be successful.

#### 4.8a Victorian Society have written in (20.11.2015) to object to the development on the following grounds:

- serious and unjustified harm to the Grade II\* listed building and would be detrimental to the significance of the Walham Green Conservation Area.

- fully endorse comments of Historic England in its letter of 20 October and support its conclusion that implementation of the scheme would be both harmful and unjustified.
- loss of a large amount of the building's array of high quality historic fabric and fittings. The removal of the main staircase from the Harwood Road block would be particularly damaging and would deprive the building of one of its most impressive architectural features. It would also inhibit understanding and appreciation of the plan form, manner of circulation and function of this part of the building.
- other elements of the historic interior would also be lost, including staircases, doors and attractive leaded windows. The alterations proposed to the unusual and well preserved historic lavatories on the first floor would be damaging and regrettable.
- The extent of demolition proposed would strike at the heart of the reasons for the building's II\* listing, thereby causing serious harm to its significance.
- The use of the Grand Hall as a showroom would detract from its appearance and impressive spatial qualities. The installation of a glazed office partition would further compound that harm.
- subdivision and conversion of the Assembly Rooms and Concert Hall in order to create residential accommodation would be harmful and loss of public access to them
- some significant and damaging alterations to the exterior of the building; the dormers to the roof of the Harwood Road block; upward extension and comprehensive adaptation of the fenestration of the handsome 1930s block, which would fundamentally alter the relationship of the various elements that make up the Town Hall complex, harming its setting and reducing the positive contribution it makes to the Conservation Area.

4.9 Environment Agency did not respond to consultation.

4.10 Thames Water raises no objection subject to conditions.

4.11 The relevant material comments received have been taken into account in the assessment of the scheme within Section 3 of this report which considers relevant planning considerations.

## 5.0 PLANNING CONSIDERATIONS

5.1 Notwithstanding the bidding process for the disposal of the site and the Council's position as land owner of the site subject to contact, the Planning Committee is required to determine the planning and listed building applications on normal planning principles alone.

5.2 The key considerations relating to this application are:

- The acceptability of the proposed land uses;
- Design, conservation and heritage
- Standard and quality of residential accommodation;
- Impact on residential amenities
- Transport impact;
- Sustainability and Energy;
- Environmental impacts;
- Planning obligations, Mayoral CiL and Local CiL

5.3 In considering any application account must be taken of the National Planning Policy Framework, the development plan, any local finance considerations (CIL), the documentation accompanying the application, the available environmental information, representations made and all other material considerations.

## LAND USE

5.4 The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development, encouraging the effective use of land by reusing land that has been previously developed (brownfield land) whilst promoting mixed use developments. It advises that the planning system should deliver sustainable development.

5.5 London Plan Policy 2.15 states that development proposals should sustain and enhance the vitality and viability of existing centres, accommodate economic and/or housing growth through intensification and selective expansion in appropriate locations, be in scale with the centre and finally contribute towards an enhanced environment including links to green infrastructure. The London Plan also seeks to ensure that developments achieve the optimum intensity of uses that remain compatible with the local context and are well served by public transport.

5.6 London Plan Policy 2.15 identifies Fulham Town Centre as a 'Major Town Centre' with the potential for medium growth and in need of regeneration. The policy sets out that development should sustain and enhance the vitality and viability of existing centres where town centres are in decline and accommodate economic and housing growth through the intensification of centres.

5.7 In accordance with the National Planning Framework (NPPF) and the London Plan, the Borough is required to promote sustainable economic growth through its comprehensive regeneration plans set out in the Core Strategy. The Council's Spatial Vision and Strategic Policy A envisages the physical, social and economic regeneration of 5 key locations across the borough, which are to be the focus of considerable development. The application site lies within Fulham Regeneration Area, which is identified as one of these 5 regeneration areas. There are however different character zones within the Fulham Regeneration Area.

5.8 The Fulham Regeneration Area, includes Fulham Town Centre and The Earls Court and West Kensington Opportunity Area. Under the Core Strategy Policy A the vision for this area is to be a world class, aspirational, environmentally sustainable quarter for people, to live, work and visit. Its aim is to support a mixed and diverse community with quality housing to meet a range of incomes. The residents of the housing estates will have been rehoused in better quality homes in the area. There will be a vibrant mix of cultural, leisure and community activities including attractions of national or international importance, that will build on the Earls Court heritage as a destination, as well meeting local resident's needs. Fulham Town Centre will increase in importance in the locality, partly as a result of the increased local population in the opportunity area.

5.9 Strategic Policy FRA (Fulham Regeneration Area) and Strategic Policy C (Hierarchy of Town and Local Centres) identify Fulham Town Centre as a designated major centre for which the focus is shopping, local services and leisure activities that do not have an adverse impact on surrounding residential areas. The reasoned justification

supports aims to re-establish the historic role of Fulham Town Centre in the locality and maintain its status as a major town centre. The justification also makes it clear that the policy seeks to provide further shopping and leisure uses at an appropriate scale to meet locally generated needs.

5.10 Fulham Town Centre presents a number of locational advantages, not least its excellent public transport accessibility, existing employment, retail and cultural facilities. Fulham Town Hall is largely vacant and underused. The current planning application follows on from the conclusion of a bidding process for the disposal of this site in 2011. The site offers an opportunity to reuse and refurbish the existing building as well as contribute towards the regeneration of this south eastern part of the town centre.

5.11 The development of this site would involve the demolition of the building behind the 1934 Town Hall extension, various extensions and alterations to the Harwood Road and Fulham Road buildings and a collection of internal alterations to the listed building including the removal of the Harwood Road staircase to enable the reuse of the building for mixed purposes including retail, residential (18 flats) and community uses (Class D1) including a museum and a collection of rooms for public hire.

5.12 Overall the proposals seek to bring the ground floor of the building back into use and create residential accommodation on the upper floors. The applicant's retail vision is to establish an anchor store dedicated to Maclaren at ground floor with a showroom at first floor and a series of other smaller units at ground floor. The retail element would be organised along a new retail arcade running through the original Town Hall building fronting Fulham Road through to the Harwood Road building. The axis between these two retail arcades would be opened, to create a Hub and Atrium which would include a café area. The suite of existing Marriage Room, Citizenship Room and Council Chambers would be retained as a suite of room for public hire.

#### Loss of Council Offices

5.13 With the exception of temporary uses and occasional hiring for filming, the existing Town Hall is currently largely vacant and underused. The proposed development involves the partial redevelopment and conversion of the town hall (Sui Generis) to a mixed use of residential, Class A1 and A3 flexible retail (2,913 sqm) and a Class D1 community use (304 sqm).

5.14 By 2011, most of the Council services in Fulham Town Hall building were moved to other civic buildings in the borough as Hammersmith Town Hall had become the principal council offices. Policy HTC1 (Hammersmith Town Centre) expects the redevelopment of the Hammersmith Town Hall Extension and Cinema site in King Street site to deliver new offices as part of a civic campus. In April 2014, planning permission was granted for the redevelopment of that site which includes provision for new central civic offices to serve the borough. There is therefore no requirement for replacement civic offices in Fulham Town Centre and the loss of Council offices in this location is considered acceptable.

#### Loss of Cultural Facilities

5.15 The Town Hall has not been used for theatre/ concert use for many years and there remains an opportunity to hire alternative facilities at Hammersmith Town Hall which continues to provide central civic facilities for hire for theatre and cultural use.



## Retail and Restaurant/ Café Uses

5.16 The NPPF seeks to promote competitive town centres and directs commercial uses to town centres in the first instance. It also promotes customer choice and a diverse retail offer to reflect individual town centres.

5.17 London Plan Policy 2.15 designates Fulham as a major town centre for which the focus is shopping, local services and leisure activities that do not have an adverse impact on surrounding residential areas.

5.18 Core Strategy Policy C encourages the diversity and distinctiveness in the shopping mix and seeks to ensure a good range of shop types with independent as well as national traders. Policy DMC1 of the DMLP states that the Council will support proposals that enhance the viability and vitality of the town centres and seek a mix of retail units in major developments.

5.19 The applicants aim to develop a retail arcade with a central A3 restaurant 'Hub'. The retail arcade would run through the building from Fulham Road to Harwood Road with entrances at both ends. The arcade turns approximately 45 degrees to the west at a point roughly halfway through; this point is referred to as the 'knuckle'. The proposals include the formation of one major anchor unit to be occupied by Maclaren (manufacturer of baby buggies, strollers and carriers), one cafe/restaurant unit (in the Hub), three small shop units and seven kiosk units. The redevelopment also proposes a new A3 restaurant unit at ground and basement level of the new building behind the retained facade of the 1934 building.

5.20 The ground floor Maclaren anchor store (114 sqm) would also have access to a showroom (460 sqm) located at first floor level in the Grand Hall. The showroom would act as space where people can 'come and see' Maclaren products, learn about what is available and the products offered, with an opportunity to test products out before they are purchased. The applicants planning statement envisages that a high number of units will be taken by family focussed retailers, drawn to the building by the anchor tenant.

5.21 The applicant's retail consultants, Savills, have submitted a document which advises the applicant on retail design and leasing strategy for the proposed development. The report explores a wide variety of target tenants including with either a fully female fashion focus or a baby focus. Both of these ideas fundamentally stem from the success of the Café Hub which is seen crucial to the scheme. According to the applicants consultants the success of the Town Hall as a retail destination will depend on key factors including the quality of the retail environment, the letting strategy and a marketing campaign.

5.22 Savills conclude that the design and layout of the arcade is right given the heritage and limitations of the building. The three most important factors being: a continuous retail arcade connecting Harwood Road with Fulham Road; a primary circulation route which is simple to follow and the creation of a central A3 Hub. The proposed layout includes regular shaped retail units either side of the arcades, shop frontages with hanging signage and delivers as much circulation space within the arcade as possible. The proposed removal of the staircase from the Harwood Road entrance hall is seen as essential from a retail perspective, and will have a significant bearing on the success of

the arcade since it will help create good clear sight lines which allow retailers to connect visually with their customers and create a sense of place. The view once past the double doors in the Fulham Road arcade looking towards the 'Hub' benefits from having a Class A3 retail activity at the end of the arcade to draw customers through. This is also the case with the view from Harwood Road arcade where you can see straight in to the 'Hub'.

5.23 In terms of the retail strategy, Savills consider that the proximity to the Fulham Broadway Shopping Centre and a critical mass of A1 retail space ensures the Town Hall is a viable retail location for an arcade and by giving the development a focus with a central A3 hub together with the Maclaren experience will ensure the longevity of the proposed arcade. They envisage the Fulham Town Hall as offering a lower rental profile than that of The Broadway Shopping Centre which will tap into the pedestrian flows from the underground station and Fulham Broadway itself and build on the success of the restaurants that are an integral part of this area.

5.24 The applicants' intention is to drive footfall by creating a sense of place based on a lifestyle female / baby focus leisure destination which together with the Maclaren experience and Hub restaurant will create interest from a variety of retailers. The consultants advise that in selecting and pre-letting some of the key units may involve agreeing more favourable terms to attract a specific retailer to a specific position. This may include rent free periods of between 6 and 12 months and possibly more for the units on the Harwood Road entrance/arcade. The proposed redevelopment will also include the use of the old council chamber as an events space with a private dining room/reception area which would help to develop the application site as a destination location. Savills also recommend further internal and external alterations to the building to facilitate a successful retail environment. However these additional changes do not form part of the current application and would require separate planning and listed building applications.

5.25 The Council appointed independent consultants, Cushman & Wakefield (C&W) to consider the applicants retail assessment. Overall, the consultants acknowledge that although not originally designed as a commercial building, the submitted proposals show that a relatively well laid out retail arcade can be achieved on plan and that the proposed removal of the staircase is essential to maximise sight lines. However they conclude that the proposed retail vision within the context of the proposed plans and layout would be challenging to achieve and that its long term sustainability is questionable, for the reasons set out in the following paragraphs.

5.26 The existing Fulham Road frontage is architecturally attractive and iconic within the local area. It's location on the south side of the street directly opposite the entrance to Fulham Broadway Underground Station enhances the building's prominence within the Town Centre. Fulham Road benefits from strong pedestrian footfall but the majority of this is concentrated to the north side of the street. The highway is generally congested and pedestrian crossing opportunities are limited. This limits the buildings desirability as a retail location.

5.27 The proposed building frontage along Fulham Road comprises only minimal glazed shop window opportunity and no new retail entrances, due to the building's listed status and the developers desire to minimize impact thereon. In this location, the consultants would normally advise that any new retail development or redevelopment includes significant retail display windows at full height and width along with dedicated

signage zones above. Overall the listed nature of the main building's facade and elevations significantly restricts the ability to create retail display zones or signage opportunities. This has a detrimental effect on the prominence of Units 1 and 2 which are not particularly visible externally, and the public's awareness of the internal arcades. Unit 13 sits within the replacement building behind the 1934 retained facade and extensive alterations to the street elevation is proposed. The unit is very well sized, located and designed for a retail or restaurant use and would normally attract strong occupational interest and lease terms. However, the internal residential access core makes for an extremely poor configuration and the quality of this unit is demonstrably weakened as are the achievable rent, lease terms and occupational demand.

5.28 Within the proposed Fulham Road retail arcade, the majority of the decorative features and important current design elements of this arcade are retained or replicated in facsimile within the proposals. The ceiling heights are generous throughout and the linear mall layout pulls shoppers through the arcade. All of the retail entrances along this arcade include new glazed doors and entranceways with the exception of Unit 4 Hub area which retains one existing door but is generally accessed by a new large opening created within the eastern internal wall. The proposed entrances are modern and attractive and although rather narrow, are conducive with boutique retail kiosks and should not deter potential occupiers. The lack of glazed shopfronts and display areas along this mall is a concern and will restrain achievable rents and occupier demand. The units (3 and 5) within Fulham Road Arcade are generally well configured and will benefit prominence from being located on the main arcade from busier Fulham Road. However, they are both very small and will be viewed by the market as large kiosk units rather than standard retail shop units.

5.29 Harwood Road is a less prominent retail location in Fulham Town Centre. Despite a number of bus stops driving a modest stream of pedestrians, shopper footfall is very weak and the road is generally congested and not conducive to an attractive retail environment. The existing retail uses in the vicinity are generally service sector operators such as estate agents, solicitor's offices or nail salons. Further, the householders to the south and east of the building can just as easily access the Fulham Road entrance via Waterford Road. It is envisaged that a very modest proportion of shoppers would use the Harwood Road entrance.

5.30 The frontage along Harwood Road is Grade II\* Listed and therefore the developer's proposed alterations are minimal and do not provide modern glazed shopfronts or signage and branding opportunities for occupiers. The proposed new ramp will improve shopper access, especially for people with pushchairs or buggies. If the ramp were not built and the existing stepped access retained, pedestrian customers would be averse to using this entrance and given the distance to the alternative entrance, those with pushchairs or buggies might be deterred from entering the scheme altogether.

5.31 Within the Harwood Road arcade, the proposals include the retention of all existing doorways and entrances, with the exception of Unit 6, which are exceptionally decorative and attractive. However, these entrances minimise, and in most instances totally negate, the opportunity to provide glazed shopfronts, display areas or branding opportunities. In response the applicant has proposed a selection of new vitrine display cases which go some way to mitigating this and encourage occupier demand. The applicant has also proposed the removal of a highly significant staircase in order to increase the width, visibility and access within this arcade, especially for customers with

pushchairs or buggies. In retail terms, this is an important element to the success of this arcade as an attractive, fluid and open retail destination and therefore the long term viability of it.

5.32 C&W goes on to say that Harwood Road Arcade comprises generally well configured units, with the exception of Unit 8 with the awkward internal consultation room. However, the units are again very small when considered against a standard UK shop unit is usually between 800 sqft (74 sqm) and 1200 sqft (111 sqm). This will therefore serve to limit the achievable target occupier market. Harwood Road is the weaker of the two arcades owing to its distance from the main Fulham Road entrance and lack of clear visibility resulting from the 'knuckle' within the mall which masks this arcade from view. Regardless of prominence, the size and configuration of Units 1, 2, 8 and 9 are regular and well proportioned. They are also conveniently located on the outer most positions of the scheme thus forming four anchors of sorts, although the strength of Units 8 and 9 as anchors is negated by the lack of prominence and visibility and no external access.

5.33 Any retail development in a secondary or new retail pitch should include at least one anchor store which will normally drive the core consistent footfall and draw the prime catchment and spend potential to the scheme. It is very difficult for a collection of smaller retail units to achieve the same gravity. Although C&W agree that 16,000 sq ft (1486 sqm) of new retail provision is adequate critical mass for a peripheral town centre retail development, they are concerned that such a large proportion of this is accounted for by Maclaren (40%) and the rest of the scheme is fairly modest. Whilst Maclaren will undoubtedly draw people from the catchment area, the customer spectrum is rather narrow and the volume of customers will not be as high as might be achieved by a traditional anchor.

5.34 The applicants consider the Hub to be a crucial part of the scheme in terms of maximizing dwell time and visitor numbers. If let to a desirable, popular or in vogue operator of the 'Hub' cafe, could very likely prove to be a popular destination in its own right. However, C&W are concerned that the kitchen and food preparation area is very small and may limit occupier demand. Further, beyond the normal closing hours of the retail units, the environment within the Hub will not be conducive to an evening restaurant so occupational demand from this sector will be low therefore limiting the Hub to a daytime café, light food, delicatessen type operation.

5.35 The plans do achieve a continuous arcade, simple circulation route and A3 Hub which are all extremely useful in encouraging the success of a retail arcade here. They also serve to maximize sight lines and provide as much signage and display opportunity for individual occupiers as possible considering the physical and listing constraints of the Building. However, C&W advise that there is still very little display area opportunity provided with some of the units, and signage is assumed to be by way of individual hanging signs only with no opportunity for occupiers to display brands on the outside of the building. The external signage and branding opportunities for both occupiers and the scheme itself are considered minimal at best. C&W consider that whilst a strong PR and marketing campaign can draw customers to a slightly inaccessible, off-pitch or otherwise unnatural or challenging retail location, and there are undoubtedly various successful examples within Central London, it is very difficult to achieve this in the suburban market.

5.36 Overall the preferred children's wear/ baby focused scheme presented in the Savills Report would be more appropriate considering the Maclaren anchor. Whilst the retailers cited in this mix are generally more akin to the unit sizes offered, the mix is slightly too aspirational for the development and would be challenging to deliver on the basis that they could not be maintained in the long term. This is primarily due to the small shop units sized which most of the high end fashion retailers listed in Savills report would be averse to because they simply could not operate their business with adequate lines from such small space. Unlike Savills, C&W have provided details of achievable market rents and likely service charges for the proposed building. On this basis, the proposed development will lack the necessary footfall and turnover potential for this sort of tenant mix to succeed at commercial rent and lease terms. This is primarily because the main competing locations benefit strong inherent footfall driven by the existing provision of extensive comparison and fashion retail. C&W consider that it may be possible to deliver this tenant mix, however in order to attract the intended tenants, it would be necessary to agree soft lease terms including turnover rents or extremely high letting incentives comprising rent free periods and/or capital contributions for tenants. If so, there would be a major impact on the long term sustainability of the scheme. C&W do believe occupational demand would be sufficient to let all of the units but a softer or more independent, experiential or local tenant mix would be more achievable and viable.

5.37 The proposed retail scheme is unlikely to be viable due to the suburban location of this retail arcade, the narrow target customer base of the anchor store, the lack of footfall for the proposed tenant mix, the restricted size and configuration of various units, the lack of prominence for units with no street frontage, the limited signage due to the restrictive nature of the listed building, the hub concept is aspirational and would not attract the intended type of tenant and the proposed mix of retailers would not work without significant lease incentives for users. All of these factors contribute to the conclusion that the long term viability of the proposed retail vision is questionable.

5.38 In principle, the proposed mix of retail uses accord with the retail policy set out in Policy DMC1 of the DMLP which supports proposals that enhance the viability and vitality of the town centres. However officers are not convinced that the retail strategy for this particular building to create a 'destination' with a Maclaren anchor retail store (with ancillary first floor showroom) and retail arcade would be maintainable in the long term. This is of considerable importance because of the ability to maintain the total offer in the long term is fundamental to the ability of the scheme to deliver wider public benefits which provide the applicants purported justification for the harm which will be done to the significance of the designated heritage assets. The applicant's retail proposals involve both external and internal physical alterations to the listed building that would be irreversible and any reuse by alternative retailers may require further changes to the building. All of these changes need to be balanced against the harm to the listed building and these matters are considered in paragraphs below in the Heritage section of this report.

## Housing

5.39 The NPPF aims to boost the supply of housing required to meet the needs of present and future generations whilst delivering a wide choice of high quality homes, widening opportunities for home ownership and creating sustainable, inclusive and mixed communities. It seeks to ensure that housing is developed in suitable locations,

which offer a range of community facilities and have good access to employment opportunities, key services and infrastructure.

5.40 London Plan policy 3.3A to G sets out the Mayor's strategic criteria for increasing housing supply. Policy 3.3A recognises the pressing need for more homes in ways that provide a real choice at a price Londoners can afford. Policy 3.3B states that an annual average of 32,210 net additional homes should be delivered per annum in London. Within this overall aim, Table 3.1 sets an annual target of 615 net additional dwellings for Hammersmith and Fulham (excluding an increment in provision in the Earls Court West Kensington Opportunity Area). Policy 3.3D of the London Plan states that boroughs should seek to achieve and exceed the housing targets set out in Table 3.1 of the plan.

5.41 The site falls within the Fulham Regeneration Area whereby the Core Strategy identifies there is capacity for a minimum of 3,400 new homes over 20 years between 2012 and 2032.

5.42 The development proposes 18 new residential units which would contribute to the housing targets. Policy H1 underlines the acceptability of focusing new housing within the strategic sites in the regeneration areas in the Borough.

5.43 In light of the relevant adopted policy within the London Plan and the Core Strategy, the principle of a residential led development on this site would accord with the overall provisions in the Core Strategy, London Plan and NPPF (Developing a Wide Choice of Homes).

#### Residential Density

5.44 London Plan policy 3.4 requires development to optimise housing output for different locations taking into account local context and character, the design principles in Chapter 7 and public transport capacity. The residential density matrix in Table 3.2 provides density ranges which would allow developments to achieve a sustainable level of provision.

5.45 Policy H3 of the Core Strategy notes that some high density housing with limited parking may be appropriate in locations with high levels of public transport accessibility (PTAL 4 - 6) provided it is satisfactory in all other respects.

5.46 Policy DM A2 of the DMLP sets out that in assessing the appropriate density of a housing or mixed use scheme that includes housing, the Council will apply the Core Strategy and London Plan policies and guidance relating to density.

5.47 The public transport accessibility level of the site is PTAL 6a, and the site is considered to be located within a Central Setting. Table 3.2 of the London Plan sets out density ranges of between 650-1,100hr/ha (140- 405u/ha) for central settings. The London Plan identifies a central setting as being within a Metropolitan or major town centre.

5.48 When calculating density on mixed use sites, the impact of the non-residential component should be taken into account, by taking the net residential site area excluding the non-residential floorspace (the 'Greenwich' method of calculating density).

5.49 The density on this mixed use site has been calculated by taking the percentage of total floorspace that would be in residential use and applying it to the total net site area, to come up with a notional 'net residential site area'. This is achieved by dividing the total habitable rooms or units by this notional net residential site area.

5.50 Using this method the proposed density of the scheme would be 109 u/ha, which sits below the density range of 140 - 405 residential units per hectare in central sites with a PTAL of 4 - 6. The proposed density by habitable room is 315 habitable rooms per hectare which is also below the recommended 650 - 1,100hrh as set out in the London Plan. While proposed density is below the target range, this is due to the physical constraints of making proposed changes within this listed building which limits the extent of changes that might otherwise be achieved in a comparable non-designated asset. In these circumstances, the proposed density is considered acceptable and in accordance with Policy 3.4 of the London Plan and Policy H3 of the Core Strategy.

### Affordable Housing and Viability

5.51 Policy 3.9 of the London Plan addresses the need for promoting mixed and balanced communities by tenure and household income particularly in some neighbourhoods where social renting predominates and there are concentrations of deprivation. Policy 3.10 sets out the criteria for housing to fall within the definition of affordable housing. This has however been superseded by the definition of Affordable Housing as set out in the Mayor's Housing SPG (November 2012).

5.52 London Plan Policy 3.12 seeks that the maximum reasonable amount of affordable housing should be sought when negotiating on schemes, having regard to a number of factors including the requirements for affordable housing at local and regional levels; the need to encourage rather than restrain residential development; the targets and priority accorded to affordable family housing; the need to promote mixed and balanced communities; the size and type of affordable housing needed in particular locations; the specific circumstances of individual sites; and the viability of future development.

5.53 The London Plan does not specifically prescribe a percentage target for affordable housing but does seek to ensure that an average of 13,200 new affordable homes are built each year across London which equates to approximately 40%.

5.54 Core Strategy Policy H2 sets a borough-wide target for 40% of additional dwellings to be affordable on sites involving more than 10 dwellings, with a preference for intermediate and affordable rented, unless a small proportion of new social rented housing is necessary in order to enable proposals for the regeneration of Council or Housing Association estates.

5.55 In determining the acceptability of the proposals in accordance with Policy H2, the Council has had regard to the following:

- Site size and site constraints;
- Financial viability, having regard to the individual circumstances of the site, the availability of public subsidy and the need to encourage rather than restrain residential development; and

- The affordability and profile of local housing; the scope for achieving a more mixed and balanced community in the borough, or in an area where there are existing concentrations of social rented housing.

5.56 The proposed development does not include any affordable housing units. In order to support this position, the applicant has prepared a financial viability assessment of the proposed scheme prepared by Strutt & Parker (S&P). The details within the S&P report are confidential due to commercial sensitivity. However the applicants planning statement concludes that the proposed scheme cannot sustain any affordable housing provision on site, off site or through a payment in lieu.

5.57 The S&P report has been independently scrutinised by the Council's financial consultants Carter Jones and they conclude that the applicant has not adequately demonstrated why a policy compliant provision for affordable housing would not be viable. Further contrary to S&P, Carter Jones advises that the application proposals could incorporate a policy compliant scheme.

5.58 The current housing component of the scheme with 0% contribution to affordable tenure is not acceptable as it would not help to contribute to a more mixed and balanced community in this designated regeneration area. The proposals fail to accord with London Plan policies 3.3, 3.4, 3.8, 3.9, 3.10, 3.12 and 3.13 and Core Strategy policies A and H2 and the National Planning Policy Framework (NPPF).

#### Mix of housing units

5.59 Core Strategy Policy H4 and Policy DM A3 of the DM LP requires a choice of high quality residential accommodation that meets the local residents needs and aspirations and market demand. In particular there should be a mix of housing types and sizes in development schemes, especially increasing the proportion of family accommodation.

5.60 In accordance with the above policies the proposed dwelling mix (6 x 1 beds, 9 x 2 beds and 3 x 3 beds) represents an acceptable range of unit sizes, including a provision of a larger family sized unit.

#### New Community uses (Museum and suite of rooms)

5.61 London Plan Policy 3.6 states that London requires 'additional and enhanced social infrastructure' provision to meet the needs of a growing and diverse population. Developments which provide high quality social infrastructure will be supported, in light of local and strategic social infrastructure needs assessment. Policy 3.19 states that development will be supported where 'this involves the creation of sports facilities, and physical activity in London' particularly amongst groups with low levels of participation.

5.62 Policy CF1 of the Council's Core Strategy seeks 'high quality accessible and inclusive facilities and services for the community, by encouraging the development of facilities where possible'. Policy DM D1 of the DMLP states that proposals for 'new or expanded community uses should: meet local need; be compatible with and minimise impact to the local environment and be accessible to all the community which they serve.

5.63 The proposed development includes a level of space within the building that will be available for community uses. It is envisaged that the space (a series of rooms at



ground level including the refurbished council chamber) will be available for continued public use through private hire for a number of events including but not limited to wedding, meeting, local events and educational conference. The development provides an opportunity for the refurbishment of these spaces, opening them up to members of the public after many years of the building being underused and/ or unoccupied. However no further detail of these uses has been provided including how these would be managed, the degree to which they would be available to the public and any commercial considerations.

5.64 The proposal includes the provision of floorspace to establish a small local 'museum' of the history of Fulham and Hammersmith. While the submitted proposals outline an intention to provide a museum no details have been included in the proposals and these such as construction works, fit out, operational matters, length of lease and rental details would be required and could be secured through a s106 legal agreement. However, the applicant's submissions include a critique of the museum proposals which identifies concerns relating to lack of step free access, a claustrophobic feel to the proposed space, the need for additional storage and display space. Furthermore the setting up of the museum is still subject to a bid for funding and on the basis of the assessment so far it seems unlikely that a bid could be considered favourably. In the circumstances, the public benefit which would be conferred by the proposed 'museum' is likely to be limited.

5.65 In the event that, satisfactory details emerge such uses might be in accordance with Policy 3.6 of the London Plan, and Policies CF1 and DM D1 of the Local Development Framework (LDF) and would need to be secured through s106.

## HERITAGE AND DESIGN

5.67 In respect of design, among the core planning principles of the NPPF are that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Furthermore 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.

5.68 London Plan Policies 7.1, 7.2, 7.4, 7.5 and 7.6 requires all new development to be of high quality that responds to the surrounding context and improves access to social and community infrastructure contributes to the provision of high quality living environments and enhances the character, legibility, permeability and accessibility of the surrounding neighbourhood. Policy 7.8 requires that development respects affected heritage assets by being sympathetic to their form, scale, materials and architectural detail. Policy 7.9 requires that wherever possible heritage assets (including buildings at risk) should be repaired, restored and put to a suitable and viable use that is consistent with their conservation and the establishment and maintenance of sustainable communities and economic viability. Policy 7.11 and 7.12 of the London Plan and the London View Management Framework SPG (2012) requires that development within the Protected Vista from Richmond Park to St Paul's Cathedral should not compromise the viewer's ability to recognise and appreciate the cathedral.

5.69 Core Strategy Policy BE1 'Built Environment' states that all development within the borough, including in the regeneration areas 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. DM LP Policy DM G1 builds on the abovementioned policies and other design and conservation policies, seeking new build development to be of a high standard of design and compatible with the scale and character of existing development and its setting. DM LP Policy DM G7 seeks to protect, restore or enhance the quality, character, appearance and setting of the borough's heritage assets.

## Heritage Designations

5.70 Fulham Town Hall is a Grade II\* listed building comprising of three elements which are all interlinked. The original building dating from 1888-90 fronts Fulham Road and was designed by George Edward for the Fulham parish vestry. The building was extended in 1904-5 by Francis Wood, Borough Engineer to the Metropolitan Borough of Fulham and this element fronts Harwood Road. A further extension was built in 1934 fronting Fulham Road to the west of the 1888-90 building and was designed by Walter Cave who is also known for the Burberry building in Haymarket, SW1 and the houses on the Beaufort House Estate in the Sedlescombe Road Conservation Area.

5.71 The statutory list entry was updated in May 2012 when the building was upgraded from Grade II to Grade II\*. However, the listing pre-dated the coming into force of Schedule 17, paragraph 8.3 of the Enterprise and Regulatory Reform Act 2013. The 2013 Act amended section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which provides (so far as is pertinent) that on or after 25 June 2013, an entry in respect of the listing of a building may provide that an object or structure is not to be treated as part of the listed building. Because the Fulham Town Hall Building(s) were listed before 25 June 2013, Officers are of the opinion that the current listing entry cannot legally exclude parts of the building from the statutory listing and therefore, in common with other such older list descriptions, the description is for identification purposes only. Officers are of the opinion that the current listing entry cannot legally exclude parts of the building from statutory listing. The 1934 extension is considered to be part of the listed building, since it dates from before 1948, is within the curtilage of the listed building and is physically attached to and interlinked with both earlier elements of the building, importantly the upper floors of the 1934 extension are only accessible via a staircase within the 1888-90 building. It should be noted that the applicant's historic building report considers that the 1934 extension is not part of the statutory listing. Clarification on whether or not the 1934 extension forms part of the statutory listing has been sought from Historic England London Region and they have produced an addendum to their original comments on the application. Historic England refer to the 'principal' listed building being the 1888-90 building and the 1904-5 extension and state that the 1934 extension may be part of the listing, if it was ancillary to the principal building at the date of listing. Since the 1934 extension was ancillary to the principal building at the date of listing, Officers consider it to be part of the listed building. For the purposes of this report any reference to the 'listed building' by Officers refers to all three elements of the building.

5.72 The issue of designation is an important one since it will affect which paras in the NPPF, which of the Council's planning policies and which statutory duties in the Planning (Listed Buildings and Conservation Areas) Act 1990 are applicable in the assessment of the applications. Officers consider that even if it transpired that the 1934 extension was not part of the listed building, the impact of the proposals on the

significance of designated heritage assets would still need to be assessed in terms of their impact on the setting of the two earlier elements of the listed building and on the character and appearance of the Conservation Area. Furthermore Officers have taken account of the relative significance of the individual elements of the building in the assessment of the proposals.

5.73 The site is located within the Walham Green Conservation Area and adjacent to the Moore Park Conservation Area. The site is located opposite the Grade II listed former Fulham Broadway Underground Station Ticket Hall and Walham Green Arcade, now known as 472 Fulham Road (former Union Market). The site is also located adjacent to a large number of Buildings of Merit including the terrace at Nos. 4-48 Cedarne Road, Nos. 563-569 Fulham Road, No. 1 Harwood Road and Nos. 2-26 Harwood Road. The site falls within a Designated View Corridor 9.1A' within the London Plan and LDF which allows a view from King Henry VIII's mount in Richmond Park to St. Paul's Cathedral.

#### Significance of heritage assets

5.74 Planning authorities are required to assess the significance of any heritage asset affected by development proposals, including effects on their setting (para 129 of the NPPF). This assessment shall be taken 'into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal' (para 129 of the NPPF).

5.75 The listing of the Town Hall at Grade II\* places the building in the top 8% of all listed buildings in terms of its significance. The Historic England definition of a Grade II\* listed building is 'particularly important, of more than special interest'. Historic England gave its reason for designation at Grade II\* as:

- Architectural interest: the Italianate façade of the 1888-90 vestry hall is elegantly composed and richly detailed, while the 1904-5 elevation is a handsome example of full blooded Edwardian Baroque. The quality of stonework and sculptural detail to both elevations is high;
- Interiors: the Town Hall is exceptional for the rich panoply of interiors and wealth of high quality fittings and decorative finishes from both its principal construction phases;
- Intactness: the building has undergone remarkably little alteration, externally or internally;
- Historic interest: an eloquent illustration of burgeoning civic identity in late-Victorian and Edwardian London, marking the transition from a parish vestry to a fully-fledged metropolitan borough.

5.76 Officers concur with the reasons for designation at Grade II\*. Prior to the marketing of this property in 2012, the Council produced a Planning and Heritage Assessment of the building into order to provide guidance to potential bidders of the architectural and historic interest of the building, including the relative merits of the rooms and spaces within it. This document was not formally adopted by the Council as Supplementary Planning Document, but consisted of Officer advice on the significance of Fulham Town Hall and was prepared with the assistance of Historic England. The document was amended slightly in 2012 following the upgrade to Grade II\* and in June 2014 a summary document was produced which describes the various elements of the Town Hall. The relative significance of all the elements of the Town Hall including the internal spaces of the buildings and external elevations were ranked into three

categories as identified on the colour coded floor plans which can be found as an appendix to this report. The colours indicate the Council's view of the relative importance/significance of the spaces, internal and external elevations and features of the Town Hall:

**Red - Areas of high significance**

Indicates areas of high significance in terms of architectural quality and/or historic interest, where proposed alterations that adversely affect that significance would be wholly exceptional.

**Amber - Areas of significance**

Indicates areas of some significance in terms of architectural quality and/or historic interest, where proposed alterations which adversely affect that significance would be exceptional.

**Green - Areas of low significance**

Indicates areas of low significance in terms of architectural quality and/or historic interest, where change could be accommodated more easily.

5.77 It is common ground between Officers and the applicant that overall the Town Hall has a high level of significance but that there are areas of greater and lesser significance. It is also common ground that the Town Hall including the 1934 extension makes a significant contribution to the special interest of the Walham Green Conservation Area. However there are a number of key differences between the Council's assessment of significance and the assessment of significance in the applicant's Historic Building Report prepared by Donald Insall Associates:

- o Officers consider that the front and side roofslopes of the hipped roof to the 1904-5 building are areas of 'high significance' but the applicant's Historic Building Report states that these are only 'significant'.
- o Officers consider that the former superintendent registrar's room on the ground floor of the 1904-5 building is of 'high significance' but the applicant's Historic Building Report states that this is only 'significant'.
- o Officers consider that the former chair store forming part of the original route between the rear of the Grand Hall and the top of the Harwood Road building staircase is of 'high significance' but the applicant's Historic Building Report states that this is only 'significant'.
- o Officers consider that the staircase leading to the Grand Hall Gallery is of 'high significance' but the applicant's Historic Building Report states that this is only 'significant'.
- o Officers consider that the 1934 building is a listed curtilage building and is therefore a designated heritage asset instead of a non designated heritage asset as stated in the applicant's Historic Building Report. A non designated heritage asset would have a lower level of significance and different tests apply in the NPPF where harm is proposed.
- o Officers consider that the entire frontage of the 1934 floor building is of 'high significance' but the applicant's Historic Building Report states that this is only 'significant'.

5.78 Historic England has provided further commentary on the significance of the 1934 in their consultation response stating that: 'The 1930s extension, by Walter Cave, has a

competent Portland stone elevation with prominent crissall style windows and was designed in the restrained classical manner which is typical of 1930s civic architecture. Whilst the interiors demonstrate no obvious special interest, the façade is clearly of townscape merit. This building works particularly well in transition between the simple domestic architecture of the early 19th century terrace at no 563 and the grand Renaissance façade of the Town Hall. The materials, elegant proportions and stripped back detailing give the building a degree of presence, without competing with the 1890s building. Its legibility as a civic building clearly adds to the ability to understand the phased development and expansion of the Town Hall complex.'

5.79 The site is located within the original core of the Walham Green Conservation Area which was designated in June 1980; the Conservation Area was subsequently extended to the north east of Vanston Place in March 1991. A Conservation Area is defined in s.69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is an area 'of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'.

5.80 A Conservation Area Character Appraisal for the Conservation Area has yet to be produced but the designation report which was prepared in 1980 in conjunction with the preparation of the Fulham Centre Local Plan provides evidence of the special architectural and historic interest of the Conservation Area. The historic road pattern survives but the earlier rural village of Walham Green built around a village green and pond was transformed as suburban London encroached following the extension of the Metropolitan District Railway to Putney Bridge in 1880. The built form was established in the late Victorian period (about 1880-1905) including the development of commercial uses on North End Road. During the twentieth century redevelopment continued, albeit at a slower pace, and important buildings such as the Granville Theatre, the Butchers' Asylum and the Swan Brewery have been lost. The main architectural flavour remains mixed but with a late Victorian predominance. Although buildings have developed organically, they have done so in such a way as to create a unified 'whole'. The resultant townscape is characterised by a strong sense of space, enclosed by three well defined 'edges' (i.e. the west side of North End Road; the north side of Vanston Place; and the southern sweep of Fulham Broadway). It contains four 'islands', and is approached from all directions by 'necks' or 'gateways' (Fulham Road, Harwood Road, Dawes Road, North End Road and Farm Lane).

5.81 Since the designation of the Conservation Area in 1980 several buildings have been added to the statutory list of buildings of special architectural and historic interest, including the Town Hall and many other buildings have been designated as Buildings of Merit on the Local Register. The concentration of buildings of architectural and historic interest provides a great contribution to the character and appearance of the Conservation Area and its significance as an example of the commercial and civic hub of a flourishing late Victorian London suburb. There is common ground between the Council and the applicant that the existing Town Hall (including the 1934 extension) makes a substantial contribution to the significance of the Walham Green Conservation Area.

#### Setting of the listed building

5.82 The listed building is formed by three elements as a result of its phased development. Each element forms part of the setting of the other two elements, reflecting the chronology of development on the site. The building heights and parapet

lines of each subsequent phase have a careful and considered relationship to the original building which makes an important contribution to the significance of the Town Hall and the Conservation Area. Both later elements do not seek to dominate the original 1898-90 building since the parapet heights and ridge lines of the 1904-5 and 1934 elements remain subservient to it.

5.83 The wider setting of the Town Hall is provided by the Buildings of Merit at Nos. 563-569 Fulham Road, No. 1 Harwood Road and Nos. 2-26 Harwood Road, the Victorian building at No. 5 Harwood Road and the modern developments at Nos. 547-551 Fulham Road and Nos. 11-43 Harwood Road. The proximity of these buildings to the Town Hall and the awkward relationship of building plots to each other is representative of the organic growth of both Fulham and the Town Hall in response to the outward expansion of London and the increasing role of local government. Despite the varying architectural styles, the setting of the Town Hall remains deferential in height and scale to all three elements of the listed building.

Is harm caused by the proposal?

5.84 The Council is required to undertake an assessment of the impact of the submitted proposals on the significance of the heritage assets affected which are:

- o The character, appearance and setting of the Grade II\* listed Town Hall including the 1934 extension; insofar as that is considered as part of the building it does not appear as a separate item.
- o The character and appearance of the Walham Green Conservation Area including views into and out of the Conservation Area;
- o The setting of the adjacent Moore Park Conservation Area;
- o The setting of the adjacent Grade II listed former Fulham Broadway Underground Station Ticket Hall and Walham Green Arcade;
- o The settings of adjacent Buildings of Merit.
- o Designated View Corridor 9.1A

It is key to the assessment of these applications that the decision making process is based on the understanding of specific duties in relation to listed buildings and Conservation Areas required by the relevant legislation, particularly the Section 16, 66 and Section 72 duties of the 'Listed Buildings Act' set out below together with the requirements set out in the NPPF.

5.85 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('Listed Buildings Act') states in relation to listed buildings that :

'In considering whether to grant listed building consent for any works, the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the [listed] building or its setting or any features of special architectural or historic interest which it possesses.'

5.86 A similar statutory duty in section 66(1) of the Listed Buildings Act applies to the determination of planning applications. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that: 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

5.87 Section 72 of the above Act states in relation to Conservation Area that: 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

5.88 Paragraph 132 of the NPPF states that:

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'

5.89 Paragraph 133 of the National Planning Policy Framework (NPPF) states that:

'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

5.90 Paragraph 134 of the NPPF states that:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

The paragraphs make a key distinction between 'substantial' harm and 'less than substantial' harm which is important as the NPPF advises that there is a presumption against development if the harm is substantial, but if less than substantial it advocates weighing harm against the public benefits (para 134).

5.91 In a recent case of *Mordue v Secretary of State for Communities and Local Government and other* (2015) EWHC 539 (Admin) ('Mordue'), the Deputy Judge was of the view that paragraph 134 of the NPPF ostensibly runs counter to the Section 66/section 72 duties to have special regard/pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses/preserving the area or its setting. In his view, paras 132 and 134 of the NPPF should be read together. Leave of appeal has been granted for this case, it has been heard recently and a decision is awaited at the time of writing the report. However, it is an important point that the Section 66 duty in the 'Listed Buildings Act' still has to be applied whether the harm is substantial or less than substantial.

## Description and assessment of proposals

### 1888-1890 BUILDING

5.92 Significant alterations are proposed to facilitate the creation of a retail arcade at ground floor level including the demolition of walls, creation of new openings and installation of shopfronts. The creation of the open plan café 'hub' would result in the removal of a part of the building identified as being of some significance (amber) on the significance plans. The ground floor alterations would cause harm to the special interest of the listed building but may be acceptable in circumstances where they facilitated an acceptable scheme overall including the restoration of the building and the introduction of a new viable use, maintainable in the long term, of those parts of the principal listed building which are of greatest significance.

5.93 The loss of the stained glass window at the far end of the Fulham Road ground floor corridor and the overcladding of the central lightwell to facilitate the installation of a new lift and stair core would cause harm to the special interest of the listed building but may be acceptable in order to improve accessibility given the lack of any alternatives. However the proposal would also result in the windows to the Mayor's Parlour and Member's Retiring Room being permanently covered over externally, preventing these windows from opening and daylight from entering these rooms and this has not been justified, particularly since it may result in the Mayor's Parlour which is one of the most challenging rooms to convert to retail use, being difficult to let.

5.94 The loss of the stained glass window and decorative ceiling in the lobby at the base of the rear staircase on the route to the Council Chamber, to facilitate the creation of a wider circulation route to the Council Chamber, would cause harm to the special interest of the building but may be acceptable in order to improve accessibility to one of the main public rooms of the building. It is accepted that the ground floor of the Council Chamber was originally designed for access by Councillors directly from their accommodation in the building and that a new use with public access may require a more accessible, direct and obvious circulation route.

5.95 The changes to the Council Chamber seating would result in the loss of some historic fabric but would improve accessibility since the existing aisles between rows are particularly narrow.

5.96 The loss of proscenium in Grand Hall would not cause harm as it is a much later addition and the overall volume of the public space would be better revealed, although as noted by Historic England any improvement may be limited to some degree by the installation of a glazed screen to facilitate the creation of office space on the stage.

5.97 The erection of an extension alongside the flank wall of the Grand Hall at ground and first floor levels in order to provide a circulation route to the new residential accommodation would not cause harm given that the exterior brickwork would be preserved when it is internalised and that the extension is set below the cills of the Grand Hall windows.

5.98 The installation of a substantial mezzanine in the Concert Hall would have a significant impact on the original proportions of this public room which is identified as being of high significance (red) on the significance plans. The ability to appreciate the



original volume and architecture of the room would be reduced, particularly since the mezzanine would be placed at the entrance end of the room and the dramatic opening up of the space immediately upon entry would be reduced.

5.99 It is not considered that the erection of an additional floor to the Concert Hall kitchen block would cause harm to the character and appearance of the listed building, the exterior of the Concert Hall is relatively plain and is close to the larger mass of the Grand Hall. However the four storey extension to Concert Hall built up of the rear boundaries of properties in Cedarne Road would appear over dominant and unneighbourly and would cause harm to the character and appearance of the Conservation Area. The proposed extension would be visible from Moore Park Road and would appear as an incongruous brick mass rising above the parapet line of the Buildings of Merit for a short distance in views from along the north side of Fulham Road in the adjacent Moore Park Conservation Area. In the view from Fulham Road it would be juxtaposed in proximity to the rear of the terrace of Buildings of Merit and the resultant massing would appear as being part of the terrace, rather than as part of a separate building. The extension would lack a recessive quality and would not appear as a roof form, unlike for instance the current view of the sloping roof of the Concert Hall where it appears above the parapet line of the terrace of Buildings of Merit. This element would cause harm to this view into the Conservation Area where the terrace of Buildings of Merit appears in the foreground.

5.100 The cumulative extent of the alterations proposed would cause harm to the special interest of this part of the listed building, for example the installation of the mezzanine in the Concert Hall; the significant works to create a café 'hub' and 'knuckle', to install shopfronts and creation new circulation routes to the Council Chamber and vertically through the central lightwell.

#### 1904-5 EXTENSION

5.101 The cumulative extent of internal alterations to facilitate a retail and residential conversion would cause harm to character and appearance of this element of the listed building. The proposals would result in the loss of historic fabric, features which form part of the building's original design and plan form and therefore its significance and which took into account the need for separate accommodation and routes around the building for Members, Officers and the public. For example the proposals include the removal of the grand Harwood Road staircase, the removal of the secondary 'Officer's' staircase to the first floor landing and the loss of the original route from the first floor landing at the top of the Harwood Road staircase through to the Grand Hall. All these areas are identified as being of high significance on the significance plans (red).

5.102 The proposals would result in the harmful subdivision of one of the former Committee Rooms at first floor level and the installation of substantial mezzanines to the first floor Assembly Rooms. These rooms were identified as being of high significance on the significance plans (red). The Assembly Rooms in particular were given considerable status in terms of their decorative treatment which reflected their status and their public function. The ability to appreciate the original volume and architecture of the Assembly Rooms would be reduced, particularly since the mezzanines would be placed at the entrance end of the rooms and the dramatic opening up of the space immediately upon entry would be reduced. The original proportions and therefore status of the rooms would adversely affected which would

compound the harm resulting from the removal of the grand Harwood Road staircase which was designed to provide the public access route to these spaces.

5.103 Other proposed works which would cause harm to the special interest of the listed building include the splitting up of the timber and stained glass screen identified as being of high significance on the significance plans (red) currently located in one of the ground floor offices and its partial reassembly and relocation to the first floor landing at the top of the Harwood Road staircase. Officers do not consider that a convincing justification has been made for the substantial alterations to the screen or that its relocation to the first floor landing would be appropriate. The scale of the screen would not be in keeping with the taller arched openings to the Assembly Rooms and Committee Rooms off of the landing and it would be an inappropriate feature given the historic significance of the route through from the Harwood Road staircase to the rear entrance doors of the Grand Hall. It is disappointing that the opportunity to reopen the arch at the top of the stairs, which was closed up to facilitate the creation of a chair store, has not been taken instead. The loss of the timber partitions within the first floor cloakrooms would cause some harm to these spaces, which have survived relatively intact.

5.104 The demolition of the link bridge to Concert Hall with its stained glass windows would affect a part of the building identified as being of some interest on the significance plans (amber) and would cause some harm.

5.105 The proposed ramp to Harwood Road elevation would not be harmful to character, appearance and setting of the listed building or the character and appearance of the Conservation Area subject to the detailed design. A similar ramp was erected on the Fulham Road extension in order to provide level access to the front entrance.

5.106 The demolition of the second floor former caretaker's flat which has a lower level of significance on the significance plans (green) and the erection of three additional floors and alterations to Harwood Road roofslopes including installation of dormers would not be harmful to character, appearance and setting of the listed building and character and appearance of the Conservation Area. Views of the proposed extensions from the street have been minimised through pre-application discussions and they are considered compatible with the character and appearance of the listed building and the Conservation Area.

## 1934 EXTENSION

5.107 The demolition of the existing building behind a retained façade would cause some harm but given its lower level of significance on the significance plans (green), such proposals could be supported if the works facilitated an acceptable scheme overall including restoration and the introduction of a new viable use, maintainable in the long term, of the 'principal' listed building which is of greater significance.

5.108 The height, design and massing of the two additional floors to the replacement building would cause harm to the character, appearance and setting of the listed building and the character and appearance of the Walham Green Conservation Area including in long views from Fulham Broadway. In particular the important subservient relationship with the principle listed building would be lost since the proposals would exceed the height of the parapet and would extend to the far west end

of the building. The three storey exposed flank wall of the replacement building where it would appear adjacent to Nos. 563-569 Fulham Road would appear over dominant in the streetscene given the smaller scale of the Buildings of Merit in the foreground. Furthermore although the images submitted show the extant permission for an additional floor at No. 563 Fulham Road as having been implemented, it has not yet been although the building has been recently refurbished.

5.109 The replacement of the existing metal windows with fixed glazed panes without any elements of subdivision would result in the loss of key features of this important façade which makes a significant contribution to the significance of the listed building and the Conservation Area as identified on the significance plans (red). The proposals would fail to respect an integral part of the design of this building and would cause harm to the character and appearance of the listed building and the Conservation Area.

5.110 The installation of shopfronts at ground floor level would result in the loss of 4 windows and their openings which signified the civic purpose of the building. However the new window openings have been carefully designed and the shopfronts incorporating stallrisers provide an appropriate base for the building, which minimises any harm in connection with facilitating a new use.

#### 1888-90 BUILDING and 1904-5 EXTENSION \_ WINDOW WORKS

5.111 Extensive works are proposed to windows within the 1888-90 building and the 1904-5 extension. The proposals for window repairs are welcome. However 12 stained glass windows are to be removed from these parts of the building, with no proposals for salvage and reuse as would reasonably have been expected. No details of the proposed secondary glazed units have been provided and may not be acceptable to some windows where they are proposed to be installed, for example in the Grand Hall where the columns, capitals and limited reveal depth of the existing windows would make the installation of secondary glazing difficult, if not impossible without causing harm to the significance of the building. Furthermore the installation of double glazed replacement windows may not be acceptable to some of the windows where it is proposed. In Officer's experience double glazing inevitably results in increased section and frame sizes and reflections in the glass and this would fail to preserve the character and appearance of the listed building.

5.112 On balance Officers consider that the cumulative extent of alterations and the resulting loss of architectural features, harm to the proportions and volumes of key public rooms, the loss of plan form and historic circulation routes and the erection of over dominant and incongruous new elements would result in less than substantial harm to the significance of the Walham Green Conservation Area and the listed building. However harm is measured on a spectrum and the proposals are considered to be at the higher end of less than substantial harm. Any harm to the character and appearance of a listed building or a Conservation Area requires clear and convincing justification.

5.112a The London View Management Framework SPG advises that developments must not exceed the threshold plane of the Landmark Viewing Corridor. The indicative height of the threshold plane around Fulham Town Hall is 55.5m AOD. The height of the roof to the Great Hall (the tallest part of the development) is 24.5 AOD. As this level is

significantly below the threshold plane, it is considered that the development would not affect the protected view.

5.112b Officers consider that the setting of the Moore Park Conservation Area and the setting of the Grade II listed building at 472 Fulham Road would be preserved.

#### Analysis of 'viable use'

5.113 The applicant lists one of the benefits of their scheme as establishing a new and viable use for the building rather than allowing the building to deteriorate over a period of time permitting detrimental alterations to facilitate a series of failed ventures. The applicants state that: 'This is the foremost and critical benefit offered by the scheme. The alterations proposed to create the shopping arcade, central hub and circulation core and the residential extensions are pivotal to the success of enabling increased public access, creating a new retail offer and ensuring the long term viability of the listed building.'

5.114 As stated earlier in paras 3.30 - 3.42 retail consultants Cushman & Wakefield have been commissioned by the Council to undertake an independent review of the applicant's retail report prepared by Savills. Cushman and Wakefield state that there are very few examples of elaborately designed listed buildings having been successfully converted to viable retail unit use, the main reason being that such buildings are generally solidly built for their original purpose without the thought of future flexibility. Conversion costs are therefore inordinately high making conversion unviable, particularly in suburban London where the level of occupational demand results in lower rental values. Examples of other listed London Town Hall conversion schemes which have not been progressed due to issues with retail viability are quoted in their report, including Acton Town Hall and Ealing Town Hall. Cushman & Wakefield have identified a number of serious issues with the size and prominence of the proposed retail units which leads them to believe that the units are more likely to be let to a more local tenant mix at relatively low rent levels and that the Retail Vision proposed by the applicant would be challenging to achieve and the long term viability questionable.

5.115 Despite the considerable alterations proposed to the building including the creation of the hub area; the removal of the Harwood Road and Committee Room corridor staircases and the cladding of and creation of new openings to the lightwell to facilitate vertical circulation, the applicant's own retail report prepared by Savill's suggests that the retail space created would be sub-optimal. The Savill's report recommends that a number of further alterations are undertaken to the building in order to provide a more attractive retail environment. The Cushman & Wakefield report recognises the significant constraints that the elevations and plan form of the listed building have placed upon the design of the scheme, on future retail occupiers and therefore on the likely viability of the retail scheme. Unlike the Savill's report it details achievable rent and lease terms for each of the retail units to justify its conclusions. It also recommends that the restaurant (unit 13) on the ground floor of the 1934 extension be reconfigured, involving the relocation of the residential core in order to provide a more useable and attractive layout for potential occupiers given the potential higher rental values that could be achieved.

5.116 Officers consider that since significant and harmful interventions are being proposed to the listed building in order to facilitate the retail proposal, it is essential to have considered whether the proposals are necessary to develop a new use for the

building and to consider whether conversion to an alternative use would be less harmful to the significance of the designated heritage asset. There seems to be a significant risk, given the Cushman & Wakefield report's conclusions, of significant and harmful interventions being allowed to take place to the building, to enable a scheme to be implemented which may not be viable in the long term or which represents a significant risk in terms of viability. In such a scenario, significant and harmful interventions would have taken place to the ground floor (for example the removal of the Harwood Road staircase), the upper floors would have been separated from the ground floor to provide profitable residential accommodation and the potential would exist for the retail floorspace to be unsuccessful and to become under used or vacant over a period of time. Once the ground floor has become separated from the upper floors and the Grand Hall isolated from the remainder of the first floor, there is very real potential of having created an even more difficult space for which to find a long term viable use.

5.117 In order to justify the harmful alterations proposed it is considered essential that the Council receives satisfactory evidence that the proposed retail use would provide a viable use for the listed building, maintainable in the long term. Given the specialist retail advice received, it is not considered that the 'new and viable' retail use can be considered can be afforded significant weight in considering the public benefits of the scheme.

5.118 It is important that any use is viable in the long term, not just for the owner, but also for the future conservation of the asset. However securing the optimum viable use as set out in para 134 of the NPPF does not necessarily mean securing the most profitable one. Officers accept that the original use of the building as a Town Hall is no longer required and that an alternative use of the building needs to be found. It is obviously desirable to avoid successive harmful changes carried out in the interests of repeated speculative and failed uses. If there is only one viable use then that use is the optimum viable use. However if there is a range of alternative viable uses, the optimum use is the one which is likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. The applicant's own retail report by Savill's suggests that further changes would be required to the listed building to facilitate the creation of a successful retail use and the pre-application proposals notably included a mezzanine for the retail unit in the Grand Hall. The fit out of the retail units is not included in the current application, but indicative designs have been prepared by Silver & Co which shows the use of freestanding display units in the Grand Hall. Although these may be suitable for small, high value items when displayed in large spaces, it is not apparent that this design approach would successfully translate to a buggy retailer with bulkier goods. No evidence of how the Grand Hall space would be specifically used by Maclaren has been submitted by Maclaren and Officers have had no contact from Maclaren themselves during the lifetime of the planning application.

5.119 The applicant proposed a retail/residential scheme at bid stage and was selected by the Council as a landowner. During the bidding stage in 2012 when two bidders were shortlisted, a credible alternative scheme was put forward by a bidder with an experienced professional team. Planning Officers provided comments to colleagues in Valuation and Property Services on the bid schemes. The Dory bid scheme was considered to have a high level of planning and heritage risk and the alternative hotel scheme was considered to have considerably less planning and heritage risk associated with it. However any bid scheme would have required considerable further

design work in order to reach the stage of planning and Listed Building Consent applications, as the current scheme has done.

5.120 Where a proposal causes harm to designated heritage assets, which is considered to be the case in this instance, there is a need to consider whether there is a viable alternative scheme which would cause less harm but which could achieve the same or greater public benefits. The alternative scheme proposed a hotel conversion. The bidder and professional team had successfully converted the Grade II listed Bethnal Green Town Hall to a hotel which also had a positive effect on the regeneration of the local area. It is important that in considering the current applications Members do not make a judgement between the two schemes, but judges the current proposals on their own merits.

#### Analysis of the purported heritage benefits arising from the proposals

5.122 Officers have analysed the suggested public benefits of the proposals as described by the applicants in the following subparagraphs below.

##### a) Establishment of a new and viable use for the listed building

The issue of whether or not the proposed retail use would provide a viable new use, maintainable in the long term, for part of the building has been discussed earlier in the report. In summary an independent retail assessment concludes that the Retail Vision provided by the applicants would not be achievable and that the long term sustainability of the retail use proposed is questionable. An element of retail use would be considered acceptable as part of an overall scheme, probably fronting Fulham Road in the replacement building behind the retained façade of the 1934 extension, but the proposed retail arcade requires significant harmful intervention into the listed building, which would involve the loss of the Harwood Road staircase and is not considered to be the optimum viable use.

Officers agree that the residential part of the proposal is likely to be economically viable, but it is unlikely to be the only viable use.

##### b) Repair of historic fabric throughout the building

Officers acknowledge that the proposals would result in significant repair and refurbishment of the listed building and the removal of some unattractive accretions; however such public benefits are not exclusive to the proposed scheme. It would not be unreasonable to expect that these would be carried out as part of any proposed scheme, indeed all bidders during the marketing process would have been aware of the condition of the building and took the opportunity to incorporate the need for repair and refurbishment into their proposals. The condition of the building was not a significant deterrent to bidders as evidenced by the number and viability of the bids received. Balanced against the public benefits arising from the proposed repairs there are significant concerns about the cumulative nature of the interventions proposed in order to facilitate the proposed scheme, which would cause harm to the character, appearance and setting of the listed building and harm to the character and appearance of the Conservation Area.

##### c) Restoration of the most significant parts of the interior including the Grand Hall; Grand Staircase; Mayor's Parlour and first floor cloakrooms

As Historic England acknowledge in the reasons for statutory designation at Grade II\* the Town Hall is exceptional for the rich panoply of interiors and its intactness, having undergone remarkably little alteration internally or externally, for example the Mayor's Parlour. Since relatively few historic features have been lost over the years, the need for reinstatement is limited. That being the case it is disappointing that the opportunity to reinstate the Edwardian wrought iron and copper canopy over the Harwood Road porch, the removal of which was acknowledged in the applicant's historic building report, has not been taken in this scheme. Therefore there is little 'heritage gain' in terms of reinstatement to directly balance out the loss of historic features proposed in the scheme. The works to the first floor cloakrooms involve interventions required as a result of the swapping of male and female WCs in this scheme and involve some harm to the historic fabric. The works to remove the proscenium in the Grand Hall would restore the original volume of the public space, but as Historic England acknowledge any public benefits arising from its removal would be somewhat negated by the installation of a glass screen across the stage to facilitate the creation of an office. Furthermore the proposals would remove the opportunity for use of the stage for public events and do not include any details of the retail fit out for approval. Officers acknowledge that the proposals would address the need for repairs, particularly to prevent water ingress and to safeguard the Grand Hall ceiling, but these public benefits are not exclusive to this scheme.

d) Restoration and refurbishment of the Council Chamber and public gallery; Marriage Room; Ante Room (former Lady Councillor's Room); Member's Retiring Room; tiled passage and WC leading to Council Chamber lobby as a suite of rooms for public use including for wedding ceremonies and receptions and for use by local groups

The retention of the use of the Council Chamber, Marriage Room, Ante Room (former Lady Councillor's Room); Member's Retiring Room; tiled passage and WC leading to Council Chamber lobby as a suite of rooms for public use including for wedding ceremonies, conferences, meetings and community use is welcomed. It would be necessary for the facilities to be appropriately advertised and managed in order to make this a successful element of the proposed scheme and such details, including details of arrangements for free public access would need to be secured by a legal agreement. However no details of how the suite of rooms would work in practice have been submitted. The Cushman & Wakefield report also identified that the kitchen facilities proposed within the scheme are very limited and that this would affect the ability of the hub space to operate as a restaurant, making the prospect of also providing a successful private dining and hospitality offer for guests in the adjacent suite of rooms unlikely. The lack of sufficient catering facilities is likely to be a significant impediment to the successful operation of the proposed use, which leads Officers to question its viability and long term sustainability. Whilst it is accepted that repair of these spaces would be a public benefit, this is likely to be achieved as part of any scheme.

e) Creation of a local history museum with two displays from Fulham Archaeological Rescue Group and the Whitehouse Collection

The former bar area would be handed over to a planned charitable trust to run as a small local museum. The current application is accompanied by a museum proposal which includes a critique undertaken by a 'leading museum consultant' and a letter to Keith Whitehouse, owner of the Whitehouse Collection. The setting up of the museum

is still subject to funding. The consultant suggested that the museum would have more chance to be a 'thriving and relevant museum' if it could have use of the Council Chamber, additional storage space in the basement and display space leading up to the museum in the landing and on the walls. The consultant also stated that 'the space does feel quite claustrophobic' and suggested raising the ceiling and identified potential access issues. Officers consider that the limitations of the proposals are made clear in the consultant's report and that since the use of these additional spaces does not form part of the application, the former bar area is unlikely to provide a thriving visitor attraction. Furthermore the lack of any details of the proposed fit out, the lack of identified funds to cover the fit out and subsequent operation of the museum and the lack of details of the length of lease and level of service charge arrangements does not provide Officers with confidence that the proposal would be maintainable in the long term to deliver the purported public benefits and therefore can give very limited weight to them.

f) Improved and increased public access to significant parts of the building

Public access would no longer be permitted to the Concert Hall, Committee Rooms and Assembly Rooms since these rooms would be converted to residential use. Public access would however be improved to the Grand Hall and first floor WCs. Access to the bar area would depend on the sustainability of the museum proposal. Access would be provided to the ground floor but historically some areas of the ground floor have always been publicly accessible including the Council Chamber, Marriage Room and Ante Room and some former office areas. The overall effect of the proposals on public access to different parts of the building is likely to be neutral since improvements to access in some areas would be offset by reductions in other areas and much would depend on the operation and operators of the individual spaces.

g) Improvements to accessibility

It is acknowledged that the building's configuration and multiple changes of level create a significant barrier to accessibility and that the upper floors, Marriage Room and Council Chamber are currently only accessible by stairs. The proposals would improve accessibility through the creation of a ramp to the Harwood Road entrance and through the installation of lifts to the upper floors and to the Council Chamber. It is considered that the proposed improvements to accessibility are a significant public benefit of the scheme. However the original stained glass and hardwood doors on the ground floor of the Harwood Road building, which would form the internal shopfronts to new retail units, only have an opening width of 755mm which would restrict access to some customers, particularly those in wheelchairs or with a large buggy/pram.

h) Improvements to the appearance of the interiors including the removal of modern fittings, lighting and signage

The modern accretions resulting from use as a Town Hall would be removed, but such works are not considered to be particularly onerous and would in all likelihood be required as part of any scheme. Furthermore new fittings including lighting and signage would be required to facilitate the proposed retail and residential uses and details of those are not included in the application. Therefore only limited weight can be given to this suggested public benefit.

i) Window Improvements



No details of the design of the proposed secondary glazing or details of the proposed double glazed replacement windows have been provided and in some parts of the building such interventions may have an adverse impact on its character and appearance and that of the Conservation Area.

j) New retail frontages

The extent of new retail frontage is limited. The only new shopfronts would be to the retained façade of the 1934 extension, the other two buildings would only interact with the street through the existing porches and would be reliant on signage to create prominence in the streetscene - details not included in the application. Installation of shopfronts at ground floor level to the 1934 extension would result in the loss of 4 windows and their openings which signified the office use of the building. However the new window openings have been carefully designed to be in keeping with the character of the building and the shopfronts incorporating stallrisers provide an appropriate base for the building.

k) Repair and restoration of the building's facades

5.122a Having reviewed the evidence submitted, Officers consider that it has not been demonstrated that the proposals are the optimum viable use of the listed building. It is acknowledged that the proposals would result in the repair and restoration of the listed building's facades but these public benefits are not exclusive to this scheme. However, it is disappointing that the opportunity to reinstate the Edwardian wrought iron and copper canopy over the Harwood Road porch, the removal of which was acknowledged in the applicant's historic building report, has not been taken in this scheme. The proposals also include the removal of the metal windows at first, second and third floor levels to the 1934 extension which are characteristic of the period of the building and which contribute to its significance and the character and appearance of the streetscene and the Conservation Area. Furthermore the proposals involve their replacement with inappropriately designed windows which fail to match the opening style, subdivision or detailed appearance of the existing windows contrary to DM Local Plan Policy DM G5. A total of 12 stained glass windows would also be removed from the 1888-90 and 1904-5 elements of the listed building, which would not be salvaged for reuse elsewhere in the building and which would cause harm to the significance of the designated heritage asset.

## RESIDENTIAL AMENITY

5.123 Policy DM G1 of the DM LP states all proposals must be formulated to respect the principles of good neighbourliness. SPD Housing Policies 7 and 8 seek to protect the existing amenities of neighbouring residential properties in terms of light, outlook, privacy and noise and disturbance.

### Daylight, sunlight and overshadowing

5.124 The applicants have submitted a daylight and sunlight impact assessment which has been prepared based on the British Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight, 2011.

5.125 The assessment considers the potential impacts of the proposed development on daylight, sunlight and overshadowing on existing and neighbouring buildings. In urban and city centre areas, BRE Guidelines advise that the guidance be applied flexibly and there are circumstances that will exist where a greater degree of obstruction to light can on occasion, be acceptable.

5.126 The daylight assessment has been undertaken using a specialist computer model. The model which is orientated north also enables the path of the sun to be tracked to establish the shadows cast by both the existing and proposed buildings.

5.127 The BRE guide recommends that windows and rooms within only residential properties need to be assessed, and does not require any assessment on commercial or business properties, although it states that they may also be applied to non-domestic buildings where the occupants have a reasonable expectation of daylight. Taking this advice into account, officers do not consider it necessary to assess non-residential buildings within the vicinity of the site, given the typically retail use of the surrounding uses, and in the absence of any objections from occupiers.

### Daylight

5.128 The BRE Guidance sets out three different methods of assessing daylight to or within a room, the Vertical Sky Component (VSC) method, the plotting of the no-sky-line (NSL) method and the Average Daylight Factor (ADF) method.

5.129 The VSC method measures the amount of sky that can be seen from the centre of an existing window and compares it to the amount of sky that would still be capable of being seen from that same position following the erection of a new building. The measurements assess the amount of sky that can be seen converting it into a percentage. An unobstructed window will achieve a maximum level of 40% VSC. The BRE guide advises that a good level of daylight is considered to be 27% VSC. Daylight will be noticeably reduced if after a development the VSC is both less than 27% and less than 80% of its former value.

5.130 The plotting of the NSL measures the distribution of daylight within a room. It indicates the point in a room from where the sky cannot be seen through the window due to the presence of an obstructing building. The NSL method is a measure of the distribution of daylight at the 'working plane' within a room. In houses, the 'working plane' means a horizontal 'desktop' plane 0.85 metres above floor level. This is approximately the height of a kitchen work surface.

5.131 The NSL divides those areas of the working plane in a room which receive direct sky light through the windows from those areas of the working plane which do not. If a significant area of the working plane lies beyond the NSL (i.e., it receives no direct sky light), then the distribution of daylight in the room will be poor and supplementary lighting may be required.

5.132 The impact of the distribution of daylight in an existing building can be found by plotting the NSL in each of the main rooms. For houses, this will include living rooms, dining rooms and kitchens. Bedrooms should also be analysed, although they are considered less significant in terms of receiving direct sky light. Development will affect daylight if the area within a room receiving direct daylight is less than 80% of its former value.

5.133 The ADF method uses a mathematical formula which involves values for the transparency of the glass, the net glazed area of the window, the total area of room surfaces, their colour reflectance and the angle of visible sky measured from the centre of the window. This is a method that measures the general illumination from skylight and takes into account the size and number of windows, room size, room qualities and room use. The BRE test recommends an ADF of 5% for a well day lit space or 2% for a partly day lit space. The minimum standards for ADF recommended by the BRE for individual rooms 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.

5.134 An assessment has been carried out on the following 24 residential properties surrounding the site which include some 114 windows:

- Cedarne Road: Even Nos 4-16
- Fulham Road: Nos 551; 563 and 565
- Harwood Road: Odd Nos 13, 15 and 17; Even Nos 4-24

5.135 The applicants conclude that the daylight analysis indicates that the impact on the surrounding residential properties arising from the proposed development will be acceptable. However officers have considered the applicant's submission and do not share the same conclusions. Officers note that the assessment fails to include an analysis of the ground floor windows in the rear elevation of the residential properties in Cedarne Road facing the development.

5.136 In terms of VSC (the amount of sky seen from the centre of a window), 6 windows relating to 3 properties would fail to comply with the VSC standard. No 8 Cedarne Road includes 3 windows (22.7%, 24.2% and 25%), No 563 Fulham Road has one window (42.1%) and No 565 Fulham Road has two windows (27.3% and 37.5%) positioned at first and second floor levels which would result in a percentage change which are in excess of the normal maximum allowance of 20%.

5.137 The NSL analysis of daylight distribution within a room shows that 8 windows relating to 4 properties would fail to comply with the NSL standard. No 4 Cedarne Road has one window (21.91%), No 8 Cedarne Road includes 4 windows (23.47%, 29.89%, 34.46% and 40.21%), No 563 Fulham Road has two windows (20.54% and 31.32%) and No 565 Fulham Road has one window (47.57%) positioned at first and second floor levels which would result in a percentage change which are in excess of the normal maximum allowance of 20%.

5.138 The ADF analysis reveals that No 563 Fulham Road includes 1 window (23.7%) at first floor that would fail to comply with the normal maximum allowance of 20%.

5.139 Officers have considered the applicants submissions and take the view that the proposals would have an unacceptable impact on the daylight amenities of the existing residential occupiers in neighbouring property.

### Sunlight

5.140 To assess loss of sunlight to an existing building, the BRE guidance suggests that all main living rooms of dwellings, and conservatories, should be checked if they have a window facing within 90 degrees of due south. The guidance states that kitchens

and bedrooms are less important, although care should be taken not to block too much sun.

5.141 The Annual Probable Sunlight Hours (APSH) predicts the sunlight availability during the summer and winter for the main windows of each habitable room that faces 90 degrees of due south. The summer analysis covers the period 21 March to 21 September, the winter analysis 21 September to 21 March. The BRE Guidance states a window may be adversely affected if the APSH received at a point on the window is less than 25% of the annual probable sunlight hours including at least a 5% of the annual probable sunlight hours during the winter months and the percentage reduction of APSH is 20% or more.

5.142 In terms of sunlight, the applicant's submissions indicate that only 1 of the 114 windows tested fails to comply with the APSH sunlight assessment. That window relates to the rear of No. 565 Fulham Road which contains 11 windows and already has low existing sunlight levels and therefore any increased massing on site would create a disproportionate percentage alteration to the windows in the at property. The submitted assessment fails to include an analysis of the ground floor windows in the rear elevation of the residential properties in Cedarne Road facing the development. The sunlight assessment is incomplete and it cannot therefore be concluded that the proposals would have an acceptable impact in terms of sunlight.

#### Overshadowing

5.143 The BRE Guidelines recommend that for it to appear adequately sun lit throughout the year at least half of a garden or amenity space should receive a least 2 hours of sunlight on 21 March. If, as a result of new development, an existing garden or amenity area does not meet the above, and the area which can receive 2 hours of sunlight on the 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable. The applicants BRE analysis is incomplete as it fails to include any assessment of overshadowing to the gardens/ amenity space. The proposed development is to the west of Cedarne Road and is therefore very likely to have an adverse impact on the outdoor amenity spaces, particularly in the afternoon and evenings.

#### Outlook

5.144 Policy DM A9 of the DM LP states that to achieve a high standard of design the protection of existing residential amenities will be taken into account especially in densely built areas. SPD Housing Policy 8 requires that there is no significant loss of outlook to existing residential amenities.

5.145 In terms of outlook, the siting and mass of the existing building already breaches a notional angle of 45 degrees from ground level on the party boundary particularly in relation to the residential properties in Cedarne Road. The proposal involves the erection of a four storey extension to provide lift and stair access to the large Concert Hall Flat (Unit 6) on the eastern boundary with Cedarne Road where no such extension currently exists - this would have an adverse impact on the existing opposing occupiers at Nos 4 to 10 Cedarne Road. Furthermore, while the proposed three storey extensions above the 1934 Building and the Harwood Road building are set back from their respective road frontages the resulting additional floors would result in an increased sense of enclosure and loss of outlook for the residential occupiers at Nos

563 and 565 Fulham Road. The proposed development would not therefore comply with the DMLP in terms of outlook.

### Privacy

5.146 SPD Housing Policy 8 states that new windows should normally be positioned so that the distance to any residential windows is not less than 18 metres as measured by an arc of 60 degrees from the centre of the new window.

5.147 The nearest opposing residential windows are in Harwood Road, Cedarne Road and at Nos 563-565 Fulham Road. The proposed residential windows along Harwood Road would be on the opposite side of the main road and it is not considered that these would have an undue impact within this urban setting fronting a main road. However, the proposed upper floor elevations on the north side of the Harwood Road building, the southern side of the 1934 building and the proposed Concert Hall apartment (Unit 6) are within 18m of opposing habitable windows at Nos 563-565 Fulham Road, 351 Fulham Road and Cedarne Road. The proposed elevations contain habitable windows and balconies/ roof terraces that would result in overlooking and loss of privacy.

### Noise and disturbance

5.148 Policy DM H9 of the DM LP considers noise levels both inside the dwelling and in external amenity spaces. Policy DM H11 of the DM LP deals with environmental nuisance and requires all developments to ensure that there is no undue detriment to the general amenities at present enjoyed by existing surrounding occupiers of their properties. Whilst SPD Housing Policy 8 (iii) states `planning permission will not be granted for roof terraces or balconies if the use of the terraces or balconies is likely to cause harm to the existing amenities of neighbouring properties by reason of noise and disturbance.

5.149 With the exception of one unit, each flat would have a terrace or amenity space. It is difficult to predict with any accuracy the likely level of noise/disturbance that would be generated by the use of the proposed balcony/terrace areas, however, on balance, having regard to the size of the proposed areas together with the location and the relationship with adjoining properties, it is not considered that the terraces would be likely to harm the existing amenities of adjoining occupiers as a result of additional noise and disturbance.

5.150 Overall, officers consider that the proposed development would have an unacceptable adverse impact on residential amenity in terms of daylight, outlook and loss privacy and would thereby fail to accord with Policy DM A9, H1 and H11 of the DM LP and SPD Housing Policy 8.

### STANDARD AND QUALITY OF ACCOMMODATION

5.151 Policy 3.5 of the London Plan requires new residential development to provide a high quality of internal living environment. Table 3.3 of this policy specifies unit sizes for new development.

5.152 Policy 3.8 of the London Plan requires new residential development to be built to lifetime homes standards, with 10% of units designed to be wheelchair

accessible or easily adaptable to this standard. Policy 7.3 advises that new development should seek to create safe, secure and appropriately accessible environments.

5.153 The Mayor's Housing Supplementary Planning Guidance (2012) provides further detail on the Housing Policies in the London Plan, providing guidance on quality and design including minimum room and unit sizes, amenity and children's play spaces standards, accessibility and security.

5.154 Policy H3 of the Core Strategy requires new residential development to provide high quality living conditions for future occupiers. Policy DM A2 sets out that all new housing must be of a high quality design and must be designed to have adequate internal space in accordance with London Plan policies.

5.155 Policy 3.5 and Table 3.3 of the London Plan, Core Strategy Policy H3 and Policy DM A2 of the DM LP expect all housing developments to be of a high quality design and be designed to have adequate internal space. Policy DM A9 of the DM LP states 'the Council will ensure that the design and quality of all new housing including new build, conversions and change of use, is of a high standard and that developments provide housing that will meet the needs of future occupants and respect the principles of good neighbourliness'. SPD Housing Policy 8 (iv) states that 'north facing (i.e. where the orientation is less than 50 degrees either side of north should be avoided wherever possible.'

5.156 Policy DM A4 of the DMLP requires that 10% of new residential units are designed to be suitable for occupation by wheelchair users and that all new homes are designed to Lifetime Homes standards. The policy requires that sufficient car parking spaces are provided on site to meet the needs of blue badge holders.

5.157 The proposed 18 units include 6 x one-bedroom (between 56 and 104 sqm), 9 x two-bedroom (between 75 and 149 sqm) and 3 x three-bedroom (between 202 and 332 sqm). All of the proposed units have been designed in excess of the respective one-bedroom (50 sqm), two-bedroom (3 person (61 sqm) and 4 person (70 sqm)) and three-bedroom (95 sqm) minimum dwelling size requirements outlined in the Mayor's London Plan.

5.158 Officers consider that all of the units have been well designed to make good use of the space by having minimal circulation areas and combined living/dining areas with built-in kitchen units. With the exception of a one bedroom unit at first floor (78 sqm) and a three-bedroom mezzanine floor flat (332 sqm), each unit has access to a private terrace or balcony. Both of the units without access to outside amenity space include very generous internal floor areas well in excess of the minimum standard with large windows that would maximise daylight and openness to these units.

5.159 Within the confines of the refurbishment of a Grade II\_ Listed Building, the proposed units have been designed to have an inclusive design to meet the Lifetime Homes Standards as far as practicable, and 10% of the dwellings are designed to be wheelchair adaptable units. 20% of the on-site car parking bays would be designed for disabled people. The proposal therefore complies with London Plan Policy 3.8 and Policy A4 of the DMLP.

5.160 SPD Housing Policy 8 and the Mayor's Housing SPG seek to avoid dwellings that have all their habitable room windows facing exclusively in northerly direction. The proposed development does not contain any north facing single aspect units and therefore meets policy requirements.

5.161 None of the units would be exclusively north facing as all of the units are dual aspect. Further, the generous size of the units and windows ensure that a good standard of amenity is achieved for every unit on site and the proposed single aspect units are therefore considered to provide an acceptable standard of living accommodation.

5.162 The applicants Design and Access Statement includes a section on secured by design and how the design evolution has been guided by Secured by Design principles. If the Council were minded to grant consent, details of how the whole scheme would seek to adequately achieve Secure by Design could be secured by condition.

#### Daylight and sunlight of the proposed units

5.163 The proposals include retail at ground floor with residential between the first and fourth floors. The site is constrained and in close proximity to existing buildings. The proposed internal layout of the proposed units ensures that living areas have been located in areas where there is more glazing to ensure good levels of overall daylight throughout scheme. The applicants have submitted a daylight assessment of all 52 habitable rooms within proposed residential units in terms of Average Daylight Factor (ADF), No Sky Line (NSL), and Room Depth Criterion (RDC). The results show that 85% of the residential rooms either meet or exceed the levels of ADF recommended by BRE.

5.163a Of the 8 rooms falling short of the recommended levels of ADF of which 3 are Living/Kitchen/Diners located on the second floor (nos.24, 29 and 30). All of these L/K/Ds still have a level of ADF above 1.5% which is recommended for a living area and therefore have acceptably daylit living areas although technically falling short of the recommended 2% ADF for kitchens. There is one kitchen on the first floor which falls short of the recommended 2% ADF. As this kitchen is located in a unit which has a very well-lit living area, future occupants will have access to good levels of daylight through the use of their living area, therefore the kitchen's shortfall is not considered to be materially detrimental to the enjoyment of the flat as a whole. There are 3 bedrooms that do not meet the recommended 1% ADF, all of which are located on mezzanine floors overlooking very well-lit living areas. As these are secondary bedrooms within rooms that have good levels of daylight their shortfalls can be considered to be acceptable on balance.

5.164 In terms of daylight the proposed redevelopment performs very well especially when considering the retained nature of a number of facades. Future occupants will also have access to good levels of daylight within the main living area of their respective accommodation throughout the development.

5.165 In order to ascertain the levels of sunlight, all living room windows within 90 degrees of due south have been assessed for Annual Probable Sunlight Hours (APSH), as recommended in BRE's guidelines. With the exception of 1 window, all the proposed windows would have good levels of sunlight throughout the year. The window that does

not see adequate levels of APSH only does so during the summer months as the view of the sun is obstructed by a glazed balcony above. Further assessment of the glazed balustrade demonstrates that the future occupants will be able to enjoy good levels of sunlight. During the winter months when the sun is lower in the sky this window will see good levels of sunlight.

5.165 Overall the proposed redevelopment will provide future occupants with good levels of daylight and sunlight. In conclusion, it is considered that the standard of accommodation is acceptable in accordance with the relevant policies and guidelines.

## TRANSPORT

5.166 The NPPF requires developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised; and development should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. The site has a Public Transport Accessibility Level (PTAL) rating of 6a and therefore has good level of public transport accessibility with good links to underground and over ground stations and extensive bus services.

5.167 Policy 6.1, 6.3, 6.9, 6.10, 6.11 and 6.13 of the London Plan 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.

5.168 Core Strategy Policy T1 supports the London Plan. Policy J1 states that all development proposals will be assessed for their contribution to traffic generation and their impact on congestion. Policy DM J1 of the Development Management Local Plan requires a transport assessment and a travel plan on certain types of development and policies DM J2 and DM J3 set out vehicle parking standards, which brings them in line with London Plan standards and circumstances when they need not be met. These are supported by SPD Transport Policies 3

5.169 The site has an "excellent" public transport accessibility (PTAL) rating of 6a. The proposed mixed use development of A1 shops (2,548 sqm), A3 restaurants (365 sqm) and D1 museum with suite of rooms for public hire (304 sqm) includes provision of 5 car spaces and 85 cycle spaces. The applicant has submitted a Transport Statement in support of the application and this has been considered by officers.

. Trip generation

5.170 The Transport Statement notes that the development will provide "1,616 sq. m. gross floor area split between 13 commercial / retail units including a café". This is at odds with the 2,913 sq. metres of commercial use stated in the application form. The transport statement therefore appears to have discounted 1,297 sq. m. of commercial floor space in its assessment.



5.171 In order to obtain trip data for the various aspects of the proposed development the developer's consultants have followed standard procedure by choosing comparator sites in order to provide detail relevant data for the current proposal. For the A1/A3 commercial part of the development the consultants have chosen a site in Maidstone which was surveyed in 2012.

5.172 This comparator site has not been agreed with as officers who do not accept that this is a useful comparator site. Transport for London (TfL) guidance states that "The sites used should have comparable characteristics including use, scale, PTAL and car parking." TfL's "Transport assessment best practice Guidance document (2010)" emphasises the need to apply London based comparator sites.

5.173 Irrespective of these provisos the transport statement notes that 1,591 person trips per weekday will be associated with "1,616 sqm of shopping arcade floor space (including Maclaren floorspace)". DMLP Policy DM J1 states thresholds for the requirement of a transport assessment, (as opposed to a transport statement) of more than 750 person trips per day. Based on the applicant's own assessment the proposed retail element alone has more than double the amount of trips than that needed to provide a full transport assessment to support the application.

5.174 Officers have also raised concerns about the use of Brent Town Hall as a comparator for the previous trips associated with Fulham Town Hall. Fulham Town Hall was not being used for many years as the main Council Town Hall for the Borough.

#### Car parking

5.175 Five car parking spaces are proposed for the entire site - three for residential use allocated to the three bedroom apartments, one for blue badge use (residential or commercial) and one for management. There will also be one space indicated for electric recharging and one identified for future use for electric charging.

5.176 The proposed parking is in line with London Plan standards (which the Council has adopted as its own local standards). How the spaces will be managed over the life-time of the development would need to be detailed by a car park management plan as required by The Council's SPD Transport Policy 7.

#### Cycle parking

5.177 Twenty-one residential parking spaces are proposed in the basement of the Town Hall. This is in line with the Council's cycle parking standards but does not meet the requirements of the London Plan March 2015 (FALP) cycle standards - which require an additional nine spaces. Should approval be given for this application 30 cycle spaces for residential use should be conditioned. The transport statement does not provide details of how the cycle storage areas will be accessed by residents. This would be a useful descriptive in a transport assessment.

5.178 Sixteen staff cycle parking spaces are proposed in the rear service area, with visitor cycle parking provided on street. The on street cycle parking would need to be secured via s106/s278 agreement.

#### Motorcycle parking

5.179 No motorcycle parking is proposed. This is contrary to SPD Transport Policy which states that: "At least four spaces should be provided or at least ten per cent of the total provision of car parking or one space per 600m<sup>2</sup> in non-residential developments, whichever is the greater." If the Council were minded to grant consent, details for motorcycle parking could be secured by condition, however it's not clear from the submitted details whether this provision is physically feasible.

#### Servicing and delivery

5.180 The applicant proposes an off-street service area which would be accessed from Harwood Road with an exit onto Moore Park Road. This access is unsuitable for anything other than small service vehicles. The off-street service area would accommodate "two 3.5T panel vans or one 7.5T van. The transport statement states that "On average it is expected that each retail unit will on average [sic] have two delivery vehicles per working week" and concludes that based on "dwell times" for deliveries, "the frequency of deliveries can easily be managed".

5.181 It is unclear however where the expected average of "two delivery vehicles per working week" derives from and what would be the likely split between the 3.5T and 7.5T vehicles. The cafe and other uses associated with the proposed development appear to have been over-looked in this assessment.

5.182 The transport statement shows plans showing tracked movement of 7.5 T service vehicles turning into the site. The turning of this size vehicle from the north appears highly problematic as it involves using the full carriageway width to achieve this return. This appears to be a potentially unsafe manoeuvre.

5.183 The transport statement further advises that "Any vehicles larger than 7.5T are expected to service the Site from the Fulham Road frontage." but does not detail exactly where this might take place and how frequently larger type vehicles might be expected to service the site.

5.184 The analysis within the transport statement does not provide a robust analysis of size of vehicle, dwell times, or frequency of service / delivery vehicles for each size of vehicle associated with the proposed development. It does not therefore provide a clear view on the likely impact on the public highway of service / delivery activity. This is especially important for this site as both Fulham Road and Harwood Road are Principal (A) roads. A robust analysis would be expected within a transport assessment in order to support the application for this development.

#### Waste

5.185 The NPPF does not contain specific waste policies as these will be contained within the National Waste Management Plan for England, once published. In the meantime, Planning Policy Statement (PPS10) continues to provide the Government's waste policy and will remain in place until the National Waste Management Plan is published.

5.186 Policy 5.16 of the London Plan states that the Mayor will aim to achieve a zero biodegradable or recyclable waste to landfill by 2031 by minimising waste and encouraging the reuse of (and reduction in) the use of materials and waste.

5.187 Core Strategy Policy CC3, Development Management Local Plan Policy H5 and SPD Sustainability Policies 3, 4, 7, 8, 9 and 10 sets out the Council's Waste Management guidance, requiring development to incorporate suitable facilities for the storage and collection of segregated waste.

5.188 The submitted Design and Access Statement includes a basement floor plan which shows floorspace allocated to residential and commercial refuse storage areas which are accessed via the stair and lift cores from all levels of the building. The Design and Access statement outlines a refuse collection strategy which states that refuse will be moved up to the ground floor using the goods lift to the rear of the building and taken out to Harwood Road for collection. According to the submitted Transport statement, refuse collection would take place on-street adjacent to the Harwood Road service access (where existing refuse vehicles already stop) with on-site management moving refuse trolleys from the basement. It is intended that this process will be incorporated within the formal Delivery and Service Management Plan and co-ordinated with other deliveries serving the site. The submitted Transport Statement suggests that a condition should be attached to secure this.

5.189 Officers consider that the Design and Access statement provides a very lightweight approach to the refuse arrangements, recycling and collection of waste. Given that the site is at a busy traffic light junction with limited vehicular access, the Transport Statement is already inadequate and given the lack of refuse details officers have strong reservations about attaching a condition to secure the submission of these details as part of a Service Management Plan. In the absence of sufficient information, the proposed refuse arrangements are therefore considered unacceptable and fail to accord with Policy 5.16 of the London Plan, Core Strategy Policy CC3, DM LP Policy DM H5 and relevant SPD policies.

#### Proposed ramp

5.190 A raised area of footway is proposed in Harwood Road similar to the ramp along the Fulham Road frontage to the Town Hall. This would create an additional "area of special engineering difficulty" and would likely add to the Council's maintenance costs. Officers would question whether such a facility could be considered an acceptable requirement under section 278 of the Highways Act which has a specific requirement that such works need to be of "public benefit". The plans also appear to show steps leading directly onto the public highway which raises concerns regarding road safety.

5.191 Should planning approval be given for this application the highway authority would seek further assessment work to be carried out on the likely impact of a ramp and the consequent impact on revenue costs.

#### Construction

5.192 The transport statement states that "there are no firm details of the nature of construction traffic" and that a "full Construction Traffic Management Plan (CTMP) will be submitted once permission is granted.

5.193 The site is at the boundary of two A roads in the middle of Fulham Town. Demolition and construction associated with the proposed development is likely to have

a significant impact on these major routes. It is considered that the transport statement should have addressed this issue.

5.194 The developer has submitted a document entitled "Fulham Town Hall Redevelopment" dated July 2012 which comments on construction. Little analysis is however provided in terms of vehicular activity and impact on the public highway. The document does however note:

"We have not approached the Highways Officer at this stage. We consider the optimum vehicular access to the site for the majority of deliveries will be via the access road from Harwood Road." This is at odds with the turning circles provided by the applicant in the transport statement which indicates problems of even 7.5 T transit vans turning into this tight entrance. It seems unlikely that the majority of vehicles associated with construction would be transit vans.

5.195 The applicants Construction Logistics Framework and Construction Logistics Plan state that "access to the site for the materials and equipment and plant will be via the service yard, which has a gated entrance. The width of the opening and curved entrance from Harwood Road is large enough to accept the delivery of plant and materials with minimal disturbance of the traffic. Artic lorries should not be used for deliveries." However officers note that there are difficulties regarding turning circles even for a transit van into the site. In respect to the construction aspect of their assessment there is little evaluation within the "transport statement" and assessment in other documentation provided appears to contradict the information shown by turning circles for transit vans within the transport statement. Further its not clear from this assessment who else uses the service area and how they will likely be affected by the use of this area whilst construction is taking place.

5.196 Officers conclude that the transport assessment is inadequate. The information on trip generation, servicing and delivery, and construction within the "transport statement" provided by the applicant does not provide a full robust assessment of the likely impact of the proposed development. The proposals are therefore contrary to DMLP Policy DM J1 and SPD Transport Policy 1.

## ACCESSIBILITY

5.197 London Plan Policy 7.2 'An Inclusive Environment', DMLP Policy DM G1 'Design of New Build' and SPD Design Policies 1, 2 and 3 all relate to access to buildings, requiring that buildings should be accessible and inclusive both internally and externally. The applicants have included an accessibility strategy within their Design and Access Statement.

5.198 The design philosophy for this scheme is to create an inclusive and accessible environment for all. The proposed 5 car parking spaces will be located off the service road to the rear of the site and 2 of these spaces are designed for disabled users.

5.199 The residential access to the flats will mainly be through an entrance to a communal circulation core off the Fulham Road which will include an accessible concierge desk. The Concert Hall Apartment (Unit 6) will have a separate access from a private lane also opening onto the Fulham Road. Additional step-free pedestrian access

to the residential areas will also be possible via the basement through an entrance off the car-park area to the rear of the site.

5.200 Access between floors in the residential areas located in 1934 building and the Harwood Road building will be achieved by two circulation cores. Access to apartments on each floor will be by means of circulation spaces leading from the access cores. Access between floors in apartment 6 will be achieved by a separate circulation core. An additional circulation core is proposed from the car parking area to the rear of the building to provide access between ground and basement levels. At basement level all the other residential cores can be accessed, step-free, by corridors.

5.201 The points of access to the retail areas of the scheme will be via Fulham Road and Harwood Road entrances. These points of entry are made legible in the streetscape by the civic architecture of the historic Fulham Road and Harwood Road facades. The existing Fulham Road entrance has ramped access. Currently the Harwood Road entrance has steps leading to the entrance porch. It is proposed to introduce ramps in the pavement to either side of the entrance to also create step-free access at this point. A service entrance for deliveries, waste collection etc. will be located at the rear of the site near the car parking area.

5.202 In respect of retail, access between floors, as well as between the ground floor entry level and the lower ground floor level to the Council Chamber, in the retail areas will be achieved by the new atrium lift and stair. Internally there is one ramp proposed in the corridor between the first floor atrium area and the existing male and female WCs. This new circulation area is located at the intersection between the Harwood and Fulham Road arcades, providing a naturally lit visual draw at the end of the arcades. Public circulation between ground and first floor levels will also be accommodated by the existing grand stair.

5.203 Each of the communal area lift installations will have a minimum car size of 1100x1400mm, minimum clear opening of 800mm and a manoeuvring space of at least 1500mm square outside the door. Internally each lift car will be laid out in accordance with the recommendations of approved Document M and BS EN 81-70 and BS EN 81-1.

5.204 Currently access to the Council Chamber is inhibited by two steps located inside the door from the adjacent lobby, which takes visitors up to the top tier of seating. It is proposed that a removable ramp will be fabricated and stored in the building. When an event is being held in the Council Chamber the ramp will be installed to allow access to wheelchair users. It is also proposed to re-configure the existing banks of seating, creating two wider passages on either side of the chamber, rather than the four narrow, existing passages. This will make the route to the seating easier to negotiate and will maintain wheelchair points behind.

5.205 The Cafe/ Hub area is located at the junction of the arcade spaces leading from the Harwood Road and Fulham Road entrances. The floor level of this area has been raised to match the arcade floor level, providing level access for all users.

5.206 Officers have considered the applicants proposals and although access to public areas is significantly improved the development would not be fully accessible due to the constraints of this Grade II\* listed building. For example the shop doorways with the Harwood Road arcade are 740mm rather than the minimum required 800mm wide

which might restrict retailer uptake of these units. The proposals include provision of a removable ramp to provide access to the Council Chamber which is less than ideal but is better than the alternative which would involve raising floor levels which would involve more harmful alterations to the. Further the proposed public museum would not include step free access.

5.207 Overall, officers are satisfied with the proposals and acknowledge that it is challenging to provide step free access throughout this listed building and welcome the applicants overall approach. The proposals accord with London Plan Policy 7.2 'An Inclusive Environment', DMLP Policy DM G1 'Design of New Build' and SPD Design Policies 1, 2 and 3

## SUSTAINABILITY AND ENERGY

5.208 As required by the NPPF, the application proposes to incorporate design features in order to reduce on-site low carbon and renewable energy and energy efficiency. These measures would seek to minimise energy use.

5.209 The proposal has been considered against policies 5.1, 5.2, 5.3, 5.6, 5.7, 5.8, 5.9, 5.11, 5.12, 5.13, 5.14, 5.15, and 7.19 of the London Plan (2011) and policies CC1, CC2 and H3 of the Core Strategy (2011) which promote sustainable design, adaption to climate change and the increased use of renewable energy technologies to reduce carbon emissions, together with policy DM H1 and H2 of the Development Management Local Plan. SPD Sustainability Policy 25 requires major planning applications to provide details of how use of resources will be minimised during construction.

5.210 The commitment to delivering these sustainability objectives is considered in detail in the Sustainability Statement and separate Energy Assessment submitted in support of this application. The supporting information details how the development has been designed to meet the "Very Good" BREEAM rating in terms of the refurbishment element and level 4 of the Code for Sustainable Homes for the new residential units. A range of sustainability measures are planned, including energy efficiency measures, low/zero carbon systems in the form of Combined Heat and Power unit and solar PV panels on the roof, water efficiency measures, use of environmentally low impact materials and separation of waste and recyclables.

5.211 In respect of the refurbishment part of the proposals, the attainment of a "Very Good" BREEAM rating is acceptable. The implementation of the sustainability measures as outlined with a BREEAM post construction report being submitted to show that the "Very Good" rating has been achieved could be conditioned.

5.212 For the new build residential units, the Code for Sustainable Homes has been withdrawn from the proposals by the applicant and this element of the proposals has not therefore been considered. If the Council were minded to grant consent the implementation of the sustainable design and construction measures as outlined could be conditioned, however it would not be possible to require a Code for Sustainable Homes report after construction and the condition could not require the attainment of level 4 of the Code.

5.213 In respect of the London Plan CO2 reduction targets, the proposals fall quite a long way short of the 35% requirement, at 17%. The explanation provided in the Energy Assessment is that the listed nature of the building plus the significant amount of refurbishment works compared to new build, limit the possibilities in terms of improving energy efficiency levels and installing renewable energy technologies. The shortfall of 18% (12.9 tonnes) could be offset through a payment in lieu which is levied at £1800 per tonne of CO2 and would require that the applicant make a payment of £23,220.

5.214 The applicant has not provided any details of the design of the proposed secondary glazing or details of the proposed double glazed replacement windows and in some parts of the building such interventions may have an adverse impact on its character and appearance as well as the Conservation Area. Therefore even the proposed CO2 reduction may not be achievable.

5.214a As submitted the proposals fail to accord with 5.1, 5.2, 5.3, 5.6, 5.7, 5.8, 5.9, 5.11, 5.12, 5.13, 5.14, 5.15, and 7.19 of the London Plan (2011) and policies CC1, CC2 and H3 of the Core Strategy (2011), policies DM H1 and H2 of the Development Management Local Plan and SPD Sustainability Policy 25.

## ENVIRONMENTAL IMPACTS

### Noise

5.215 The NPPF (Conserving and enhancing the natural environment) states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and should mitigate and reduce to a minimum any adverse impacts.

5.216 Policy 5.3 of the London Plan, 'Sustainable Design and Construction' states that "The highest standards of sustainable design and construction should be achieved in London [...] Major development proposals should meet the minimum standards outlined in the Mayor's supplementary planning guidance and this should be clearly demonstrated within a design and access statements. The standards include measures to minimise pollution (including noise)." London Plan Policy 7.15 (Reducing noise and enhancing soundscapes) seeks to minimise the existing and potential impacts of noise on, from, within or in the vicinity of, development proposals. The Policy notes that "Reducing noise pollution and protecting good soundscape quality where it exists, contributes to improving quality of life".

5.217 CC4 of the Core Strategy advises that the Council would seek to minimise the impact of noise, by managing the development and distribution of noise sensitive development in the borough. Policy DM G1 sets out that new development should respect the principles of good neighbourliness. DM LP Policy DM H9, H10 and H11 requires developments to ensure that there is no undue detriment (e.g. noise and light pollution) to the general amenities at present enjoyed by the existing surrounding occupiers of their properties.

5.218 SPD Amenity Policy 25 states that outdoor uses will need to be assessed in regard to the frequency and times of use, and the noise level likely to be emitted from activities. SPD Amenity Policy 18 refers to noise and vibration and requires a survey and report for residential developments proposed near existing noise sources and for developments that have the potential to increase existing noise or vibration levels. SPD

Amenity Policy 23 states that careful consideration should be given to the design of stacking and adjoining similar rooms in adjoining dwellings, and to sound insulation or separation of dwellings from residential and commercial areas that could cause noise disturbance to residents. SPD Amenity policy 24 also sets out that need to protect residential and other noise sensitive amenity.

5.219 The applicants have submitted a Noise, Vibration, Extraction & Plant Assessment report. The dominant noise source to all elevations is road traffic noise with the of Fulham Road and Harwood Road elevations having subjectively higher noise levels. The noise report includes the results of acoustic surveys to establish the prevailing noise climate along Fulham Road and Harwood Road. Noise sensitive premises associated with the development include the proposed residential dwellings. Noise mitigation measures are required for residential dwellings throughout the development.

5.220 In terms of internal noise within the building, the levels predicted are consistent with national guidance on sound insulation and noise reduction for buildings. Where practical further mitigation will be included and in some instances where historic glazing must be retained it is possible that higher internal noise levels may occur on occasion.

5.221 In respect of outdoor noise, various terraces and amenity areas are included in the scheme. The noise levels to the areas shielded by the existing commercial units at the junction of Fulham Road and Harwood Road are likely to fall with the external limit of 55dB. In other more exposed areas (for example facing Harwood Road) the criterion may not be satisfied.

5.222 The external plant area is proposed on the roof of the Harwood Road building. The main installations at roof level comprise attenuated chillers with plant screening. Allowing for the screening effects and distance corrections the resultant noise level in Harwood Road and Fulham Road (28 dB LAeq,T) meets the daytime criterion - at night the plant will operate at lower speeds and a reduction of at least 3 dB could be anticipated complying with the night time criterion.

5.223 In conclusion, the impacts of external and internal noise upon the proposed development are considered to be minimal and would not adversely affect the living conditions within the proposed units, subject to the suitable conditions being imposed as outlined above. The proposal is therefore considered to comply with the requirements of the NPPF, London Plan policy 7.15, Core Strategy Policy CC4, DM LP policies DM H9, H10 and H11 and SPD Amenity Policy 18 with regards to external and internal noise by not causing an unacceptably adverse effect upon occupiers of the proposed development and existing neighbouring residents.

#### Air Quality

5.224 The whole borough was designated as an Air Quality Management Area (AQMA) in 2000 for two pollutants - Nitrogen Dioxide and Particulate Matter (PM10). The main local sources of these pollutants are road traffic and buildings (gas boiler emissions).



5.225 The National Planning Policy Framework states that planning decisions should ensure that any new development in AQMA's is consistent with the local air quality action plan.

5.226 Policy 7.14 of the London Plan (2011) seeks that development proposals minimise pollutant emissions.

5.227 Policy CC4 of the Core Strategy (2011) explains that the Council will reduce levels of local air pollution and improve air quality in line with the national air quality objectives. Policy DM H8 of the DM LP requires an air quality assessment and mitigation measures where appropriate. This is supported by SPD Amenity Policies 20 and 21.

5.228 The applicants have submitted an Air Quality Assessment which concentrates on assessing levels of Nitrogen Dioxide and Particulate Matter (PM10) pollutants, both for current conditions and also for a future scenario 2017 (anticipated completion year), with a number of potential receptor points around the site being checked for their concentrations. The assessment takes account of mechanical ventilation, dust and construction, energy plant and boilers.

5.229 The assessment predicts that the Government's PM10 objectives are likely to be met at the site in 2017. For NO<sub>2</sub>, annual mean at several modelled receptors is above 60ug m<sup>3</sup> and so exceedance of the hourly mean objective for NO<sub>2</sub> is possible. However this represents a worst case scenario as existing emissions from boiler plant could not be modelled due to lack of information and on this basis the proposed development, is forecast not to meet the NO<sub>2</sub> targets. In reality the impacts of the development are either moderate or substantial at the majority of the modelled receptors and change is likely to be less as existing plant was not modelled. This conclusion is supported by a further air quality assessment which considered both transport and building emissions. The additional report shows that transport emissions of the proposed development will be lower than that of the existing building. The building emissions have been compared against the London Plan benchmark emissions and they are shown to be below benchmark.

5.230 The Council's Air Quality Team has reviewed the Air Quality assessment submitted by the applicants and they are not satisfied with its contents. The air quality assessment for transport emissions utilised data from the submitted transport statement which includes inadequate information on trip generation. As the transport assessment concluded that that development would generate less vehicular trips than the previous use, emissions from vehicular trips were not modelled in the assessment. The information from the transport assessment was used to determine if the development was air quality neutral for transport traffic emissions. Consequently the air quality assessment and air quality neutral assessment are inadequate and will need to be updated to reflect an accepted transport statement. The submitted air quality assessment fails to demonstrate that the proposals comply with the requirements of London Plan policy 7.14, Core strategy policy CC4, DM LP policy DM H8 and relevant SPD policies by not causing a significant deterioration in air quality and minimising increased exposure.

Flood Risk

5.231 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

5.232 London Plan Policy 5.11, 5.12, 5.13, 5.14 and 5.15 requires new development to comply with the flood risk assessment and management requirements of national policy, including the incorporation of sustainable urban drainage systems, and specifies a drainage hierarchy for new development.

5.233 Core Strategy policy CC1 requires that new development is designed to take account of increasing risks of flooding. Policy CC2 states that new development will be expected to minimise current and future flood risk and that sustainable urban drainage will be expected to be incorporated into new development to reduce the risk of flooding from surface water and foul water. These are also supported by DM LP Policy DM H3 and SPD Sustainability Policies 1 and 2.

5.234 As required, a detailed Flood Risk Assessment (FRA) has been submitted with the application. The site is in the Environment Agency's Flood Zone 3 which indicates a high risk to flooding but this rating does not take account of the high level of flood protection provided by the Thames Barrier and local river wall defences. These protect against a tidal flooding event that has a 0.1% annual probability of occurring. Should the flood defences fail, the site is not at risk from rapid inundation.

5.235 The FRA notes that to reduce the risk any outlets from the basement should either be pumped or fitted with non-return valves to prevent flood water backing up from the sewers into the building. It also recommends the production of a flood management plan and for occupants to sign up to the Environment Agency's free Flood Warning Service. The ground floor is raised above surrounding ground levels which would help protect the building from flood water, should the site ever flood. The more vulnerable residential uses are all at 1st floor and above so would not be at risk of flooding.

5.236 The Council's officers have considered the proposals and are satisfied with the proposed mitigation measures in terms of flood risk levels subject to their full implementation. The proposals would accord with Policy DM H3 of the DMLP and SPD Sustainability Policies 1 and 2.

#### Sustainable Drainage Systems (SuDS)

5.237 London Plan Policy 5.13 and Policy DM H3 of the DMLP seek the integration of Sustainable Drainage Systems (SuDS) and require developments to incorporate SuDS to reduce both the volume and speed of surface water run-off unless there are practical reasons for not doing so. Developments are expected to achieve greenfield run-off rates and at least 50% attenuation of undeveloped sites surface water run-off at peak times and where possible to achieve 100% attenuation. In addition, major developments and high water use developments should include measures such as rainwater harvesting and grey water re-use.

5.238 The submitted Flood Risk Assessment (FRA) states that as the site is already 100 % impermeable there will be no additional surface water run-off created by the re-development. The current proposals therefore provide no attenuation of surface water run-off.

5.239 Officers have reviewed the submitted the proposals and consider that inadequate consideration has been given to the requirements of Policy DM H3 and there is no reference to the Drainage Hierarchy in the London Plan in determining potentially suitable drainage measures. In particular, it is considered that rainwater harvesting/greywater recycling could be viable. There are also areas of flat roof shown on the plans (although unclear which of these are existing and which are proposed) where green roofs could be considered for integration which would reduce the impermeability of the site.

5.240 There are also courtyard areas shown on the plans, so there may be potential for permeable surfaces in these locations to allow infiltration of run-off. If measures higher up the hierarchy are not possible or can only contribute a small amount of attenuation, it may be necessary to consider the use of an attenuation tank with controlled flow release into the sewer network. Policy DM H3 requires developments to maximise the levels of attenuation or at least improve it by 50% compared to the existing situation but this has not been achieved by the current proposals.

5.241 The applicants consideration of SUDs is inadequate and thereby fails to accord with London Plan Policy 5.13, Policies CC2 and CC4 of the Core Strategy 2011 and Policy DM H3 of the DMLP

#### Archaeology

5.242 The NPPF requires that the significance of any heritage assets affected should be identified and the potential impact of the proposal on their significance addressed. As a minimum the relevant historic environment record should be consulted and the heritage assets assessed. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest an appropriate desk-based assessment and, where necessary, a field evaluation is required.

5.243 Policy 7.8 of the London Plan (2011) advises that development should incorporate measures that appropriately address the site's archaeology. Core Strategy Policy BE1 and Development Management Local Plan policy G7 advises that new development should respect and enhance the historic environment of the Borough, including archaeological assets.

5.244 The planning application lies in an area of archaeological interest. The applicant has submitted a Desk Based Assessment and a Historic building report. The assessment concludes that archaeological remains may survive on the site and that a programme of archaeological investigation is recommended. This will most probably be in the form of archaeological monitoring (post-demolition) of the pile probing works in the area of new basement with the sufficient scope for further archaeological mitigation in the interior of the building once the pile wall is in place.

5.245 Historic England have considered the proposals and concur with the applicants conclusions that the development is likely to cause some harm to archaeological interest but not sufficient to justify refusal of planning permission provided. If the Council were minded to grant consent, appropriate conditions could be attached to require an investigation to advance understanding and safeguard worthwhile archaeological interest.

5.246 The proposals would accord with the London Plan policy 7.8, Core Strategy Policy BE1 and DM Local Plan policy DM G7.

#### Ground Conditions

5.247 National Planning Policy Framework paragraph 121 states planning decisions should ensure that the sites is suitable for its new use taking account of ground conditions and after remediation the land should not be capable of being determined as contaminated land.

5.248 Policy 5.21 of the London Plan states the support for the remediation of contaminated sites and that appropriate measures should be taken to control the impact of contamination with new development.

5.249 Policy CC4 of the LBHF Core Strategy states that the Council will support the remediation of contaminated land and that it will take measures to minimise the potential harm of contaminated sites and ensure that mitigation measures are put in place, which is supported by Policies DM H7 and DM H11.

5.250 SPD Amenity Policies 2, 3, 4, 5, 7, 8, 9, 12, 13, 14, 15 deal with contamination. SPD Amenity policy 16 sets out the common submission requirements for planning conditions relating to contamination and SPD Amenity policy 17 deal with sustainable remediation.

5.251 The applicants have submitted a Contamination Assessment Report which indicates that there is a potential risk of contamination which needs assessment and management. Officers have considered the report and to ensure no risk to human health, controlled waters or the environment, a number of conditions should be attached to any planning permission requiring a site investigation, a quantitative risk assessment, preparation and implementation of a remediation method statement preparation of a remediation verification report and an onward long term monitoring strategy. Subject to such conditions the proposals would be in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan.

#### COMPLIANCE WITH PLANNING AND HERITAGE ASSESSMENT

5.252 The applicant's submissions state that they have taken into account each of the key principles set out within the Planning Brief which they state is the starting point for the proposed redevelopment of the existing buildings. The Council has not produced a Planning Brief for this site rather it is a Planning and Heritage Assessment guidance document which has no formal status and has not been subject to any public consultation.

5.253 The purpose of the document was to make an assessment of the historical and architectural significance of the Fulham Town Hall buildings, including the relative merits of the rooms and spaces within it, and to undertake an appraisal of the planning context of the site. This will help to contribute to a review of the site development potential, to provide a realistic commercial assessment of the value of the site and to develop satisfactory proposals for the site. The document provides a broad indication of the

Council's view of the architectural and historic significance of the existing buildings and spaces, the capacity for internal alteration of these spaces and the likely acceptable uses for the site. The Assessment sets out 'possible future uses' that could include:

- D2 uses (Assembly and Leisure) art house cinema; music and concert halls; dance halls; sports spa/club/gymnasium. These uses would be particularly suitable for the existing large space(s) within the Town Hall; some particularly would be suitable within the basements of the buildings.
- D1 uses (Non residential institution) art gallery; museum; training centre; and possibly an educational use, place of worship or day nursery. These uses would be particularly suitable for the existing large space(s) within the Town Hall.
- C1 uses (Hotel) a boutique/design hotel with a small number of bedrooms, with potential to use some of the existing larger spaces for weddings/events and/or bars/lounges open to the general public.
- C3 use (Residential): Any residential development would best be located at upper floors potentially in the areas indicated on the plans in green which have more flexibility for adaptation.
- B1 (offices): Any office use would be best located at upper floors in areas which have more flexibility for adaptation.
- A1 (Shops) and A3 (Restaurants and Cafes): There may be the potential for ground floor floorspace along Fulham Road to include some A1/A3 floorspace to encourage movement through a new mixed use development. There would need to be further consideration as to whether the façade could be adapted to provide adequate shop frontages/entrances, for example by dropping the cills of the ground floor windows of the 1930's block.

5.254 From a design and conservation perspective, the Planning and Heritage Assessment set out possible options for extending and redeveloping the site and these include the following possible changes:

- a) Retention and refurbishment of the existing buildings on site;
- b) An additional lightweight floor set back from the front elevation over the flat roof of the 1930's building;
- c) Potential for excavation of a basement under the 1930's block;
- d) Lowering of the ground floor window cills of the 1930's block on the Fulham Road elevation to create an active frontage to the street.
- e) The adaptation of the roofspace over the Harwood Road building (including the existing space of the former caretaker's flat, now office accommodation) and the creation of an additional floor(s) around the existing lightwell over the grand staircase.
- f) Given the complex nature of access within the buildings, there will also be the requirement to provide new lift and service risers throughout the buildings.

5.255 The document explicitly states that 'Officer advice within this document is given on an informal basis without prejudice to the full and detailed assessment of any future pre-application enquiry and/or planning/listed building consent application and any future decision made by the council on receipt of any such planning or listed building consent application.' It is clear therefore that little planning weight can be given to this document and the application therefore needs to be judged on its own merits against the policies and standards contained within the Local Development Framework.

## OVERALL PLANNING BALANCE

5.256 The proposed scheme includes various planning benefits which have been considered in the preceding paragraphs of this report and these can be summarised as follows:

- a) Repair of historic fabric throughout the building
- b) Restoration of the most significant parts of the interior including the Grand Hall, Grand Staircase, Mayors Parlour and first floor cloakrooms
- c) Restoration and Refurbishment of the Council Chamber and public gallery, marriage room, ante room, members retiring room, tiled passage and WC leading to Council Chamber lobby as suite of rooms for public use including wedding ceremonies/ receptions and for local groups
- d) Improvements to accessibility
- e) Creation of a local history museum
- f) New retail frontages enhancing the economic vitality of the Town Centre
- g) Provision of new residential accommodation in close proximity to public transport and amenities
- h) Improvements to the appearance of the interiors including the removal of modern fittings, lighting and signage
- i) Repair and Restoration of the buildings facades
- j) Improvements to the environmental performance of the building
- k) Establishment of a new and potentially viable use for the listed building

5.257 Notwithstanding the above benefits, the proposals would fail to be policy compliant with the national planning and regional planning advice and the Council's Local Development Framework. The proposals would result in harm to the character, appearance and setting of the listed building and harm to the character and appearance of the Conservation Area. While that harm is considered less than substantial, it is still serious and any harm to designated heritage assets requires clear and convincing justification, which officers consider has not been provided. Officers have given great weight to the preservation of the designated heritage assets in accordance with para 132 of the NPPF; s.16(2), s.66(1) and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The applicant's submissions have not demonstrated satisfactorily that the proposed retail offer is maintainable in the long term and the fundamental ability to deliver wider public benefits which are intended to justify the harm to the listed building.

5.258 The applicant's documents do not provide sufficient information to carry out a satisfactory transport assessment and thereby fails to provide a full robust assessment of the likely transport impact of the proposed development. The proposals do not include any affordable housing provision which is contrary to the target expressed within the London Plan and the Council's Core Strategy. Officers consider that the applicant has not submitted satisfactory evidence to justify that off-site affordable housing provision or a payment in lieu would not be viable. The proposal therefore fails to demonstrate that the development would maximise affordable housing provision, to support a mixed and balanced community. The proposed development would have an unacceptable impact on the amenity of the occupiers of adjoining and nearby residential dwellings which would result in an overbearing increased sense of enclosure and loss of outlook, loss of daylight and loss of privacy.

5.259 The proposed development is considered unacceptable in terms of energy sustainability as no details are provided of the new build residential units in terms of sustainability issues and the proposed 17% CO<sub>2</sub> reduction falls a long way short of the

35% requirement for CO2 reduction. The applicants consideration of sustainable urban drainage does not provide sufficient information to carry out a satisfactory assessment as no details are provided for the attenuation of surface water run-off and fails to consider potentially suitable drainage measures. Further, the submitted air quality appraisal is not satisfactory.

5.260 The public benefits of the proposed development would be limited and would not outweigh the harm to designated heritage assets. It has not been demonstrated that the proposals represent the optimum viable use of the listed building. Officers are not convinced that the community uses and retail offer necessary to deliver the purported public benefits, would be maintainable in the long term. On balance Officers consider that the public benefits of the scheme would not outweigh the harm caused to the significance of the designated heritage assets and would not result in sustainable development contrary to paras 131, 132 and 134 of the NPPF; London Plan Policies 7.1, 7.2, 7.4, 7.5, 7.6, 7.8 and 7.9; DM Local Plan Policies DM G1, DM G3, DM G5 and DM G7; Planning Guidance SPD Design Policies 31, 37, 46, 49, 61 and 62. Planning permission and Listed Building Consent should therefore be refused.

## EQUALITIES

5.261 In accordance with the provisions of the Equality Act 2010, the Council has had due regard for the potential of the proposal to affect the various needs of protected 'characteristics' and groups. Section 149 of the Equality Act 2010 requires the Council to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. This means that the Council must have due regard for the impact on protected groups when exercising its functions, and case law establishes that this must be proportionate and relevant.

5.262 The development would lead to a wide range of positive impacts varying in significance in respect of new housing, public facilities for hire, shops and other facilities.

5.263 The development proposes that 100% of all the new dwellings are built to lifetime homes standards and 10% are wheelchair accessible. This would benefit new residents who may become disabled or have an age related impairment which means that they may require accessible housing. The proposed layout of including new ramp on Harwood Road, circulation space and additional lifts would help to make the building more accessible to all user groups, including those with mobility impairments such as wheelchair users or the visually impaired thus helping to facilitate equality of opportunity between disabled people and non-disabled people.

5.264 The A1 and A3 uses proposed would provide and cater for the needs of local residents and people visiting Fulham Town Hall. The urban form and proposed new hub cafe would benefit existing and new residents, as well as local workers and visitors.

5.265 The development would result in a small number of potential negative impacts in relation to the construction phase.

5.266 One letter was received from the Theatres Trust raising concerns about the loss of publicly available cultural facilities. Hammersmith Town Hall has become the primary civic offices for the borough and provides alternative hire space for cultural and theatre groups.

5.267 The proposed development also does not provide any affordable housing on site due to the financial viability of the proposals and the need for a contribution towards improvements to the Town Hall in order for the scheme to be delivered. This may have a negative impact on under-represented groups amongst home owners and private rental tenure groups who are less able to afford private housing.

### S106 Agreement/ CIL

5.268 In dealing with planning applications, local planning authorities consider each on its merits and reach a decision based on whether the application accords with the relevant development plan, unless material considerations indicate otherwise. Where applications do not meet these requirements, they may be refused. However, in some instances, it may be possible to make acceptable development proposals which might otherwise be unacceptable, through the use of planning conditions or, where this is not possible, through planning obligations.

5.269 CIL Regulations also set out a number of tests including that: a planning obligation must be necessary to make the proposed development acceptable in planning terms, directly related to the proposed development, fairly related in scale and kind to it and reasonable in all other respects. Negotiations should seek a contribution towards the full cost of all such provision that is fairly and reasonably related in scale and in kind to the proposed development and its impact on the wider area.

5.270 London Plan policy 8.2 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. Had officers been minded to recommend consent the following matters would have formed the Heads of Terms of an agreement:

1. Commitment to employment and training during construction.
2. A Travel Plan in respect of the residential component of the development;
3. A Service Delivery Management Plan to be submitted, for residential and restaurant;
4. Submission of a Car Parking Management Plan and access strategy for both the residential and public car parking, to include amongst other details, blue badge holder permit management and electrical charging points;
5. A Demolition and Construction Logistics Plan setting out the construction phases;
6. A Construction Environment Management Plan setting out how the construction process will be managed.
8. Details to secure the provision of the proposed museum
- 9 Off-site contribution to affordable housing
10. Restriction preventing occupiers from on-street car parking ;
12. 20% of car parking spaces to be designated for Blue Badge Holders;



13. Commitment to provide details of reduced energy use and sustainability information for new homes
14. Management Plan and Community Use Plan for Council Chamber, Ante Room and Marriage Room
15. Public access to the ground floor retail arcade including the physical extent and hours of opening
16. Transport works including highways works, cycle and motorbike parking and the Harwood Road ramp
17. A phasing plan for the overall development including a restriction on the number of residential units that could be occupied before the completion of the retail arcade, Grand Hall and community/event spaces
18. A signage strategy and Tenant Design Guidelines for the fit out of the retail units
19. A strategy for the display of artefacts relating to Fulham Town Hall (including paintings and plaques which would remain in the ownership of the Council)
20. 10% wheelchair units

5.271 Core Strategy policy CF1 requires that new development makes contributions towards or provides for the resulting increased demand for community facilities. The Delivery and Monitoring policy of the Core Strategy states that the council will "seek to ensure that the necessary infrastructure is secured to support regeneration by... negotiating S106 obligations".

5.272 Mayoral CIL came into effect in April 2012 and is a material consideration to which regard must be had when determining this planning application. This development will be subject to a London-wide community infrastructure levy. An estimate of £92,707 (index linked) has been calculated. This will contribute towards the funding of Crossrail, and further details are available via the GLA website at [www.london.gov.uk](http://www.london.gov.uk). The GLA expect the council, as the collecting authority, to secure the levy in accordance with London Plan policy 8.3.

5.273 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 2015 and has formally taken effect since the 1st September. An estimate of £298,280 has been calculated.

#### LISTED BUILDING CONSENT

5.274 The proposed development would cause harm to the character, appearance and setting of the listed building. The harm caused would be less than substantial but would not be outweighed by public benefits, which would not result in sustainable development. It has not been demonstrated that the proposals would represent the optimum viable use of the listed building. More particularly the design, height and massing of the replacement building behind the retained façade of the 1934 extension; the design of the replacement windows at first, second and third floor levels in the front elevation of the 1934 extension and the cumulative impact of alterations to the 1888-90 and 1904-5 elements of the building would cause harm to the character and appearance of the listed building which it is desirable to preserve in accordance with Section 16(2) and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5.275 The design, height and massing of the replacement building behind the retained façade of the 1934 extension would fail to preserve the setting of the retained elements of the listed building which it is desirable to preserve in accordance with s.16(2) and s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5.276 In these respects the proposal is contrary to paras 131, 132 and 134 of the NPPF; London Plan Policies 7.1, 7.2, 7.4, 7.5, 7.6, 7.8 and 7.9; Policy BE1 of the Core Strategy 2011; DM Local Plan Policies DM G1, DM G3, DM G5 and DM G7 and Planning Guidance SPD Policies 31, 37, 46, 49, 61 and 62.

#### 4.0 CONCLUSION AND RECOMMENDATION

4.1 In principle the reuse of this underused listed building would be welcome, however it is considered that the proposals do not represent an appropriate response to the regeneration of Fulham Town Hall.

4.2 The internal physical interventions to the listed building would be irreversible and the additional external massing of development at roof level would be harmful and fail to preserve the significance of heritage assets including the listed building and conservation area. The long term viability of the proposed retail and community/event space is questionable. The transport assessment is inadequate. The scheme fails to justify the lack of affordable housing provision on-site, off site or through a payment in lieu and the Council's independent assessment concludes that the proposals could incorporate a policy compliant affordable housing provision. The proposed extensions would have an unacceptable impact on the amenities of existing occupiers of adjoining residential property in terms of loss of outlook, daylight and privacy. In terms of energy sustainability, the proposals fail to include satisfactory sustainability details for the new build residential units, the proposals fall a long way short of the 35% requirement for CO2 reduction and fails to include adequate consideration of SUDs. For the reasons detailed in this report officers' conclude that the proposal is unacceptable as it is not in accordance with the relevant policies.

4.3 Therefore, officer recommendation is that the planning and listed building consent be refused.