

London Borough Of Hammersmith & Fulham

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**Planning Applications Committee**

**Agenda for 14th March 2017**

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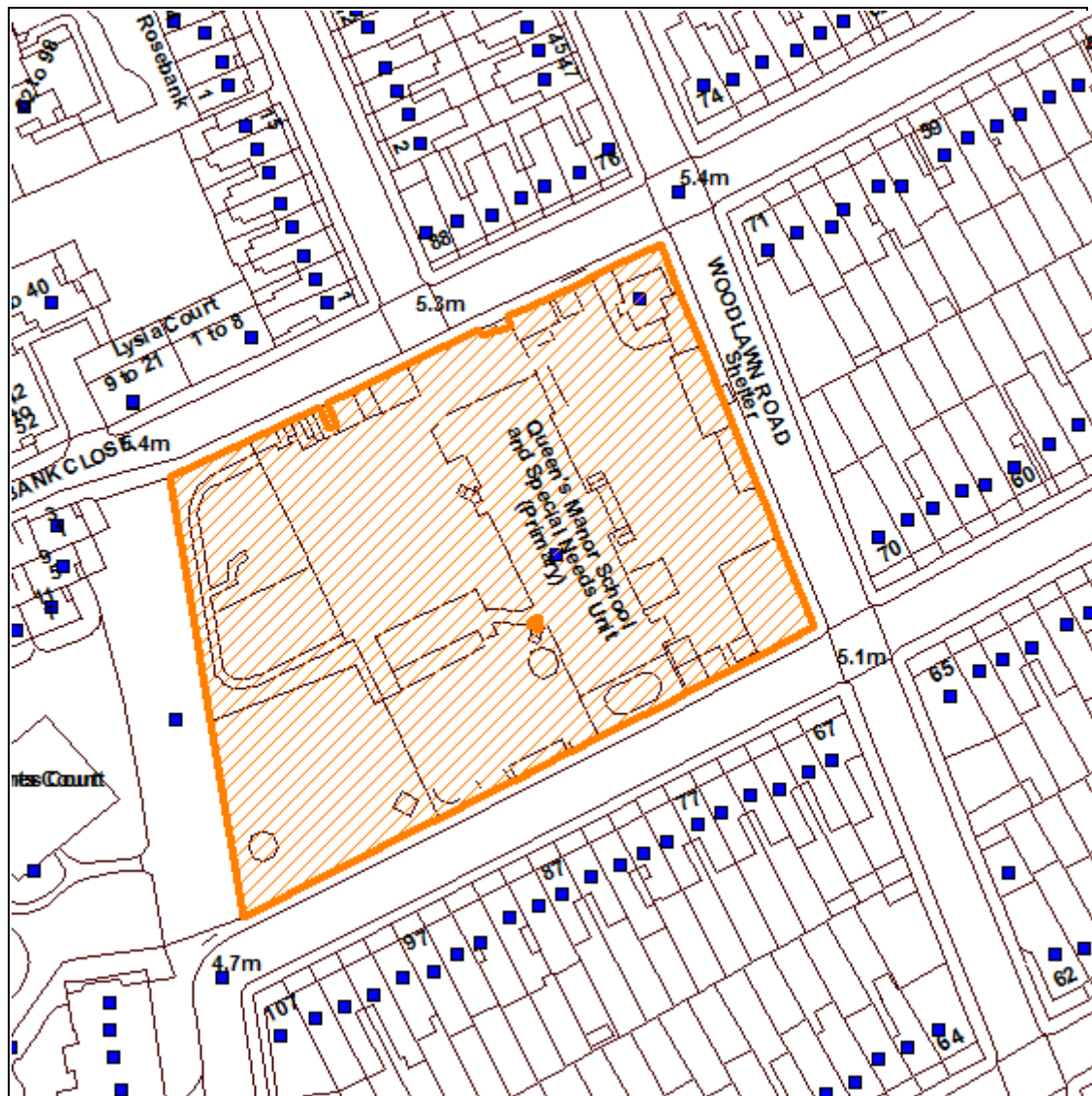
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**Ward:** Palace Riverside

**Site Address:**

Queens Manor Primary School Lysia Street London SW6 6ND



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

**Reg. No:**  
2016/04899/FR3

**Case Officer:**  
Graham Simpson

**Date Valid:**  
16.11.2016

**Conservation Area:**  
Crabtree Conservation Area - Number 28

**Committee Date:**  
14.03.2017

**Applicant:**

L.B of Hammersmith & Fulham  
c/o Resolution Planning

**Description:**

Erection of a new single storey children's resource centre (Use Class D1) within Queens Manor School; demolition and enlarged replacement of the existing single storey extension to the listed building currently used as the primary school special education needs (SEN) unit to the listed building with associated alterations to the main school listed building; demolition of part of the listed boundary wall on the Queensmill Road elevation to provide an additional vehicular access; provision of car park to provide parking spaces and other alterations including refurbishment of the Listed wall; and associated landscaping, and internal and external alterations.

Drg Nos: 100; 101; 102; 103; 104; 200; 201; 300; 301; 420 02; 421;422; 425; 426; 450; 451; 452; 453; 500; EX801; 001 P05

**Application Type:**

Full Regulation 3 - LBHF is Developer

**Officer Recommendation:**

That the application be approved pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the condition(s) set out below:

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

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

- 2) The development shall be carried out and completed in accordance with the following approved drawings: 100; 101; 102; 103; 104; 200; 201; 300; 301; 420 02; 421; 422; 425; 426; 450; 451; 452; 453; 500; EX801.

In order to ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with policy DM G1, DM G3 and DM G7 of the Development Management Local Plan (2013) and policy BE1 of the Core Strategy (2011).

- 3) The number of children enrolled and accommodated at the resource centre shall not exceed 20 (full time equivalent) at any one time.

In order to safeguard the amenities of neighbouring occupiers and the area generally, in accordance with policy DM H11 of the Development Management Local Plan (2013).

- 4) The children's resource centre and SEN unit shall be used for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in

any statutory instrument revoking and re-enacting that Order with or without modification).

In granting this permission, the Council has had regard to the special circumstances of the case. Certain other uses within the same use class may be unacceptable due to effect on residential amenity or traffic generation, in accordance with policies DM H11 and DM J2 of the Development Management Local Plan (2013).

- 5) Pursuant to Article 3(1) and the provision of Article 3(2) of the Town and Country Planning (General Permitted Development) Order 1995, Part 32 of Schedule 2 of the said Order (being development within the curtilage of Schools, Colleges, Universities and Hospitals) (or any Order revoking or re-enacting that Order with or without modification) shall not apply to the school site to which this planning permission relates, and no such development within the curtilage of the school shall take place without planning permission first being obtained.

To enable the Council to retain control over any future development in view of the overall design and integrated appearance of the scheme and the effect of any such development on the external recreational areas of the school and the amenities of the surrounding properties, in accordance with policy DM G1, DM G3 and DM D7 of the Development Management Local Plan (2013).

- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any external part of the approved buildings, without planning permission first being obtained.

In order to ensure that the Council can fully consider the effect of telecommunications equipment upon the appearance of the building in accordance with Policy BE1 of the Core Strategy (2011), and Policy DM G1 and DM G3 of the Development Management Local Plan (2013).

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

- a) Details including samples of all external materials to be used in the development including brick colour, bond, pointing style, mortar colour and mix, stone; cladding and roofing material; and

- b) A brick and stone sample panel shall be erected on site for the inspection and approval of the Council's conservation officer.

In order that the Council may be satisfied as to the details of the development in the interests of visual amenity of the area in accordance with policy DM G1, DM G3 and DM G7 of the Development Management Local Plan (2013) and policy BE1 of the Core Strategy (2011).

- 8) Prior to the erection of any buildings hereby approved, detailed drawings in plan, section and elevation of typical bays of new buildings to include details of

entrances fenestration and cladding for each elevation of the new buildings, and junction detail with adjoining buildings, at a scale of no less than 1:20 shall be submitted to and approved in writing by the council. The development shall be carried out in accordance with such details as have been approved and thereafter permanently retained in this form.

To ensure a satisfactory external appearance, in accordance with policy DM G1, DM G3 and DM G7 of the Development Management Local Plan (2013) and policy BE1 of the Core Strategy (2011).

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

To ensure a satisfactory external appearance and satisfactory provision for permeable surfaces in accordance with policy DM G1, DM G3, DM E4 and DM G7 of the Development Management Local Plan (2013) and policy BE1 of the Core Strategy (2011).

- 10) Prior to the commencement of any development hereby approved, details of all repairs to boundary wall, shall be submitted to and approved in writing by the Council. The development shall be carried out in accordance with the approved details and thereafter retained as such.

In order that the Council may be satisfied as to the details of the development in the interests of visual amenity of the area in accordance with policy DM G1, DM G3 and DM G7 of the Development Management Local Plan (2013) and policy BE1 of the Core Strategy (2011).

- 11) Prior to the commencement of the development hereby approved, details of alterations and remedial works to the boundary wall, including new gates and other means of enclosure in plan section and elevation at 1:20 shall be submitted to and approved in writing by the council. The development shall be carried out in accordance with such details as have been approved and thereafter permanently retained in this form.

To ensure a satisfactory external appearance, in accordance with policy DM G1, DM G3 and DM G7 of the Development Management Local Plan (2013) and policy BE1 of the Core Strategy 2011.

- 12) Prior to the erection of any buildings hereby approved, details of the junction of the new SEN unit with the listed building, shall be submitted to and approved in writing by the Council. The development shall be carried out in accordance with the approved details and thereafter retained as such.

In order that the Council may be satisfied as to the details of the development in the interests of visual amenity of the area in accordance with policy DM G1, DM

G3 and DM G7 of the Development Management Local Plan (2013) and policy BE1 of the Core Strategy (2011).

- 13) Any material changes to the external appearance of the resource centre building and the extension hereby permitted, including the installation of air-handling units, ventilation fans or extraction equipment, must first be submitted and approved in writing by the Council prior to their installation. Any alterations shall be implemented in accordance with the details that are approved.

To ensure a satisfactory external appearance and prevent harm to the street scene, and to safeguard the amenities of neighbouring residential occupiers, in accordance with policies DM G1, DM G3, DM G7, DM H9 and DM H11 of the Development Management Local Plan (2013).

- 14) The Surface Urban Drainage Strategy hereby approved shall be implemented in accordance with these details prior to the occupation of the development hereby permitted, and thereafter permanently retained and maintained in working order.

To prevent any increased risk of flooding and to ensure the satisfactory storage of/disposal of surface water from the site in accordance with policy CC2 of the Core Strategy (2011), policy DM H3 of the Development Management Local Plan (2013) and policy 5.13 of The London Plan (2011).

- 15) The development shall be carried out in accordance with the details contained within the Flood Risk Assessment submitted with this application. All flood prevention and mitigation measures should be installed in accordance with the approved details prior to the occupation of the development.

To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site, and to reduce the impact of flooding to the proposed development and future occupants, in accordance with Policy CC1 and CC2 of the Core Strategy (2011).

- 16) The development shall be implemented in accordance with the submitted in accordance with the accessibility statement within the Design and Access Statement and Planning Statements. The approved details shall then be retained thereafter in this form.

To ensure that the proposal provides an inclusive and accessible environment in accordance with policy DM G1 and DM G3 of the Development Management Local Plan (2013) and The London Plan (2011) policy 7.2.

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

To ensure that trees on site are retained and to prevent harm during the course of construction, in accordance with policy DM E4 of the Development Management Local Plan (2013) and policy BE1 of the Core Strategy (2011).

- 18) No part of the development hereby approved shall be occupied prior to the provision of the cycle storage/ parking for the all the proposed uses included in the

development and such storage facilities shall be permanently retained thereafter in accordance with the approved details.

In order to promote alternative, sustainable forms of transport, in accordance with Policy DM J5 of the Development Management Local Plan 2013 and Policy 6.9 and Table 6.3 of the London Plan 2011.

- 19) Prior to commencement of the development hereby approved, a Construction Logistics Plan and a Construction Management Plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800-1300hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. The details shall also include the numbers, size and routes of construction vehicles, provisions within the site to ensure that all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. Approved details shall be implemented throughout the project period.

To ensure that construction works do not adversely impact on the operation of the public highway, and that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site, in accordance with Policies DM J1, DM J6, DM H9, DM H11 of the Development Management Local Plan 2013.

- 20) Prior to commencement of the development hereby approved, a demolition method statement and a demolition management plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. Approved details shall be implemented throughout the project period.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site, in accordance with Policies DM H9, H10 and H11 of the Development Management Local Plan 2013.

- 21) The demolition hereby permitted shall not be undertaken before a scheme for temporary fencing and/or enclosure of the site has been submitted to and approved in writing by the Council, and such enclosure has been erected in accordance with the approved details and retained for the duration of the building works.



To ensure that the site remains in a tidy condition and to prevent harm to the street scene, in accordance with policy DM G1 and DM G3 of the Development Management Local Plan (2013).

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

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, in accordance with policies DM H9 and DM H11 of the Development Management Local Plan (2013).

- 23) Prior to commencement of any above ground works, details shall be submitted to and approved in writing by the Council, of the external sound level emitted from plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external sound level emitted from plant, machinery/ equipment will be lower than the lowest existing background sound level by at least 10dBA in order to prevent any adverse impact. The assessment shall be made in accordance with BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. A post installation sound assessment shall be carried out where required to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment, in accordance with Policies DM H9 and H11 of the Development Management Local Plan 2013.

- 24) Prior to commencement of any above ground works, details of external artificial lighting shall be submitted to and approved in writing by the Council. Lighting contours shall be submitted to demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations of the Institution of Lighting Professionals in the 'Guidance Notes For The Reduction Of Light Pollution 2011'. Details should also be submitted for approval of measures to minimise use of lighting and prevent glare and sky glow by correctly using, locating, aiming and shielding luminaires. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting, in accordance with Policies DM H10 and H11 of the Development Management Local Plan.

- 25) Prior to occupation of the development hereby approved, a Refuse Management Plan for the school shall be submitted to and approved in writing by the Council. Details shall include full details of refuse storage, including provision for the storage of recyclable materials, the weekly numbers and times of deliveries and collections, the size of vehicles to be used and details of off-loading locations and vehicle movements. The use shall thereafter be carried out in accordance with the agreed details.

To ensure that the refuse collection and servicing requirements of the school will not adversely impact on the operation of the public highway and to ensure that the

amenity of occupiers of the surrounding premises are not adversely affected by noise, in accordance with policies DM J2, DM J6, DM H5, DM H9 and DM H11 of the Development Management Local Plan (2013).

- 26) Prior to occupation of the development, until details are submitted to, and approved in writing by, the Council of the position, number and noise output of any proposed air source heat pumps, the position and number of solar collectors and natural ventilation stacks, and the final position, number and angle relative to the surface of the roof of the proposed PV panels, to be provided as part of the approved development. The development shall be carried out in accordance with the details as approved and permanently retained in this form.

To ensure a satisfactory standard of external appearance and to prevent noise and disturbance to neighbouring residents, in accordance with policies DM H1, DM H2 and DM H11 of the Development Management Local Plan (2013).

- 27) No development shall commence until a preliminary risk assessment report is submitted to and approved in writing by the Council. This report shall comprise: a desktop study which identifies all current and previous uses at the site and surrounding area as well as the potential contaminants associated with those uses; a site reconnaissance; and a conceptual model indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and those planned at the site; and a qualitative risk assessment of any potentially unacceptable risks arising from the identified pollutant linkages to human health, controlled waters and the wider environment including ecological receptors and building materials. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy 2011 and policies DM H7 and H11 of the Development Management Local Plan 2013.

- 28) No development shall commence until a site investigation scheme is submitted to and approved in writing by the Council. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

- 29) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, following a quantitative risk assessment report is submitted to and approved in writing by the Council. This report shall assess the data provided in the Albury SI report dated February 2014 (reference 13/10045/A/GO). The quantitative risk assessment shall assess the degree and nature of any contamination identified on the site through the site investigation; include a conceptual site model and determine the risks posed by any contamination to human health, controlled waters and the wider environment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy (2011) and policies DM H7 and DM H11 of the Development Management Local Plan (2013).

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy (2011) and policies DM H7 and DM H11 of the Development Management Local Plan (2013).

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

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy (2011) and policies DM H7 and DM H11 of the Development Management Local Plan (2013).

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy (2011) and policies DM H7 and DM H11 of the Development Management Local Plan (2013).

- 33) Prior to commencement of any above ground works, details shall be submitted to and approved in writing by the Council, of sound insulation of the building envelope and other mitigation measures, as appropriate. Details shall demonstrate that noise from uses and activities is contained within the building/ development site and shall not exceed the criteria of BS8233:2014 at neighbouring noise sensitive/ habitable rooms and private external amenity spaces. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise, in accordance with Policies DM H9 and H11 of the Development Management Local Plan 2013.

- 34) Prior to use of the development, details of anti-vibration measures shall be submitted to and approved in writing by the Council. The measures shall ensure that [machinery, plant/ equipment] [extract/ ventilation system and ducting] are mounted with proprietary anti-vibration isolators and fan motors are vibration isolated from the casing and adequately silenced. Approved details shall be

implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by vibration, in accordance with Policies DM H9 and H11 of the Development Management Local Plan 2013.

- 35) No tannoys or public address systems shall be used unless details have been submitted to and approved in writing by the Council. Approved details shall be implemented prior to use and thereafter be permanently retained.

To ensure that the amenity of occupiers in surrounding premises is not adversely affected by noise, in accordance with Policies DM H9 and H11 of the Development Management Local Plan 2013

- 36) Prior to occupation of the development, a statement of how 'Secured by Design' requirements are to be adequately achieved shall be submitted to and approved in writing by the Council. The approved details shall be carried out prior to occupation or use of the development hereby approved and permanently maintained thereafter unless otherwise agreed in writing by the Council.

To ensure a safe and secure environment for users of the development, in accordance with policy DM G1 of the Development Management Local Plan (2013).

- 37) The permitted development shall not be occupied until full details of an updated School Travel Plan for Queens Manor Primary School and a Travel Plan for the resource centre has been submitted to and approved in writing by the council. Upon the commencement of the use, the School Travel Plan and Resource Centre Travel Plan shall be implemented in full compliance with the approved details, and shall thereafter continue to be fully implemented whilst the use remains in operation. Such details shall include information on how alternative methods of transport to and from the school and centre, other than by car, will be encouraged/promoted by the applicants, and together with details of annual reviews of the School Travel Plan and Resource Centre Travel Plan.

To ensure that the development does not generate an excessive number of car trips which would be contrary to the Council's policies of car restraint set down in Policy DM J2 of the Development Management Local Plan, 2013 and Policy T1 of the Core Strategy, 2011.

- 38) Prior to occupation of the development, full details of a School Management Plan for the extended school have been submitted to, and approved in writing by, the Council. Upon the commencement of the use, the School Management Plan shall be implemented in full compliance with the approved details, and shall thereafter continue to be fully implemented whilst the use remains in operation. Such details shall include information on the school hours of use; the number and times of recreation breaks; and a plan for staff supervision at arrival and leaving times and recreation times including after school and pre-school activities.

To ensure that the use does not result in loss of amenity to neighbouring residents in terms of noise and disturbance, in accordance with policy T1 of the Core

Strategy (2011) and policies DM H10, DM H11 and DM J2 of the Development Management Local Plan (2013).

- 39) The development shall not commence prior to the implementation of an archaeological field evaluation in accordance of a written scheme of investigation previously submitted to and approved in writing by the local planning authority. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Council.

In order to ensure the preservation or protection of any archaeological interests that may be present on the site, in accordance with Policy EN7 of the Unitary Development Plan, as amended 2007 and 2011 and Policy 7.8 of the London Plan 2011.

- 40) In the event that the results of the field evaluation required by condition 39 reveal the presence of archaeological interests on the site, the development shall not commence prior to the implementation in full of a programme of works to ensure that the archaeology is either preserved or fully excavated, in accordance with a written scheme previously submitted to and approved in writing by the local planning authority.

In order to ensure the preservation or protection of any archaeological interests on the site, in accordance with Policy EN7 of the Unitary Development Plan, as amended 2007 and 2011 and Policy 7.8 of the London Plan 2011.

#### **Justification for Approving the Application:**

- 1) 1. Land Use: The proposal would involve the provision of a disabled children's resource centre (Use Class D1) and replacement of the existing primary school special education needs unit on an existing site in use as a school. It is considered that this existing school site is an appropriate location for the proposed uses. The new resource centre and SEN unit would enhance the provision of special education within the borough and would contribute to maintaining a community use. The new resource centre and SEN unit would result in the improvement of educational facilities, without resulting in a harmful loss of open space or playspace. It is thus considered that the proposal complies with policy DM A1, D1 of the Development Management Local Plan (2013), policy CF1, D1, H1, Strategic Policy FRA and Strategic Policy C of the Core Strategy (2011), and policy 3.18 of the London Plan (2011).
2. Heritage, design and Conservation: It is considered that the extension, new building and alteration to the listed wall would be appropriate in scale, height, mass, proposed materials and design and although there would be some harm to the setting of the listed building, it is considered that the public benefits would outweigh that harm. The building would be designed to meet educational needs, whilst also presenting a suitable response to the context of the surrounding setting. Policy DM G1, DM G3 and DM G7 of the Development Management Local Plan (2013), policy BE1 of the Core Strategy (2011) and policies 7.4, 7.6 and 7.8 of The London Plan (2011) would therefore be satisfied.
3. Highways matters: The provision of on site disabled parking spaces is considered acceptable. There would be no adverse impact on traffic generation

and the scheme would not result in congestion of the primary road network; subject to measures to limit car trips to school being secured and implemented within a School Travel Plan. Satisfactory provision would be made for cycle parking. Mitigation will be secured to address the increase in pedestrian trips. Adequate provision for servicing and the storage and collection of refuse and recyclables would be provided. The proposal is thereby in accordance with policy T1 of the Core Strategy 2011, policies DM H5, DM J1, DM J2, DM J4, DM J5 and DM J6 of the of the Development Management Local Plan (2013) and SPD Transport Policy 34 of the Planning Guidance Supplementary Planning Document (2013).

4. Residential Amenity: The impact of the proposed development upon neighbouring occupiers is considered acceptable. Due to the relationship of the proposed building to residential neighbours and its position, height and bulk, it is considered that the proposal would not materially affect the outlook from, and privacy to, neighbouring properties. Residents' light would not be affected to an unacceptable degree. Measures would also be secured by condition to minimise noise and disturbance to nearby occupiers from the operation of the proposed resource centre and replaced SEN unit. In this regard, the development would respect the principles of good neighbourliness, and thereby satisfy policies DM A9, DM G1, DM G3 and DM H11 of the Development Management Local Plan (2013).

5. Sustainability: The proposal would seek to minimise its environmental impact, including measures that would conserve energy, materials and water, reduce air, noise and water pollution, and promote sustainable waste behaviour. Submission of further details of the sustainable design and construction measures, including those relating to carbon reduction will be conditioned to ensure the development is satisfactory. It is considered that the development would not have an adverse impact on a watercourse, flood plain or flood defences, and the implementation of a sustainable urban drainage strategy would be required by condition to ensure there is no adverse impact on localised flooding. Policies DM H1, DM H2 and DM H3 of the Development Management Local Plan (2013), policies CC1, CC2, CC3, and CC4 of the Core Strategy (2011) and policies 5.2, 5.7 and 5.13 of the London Plan (2011) are thereby satisfied.

6. Access and Crime Prevention: Subject to conditions the development would provide a safe and secure environment, and would be accessible to all users in accordance with policy DM G1 and DM G3 of the Development Management Local Plan (2013), policy TN1 of the Core Strategy (2011) and policies 7.2 and 7.3 of The London Plan (2011).

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

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

Application form received: 7th November 2016  
Drawing Nos: see above

**Policy documents:** National Planning Policy Framework (NPPF) 2012  
The London Plan 2016  
LBHF - Core Strategy Local Development Framework 2011  
LBHF - Development Management Local Plan 2013  
LBHF - Planning Guidance Supplementary Planning Document 2013

**Consultation Comments:**

<b>Comments from:</b>	<b>Dated:</b>
Historic England London Region	01.12.16
Thames Water - Development Control	06.12.16

**Neighbour Comments:**

<b>Letters from:</b>	<b>Dated:</b>
93 Queensmill Road London SW6 6JR	04.12.16
89 Queensmill road London sw66jr	01.12.16
107 Queensmill Road London SW6 6JR	05.12.16
107 Queensmill Road London SW6 6JR	05.12.16
9 Meadowbank Close London SW6 6PE	14.12.16
99 Queensmill Road Fulham SW6 6JR	28.11.16

## 1.0 SITE DESCRIPTION AND RELEVANT HISTORY

### Site and Surrounding Area

1.1 The application site (0.71 ha) consists of the Queens Manor Primary School with its main frontage on Lysia Street, with secondary frontages to Woodlawn Road to the east, Queensmill Road to the south and to the west is Rowberry Mead.

1.2 The school is a mixed gender, one form of entry primary school with an additional Special Education Needs (SEN) resource unit. The original school buildings were completed in circa in 1904. The site is dominated by the part 6, part 7 storey main building situated in the eastern half of the site. The existing single storey SEN building is linked and situated to the west elevation of the main building. The SEN building is of timber construction, single storey and was added to the site in circa 1950s.

1.3 The main pedestrian and vehicular access is from Lysia Street to the north of the site. The access points have automated secured access gates separating the site from the public realm. There is an informal parking area to the west side of the main building.

1.4 The main building and many of the other elements on site are Grade II listed and form an important landmark for the area. The current Special Educational Needs (SEN) wing is a later extension to the west side of the main building. In addition to the School Keepers house by the main gate, there are several small structures such as storage sheds and disused external toilet blocks on site. The entire site is surrounded by an original brick boundary wall, and is also Grade II listed. The boundary has been altered in parts to include a high chain link fence.



1.5 The external play areas of the site are effectively split into four zones around the buildings:

- The 'green zone' to the west, which consists of a wild garden, planters area and a lawn area.
- The staff parking area and Key Stage 1 (KS1) playground which are separated by the main school building
- Key Stage 2 (KS2) playground to the east side of the main building.
- A hard paved area on the north west side of the main building.

1.6 The surrounding area is characterised by a predominantly residential land use, being surrounded mainly by two storey terraced houses, with some flats to the north west, and a small park and access to the river on its western side. The site falls within the Crabtree Conservation Area and is adjacent to the Fulham Reach Conservation area on its western boundary.

1.7 The site has public transport accessibility level (PTAL) of 2 on a scale of 1- 6b with 6b having the highest PTAL. There are several bus stops located within a short distance from the school. The 424 bus service operates as a 'Hail & Ride' service on streets around the site with a formal stop and shelter outside the school on Woodlawn Road. Another three bus routes are accessible from bus tops on Fulham Palace Road and Lillie Road. The site is located within Flood Zone 2 and 3.

#### Relevant Planning History

1.8 In 1985 permission was granted for alterations to the elevations and the laying out of a new play area and associated landscaping in connection with the provision of a nursery class (1985/00426/FUL).

1.9 Between 1985 and 2013 a number of applications have been approved for minor alterations including the altered form and materials of porch, replacement of a window with a door and the erection of a ramp to provide wheelchair access, installation of a ramp with handrails and door to the front elevation at ground floor level, repair work to the existing roof to include the capping of all 'sky' facing surfaces of the terracotta top stones to the parapet and chimney stacks with lead, and the removal remaining chimney pots and make good of chimney stacks.

#### Evolution of the scheme

1.10 The existing SEN building is in poor condition and is now out of step with modern day specialist teaching and learning environments.

1.11 In April 2011 and in May 2013 Parents active commissioned surveys to seek parents' views on play provision in Hammersmith and Fulham. Titled "We want to play too!" the 2011 survey identified a concern with the lack of play provision and after school clubs for disabled children. The follow up survey in May 2013 found that provision had increased but not consistently, especially over holiday periods and with eligibility criteria continuing to be an issue. The survey reported frustration with the lack of consistency or sustainability of provision.

1.12 An opportunity has now arisen to use a site identified in co-operation with Queen's Manor School to develop and build the Resource Centre and at the same time redevelop the SEN Unit at the school in to a modern facility that enhances the learning of children in the unit.

1.13 As well as designing and building a physical asset, a key part of the work is to develop the wider service offer and for the school provision at this site to fit within the overall local offer for children with disabilities in Hammersmith and Fulham. The proposals conform with this wider process and will help to contribute to this process to meet the additional needs of disabled children and their families.

1.14 The London Borough of Hammersmith and Fulham have been seeking to create a new resource centre for the care of disabled children between ages 0 and 18. There is no such provision within the borough meaning there is longstanding continued need for this specialist facility within the local area. The proposed centre will be integral to the delivery of disability services for children and their families in the borough providing specialist facilities for children and information and advice for families and carers.

1.15 It is considered that the proposed resources centre and improved SEN units would provide wider benefits to the community in terms of economic, social and environmental wellbeing, collectively known as "social value", providing a facility that will become the focal point for the community and the local offer for disabled children and their families which is currently lacking.

1.16 Formal pre application advice was sought in 2016, relating to the proposed erection of a single storey day care centre for disabled children the demolition of an existing SEN block at Queens Manor Primary School and the erection of a new block to replace it. The main issues considered included: the impact of the proposals on the setting and views of the Listed building and wall; school travel plan and highways impacts; sustainable urban drainage; and landscaping and trees.

#### Current proposal

1.17 The current proposals involve the erection of a new single storey children's resource centre (Use Class D1) within Queens Manor School; demolition and enlarged replacement of the existing single storey extension to the listed building currently used as the primary school special education needs (SEN) unit to the listed building. Associated alterations to the main school listed building; installation of a new kitchen door to the north west corner of the main school listed building; refurbishment of the listed canopy and toilets on the eastern boundary; refurbishment of the brickwork and new roofing to the listed store on northern boundary wall; removal of disused listed toilet block on southern boundary wall; and associated landscaping, and internal and external alterations.

1.18 The proposed Use Class D1 (non residential) centre is for maximum 20 children and 20 staff during weekends and weekday evenings. The needs of the children range from mild to severe, including needs for mobility equipment and hoists. There is a need for a 1:1 ratio of children to staff, as well as associated minimum floorspace requirements. The resource centre will function independently from the new SEN facility proposed within an enlarged extension to the listed building (described below), with its own entrance, but will have some shared facilities with Queens Manor School.

1.19 The proposed new SEN extension is to replace, enlarge and improve the existing school provision but would not increase the capacity of students. This requires the demolition of the existing 1950s weather boarded classroom and brick link, connecting to the western elevation of the existing main school building.

1.20 The replacement single storey SEN extension is intended to have an enlarged footprint 5.5m further to the south. A new lightweight glazed link will connect the SEN extension to the main school building utilising the existing opening without requiring removal of historic fabric.

1.21 The school would have two access points. The existing pedestrian and vehicular entrances from Lysia Street would be retained. A new vehicle access is proposed at Queensmill Road for the resource centre and this would require the demolition of 4.5m of the length of the existing listed wall along Queensmill Road, opposite No.s 82 and 84 Queensmill Road. This would provide access to a new parking area providing 8 parking spaces inclusive of 4 disabled bays and a minibus drop-off/pick-up bay. A new pedestrian access would also be created to the west on Rowberry Mead.

1.22 It is envisaged that the SEN unit and resource centre would be open for the academic year starting in 2018.

## 2.0 CONSULTATION RESPONSES (INTERNAL AND EXTERNAL)

### Pre-application consultation

2.1 The applicants have submitted a Statement of Community Involvement (SCI) which sets out the extent of pre-application discussions with officers and summarises the public engagement undertaken in advance of the application submission. All of this has helped to inform the evolution of the submitted scheme.

2.2 A public exhibition was held at Queen's Manor school hall, held in October 2016. The exhibition was attended by 60 people and provided an opportunity for local residents, community groups and stakeholders to express their views on the principles and details of the proposed schemes. The comments received at this session were collated and informed changes to the designs for the site.

2.3 The only changes included minimising the amount of on street parking spaces being lost to the new the new vehicular access in Queensmill Road.

### Formal Application Consultation

2.4 The application was advertised by site and press notices and individual notification letters were sent to some 102 neighbouring properties.

2.5 One neutral letter has been received and four objection letters raising the following matters:

- loss of on street parking spaces increasing parking stress
- road safety concerns over new entrance on Queensmill Road
- impact on design and character and appearance of original boundary wall, listed building and conservation area.
- Loss of playground area
- noise and disturbance.

2.6 Historic England were consulted and raised no objections. They have advised that the council may determine the application in accordance with its adopted policies.

2.7 The Environment Agency: No response has been received.

2.8 Thames Water: Raises no objection subject to conditions.

### 3.0 PLANNING CONSIDERATIONS

3.1 The main planning considerations to be considered in light of the London Plan (2011), and the Council's adopted Core Strategy (2011), Development Management Local Plan (DMLP) (2013), and the Planning Guidance Supplementary Planning Document (SPD) (2013) include; the acceptability in land use terms; including change of use of educational land and loss of open space; heritage, design and conservation, visual amenity; impact on the amenities of neighbouring residents including any environmental nuisance; highways matters; and other material considerations, including flood risk and contaminated land.

#### LAND USE

##### Education Use

3.2 The use of both the proposed new building, and the proposed new extension for educational purposes to provide a resource centre and SEN unit. The site will be divided into two with the proposed new building being operated by the council, and the upgraded specialist SEN facilities within the proposed extension forming part of Queens Manor School which is now an Academy School.

3.3 The NPPF paragraph 72 states that weight should be given to the need to create, expand or alter schools. This is supported by London Plan Policy 3.18 'Education facilities' which states that 'The Mayor will support provision of childcare, primary and secondary school, and further and higher education facilities adequate to meet the demands of a growing and changing population and to enable greater educational choice, including in parts of London with poor educational performance. The Mayor strongly supports the establishment of new schools, including free schools and opportunities to enable local people and communities to do this.'

3.4 Under Policy 3.18, paragraph C makes it clear that the development proposals which enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational purposes. Paragraph E states those development proposals which maximize the extended or multiple use of educational facilities for community or recreational use should be encouraged.

3.5 Within this context, the Local authorities' strategic role is to take a proactive, positive and collaborative approach to development that will widen choice in education, promoting a good supply of strong schools.

3.6 Core Strategy Policy CF1, 'Supporting Community Facilities and Services' supports the improvement and/or expansion of primary and secondary schools subject to site specific considerations. The supporting text (para 8.51) of policy CF1 states that the borough will aim to make improvements and changes to the local schools.

3.7 DMLP Policy DM D1 'Enhancement of Community Services' includes schools and states that the proposals for new or expanded community uses should meet local need,

be compatible with and minimise impact on the local environment and be accessible to all in the community they serve.

3.8 The Resource Centre will be integral to the delivery of disability services for children and their families in Hammersmith and Fulham. The centre will provide information and advice to parents as well as assessment of children, and will include a range of activity spaces and office space for staff. The re-built SEN Unit will provide a modern custom-built facility for the enrichment of children with additional educational needs that attend the Queens manor School. The associated landscape works for the project will benefit all of the children who attend Queen's Manor School.

3.9 This planning application has been submitted in response to an identified need. As part of the Council's commitment to put children and families first, it has sought to create strong links with parents' groups for children with complex needs. Disabled children and their families often require extra support to lead ordinary lives and they have been instrumental in identifying the need for this resource.

3.10 In its role as an educational authority, the Council has a statutory duty to provide school places within the borough. The proposed resources centre and SEN unit improve existing facilities. Furthermore, it is intended that the new facilities will be available as a community use for the public outside school hours. The resources centre and SEN unit proposals would therefore be in accordance with London Plan, Core Strategy Policy CF1 and DMLP Policy DM D1.

Loss of open space, trees and play space:

3.11 Under the terms of DMLP Policy DM E1 'Access to Parks and Open Space' the loss of public or private open space will not be permitted where such land either individually or cumulatively has local importance for its open character or as a sport, leisure or recreational facility or for its contribution to local biodiversity or visual amenity, unless it realises a qualitative gain for the local community and provides for the relocation of the open space. DMLP Policy DM E2 'Playspace for Children and Young People' resists proposals which result in the loss of existing children and young people's playspace or result in an increased deficiency in the availability of such playspace.

3.12 The 2015 Department for Education (DfE) advice on standards for school premises confirms that all maintained schools and academies must provide suitable outdoor space to enable physical education in accordance with the school curriculum and to enable pupils to play outside. There is a very strong policy presumption against the disposal of playing field land.

3.13 Prior written consent of the Secretary of State or compliance with the self certification process provided under General Consent Order No.5 (2014), to meet the requirements of Paragraph 7 of the General consent order is required to dispose of, or change the use, of land by maintained schools and academies, including playing field land, whether for another educational purpose or a non educational purpose. This is an entirely separate process.

3.14 The applicant wrote to the DfE in August 2016, with the notice of the intention to change the use of existing school playing fields, to meet the requirements of Paragraph 7 of the General consent order No. 5, 2014. Within the response letter of September 2016, the DfE acknowledges that the notification meets the requirements of Paragraph

7 of the order to achieve the objective of a resource centre for children with Special Education Needs as described in the Cabinet Committee report dated 4th July 2016."

3.15 Queens Manor Primary School is located on a confined site and the existing external areas available are limited. It is acknowledged that the proposal would lead to the loss of a predominantly green and landscaped area, including trees, in the west of the site, which will become a new building, hard Multi Use Games Area (MUGA) and car parking area. However, the location of the proposed buildings have been carefully considered to maintain the maximum amount of external play space and in terms of limiting the harm to the existing visual amenity while facilitating the secure access to the resource centre and SEN unit. The existing adhoc car parking area has been significantly reduced in size to a maximum of 8 spaces. Due to this the total proposed outdoor/play areas would be 3800m<sup>2</sup> for 276 children, this equates to 14m<sup>2</sup> per child which is slightly less than the existing 16m<sup>2</sup> per child for the 256 children. Furthermore the use of the playspace will be staggered so that the playgrounds are used at an appropriate density for the activities taking place and to help offset the amount of external areas lost due to the new and enlarged buildings.

3.16 The external playspace is to be relandscaped to improve the useability. The landscaping plan seeks to enable outdoor learning spaces to reflect a range of different but simultaneous uses: MUGA; a stimulating play area; secure play area for the resource centre; inclusive and safe play area for the SEN unit; and habitat and horticulture areas. The implementation of the landscaping plan prior to the occupation of the proposed development will be secured by a condition (Condition 9).

3.17 The remaining playground is considered sufficient to meet the needs of the extended school. In view of the above the proposed development is judged to accord with the abovementioned policies DM E1 and DM E2.

## Trees

3.18 London Plan Policy 7.19 'Biodiversity and Access to Nature' and Policy 7.21 'Trees and Woodland' are concerned with protecting biodiversity and trees. The policies requires that if a tree is to be removed, it should be replaced following the principle of 'right tree, right place'.

3.19 The DMLP Policy DM E4 'Greening the Borough' seeks to protect existing trees and maximise planting; and SPD Sustainability Policy 22 encourages the planting of additional trees.

3.20 The site has a total of 50 trees. Across the Application Site there are: 7 Category 'B' items, of moderate quality and value; 41 Category 'C' items, of low quality and value; and 2 Category 'U' items, which should be regularly inspected and retained as ecological assets. No category 'A' items were recorded. No trees within the site boundary are subject to a Tree Preservation Order.

3.21 The proposals would result in the loss of 15 trees (3 x Category B, 10 x Category C and 2 x Category U). However, these are to be replaced with 15 new trees, including a variety of natives. Whilst it is acknowledged that there would be a large number of trees lost in the western end of the application site, two of the most important trees in the south west corner would be retained. Indeed, it would be difficult to construct the new building and play areas without removing many of the trees. It is considered that

the proposed planting scheme would enhance and integrate the built form into the landscape, whilst providing accents and focal points to the building and key nodal spaces. Species have been chosen for their attractive seasonal qualities to provide year-around interest.

3.22 The Council's Arboricultural officer has assessed the proposals and considers that the replanting proposals will eventually provide most of the visual amenity that will be lost. In this respect the proposal complies with the above policies.

## HERITAGE IMPACT, DESIGN AND EXTERNAL APPEARANCE

3.23 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. London Plan Policy 7.1 'Building London's Neighbourhoods and Communities' requires that all new development is 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. London Plan Policy 7.4 'Local Character' requires development to 'have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings.' London Plan Policy 7.6 'Architecture' relates to architecture and the design of developments. The policy says that 'development should be of a high quality of design, of a scale that is appropriate to its setting, and built using high quality materials. It should complement the surrounding built form and should not cause unacceptable harm to the amenity of surrounding buildings'.

3.24 Core Strategy Policy BE1 'Built Environment' requires 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. DMLP Policy DM G1 'Design of New Build' 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. DMLP Policy DM G7 'Heritage and Conservation' seeks to protect, restore or enhance the quality, character, appearance and setting of the borough's conservation areas and its historic environment including listed buildings.

3.25 Dating to 1903-1904 the application site was listed Grade II in 2009. The listing includes the associated structures; school keeper's house, boundary wall, entrance arches, outdoor WC's and play sheds.

3.26 The building is located within the Crabtree Conservation Area and is a landmark building that can be seen from public vantage points including the Thames pathway. There are significant views to the building from the east, west and south-west. There are no other listed buildings within the nearby area that could be affected by the proposals.

3.27 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 the impact of the proposals on the significance of designated heritage assets would need to be assessed in terms of their impact on the setting 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.

3.28 The proposed works are for the demolition of the existing 1950s weather-boarded single storey structure attached to the rear of the main school listed building and for the erection of two new single storey buildings within the south-west corner of the application site, formation of a new pedestrian entrance access in the existing wall near the south west corner of the boundary, reinstating and repairing parts of the boundary wall, formation of a new vehicular entrance near to the south west corner of the site on Queensmill Road, and associated landscaping.

#### Significance of heritage assets

3.29 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).

3.30 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'. The Crabtree Conservation Area was designated in April 1989. LBHF has produced a Conservation Area Appraisal which sets out the history of the area and its reason for designation.

#### Listed Buildings

3.31 Queen's Manor Primary School was listed grade II on 11 December 2009. The list description gives the following reason for its designation:

'It is an exceptionally imposing and well-preserved example of a London Board School, built at the end of the School Board period and exemplifying TJ Bailey's move towards more dramatic, Baroque-influenced forms. It retains an unusually complete ensemble of ancillary structures including an ornamental boundary wall, entrance gateways, playground sheds, toilet blocks<sup>12</sup> and school keeper's house.'

3.32 The building is of architectural interest from its recognisable style as a London School Board building utilising red brick with Portland Stone dressings. The building has two principal elevations demonstrated by the similarity of detailing on both sides of the building front indicating both elevations were designed to be seen and are of equal interest. The building's height and scale in comparison to the surrounding built development give it a presence in the street scene and contributes to its architectural interest.



3.33 There is further architectural interest in the move away from the traditional Queen Anne Style formerly favoured for School Board buildings by ER Robinson and also T J Bailey himself. This is evidenced in the more Baroque influence of Queen's Manor School.

3.34 The statement of significance mentions the ancillary structures within the grounds which contribute to the setting of the listed building. The school keepers house, play sheds, boundary wall, entrance gates and original toilet block all contribute to the setting of the main building and its architectural interest by demonstrating the original requirements of the school site.

3.35 The 1950s classroom and toilet block do not contribute to the architectural interest of the building. The classroom is connected to the main school building through a brick link that detracts from the main school building as its use of solid red brick blends this later addition with the older part of the school building confusing the hierarchy of the structures. Typically the outbuildings for the school were in plainer stock brick demonstrating a lower status/function. The weather boarding of the classroom indicates its later date and subservient function but this is now in a poor state of repair with signs of decay which detracts from the overall appearance of the school site.

3.36 Similarly the 1950s toilet block has been attached to the boundary wall of the school and has been built in red brick which is out of character with the original school buildings in the yard which were of yellow stock brick reflecting their subservient nature to the main school building.

3.37 Historic interest: The historic interest of the building is primarily illustrative as an example of a London School Board with its associated outbuildings, school keepers house and boundary wall. The 1870 Elementary Act required partially state funded elementary schools to be established in areas where existing provision was inadequate. Around 500 board schools were built in London and due to their size and design were often 'the most striking buildings in their locale'.<sup>13</sup> The building therefore indicates that the area must have become heavily built up quickly and the presence of the housing and school at the same time on OS maps suggest the school was in response to the rapid development of the area.

3.38 There is further illustrative interest in the surviving entrance gates which show separate entrances for the boys and girls reflecting the former division of boys and girls at the beginning of the 20th century.

3.39 The building has some aesthetic value but this contributes to the architectural value of the building rather than its artistic interest. There is some very limited artistic interest derived from the carving of terracotta for the boys and girls entrance gates and the decorative detailing on the main school building.

#### Setting of the listed building

3.40 The setting of the listed building contributes to an appreciation and experience of its architectural and historic interest. School Board buildings tended to be located in poorer areas so the location of the building contributes to the illustrative historic interest of the school and demonstrates the development of the area.

3.41 The setting of the building is comprised of its location surrounded by residential housing on the north, east and south sides, with a park and access to the river on its western side. The site is bordered on nearly all sides by its boundary wall which encloses the school grounds separating it from the wider area.

3.42 The outbuildings within the school grounds which comprise the school keeper's house, entrance gates, original outdoor toilet blocks (not the later 1950s addition), and playground shed's all contribute to the setting of the building by contributing to an experience of the original requirements of the school.

3.43 The 1950s classroom as stated above does not contribute to the setting of the school building. Its plain nature and poor state of repair detract from the main listed building and its contemporary outbuildings. As stated the redbrick link building does not reflect the more subservient nature of the outbuildings and distorts the distinction between the original school building and this later addition.

3.44 Similarly the 1950s toilet block does not contribute to the setting of the listed building due to its later age and use of red brick which is out of keeping with the other school buildings in the grounds.

#### Proposed alterations to the listed building

3.45 The proposed link structure of the SEN unit will replace the existing link. This is the only element which will be in contact with the main school listed building. The new link will be a glass structure which will connect with the main school building on an existing brick structure which is not an original feature. It is therefore considered that this would be a minor alteration, with no impact on fabric of original building as link will be connecting to an existing intervention. Conditions are proposed to be attached to any permission requiring the submission of details of the junction of new building with listed building.

3.46 A number of alterations are proposed to the existing boundary wall:

- The new vehicular entrance from Queensmill Road which would require the demolition of a 4.5m section of listed wall, including a new automated wrought iron sliding gate, and brick piers using reclaimed brick with new stone cappings to match the existing.
- The new pedestrian entrance on the west elevation which would require the demolition of a 1.7m section of listed wall, including a new wrought iron swing gate, and brick piers using reclaimed brick with new stone cappings to match the existing.
- Installing wrought iron railings on top of lower parts of the boundary wall on the south west corner following removal of existing chain link fencing.
- Reinstating boundary wall on west elevation and south east corner following removal of existing chain link fence.
- Repair and make good all of the boundary wall
- Erection of a welded mesh fence behind the boundary wall adjacent to the resource centre and MUGA.

The proposed development would result in less than substantial harm caused as a result of the loss of part of the listed wall to provide the new vehicular gate on Queensmill Road. This will be offset by the improvements made to reinstate large

sections of the original wall on the west elevation and the south east corner, the removal of the chain link fence, and repairs to all of the remainder of the existing wall.

#### Other proposed changes

- 3.47 - Erection of a new single storey resource centre located adjacent to the western boundary.
- Demolition of the existing SEN unit, and erection of an enlarged replacement single storey extension to provide an improved SEN unit. The proposed extension would be partly in the same location as the existing SEN unit. The enlargement of the area of the existing extension will be achieved by widening the footprint by pushing out towards the southern boundary by 5.5m. This would have some impact on the views of the main school building from public vantage points adjacent to the south west corner of the application site.
  - Demolition of 1950's toilet block located adjacent to the southern boundary wall.

#### Crabtree Conservation Area

3.48 The Crabtree Conservation Area was relatively undeveloped from the 11th century until the 19th century. During this time, it was largely under cultivation with a number of apple and pear orchards in the area. In the mid-18th century the area from the northern boundary of the orchards to Crabtree Lane were all open fields which shows largely open land (especially in the area where Queen's Manor School is now located).

3.49 It was not until the development of the railway in the 1880s that urbanisation of the area began in earnest. Ordnance Survey maps between 1894 and 1920 demonstrate the increasing urbanisation of the area at this time. Where Queen's Manor School is located was not developed until the very end of the 19th century/ beginning of the 20th century. OS maps show that up until at least 1894 the area immediately surrounding the application site was still largely undeveloped with only a few individual buildings present. However by the 1920 OS Map the area is largely developed as it is today with a number of streets surrounding the school building with terraced houses making up the majority of built form in the area. There are more open views to the west to the river where there was less development.

3.50 The application site, and in particular the boundary wall, provides boundary edges along all four sides on Lysia Street, Woodlawn Road, Queensmill Road and Rowberry Mead. Key views of the boundary wall and school building are therefore visible from long views in these surrounding streets.

#### Fulham Reach conservation area

3.51 Fulham Reach conservation area follows the Thames from Queen Caroline Street to Fulham Football Ground. The designation of the area as a conservation area was to ensure that any future redevelopment proposals recognise the sensitive nature of the riverside, in particular the long sweeping views northwards towards Hammersmith Bridge. The key views of the application site from Fulham Reach conservation area are from the Riverwalk, however these are obscured to some degree by trees and other planting.

Is harm caused by the proposal?

3.52 The Council is required to undertake an assessment of the impact of the submitted proposals on the significance of the heritage assets.

3.53 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.

3.54 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.'

3.55 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.'

3.56 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.'

3.57 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.'

3.58 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). 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.

#### Identification of the heritage assets affected by the proposal

3.59 Officers consider that the designated heritage assets that would be directly affected by the proposals are:

- The Grade II listed school building and boundary wall
- Crabtree Conservation Area

3.60 Consideration also must be given to the setting of the Grade II listed school building.

3.61 Consideration is also required of the impact on character and appearance of adjacent conservation area setting including Fulham Reach Conservation Area immediately to the west.

3.62 The significance of each asset has been assessed in accordance with Historic England's methodology for assessing 'significance' as set out in 'Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment'.

3.63 The directly affected heritage assets are important elements in the historic development of Fulham and are considered to have historical, communal, and aesthetic value by virtue of their architecture, townscape contribution, uses and location.

3.64 In this case, the proposed alterations to the listed building, and the new building being proposed within the curtilage of the listed building, would result in some harm to the significance of the school building, boundary wall and its setting. It is considered that the harm should be treated as less than substantial. Paragraph 134 of the NPPF states that any less than substantial harm to the significance of a designated heritage asset should be outweighed by the public benefits of the proposal.

3.65 The proposed works to erect a larger extension to the listed building with an increased footprint to the south of the existing is considered to cause some harm to the significance of the building as it would result in the loss of some views of the main listed school building from public vantage points from the south west corner, and loss of part of the boundary wall. This is particularly the case given the cumulative nature of both the proposed replacement extension and new resource centre building, which together will impact on the views of the listed building from the west and south-west.

3.66 Various layouts and locations for the proposed new resource centre have been considered prior to the submission of the application scheme. The alternative option in the north west corner of the site would have less impact on views of the Listed Building and would not involve demolition of the boundary wall. However, this option would have not enabled other key requirements:

- Improve on the current sports provision as part of the wider landscaping for the school;
- A landscaping strategy to solve their issues with parent congestion during pick-up times at the end of the day;
- Provide adequate internal floor area to meet requirements;
- Provide security for the drop-off point for the resource centre. The vehicle entrance would have been shared with the school; and

- Buildings would have been very close to each other creating a potentially oppressing and congested feel.

3.67 The layout being proposed is the most appropriate for the improved operation of the school, as it provides;

- enough space to provide the required footprints of the buildings;
- fits a guideline MUGA (Multi Use Games Area) with sufficient playground space;
- a segregated secure drop off point for students to the resource centre; and
- relocating the school extension would require a new link to the main listed building.

3.68 The works affecting the link of the proposed extension to the main listed building would consist of a glazed structure which would be attached to a non original existing brick structure. It is considered that this part of the proposal would keep with the existing arrangement and would not have a visual impact on the facade. This aspect of the proposed works is therefore not considered to harm the significance of the building.

3.69 It is considered that the existing 1950's toilet block against the southern boundary stables block does not contribute to the setting of the listed building, and therefore its demolition is not considered to be inflicting harm.

3.70 The impact of the proposed external listed building works and demolition on the Crabtree Conservation Area within which the property lies and adjacent Fulham Reach Conservation Area is considered to be negligible, as they would not be visible from public viewing points; and only to a limited degree from the adjacent conservation area.

3.71 The proposed external listed building works and demolition would have no impact on the settings of the grade II listed Queens Manor School or Crabtree Conservation Area as they would not be visible in the context of these heritage assets.

3.72 The resultant harm to the significance of the Queens Manor School would be less than substantial, and outweighed by the benefits of the scheme securing the improved facilities and that also contributes to the character and appearance of the conservation area.

#### New development

3.73 The proposal involves the demolishing of the existing SEN unit, which is not considered to positively contribute to the local townscape or the setting of the conservation area and nearby conservation areas.

3.74 The proposed design of the new resource centre has been amended significantly during negotiations with the applicant and has been reduced in height, moved slightly away from the south-west corner and the materials have been changed in order to reduce its visual impact and protrusion above the height of the boundary wall as little as possible.

3.75 The new building would be 3.3m in height and proposed materials are limestone cladding for the main facade material and zinc standing seam for the roofing of the SEN unit. The resource centre in particular has been set off of the western boundary as much as possible to further reduce views of the structure from the west. However, the

new building would be an obvious new structure in the south-west/western part of the listed school site, which currently has an open aspect with views of the listed building. The new building would, as a result, cause some harm to views of the listed building.

3.76 The change in one view from the south-west of the site when looking at the rear principal elevation is as a result of the new building partially obscuring that view. The harm identified is at the lower end of less than substantial as identified within the Heritage Statement due to the fact that this is just one view of the asset and one component of its setting and special interest. The historical and architectural significance of the listed building will be largely preserved and experienced with a setting appropriate to its historical development and character. While the visual change associated with the new building within the grounds of the school will slightly erode an experience of the building it will not result in a significant effect on its special interest.

3.77 In addition there will be a less than substantial harm to the architectural interest of the boundary wall resulting from the removal of historic fabric to allow for the new vehicular and pedestrian entrances, the erection of some small sections of wrought iron railings on top of some sections of walls that are lower on the south west and south east corners, and the erection of a mesh fence behind the boundary wall adjacent to the MUGA. These interventions are being kept to the minimum, and would be balanced against the benefits of the improvements from the refurbishment of the boundary wall. All of the existing chain link fence is to be removed, which is considered to be an improvement of the boundary treatment, including repairs to all damaged areas of the existing wall, the reinstatement of the original wall in particular on the western boundary, and replacement of chain link fence with a low wall and wrought iron railings on top adjacent to the proposed resource centre where views of the Listed building are to be retained.

3.78 The benefits of the proposals, include the following and should be weighed against the slight level of less than substantial harm that has been identified in accordance with the NPPF:

- New Special Educational Needs provision for Queens Manor School which will provide an updated and purpose built new learning facility (social and educational benefit);
- New resource centre (social/educational/community benefit);
- Repairs to the boundary wall (heritage benefit).

3.79 These benefits should be weighed against the slight level of harm in accordance with paragraphs 132-134 of the NPPF. The constraints of the site have led to a considered approach to siting which included exploring other locations on the site. The proposed location is the most sympathetic to the listed building whilst providing the space required for the facilities needed. The site constraints mean that all the required facilities can only be practically achieved in the location proposed which is the optimum siting. This location was the only place where the new buildings could be accommodated whilst having a minimum effect on views to the listed building. Given the constraints of the site, (including the amount of space available, the access to it, the existing functions on the site and the need to be subservient to the listed building) has meant important consideration has been made to reduce the impact of the new buildings on the listed building by ensuring the materials, bulk, scale and mass all remain subservient to, and compliment the listed building in accordance with local policies BE1 of the Core Strategy, and Policies DM G1, DM G3, DM G6 and DM G7 of the Development Management Local Plan.

3.80 Significant effort has been made to minimise the change to the setting of the building while ensuring the practical implementation of the educational facilities. As demonstrated the scheme would bring about significant environmental and social benefits, as well as some heritage benefits. In this case, to secure these benefits it is considered that some very limited harm to the setting of the listed building is necessary and can be justified in accordance with paragraphs 132-134 of the NPPF.

3.81 Officers consider that the proposal would preserve the character and appearance of the Crabtree Conservation area and adjacent Fulham Reach Conservation Area.

3.82 Overall the proposed elevational treatments would provide an architectural language with enhanced visual uniformity across the site when compared to the existing mix of original buildings and modern extensions. It is considered that the general appearance of the proposal has been designed to integrate sympathetically with the existing scale and character of the buildings in the locality and conservation area whilst having a fresh contemporary appearance to allow the new to have a building reflecting its own identity. The proposals would accord with Core Strategy Policy BE1, DMLP Policies DM G1 and DM G7.

## ACCESSIBILITY

3.83 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 submitted an accessibility statement which details external access to and internal access within the proposed buildings.

3.84 Access to the new building has been designed to be wheelchair accessible and is achieved by the following:

- The proposed access points to the site, the main school building, the proposed new SEN unit, and the proposed new centre will be accessible to users of all abilities. The access paths and entrances into the buildings are all level as is the new link between the existing main building and the proposed new SEN unit.
- Additionally the proposed new classrooms will have direct level access to dedicated play areas.
- Corridors and other circulation within both buildings have been designed with extra space for manoeuvring large mobility equipment. In addition, the centre's ceiling includes room traverse hoists in key spaces to allow the staff to assist movement in rare cases where this is required.
- Proposed floor and other finishes have been chosen with the buildings users in mind. Large majority of the floors are proposed in rubber flooring which is particularly good for wheelchairs. It also has the durability and slip resistance of vinyl flooring but it has give making it softer to the touch.

3.85 Officers are satisfied that the access arrangements of the proposal are in accordance 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.



## IMPACT ON RESIDENTIAL AMENITY

3.86 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.

3.87 The proposed buildings would be single storey and set within the existing school premises, located away from any neighbouring residential properties. Officers consider that the proposed development would not have an unacceptable adverse impact on residential amenity in terms of daylight, outlook, or loss privacy and would thereby accord with Policy DM G1 of the DM LP and SPD Housing Policies 7 and 8.

3.88 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.

3.89 It is difficult to predict with any accuracy the likely level of noise/disturbance that would be generated by the comings and goings at the new vehicular entrance on Queensmill Road and pedestrian entrance on Rowberry Mead, however, on balance, having regard to the proposed numbers of users potentially using the entrance (a maximum of 20 children and 20 staff) 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.

3.90 The environmental protection division have considered the proposals in respect of possible noise impact and raise no objections subject appropriate conditions including: demolition method statement and construction management plan; external lighting; plant; amplified music; and hours of use.

3.91 Overall, officers consider that the proposed development would, subject to conditions, not have an unacceptable adverse impact on residential amenity in terms of noise and would thereby accord with Policy DM A9, H9 and H11 of the DM LP and SPD Housing Policy 8.

## TRAFFIC AND HIGHWAYS

3.92 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.

3.93 Policies 6.1, 6.3, 6.9, 6.10, 6.11 and 6.13 of The London Plan set 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 and cycle standards.

3.94 Core Strategy Policy T1 'Transport' supports The London Plan and seeks to improve transportation within the borough, by working with strategic partners and

relating the size of development proposals to public transport accessibility and highway capacity. DMLP Policy DM J1 'Transport Assessment and Travel Plans' and SPD Transport Policy 2 states that all development proposals will be assessed for their contribution to traffic generation, and DMLP Policy DM J2 of the Development Management Local Plan set out vehicle parking standards, which brings them in line with London Plan standards and circumstances when they need not be met. DMLP Policy DM J5 'Increasing the Opportunities for Cycling and Walking' and Table 5 and SPD Transport Policy 12 seek to ensure that satisfactory cycle space is provided for all developments.

### Existing Transport Situation

3.95 The application site is within the Controlled Parking Zone X, with on street parking restrictions on Monday to Saturday between 9am to 5pm with additional restrictions for Fulham Football Club match days of Monday to Sunday between 9am to 9.30pm. The existing vehicular access point is via Lysia Street, which services a large tarmacked area to the west of the main school building providing car parking for approximately 50 cars on an ad hoc basis.

### Proposed Development

3.96 This proposal is for an enlargement of the existing SEN facility at the school and subdivision of the site into two planning units with the provision of a new resource centre in the western part of the site. The SEN facility is envisaged to operate as per the existing arrangements as part of the school, while the new resource centre is proposed to be used as a separate facility.

3.97 A new vehicular access is proposed on the Queensmill Road street frontage, consisting of 4.5m width. A new pedestrian gate is also proposed on the west elevation close to the south west corner of the site, which will be accessed from Rowberry Mead. Both these new entrances would serve the resource centre, although access will also be for some staff to the primary school as some parking spaces will be used by Queens Manor School key staff. The Lysia Street entrance would continue to be used for students attending the school as the main pedestrian access.

3.98 Given the site's public transport accessibility (low score of 2), Queens Manor School has stated that having some parking is essential to the school's operation.

3.99 Queens Manor School has a TfL STARS Travel Plan. An Outline Travel Plan for the Resource Centre, prepared in consultation with RBKC and in accordance with Travel Planning Guidance (TfL, 2013), has been submitted to support the application. The Travel Plans will include surveying the travel to/from school, continuously monitor the situation and introduce new measures as agreed with the LBHF school travel plan advisor. This will be secured by conditions.

3.100 Both Travel Plans will encourage sustainable transport and seek to limit car based trips. The TPs will make it clear to all school and day centre users that the new car park will only have 4 disabled + 4 standard spaces for visitors. It is acknowledged that generally the provision of car parking within schools is not acceptable. However, in this instance given the existing arrangement of the potential to accommodate up to 50 cars on site, the significant reduction to 6 spaces is therefore considered acceptable.

3.101 The vehicle entrance gates will be electronically controlled although the exact mechanism to trigger its opening has not yet been confirmed. It has been confirmed that the entrance and car park will be for the exclusive use of the school and care centre only. Further details will therefore need to be secured through condition regarding a Parking Management Plan. However, it is likely that school staff who are allocated one of the spaces would have a remote control which triggers the opening of the gate.

#### Parking stress

3.102 SPD Transport Policy 4 states that the level of overnight parking should not leave less than 20% free notional on street overnight parking capacity following development. Although this is usually relevant to residential conversions, it is considered that this test would inform whether the development under consideration will have any significant impact on the existing parking stress.

3.103 The proposal would result in the loss of two on street parking spaces in Queensmill Road. The Council's own parking stress surveys of the stretch of the Queensmill road where the vehicular crossover will be created shows the levels to be 56% before and 59% after. If the whole of Queensmill road taken into account, the stress before is 79% and after the vehicular crossover created will be 80%. The stress in Woodlawn road directly adjacent to Queensmill road turns out to be 47%. It is therefore considered that on balance, the loss of two on street parking spaces would not have any significant impact on the existing parking stress to an extent as to warrant the refusal of planning permission.

#### Cycle parking

3.104 London Plan Policy 6.9 on Cycling, includes minimum standards, for land use D1 which are split into two categories: long stay and short stay. For long stay, minimum requirements are: 1 cycle parking space per 8 staff or students, whereas for short stay a minimum of 1 cycle parking space is required per 100 students. To be compatible with this policy a minimum of 5 long stay spaces and 1 short stay space is required. This proposal includes 10 cycle parking spaces for students and staff thus compatible with the policy. The provision of the cycle storage will be secured by condition (Condition 18).

#### Refuse/recycling

3.105 The applicant is required to submit further details on refuse and recycling collections for each proposed land use. These details will need to be secured by a condition.

#### Delivery/Serviceing

3.106 The Resource Centre is likely to generate 1 delivery a week from a supermarket. In addition, there will be irregular ad hoc equipment etc. deliveries. The SEN unit will continue to be serviced as existing from Lysia Street. Service and delivery arrangements will be secured by condition (Condition 25).

## School Travel Plan/Resource Centre Travel Plan

3.107 A school travel plan will need to be approved by the Council prior to occupation. The action plan initiatives will need to be agreed and implemented in order to move towards greater use of sustainable modes of transport for students and staff. Monitoring of smart targets will need to be carried out annually and a report forwarded to the Council as part of an on-going review. Additional measures may be introduced to support the further improved thereafter. These details will be secured by condition (Condition 37).

## Construction Logistic Plan (CLP)

3.108 A condition (Condition 19) should be attached to any permission to ensure that satisfactory details are submitted. This will require that prior to start of works associated with this proposal the applicant will submit the CLP.

3.109 Overall in terms of highways and transport implications, subject to the following: a school travel plan; a resource centre travel plan; provision of cycle parking for the school and resource centre; refuse and servicing delivery plans; and submission of a satisfactory Construction Logistics Plan the proposal is judged to comply with DMLP Policies DM J1, J6, H5, H8, H9, H10 and H11, SPD Amenity Policy 19 and 26, SPD Transport Policy 28, and London Plan Policy 6.3.

## ENVIRONMENTAL CONSIDERATIONS

### Flood Risk:

3.110 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.

3.111 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.

3.112 Borough Wide Strategic Policy CC2 'Water and Flooding' and DMLP Policy DM H3 'Reducing Water and the Risk of Flooding' requires development proposals to reduce the use of water and minimise existing and future flood risk and the adverse effects of flooding on people by implementing a range of measures such as Sustainable Drainage Systems (SUDS) (where feasible) and also the use of water efficient appliances. These policies are supported by SPD Sustainability Policy 1, which requires the submission of information relating to flood risk.

3.113 The site is in the Environment Agency's Flood Zone 3, so a Flood Risk Assessment (FRA) is required. The submitted FRA shows that the site is well defended from flooding from the Thames due to the presence of flood defences such as the Thames Barrier and local river walls. However, if these were breached or overtopped, part of the site could be impacted by flood water although the main access/exit to the school should remain clear. In terms of surface water flooding, the site is not in a surface water flooding hotspot, although in an intense storm the council's Surface Water

Management Plan shows that there could be some minor ponding of water on parts of the site and flowing water around the neighbouring roads.

3.114 The proposed development does not include basement construction, so sewer and groundwater flood risks are not significant. In order to mitigate the residual flood risk on site, the FRA proposes a range of flood resilience measures. These include bringing down electrical services from ceilings, where possible; raising wiring and power outlets on lower ground and ground level; all plumbing insulation to be of closed-cell design; any kitchen units to be of solid, water resistant material; use of MDF carpentry (i.e. skirting, architrave, built-in storage) to be avoided at ground floor level; sign up to the EA Flood Warning Service; ground floor levels of the extension to the existing school to be set no lower than existing ground floor. Water tight flood resilient seals will also be installed for any ground floor opening level windows, and doors to ensure flood water cannot enter. In the unlikely event of a flood event, site users would be able to exit the site via the north east access point to Queen's Manor Primary School, which is located outside the 2065 and 2100 breach flood extents.

3.115 Overall, the recommended mitigation measures outlined in the FRA are acceptable and their implementation would be conditioned (Condition 15).

## SUDS

3.116 A detailed Sustainable Drainage Strategy has been submitted to show how surface water will be managed on site in line with the requirements of London Plan policy 5.13 and Local Plan policy DM H3 and associated guidance which require peak surface water runoff to be attenuated by as much as possible, or by a minimum of 50% compared to the current situation on site.

3.117 The revised SuDS Strategy confirms the integration of a green roof, use of permeable surfaces on the multi-use games area and other areas, inclusion of raingardens and drainage channels to direct run-off to these, pond and wildlife meadow, permeable soft landscaped and permeable paved/gravelled areas and planting which would all help attenuate surface water run-off. These measures are welcomed and overall these SuDS measures, alongside the tank and flow control proposals, will reduce run-off from the site compared the current situation. A condition (Condition 14) will therefore be attached to any approval ensuring the implementation of the measures as outlined.

3.118 Subject to conditions, the proposals accord with relevant flood risk and surface water drainage policies 5.12 and 5.13 of the London Plan 2011, the Core Strategy policy CC2 and DM Local Plan policy DM H3.

## Contamination

3.119 Policy 5.21 of the London Plan, Core Strategy Policy CC4 'Protecting and Enhancing Environmental Quality' and DMLP Policies DM H7 'Contaminated Land' and H11 'Control of Potentially Polluting Uses' 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.

3.120 Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. Conditions would be attached in event of permission being granted in order to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan.

## CIL

3.121 Mayoral CIL came into effect in April 2012 and is a material consideration to which regard must be had when determining this planning application. In this case, the application proposes an educational use, for which the CIL levy is exempt.

3.122 Hammersmith & Fulham's local CIL came into effect in September 2015 and is a material consideration to which regard must be had when determining this planning application. In this case, the application proposes an educational use, which has a local CIL levy set at £0 per square metre.

## 4.0 CONCLUSIONS and RECOMMENDATION

4.1 Officers consider that the proposed development would be appropriate in terms of land use, design and scale, would preserve the setting of the Listed Building and conservation area would not cause significant harm to the amenities of neighbouring residents.

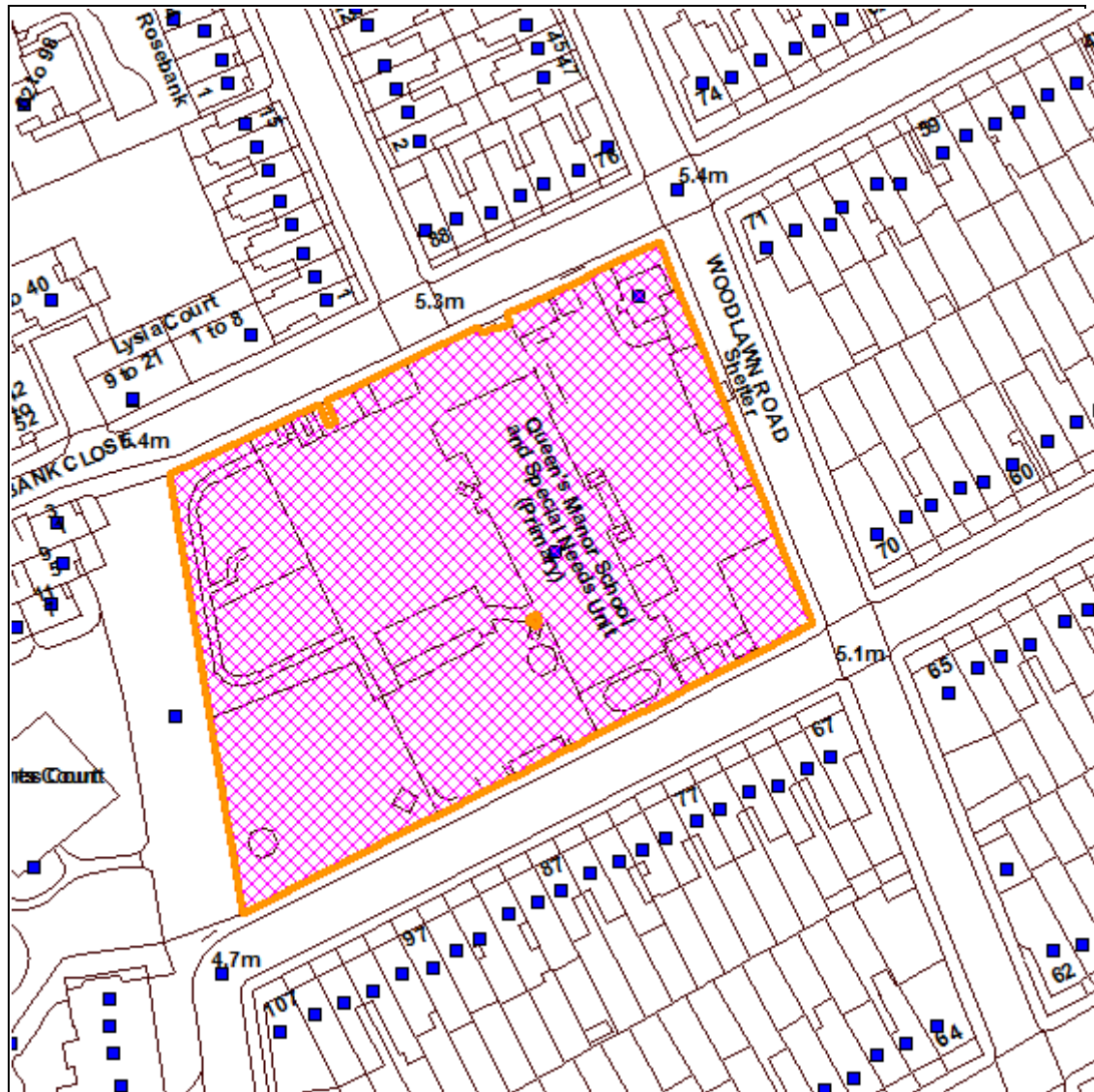
4.2 Subject to the submission of further details which can be secured by condition, the proposals are generally supported. The proposals would meet a corporate objective for providing additional educational facilities. Officers consider that these wider public benefits outweigh the concerns about the impact on the Listed building and wall.

4.3 It is recommended that the application is approved subject to conditions.

**Ward:** Palace Riverside

**Site Address:**

Queens Manor Primary School Lysia Street London SW6 6ND



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

**Reg. No:**  
2016/04900/LBCHF

**Case Officer:**  
Graham Simpson

**Date Valid:**  
16.11.2016

**Conservation Area:**  
Crabtree Conservation Area - Number 28

**Committee Date:**  
14.03.2017

**Applicant:**

L.B of Hammersmith & Fulham  
c/o Resolution Planning

**Description:**

Erection of a new single storey children's resource centre (Use Class D1) within Queens Manor School; demolition of the existing single storey extension to the listed building currently used as the primary school special education needs (SEN) unit and erection of an enlarged replacement single storey extension to the listed building for the unit with associated alterations to the main school listed building; demolition of part of the listed boundary wall on the Queensmill Road elevation to provide an additional vehicular access; provision of car park to provide 6 parking spaces; installation of a new kitchen door to the north west corner of the main school listed building; refurbishment of the listed canopy and toilets on the eastern boundary; refurbishment of the brickwork and new roofing to the listed store on northern boundary wall; removal of disused listed toilet block on southern boundary wall; and associated landscaping, and internal and external alterations.

Drg Nos: 100; 101; 102; 103; 104; 200; 201; 300; 301; 420 02; 421;422; 425; 426; 450; 451; 452; 453; 500; EX801;050; 051

**Application Type:**

Listed Building Consent LBHF

**Officer Recommendation:**

That the application be approved subject to the condition(s) set out below:

- 1) The works hereby granted consent shall not commence later than the expiration of 3 years beginning with the date upon which this consent is granted.

Condition required to be imposed by Section 18(1) (a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by section 91 of the Planning and Compensation Act 2004).

- 2) The works hereby approved are only those specifically stated in the written description and indicated on the approved drawing numbers outlined above.

In order to safeguard the special architectural or historic interest of the building, in accordance with policy DM G7 of the Development Management Local Plan (2013).

- 3) All works of making good shall match the existing fabric in every respect. In particular repairs and works to make good the original parquet flooring, including where partitions are removed, should match the existing flooring.

In order to safeguard the special architectural or historic interest of the building, in accordance with policy DM G7 of the Development Management Local Plan (2013).

- 4) A Method Statement, and detailed drawings in plan, section and elevation at a scale of no less than 1:20, in respect of the following, shall be submitted to and



approved in writing by the local planning authority before the relevant part of the work is begun:

- a.) Repairs to boundary wall;
- b.) New openings in boundary wall;
- c.) Repair to listed school building; and
- d.) Alterations to listed school building.

The works shall be implemented in accordance with both the approved details prior to commencement of the relevant works and shall thereafter be permanently retained.

In order to safeguard the special architectural or historic interest of the building in accordance with policy DM G7 of the Development Management Local Plan (2013) and policy BE1 of the Core Strategy (2011).'

**Justification for Approving the Application:**

- 1) It is considered that the proposal would not adversely affect the special architectural or historical merit of the property, nor would it affect its original appearance. In this respect the proposal complies with Policy BE1 of the Core Strategy (2011) policies DM G3 and DM G7 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: 7th November 2016  
Drawing Nos: see above

**Policy documents:** National Planning Policy Framework (NPPF) 2012  
The London Plan 2016  
LBHF - Core Strategy Local Development Framework 2011  
LBHF - Development Management Local Plan 2013  
LBHF - Planning Guidance Supplementary Planning Document  
2013

**Consultation Comments:**

**Comments from:**  
Historic England London Region

**Dated:**  
03.01.17

**Neighbour Comments:**

**Letters from:**  
97 Queensmill Road London SW6 6JR  
70 Queensmill road London sw6 6js

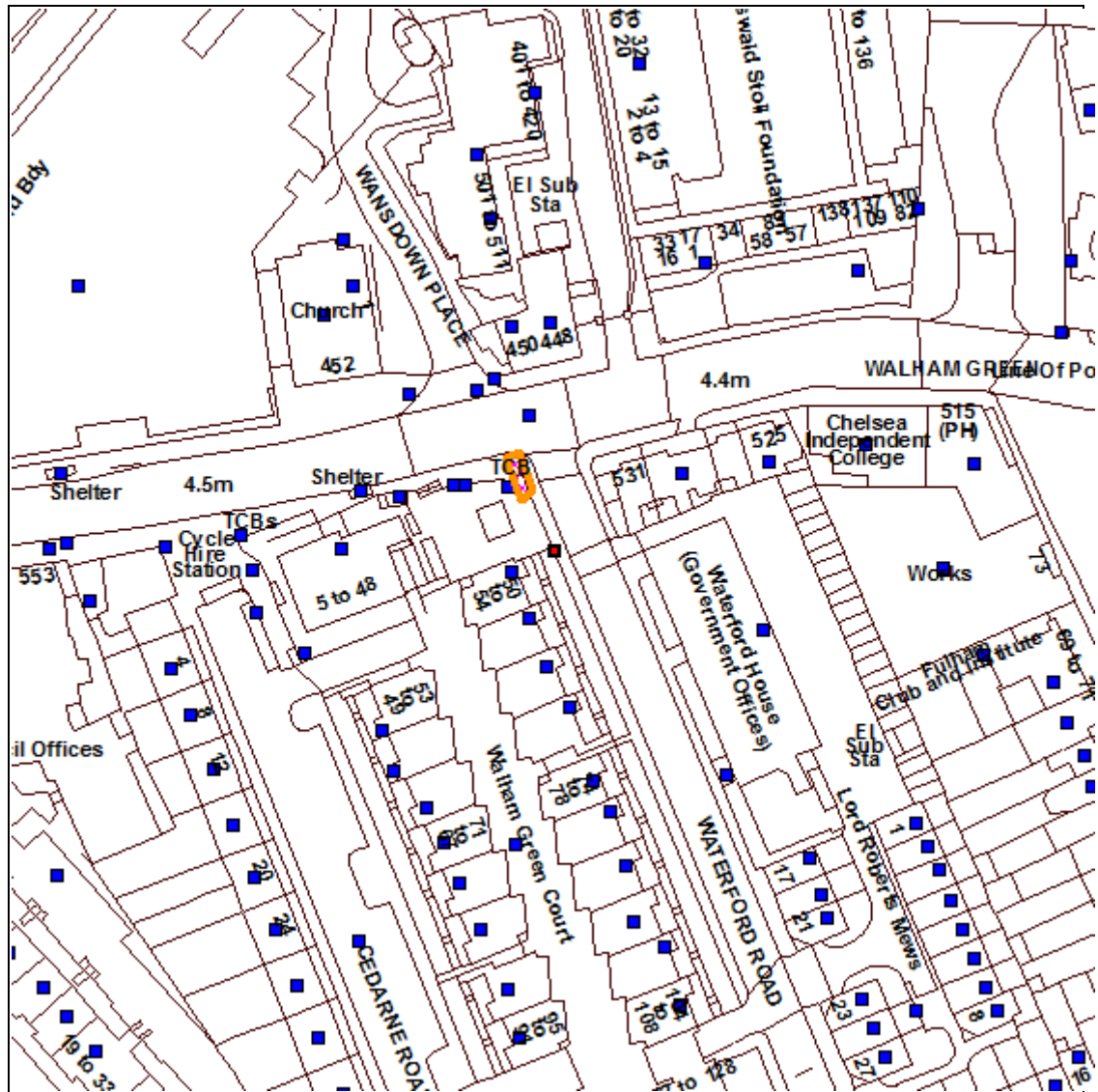
**Dated:**  
05.12.16  
05.12.16

Refer to report for application ref. 2016/04899/FR3 for details.

**Ward:** Parsons Green And Walham

**Site Address:**

Outside Walham Green Court Waterford Road London



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

**Reg. No:**  
2016/04700/ADV

**Case Officer:**  
Simon Taylor

**Date Valid:**  
21.12.2016

**Conservation Area:**  
Moore Park Conservation Area - Number 30

**Committee Date:**  
14.03.2017

**Applicant:**

London Borough Of Hammersmith And Fulham  
Town Hall King Street Hammersmith London  
W6 9JU

**Description:**

Display of a free standing single sided digitally illuminated LED screen measuring 6m (height) x 3m (width) x 0.74m (depth) fronting Fulham Road (amended description).  
Drg Nos: 2555/PP/01, 2555/PP/02, 2555/PP/03, 2555/PP/04, 2555/PP/05, 2555/PP/06 and 2555/PP/07

**Application Type:**

Display of Advertisements

**Officer Recommendation:**

That the application be approved subject to the condition(s) set out below:

- 1) The period of this consent shall expire 5 years from the date of this notice.

Condition required to be imposed by The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 2) The advertisements hereby approved shall be erected and displayed only in accordance with the approved drawings: 2555/PP/01, 2555/PP/02, 2555/PP/03, 2555/PP/04, 2555/PP/05, 2555/PP/06 and 2555/PP/07, and shall thereafter be retained in this form.

In order to ensure full compliance with the advertisement consent application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with policies DM G3, DM G7, DM G8, DM J1, DM J6, DM H10 and DM H11 of the Development Management Local Plan 2013, and Policies T1 and BE1 of the Core Strategy 2011.

- 3) During daylight hours the illumination of the advertisements shall comply with the recommendations of the Institution of Lighting Professionals in the 'Guidance Notes For The Reduction Of Light Pollution 2011' and the 'Technical Report No 5, 2015 - Brightness of Illuminated Advertisements'.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by artificial lighting, and in the interest of highways safety and visual amenity, in accordance with policies DM G8, DM J1, DM J6, DM H10 and DM H11 of the Development Management Local Plan 2013, and Policies T1 and BE1 of the Core Strategy 2011.

- 4) The advertisement displays hereby approved shall not exceed a maximum luminance of 300cd/sqm during hours of darkness unless written agreement is obtained in advance from the local planning authority.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by artificial lighting, and in the interest of highways safety and visual amenity, in accordance with Policies DM G6, DM G7, DM G8, DM J1, DM J6, DM H10 and DM H11 of the Development Management Local Plan 2013, and Policies T1 and BE1 of the Core Strategy 2011.

- 5) The advertisements hereby approved shall not display any moving, or apparently moving, images unless written agreement is obtained in advance from the local planning authority.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by artificial lighting, and in the interest of highways safety and visual amenity, in accordance with Policies DM G8, DM J1, DM J6, DM H10 and DM H11 of the Development Management Local Plan 2013, and Policies T1 and BE1 of the Core Strategy 2011.

- 6) The advertisements hereby approved shall not display sequential advertisements that change less than every 10 seconds unless and the change between advertisements will take place over the period no greater than one second unless the written agreement is obtained in advance from the local planning authority.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by artificial lighting, and in the interest of highways safety and visual amenity, in accordance with Policies DM G8, DM J1, DM J6, DM H10 and DM H11 of the Development Management Local Plan 2013, and Policies T1 and BE1 of the Core Strategy 2011.

- 7) An independent transport safety assessment of the impact of the hereby permitted LED advertisement screen, comparing and analysing accident data from the previous 3 years prior to the first operation of the advertisement screen shall be undertaken and submitted to the local planning authority for its written approval (in consultation with Transport for London) at 18 months and at 36 months following the first operation of the LED advertisement screen hereby permitted. Within one month of the first operation of the advertisement screen hereby approved the applicant shall notify the local planning authority, in writing, of that date. Any revisions to the control or operation of the LED advertisement screen required by the local planning authority or Transport for London as a result of the analysis, including changes to the levels of luminance or sequencing of the advertisements, shall implemented in accordance with a programme agreed in writing with the local planning authority.

In order to monitor the impacts of the advertisements in the interest of highways safety in accordance with Policies DM G8, DM J1, DM J6, DM H10 and DM H11 of the Development Management Local Plan 2013, and Policies T1 and BE1 of the Core Strategy 2011.

- 8) Prior to the display of the advertisement hereby approved a full Independent Road Safety Audit shall be carried out and submitted to the council for its written approval (in consultation with Transport for London). Any revisions to the control or operation of the advertisement display required by the local planning authority or Transport for London as a result of the analysis, including changes to the levels

of luminance or the sequencing of the advertisements, shall be implemented in accordance with a programme agreed in writing with the local planning authority.

In order to monitor the impacts of the advertisements in the interest of highways safety in accordance with Policies DM G8, DM J1, DM J6, DM H10 and DM H11 of the Development Management Local Plan 2013, and Policies T1 and BE1 of the Core Strategy 2011.

- 9) The external noise level emitted from plant/ machinery/ equipment and mitigation measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the lowest existing background noise level by at least 10dBA, as assessed according to BS4142:1997 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by the proposal, in accordance with Policies DM H9 and H11 of the Development Management Local Plan 2013, and Policy CC4 of the Core Strategy 2011.

- 10) Prior to the display of the advertisement hereby approved the planting shall be installed to the living wall. Any planting on the living wall that is removed or severely damaged, dying or becoming seriously diseased shall be replaced, the living wall shall maintained as such for the lifetime of the display.

To ensure a satisfactory external appearance in accordance with Policies DM E4 and DM G7 of the Development Management Local Plan 2013, and Sustainability Policy 21 of the Planning Guidance Supplementary Planning Document (2013).

- 11) Prior to the display of the advertisement hereby approved, a construction management and servicing management plan shall be submitted to and approved in writing by the Council. Details shall include control measures for the erection of the advertisement screen, delivery locations, restriction of hours of work, all associated highways impacts, and activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. Approved details shall be implemented throughout the lifetime of the consent.

To ensure that there are no adverse impacts on highways safety or the amenities of occupiers of surrounding premises in accordance with Policies DM J6, DM H9, H10 and H11 of the Development Management Local Plan and Policy T1 of the Core Strategy (2011).

- 12) Prior to the display of the illuminated advertisement, details shall be submitted to and approved in writing by the Council, of artificial lighting levels (candelas/ m2 size of sign/advertisement). Details shall demonstrate that the recommendations of the Institution of Lighting Professionals in the 'Guidance Notes For The Reduction Of Light Pollution 2011' will be met, particularly with regard to the 'Technical Report No 5, 2015 - Brightness of Illuminated Advertisements'.

Approved details shall be implemented prior to use/ display of the sign/ advertisement and thereafter be permanently retained.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by artificial lighting, in accordance with Policies DM H10 and H11 of the Development Management Local Plan 2013

**Justification for Approving the Application:**

- 1) The proposal is considered to be acceptable on public safety grounds and in terms of amenity, including aural amenity. It is considered that the single-sided, internally illuminated, LED advertising screen would preserve the character and appearance of the area, including the Hammersmith Odeon Conservation Area and the setting/views of the neighbouring conservation area by reason of the proposal's design, materials and location. In addition, the proposal would preserve the setting of the nearby listed building. There are no objections to the proposal on public safety grounds, subject to suitable conditions being attached.

As such the proposal is considered to accord with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Paragraphs 67, 131 and 132 of the NPPF, Policies BE1 and T1 of the Core Strategy (2011), Policies DM E4, DM G3, DM G6, DM G8, DM H9, DM H10, DM H11, DM J1 and DM J6 of the DMLP (2013) and Design Policies 29, 60, 61 and 62, Sustainability Policy 21, and Transport Policies 1, 19 and 35 of the Planning Guidance Supplementary Planning Document (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: 25th October 2016  
Drawing Nos: see above

**Policy documents:** National Planning Policy Framework (NPPF) 2012  
The London Plan 2016  
LBHF - Core Strategy Local Development Framework 2011  
LBHF - Development Management Local Plan 2013  
LBHF - Planning Guidance Supplementary Planning Document  
2013

**Consultation Comments:**

**Comments from:**  
Historic England London Region  
Fulham Society

**Dated:**  
22.12.16  
23.01.17

## **Neighbour Comments:**

### **Letters from:**

159 Becklow Road London W12 9hh  
59 Walham Green Court London SW6  
42 Greenside Road London W12 9JG

### **Dated:**

05.01.17  
22.01.17  
31.01.17

## 1.0 BACKGROUND

1.1. This application relates to publicly accessible and public highway land on the southern side of Fulham Road at the intersection with Waterford Road and 150m east of Fulham Broadway. It is outside of a 12 storey residential tower and other smaller residential dwellings forming part of Walham Green Court. The site is within the Moore Park Conservation Area and is in the vicinity of Buildings of Merit to the east and north and the Grade II\* listed Fulham Town Hall 100m to the west and the Grade II listed former Fulham Broadway Underground Station entrance building at 472 Fulham Road.

1.2. The application involves the display of a freestanding, single sided, digitally illuminated, vertically aligned LED screen measuring 6m (height) x 3m (width) x 0.74m (depth). The screen will face west, will show static/non-moving advertisements, changing no less than every 10 seconds. On the reverse of the sign is a green wall facing east and will be supported by two poles to a height of 9.7m.

1.3. The structure and screen will be sited partly within the public highway and partly within the area in front of Walham Green Court and the application has been made on behalf of the Council.

## 2.0 RELEVANT PLANNING HISTORY

2.1 None applicable.

## 3.0 PUBLICITY and CONSULTATIONS

3.1 The application was notified to 24 surrounding residents, a site notice was posted and a notice was placed in the local press. A total of 2 submissions were received in response. The submissions cited the following concerns:

- Overly large
- Detract from the conservation area and adjacent Listed Building
- Will need continued maintenance of landscaping.

3.2 Fulham Society objected to the application on the following grounds:

'The Fulham Society was very surprised to see this application. The Borough has been assiduously and successfully trying to remove unsuitable advertisements from residential streets for several years now and has a very good record in doing so. The Fulham Society has been vigorous in supporting the Borough in this endeavor and have been delighted with their success in removing unsightly advertisement through planning appeals etc.

We are therefore very surprised to see that such enormous and unsightly advertisements are proposed by the Borough itself on residential sites, on main residential roads in Fulham. We are totally opposed to such development and are both dismayed and horrified by these proposals. We hope that planning permission will not be given to such applications, which are in direct contravention of the Borough's own policy on removing unsuitable advertisements from residential streets.'

3.4 Hammersmith and Fulham Historic Buildings Group objected to the application on the following grounds:

'We do not agree with the applicant's claim that the provision of a digital display will reduce the demand for traditional advertising, it is more likely to set a precedent for more free standing and mounted digital displays. Whilst not suggesting that the moving illuminated display would cause distraction, it is clearly meant to attract attention, thereby reducing the impact of the neighbouring listed building. Furthermore we do not consider it to be of an appropriate scale, or enhance the setting of a neighbouring listed building.

National Planning Policy Framework (NPPF) states advertisements should only be subject to control in the interest of visual amenity, we consider that visual amenity is relevant in this case. We further consider that it is inappropriate to compare an advertisement of this scale with shop fascia displays. We consider that it is over dominant in this location and contrary to the Council's Core structure policy B1, and against Conservation Area guidelines. As it requires a supporting pole, this adds to the general clutter of the street scene contrary to the Council's 'Streetsmart' publication.

We find it very galling, and ironic that after having supported the Council's enforcement division for over ten years in their efforts to remove visually intrusive advertisements of all types, the Council themselves are now proposing to erect the very thing we have both been fighting against.

We understand the need for the Council to find ways of securing additional income. However, our concern, as stated earlier, is that should approval be granted, a precedent would be set and more sponsored applications would ensue. Unlike funding cuts etc, which can be restored when the financial situation has improved, structures such as the above would not be removed. We strongly ask that this application is refused.'

3.5 Transport for London (TfL) were consulted on this application and do not support it in its current form, raising concerns with the Highway Safety Audit as it is not in accordance with the Road Safety Audit Report guidelines. However, the submission of an audit is not a statutory requirement as Fulham Road is not a TfL road. There were also concerns with the increased potential of vehicle accidents in the immediate vicinity of the sign.

#### 4.0 PLANNING CONSIDERATIONS

4.1. The main planning considerations are whether the proposed static digital advertising signage would be acceptable in terms of visual amenity, acoustic amenity, and public safety.

4.2. The relevant policies and standards are the National Planning Policy Framework (NPPF), Core Strategy 2011, Development Management Local Plan (DMLP) 2013,



Planning Guidance Supplementary Planning Document 2013 and Advertisement Regulations (2007). The latter restricts assessment of adverts to amenity and public safety.

## VISUAL AMENITY

4.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 pays special attention to the desirability of preserving or enhancing the character and appearance of the conservation area within which the land is situated. The signage is located within the Moore Park Conservation Area and adjacent to the Walham Green Conservation Area. It is also within the setting of the Grade II\* listed Fulham Town Hall and the Grade II listed former Fulham Broadway Underground Station entrance building at 472 Fulham Road. Buildings of Merit including Sir Oswald Stoll Mansions and 525-531 Fulham Road lie to the east of the site.

4.4 Paragraph 131 of the NPPF states that local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;
- The desirability of new development making a positive contribution to local character and distinctiveness.

4.5 Paragraphs 132 of the NPPF requires the decision maker to give great weight to the conservation of designated heritage assets such as listed buildings and conservation areas when considering the impact of a proposed development on their significance.

4.6 The relevant planning policies are Core Strategy Policy BE1, DM Local Plan Policies DM G7 and DM G8 and Planning Guidance SPD Design Policies 29, 58, 60, 61 and 62.

4.7 Policy BE1 of the Core Strategy requires a high quality urban environment that respects and enhances its townscape context. Policy DM G7 of the DMLP aims to protect, restore, or enhance the quality, character, appearance and setting of conservation areas and its historic environment. Policy DM G8 of the DMLP requires a high standard of design of advertisements in keeping with the character of their local area and do not impact on public safety. They should not be excessive, obtrusive, or inappropriately illuminated, appropriate to their context and should generally be restrained in quantity and form. Large adverts are unacceptable where they are out of scale with their surroundings or are located within or adjacent to areas especially sensitive to visual impact such as conservation areas, residential areas, open spaces, or waterside land.

4.8 Design Policy 29 of the SPD states that advertising should respect and enhance its locality and use materials of high quality. Design Policy 59 states that Council will refuse consent for high level signs that are harmful to visual amenity or public safety. Design Policy 60 requires consideration of the contribution of their setting, Design Policy 61 requires consideration of the significance of any element of the historic environment and Design Policy 62 states there will be a presumption in favour of conservation.

4.9 The issues to consider are the potential impact on the character and appearance of the Moore Park Conservation Area, the potential impact on the setting of the Walham Green Conservation Area and the potential impact on the setting of adjacent listed buildings and Buildings of Merit.

4.10 The single sided advertisement panel would measure a total area of 18m<sup>2</sup> to a height of 3.6m-9.7m above ground level and would be attached to two 9.7m high poles. The proposed advertising structure would incorporate a single LED panel facing west. The proposed advertising structure would be simply designed with patinated copper cladding. The rear of the panel would include a 'living wall' which would include planting to soften the appearance of the structure in the street scene. The advertising panel would be positioned on the south side of Fulham Road at the northern junction with Waterford Road. The panel would be located partly on an open area in front of Walham Green Court and partly on the pavement.

4.11 The proposed advertisement structure would be seen against the backdrop of a public realm within a town centre. The application site lies within and at the eastern edge of the Fulham Town Centre which includes a mix of commercial and residential uses. Walham Green Court is a residential development that includes a 12 storey tower of no special architectural or historic interest. Beyond this to the west, there is Fulham Town Hall (Grade II\* listed). On the opposite side of Fulham Road there are several commercial premises notably to the west is the contemporary Broadway Shopping centre and the Grade II listed former Fulham Broadway Underground Station entrance building at 472 Fulham Road.

4.12 The proposed advertisement is visible from long views along Fulham Road looking east and west. However the siting of the proposed advertisement at the rear of the pavement some 30m away from the Grade II\* listed Fulham Town Hall and more than 125m from the 472 Fulham Road on the opposite side of the Road means that the advert panel is not in the immediate setting of those listed buildings and would not materially harm their appearance. The advertisement would only be visible at oblique angles due to its position at the rear of the pavement. To the east, outside of the Town Centre is Sir Oswald Stoll Mansions at 446 Fulham Road and 525-531 Fulham Road are identified as Buildings of Merit Both of these buildings are more than 40m away from the application site and their setting would not be affected by the siting of the proposed advertisement panel.

4.13 This part of the Moore Park Conservation Area is predominantly commercial in nature and given the commercial setting within the Fulham Town Centre the siting of the proposed sign is not considered to be out of keeping with the locality.

4.14 Overall, the advert panel would not result in an adverse impact to the local heritage assets or have an unacceptable impact on visual amenity, over and above the scale of the surrounding built form. Furthermore, the proposal would retain the significance, character and appearance of the Moore Park Conservation Area and the adjacent Walham Green Conservation Area, a condition has been attached to ensure that brightness levels would comply with relevant regulations. As such, the proposal will accord with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Paragraphs 67, 131 and 132 of the NPPF, Policy BE1 of the Core Strategy (2011), Policies DM G3, DM G7 and DM G8 of the DMLP and Design Policies 29, 60, 61 and 62 of the SPD.

## LIGHT AND NOISE POLLUTION

4.15 Policies DM H9, DM H10 and DM H11 seek to control impacts of noise, light and smell on surrounding occupiers. Policy DM H10 requires details showing that illuminated signage is - is appropriate for the intended use, has a minimum amount of light, is energy efficient and provides protection from glare and light spill.

4.16 The advertisement would be internally illuminated in accordance with best practice set out in the Institute of Lighting Professionals (ILP) Technical Note 5. There will be no moving images, which will minimize contrasting changes in light or illumination.

4.17 During the daytime, the illumination will increase (automatically by sensor) to reflect light, seasonal and weather conditions. By Condition 3, daytime luminance will comply with the recommendations of the Institute of Lighting Professionals 'Guidance Note for The Reduction of Light Pollution 2011'. The maximum luminance from dusk to dawn will not exceed 300 cd/m<sup>2</sup>, which is acceptable to TfL standards and secured by Condition 4.

4.18 The signage faces eastwards and it is sited in a relatively open area with the nearest residential property 21m away. Through separation distances, levels of illumination and its design which ensures that there is no sideways or upwards light spill., it will achieve a satisfactory outcome in terms of light spill, as follows:

- It faces away from residential properties to the east and south
- It is perpendicular to properties on the opposite side of Fulham Road, which is mostly commercial in nature
- The residential tower to the west is 12 storeys in height with only limited openings to the corresponding elevation

4.19 The LED screens will not be accompanied by sound and there is no audible sound in the operation or changing of advertisements. There is also less manual labour involved with the operation of the sign than would be expected by a sign that requires manual changing on a regular basis. Condition 8 has been applied to ensure a satisfactory outcome upon local amenity.

## PUBLIC SAFETY

4.20 Policy DM J1 of the DMLP requires consideration of the contribution to traffic generation and Policy DM G8 states that 'advertisements should be appropriate to their context and should not impact on public safety'. Transport Policy 35 of the SPD requires consideration of public safety, with refusal of applications (including free standing hoardings at important road junctions) where public safety is compromised.

4.21 The A304 or Fulham Road is identified in Policy J6 of the DMLP as a Distributor Road and recognised as part of TfL's Strategic Road Network, with the policy stating that it should not prejudice the effectiveness to provide links to the strategic route network, provide access to and between town centres, and distribute traffic to and around, but not within, local areas.

4.22 Fulham Road has three lanes in total and is subject to a 30mph speed limit. There are controlled crossings 52m to the west and 22m to the east of the proposed sign, with the sign designed and positioned to be viewed by vehicles travelling east. There are no zebra crossings in the immediate area.

4.23 The applicant has submitted an Independent Safety Assessment. It concludes that there would be no likely increased risk associated with the static displays when travelling west on Fulham Road or from vehicles entering at the intersection from Wandsdown Place of Waterford Road, whether turning north or south. Upon review of the assessment, there is no objection to the conclusion that driver concentration will be focused on oncoming traffic when turning from either side road.

4.24 Heading east on Fulham Road, the report notes that the signage will not conflict with traffic signage and is elevated 3.6m above ground level to ensure that it sits above pedestrian level. As the sign is on a straight stretch of Fulham Road, it will be visible to vehicles at Fulham Broadway, some 150m to the east. It is also removed from any zebra crossings and there is no unacceptable conflict with other signage. This will ensure that there is no unacceptable distraction and the proposal is acceptable.

4.25 Council's Highways Officer has reviewed the assessment and raises no objection, noting that 'The submitted highway safety report provides a robust assessment of the proposal' although Condition 14 requires a stepping up of the part of the sign that is on public highway,

4.26 At night, the illuminance levels will be adhered to by condition thereby ensuring that there is no distraction arising because of the brightness of the sign.

## GREENING/BIODIVERSITY

4.27 Policy DM E4 of the DMLP and Sustainability Policy 21 of the SPD require the protection of biodiversity in the borough including protecting and providing trees as necessary.

4.28 A green wall is also proposed to the reverse of the sign facing east. It achieves a positive visual impression in the streetscape and an improvement in biodiversity. It is acceptable with regard to Policy DM E4 and Sustainability Policy 21.

## 5.0 CONCLUSION

5.1. It is considered that the illuminated LED advertising panel would preserve the character and appearance of the street scene and wider area, including the Moore Park Conservation Area and the adjacent Walham Green Conservation Area, the Grade II\* listed Fulham Town Hall, Grade II listed former Fulham Broadway Underground Station entrance building at 472 Fulham Road and Buildings of Merit at Sir Oswald Stoll Mansions and 525-531 Fulham Road.

5.2. It is considered that the Independent Safety Assessment does provide a robust assessment of the proposal and there is no objection to the proposal on public safety grounds, subject to conditions.

5.3. 4.3 As such the proposal is considered to accord with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Paragraphs 67, 131 and 132 of the

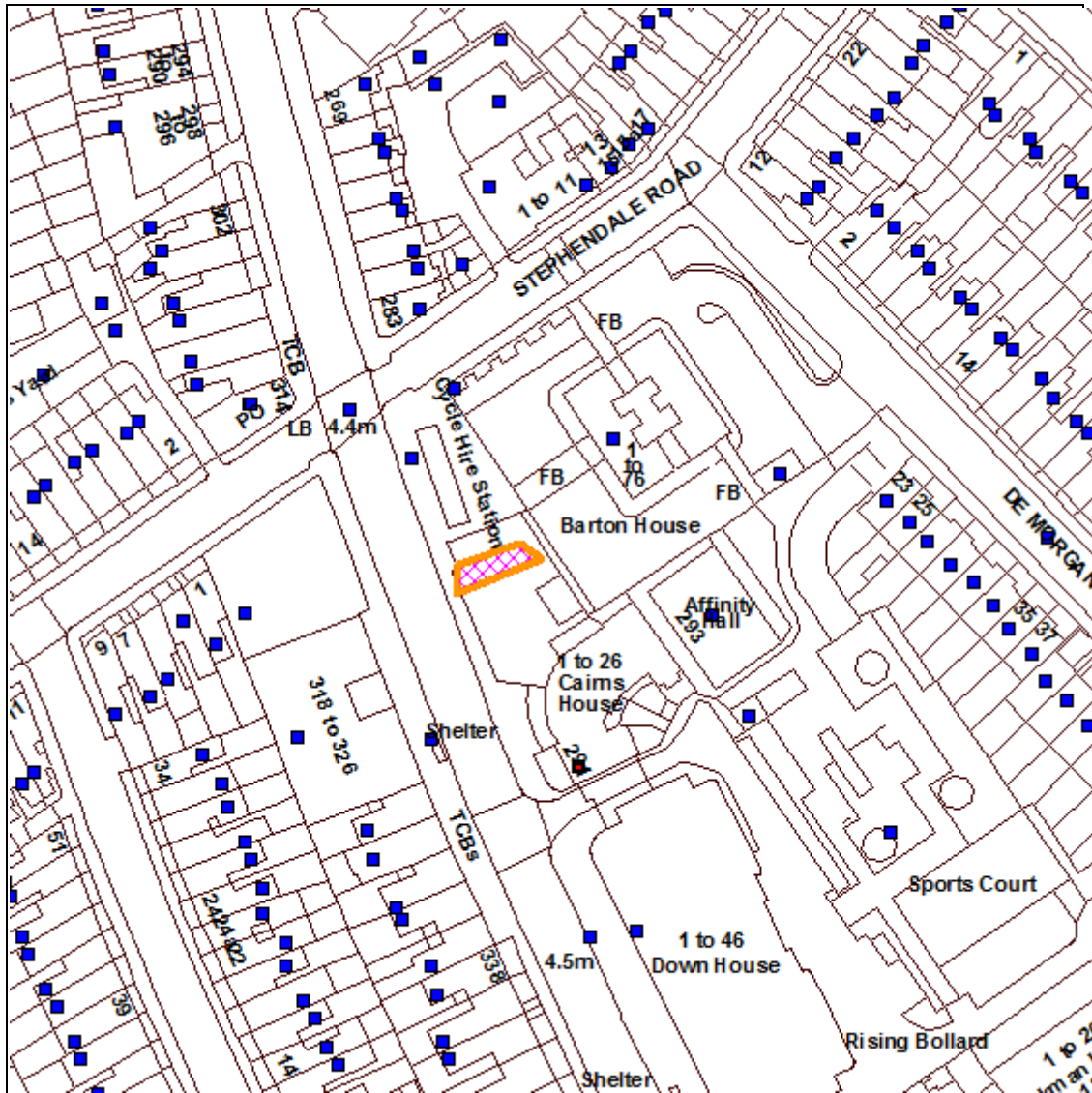
NPPF, Policies BE1 and T1 of the Core Strategy (2011), Policies DM E4, DM G3, DM G6, DM G7, DMG8, DM H9, DM H10, DM H11, DM J1 and DM J6 of the DMLP (2013) and Design Policies 29, 60, 61 and 62, Sustainability Policy 22, and Transport Policies 1, 19 and 35 of the Planning Guidance Supplementary Planning Document (2013).

5.4. It is therefore recommended that advertisement consent be granted, subject to conditions.

**Ward:** Sands End

**Site Address:**

Adjacent To Cairns House 291 Wandsworth Bridge Road  
London



© Crown Copyright. All Rights Reserved. London Borough Hammersmith and Fulham LA100019223 (2013).  
**For identification purposes only - do not scale.**

**Reg. No:**  
2016/04701/ADV

**Case Officer:**  
Simon Taylor

**Date Valid:**  
23.12.2016

**Conservation Area:**

**Committee Date:**  
14.03.2017

**Applicant:**

London Borough Of Hammersmith And Fulham  
Town Hall King Street Hammersmith London  
W6 9JU

**Description:**

Display of a freestanding single sided digitally illuminated LED screen measuring 6m (height) x 4m (width) x 0.73m (depth) fronting Wandsworth Bridge Road with associated landscaping at the base.

Drg Nos: 2561/PP/02 Rev A, 2561/PP/03 Rev A, 2561/PP/04 Rev A, 2561/PP/05 Rev A, 2561/PP/06 Rev A, 2561/PP/07 Rev A, Highway Safety Audit, Job No. NW91719 (dated 20/12/16)

**Application Type:**

Display of Advertisements

**Officer Recommendation:**

That the application be approved subject to the condition(s) set out below:

- 1) The period of this consent shall expire 5 years from the date of this notice.

Condition required to be imposed by The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 2) The advertisements hereby approved shall be erected and displayed only in accordance with the approved drawings: 2561/PP/02 Rev A, 2561/PP/03 Rev A, 2561/PP/04 Rev A, 2561/PP/05 Rev A, 2561/PP/06 Rev A and 2561/PP/07 Rev A, and shall thereafter be retained in this form.

In order to ensure full compliance with the advertisement consent application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with policies DM G3, DM G7, DM G8, DM J1, DM J6, DM H10 and DM H11 of the Development Management Local Plan 2013, and Policies T1 and BE1 of the Core Strategy 2011.

- 3) During daylight hours the illumination of the advertisements shall comply with the recommendations of the Institution of Lighting Professionals in the 'Guidance Notes For The Reduction Of Light Pollution 2011' and the 'Technical Report No 5, 2015 - Brightness of Illuminated Advertisements'.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by artificial lighting, and in the interest of highways safety and visual amenity, in accordance with policies DM G8, DM J1, DM J6, DM H10 and DM H11 of the Development Management Local Plan 2013, and Policies T1 and BE1 of the Core Strategy 2011.

- 4) The advertisement display hereby approved shall not exceed a maximum luminance of 300cd/sqm during hours of darkness, unless written agreement is obtained in advance from the local planning authority.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by artificial lighting, and in the interest of highways safety and visual amenity, in accordance with Policies DM G8, DM J1, DM J6, DM H10 and DM H11 of the Development Management Local Plan 2013, and Policies T1 and BE1 of the Core Strategy 2011.

- 5) The advertisements hereby approved shall not display any moving, or apparently moving, images unless written agreement is obtained in advance from the local planning authority.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by artificial lighting, and in the interest of highways safety and visual amenity, in accordance with Policies DM G8, DM J1, DM J6, DM H10 and DM H11 of the Development Management Local Plan 2013, and Policies T1 and BE1 of the Core Strategy 2011.

- 6) The advertisements hereby approved shall not display sequential advertisements that change less than every 10 seconds. unless and the change between advertisements will take place over the period no greater than one second unless the written agreement is obtained in advance from the local planning authority.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by artificial lighting, and in the interest of highways safety and visual amenity, in accordance with Policies DM G8, DM J1, DM J6, DM H10 and DM H11 of the Development Management Local Plan 2013, and Policies T1 and BE1 of the Core Strategy 2011.

- 7) An independent transport safety assessment of the impact of the hereby permitted LED advertisement screen, comparing and analysing accident data from the previous 3 years prior to the first operation of the advertisement screen shall be undertaken and submitted to the local planning authority for its written approval (in consultation with Transport for London) at 18 months and at 36 months following the first operation of the LED advertisement screen hereby permitted. Within one month of the first operation of the advertisement screen hereby approved the applicant shall notify the local planning authority, in writing, of that date. Any revisions to the control or operation of the LED advertisement screen required by the local planning authority or Transport for London as a result of the analysis, including changes to the levels of luminance or sequencing of the advertisements, shall implemented in accordance with a programme agreed in writing with the local planning authority.

In order to monitor the impacts of the advertisements in the interest of highways safety in accordance with Policies DM G8, DM J1, DM J6, DM H10 and DM H11 of the Development Management Local Plan 2013, and Policies T1 and BE1 of the Core Strategy 2011.

- 8) Prior to the display of the advertisement hereby approved a full Independent Road Safety Audit shall be carried out and submitted to the council for its written



approval (in consultation with Transport for London). Any revisions to the control or operation of the advertisement display required by the local planning authority or Transport for London as a result of the analysis, including changes to the levels of luminance or the sequencing of the advertisements, shall be implemented in accordance with a programme agreed in writing with the local planning authority.

In order to monitor the impacts of the advertisements in the interest of highways safety in accordance with Policies DM G8, DM J1, DM J6, DM H10 and DM H11 of the Development Management Local Plan 2013, and Policies T1 and BE1 of the Core Strategy 2011.

- 9) The external noise level emitted from plant/ machinery/ equipment and mitigation measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the lowest existing background noise level by at least 10dBA, as assessed according to BS4142:1997 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by the proposal, in accordance with Policies DM H9 and H11 of the Development Management Local Plan 2013, and Policy CC4 of the Core Strategy 2011.

- 10) Prior to the display of the advertisement hereby approved the planting shall be installed to the living wall and at the planter at the base of the signage. Any planting on the living wall or within the planter at the base that is removed or severely damaged, dying or becoming seriously diseased shall be replaced. The living wall and landscaped planter at the base shall maintained as such for the lifetime of the display.

To ensure a satisfactory external appearance in accordance with Policies DM E4 and DM G7 of the Development Management Local Plan 2013, and Sustainability Policy 21 of the Planning Guidance Supplementary Planning Document (2013).

- 11) Prior to the display of the advertisement hereby approved, a construction management and servicing management plan shall be submitted to and approved in writing by the Council. Details shall include control measures for the erection of the advertisement screen, delivery locations, restriction of hours of work, all associated highways impacts, and activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. Approved details shall be implemented throughout the lifetime of the consent.

To ensure that there are no adverse impacts on highways safety or the amenities of occupiers of surrounding premises in accordance with Policies DM J6, DM H9, H10 and H11 of the Development Management Local Plan and Policy T1 of the Core Strategy (2011).

- 12) Prior to the display of the illuminated advertisement, details shall be submitted to and approved in writing by the Council, of artificial lighting levels (candelas/ m2

size of sign/advertisement). Details shall demonstrate that the recommendations of the Institution of Lighting Professionals in the 'Guidance Notes For The Reduction Of Light Pollution 2011' will be met, particularly with regard to the 'Technical Report No 5, 2015 - Brightness of Illuminated Advertisements'. Approved details shall be implemented prior to use/ display of the sign/ advertisement and thereafter be permanently retained.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by artificial lighting, in accordance with Policies DM H10 and H11 of the Development Management Local Plan.

### **Justification for Approving the Application:**

- 1) The proposal is considered to be acceptable on public safety grounds and in terms of amenity, including aural amenity. It is considered that the LED advertising panel would preserve the character and appearance of the area, including the adjacent Hurlingham Conservation Area by reason of the proposal's design, materials and location. It is considered that the Independent Safety Assessment provides a robust assessment of the proposal and there is no objection to the proposal on public safety grounds, subject to suitable conditions being attached.

As such the proposal is considered to accord with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Paragraphs 67, 131 and 132 of the NPPF, Policies BE1 and T1 of the Core Strategy (2011), Policies DM E4, DM G3, DM G7, DM G8, DM H9, DM H10, DM H11, DM J1 and DM J6 of the DMLP (2013) and Design Policies 29, 60, 61 and 62, Sustainability Policy 21, and Transport Policies 1, 19 and 35 of the Planning Guidance Supplementary Planning Document (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: 25th October 2016  
Drawing Nos: see above

**Policy documents:** National Planning Policy Framework (NPPF) 2012  
The London Plan 2016  
LBHF - Core Strategy Local Development Framework 2011  
LBHF - Development Management Local Plan 2013  
LBHF - Planning Guidance Supplementary Planning Document 2013

### **Consultation Comments:**

**Comments from:**  
Transport For London - Land Use Planning Team  
Fulham Society

**Dated:**  
13.01.17  
23.01.17

## **Neighbour Comments:**

<b>Letters from:</b>	<b>Dated:</b>
159 Becklow Road London W12 9hh	05.01.17
281 Wandsworth bridge road London Sw6 2tx	08.01.17
23 Cairns House 291 Wandsworth Bridge Road London SW6 2NX	27.01.17
NAG	11.02.17
NAG	10.02.17
NAG	10.02.17
9 Hugon Road London SW6 3EL	14.02.17
NAG	11.02.17
NAG	12.02.17
NAG	14.02.17
NAG	21.02.17
29 Down House 297 Wandsworth Bridge Road London SW6 2NY	10.02.17
NAG	15.02.17
28 Hugon Road Fulham London SW6 3EN	02.03.17
21 Barton House Wandsworth Bridge Road Fulham SW62PD	09.01.17
Wandsworth Bridge Road	20.02.17

### 1.0 BACKGROUND

1.1. The application relates to land on the eastern side of Wandsworth Bridge Road outside of Barton House, a 20 storey residential building at 291 Wandsworth Bridge Road and 220m north of Wandsworth Bridge. The building is setback from the street by some 30m with a 15 vehicle car park and a London Cycle Hire Scheme bike rack in the property frontage. The site is not located in a Conservation Area but is in the vicinity of the Hurlingham Conservation Area in Hugon Road to the north west.

1.2. The application involves the display of a freestanding, single sided, digitally illuminated, vertically aligned LED screen measuring 6m (height) x 4m (width) x 0.73m (depth). The screen will face northwards, will show static/non-moving advertisements, changing no less than every 10 seconds. On the reverse of the sign is a green wall facing south. It will be supported by a pole to a height of 9.0m, and will comprise a landscaped planter measuring 4.6m x 2.3m at the base.

1.3. The structure and screen will be sited within the resident car park of 291 Wandsworth Bridge Road and the application has been made on behalf of the Council. It involves the loss of one car space.

### 2.0 RELEVANT PLANNING HISTORY

2.1. There are no applications relevant to the subject site. However, 2011/01589/ADV relates to a 3.3m x 12.3m, horizontally aligned, illuminated advertising sign along the eastern boundary fence of 316 Wandsworth Road (opposite the subject site). It was refused on 9 August 2011 for the following reason:

'The internally illuminated advertisement hoarding, by virtue of its prominent location together with its excessive scale, bulk and illumination would result in a visually obtrusive and discordant feature detrimental to the visual amenity of the locality, and harmful to the setting of and views into the adjacent Hurlingham Conservation Area. In

this respect the proposal is judged to be contrary to Policy EN2B and EN14 and Standards S14.1 and Standard S16.5 of the Council's Unitary Development Plan, as amended in 2007.'

### 3.0 PUBLICITY and CONSULTATIONS

3.1. The application was notified to 151 surrounding residents, a site notice was posted and a notice was placed in the local press. A total of 16 submissions were received in response from properties citing the following concerns:

- Overly large and unsightly
- Detract from the conservation area
- Light pollution
- Pedestrian safety at the crossing
- Loss of parking
- Loss of property value

3.2. The Fulham Society raised objections to the application as follows:

'The Fulham Society was very surprised to see this application. The Borough has been assiduously and successfully trying to remove unsuitable advertisements from residential streets for several years now and has a very good record in doing so. The Fulham Society has been vigorous in supporting the Borough in this endeavor and have been delighted with their success in removing unsightly advertisement through planning appeals etc.

We are therefore very surprised to see that such enormous and unsightly advertisements are proposed by the Borough itself on residential sites, on main residential roads in Fulham. We are totally opposed to such development and are both dismayed and horrified by these proposals. We hope that planning permission will not be given to such applications, which are in direct contravention of the Borough's own policy on removing unsuitable advertisements from residential streets.'

3.3. Transport for London (TfL) were consulted on this application and do not support it in its current form, raising concerns with the Highway Safety Audit as it is not in accordance with the Road Safety Audit Report guidelines and may require further assessment of the safety implications. However, the submission of an audit is not a statutory requirement as Wandsworth Bridge Road is not a TfL road. Council's Highways Officer has since considered the applicant's assessment and noted that 'it provides a robust assessment of the proposal'.

3.4. TfL have also noted that the report submitted by the applicant indicates a collision rate that is higher than the accepted norm for zebra crossings and argue that most collisions have 'Failure to look properly' as a contributory factor and this signage is likely to add to any distraction. This is discussed in detail in paragraph 4.17 onwards.

### 4.0 PLANNING CONSIDERATIONS

4.1. The main planning considerations are whether the proposed static digital advertising signage would be acceptable in terms of visual amenity, acoustic amenity, and public safety.

4.2. The relevant policies and standards are the National Planning Policy Framework (NPPF), Core Strategy 2011, Development Management Local Plan (DMLP) 2013, Planning Guidance Supplementary Planning Document 2013 and Advertisement Regulations (2007). The latter restricts assessment of adverts to amenity and public safety.

## VISUAL AMENITY

4.3. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 pays special attention to the desirability of preserving or enhancing the character and appearance of the conservation area within which the land is situated. The proposed site is outside and within 50m of the Hurlingham Conservation Area.

4.4. Paragraph 67 of the NPPF states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment and that they should have an appreciable impact on their surroundings, taking account of the cumulative impacts of other adverts. Paragraph 132 requires weight to the conservation of conservation areas.

4.5. The relevant planning policies are Core Strategy Policy BE1, DM Local Plan Policies DM G7 and DM G8 and Planning Guidance SPD Design Policies 29, 58, 60, 61 and 62.

4.6. Policy BE1 of the Core Strategy requires a high quality urban environment that respects and enhances its townscape context. Policy DM G7 of the DMLP aims to protect, restore, or enhance the quality, character, appearance and setting of conservation areas and its historic environment. Policy DM G8 of the DMLP requires a high standard of design of advertisements in keeping with the character of their local area and do not impact on public safety. They should not be excessive, obtrusive, or inappropriately illuminated, appropriate to their context and should generally be restrained in quantity and form. Large adverts are unacceptable where they are out of scale with their surroundings or are located within or adjacent to areas especially sensitive to visual impact such as conservation areas, residential areas, open spaces, or waterside land.

4.7. Design Policy 29 of the SPD states that advertising should respect and enhance its locality and use materials of high quality. Design Policy 59 states that Council will refuse consent for high level signs that are harmful to visual amenity or public safety. Design Policy 60 requires consideration of the contribution of their setting, Design Policy 61 requires consideration of the significance of any element of the historic environment and Design Policy 62 states there will be a presumption in favour of conservation.

4.8. The advertising panel would comprise a total area of 24m<sup>2</sup> at a height of 3.0m-9.0m above ground level and will be attached to a 9.0m high pole. It will be located within an open area of an existing resident car park in front of and alongside the 20 storey Barton House and 6 storey Cairns House. It will also be 40m from the Hurlingham Conservation Area (to the north west) and 145m from the Sands End Conservation Area (to the south).

4.9. The proposed advertisement structure would be seen within a large area of public realm and car parking and against a backdrop of taller postwar buildings (Cairns and Barton House) of no special architectural or historic interest, as such it is considered

that the height and scale of the structure is appropriate in its surroundings. The proposed advertising structure would be simply designed with patinated copper cladding. The proposed advertising structure would incorporate a single LED panel facing north. The southern elevation of the proposed advertising panel would be clad in a living wall system to soften the appearance of the structure in the street scene and in views from adjacent residential properties. The base of the structure would be softened through a planting scheme, details of which would be secured by condition.

4.10. The landscaping at the base of the pole and to the southern or reverse face of the sign will achieve an appropriate streetscape outcome and soften an area that was previously hard paved.

4.11. The screen would not result in adverse harm to the local heritage assets or have an unacceptable impact on visual amenity, over and above the scale of the surrounding built form. Furthermore, the proposal would retain the significance, character and appearance of the adjacent Hurlingham Conservation Area and brightness levels would comply with relevant regulations. As such, the proposal will accord with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Paragraphs 67, 131 and 132 of the NPPF, Policy BE1 of the Core Strategy (2011), Policies DM G3, DM G7 and DM G8 of the DMLP and Design Policies 29, 60, 61 and 62 of the SPD.

#### LIGHT AND NOISE POLLUTION

4.12. Policies DM H9, DM H10 and DM H11 seek to control impacts of noise, light and smell on surrounding occupiers. Policy DM H10 requires details showing that illuminated signage is - is appropriate for the intended use, has a minimum amount of light, is energy efficient and provides protection from glare and light spill.

4.13. The advertisement would be internally illuminated in accordance with best practice set out in the Institute of Lighting Professionals (ILP) Technical Note 5. There will be no moving images, which will minimize contrasting changes in light or illumination.

4.14. During the daytime, the illumination will increase (automatically by sensor) to reflect light, seasonal and weather conditions. Subject to Condition 3, daytime luminance will comply with the recommendations of the Institute of Lighting Professionals 'Guidance Note for The Reduction Of Light Pollution 2011'. The maximum luminance from dusk to dawn will not exceed 300 cd/m<sup>2</sup>, which is acceptable to TfL standards and secured by Condition 4. The sign is also designed to ensure that there is no sideways or upwards light spill.

4.15. The signage faces northwards and it is sited in a relatively open area with the nearest residential property 25m away. Through separation distances and levels of illumination, it will achieve a satisfactory outcome in terms of light spill, as follows:

- It faces away from residential properties in the six storey residential tower at Cairns House, which is at least 25m to the south
- Barton House to the east is 20 storeys in height and comprises 76 units (or 19 units to the western elevation facing the signage). However, the signage is not directly facing and is positioned so that it would be perpendicular to the rooms in the nearest residential property some 27m away, such that no adverse impact is envisaged

- Facing north, it is 40m from the side elevation of 283 Wandsworth Bridge Road, which is the closest residential property. It comprises two residential windows to the first and second floor facing the sign but is sufficiently located away from the signage not to warrant concern
- To the west, the property opposite sits behind a high boundary fence, which would largely obscure sightlines

4.16. The LED screens will not be accompanied by sound and there is no audible sound in the operation or changing of advertisements. There is also less manual labour involved with the operation of the sign than would be expected by a sign that requires manual changing on a regular basis. Condition 8 has been applied to ensure a satisfactory outcome. Overall, the degree of illumination and any resulting light pollution is not sufficient to warrant refusal of the application.

## PUBLIC SAFETY

4.17. Policy DM J1 of the DMLP requires consideration of the contribution to traffic generation and Policy DM G8 states that 'advertisements should be appropriate to their context and should not impact on public safety'. Transport Policy 35 of the SPD requires consideration of public safety, with refusal of applications (including free standing hoardings at important road junctions) where public safety is compromised.

4.18. The A217 or Wandsworth Bridge Road is identified in Policy J6 of the DMLP as a Distributor Road and recognised as part of TfL's Strategic Road Network, with the policy stating that it should not prejudice the effectiveness to provide links to the strategic route network, provide access to and between town centres, and distribute traffic to and around, but not within, local areas.

4.19. Wandsworth Bridge Road is single lane in each direction and is subject to a 30mph speed limit. A zebra crossing is located about 24m north of the proposed signage location with the intersection of Hugon Road and Stephendale Road a further 6m north. The sign is designed and positioned to be viewed by vehicles travelling south, sited behind the front boundary line and is elevated at a height of 3.0m-9.0m above ground level.

4.20. The applicant has submitted an Independent Safety Assessment. It concludes that there would be no likely increased risk associated with the static displays when travelling north on Wandsworth Road or from vehicles entering at the intersection from Hugon Road or Stephendale Road, whether turning north or south. Upon review of the assessment, there is no objection to the conclusion that driver concentration will be focused on oncoming traffic when turning from either side road.

4.21. Heading south on Wandsworth Bridge Road, the report notes that the signage is located on the eastern side of the road on the same side of road signs to limit eyeline diversion. It will also not conflict with traffic signage and is elevated 3m above ground level to ensure that it sits above pedestrian level.

4.22. The sign will be visible to vehicles approximately 70m before the zebra crossing 6m south of the intersection of Stephendale and Hugon Roads (or 5.5 seconds driving time driving at the maximum speed limit). It will also be visible from a short distance or about 2 seconds after the crossing. The report notes an accident rate of 2.4 collisions per year in the immediate vicinity of the location of the sign with most involving

pedestrians at the zebra crossing. The report concludes that the straight alignment of the road and the lack of conflict of the signage will ensure that there is no unacceptable distraction.

4.23. TfL raised objections to this conclusion, noting that the accepted norm of accidents at zebra crossings is at 1.09 collisions per year. The rate at this intersection is above the assumed norm and the installation of a sign has the potential for increased driver distraction. However, Council's Highways Officer has reviewed the assessment and does not concur with the view of TfL, noting that 'The submitted highway safety report provides a robust assessment of the proposal' and the overall impact upon pedestrian safety is acceptable.

4.24. At night, the illuminance levels will be adhered to by condition thereby ensuring that there is no distraction arising because of the brightness of the sign.

#### GREENING/BIODIVERSITY

4.25. Policy DM E4 of the DMLP and Sustainability Policy 21 of the SPD require the protection of biodiversity in the borough including protecting and providing trees as necessary.

4.26. The proposal includes additional landscaping at the base of the signage in the form of an elevated concrete planter measuring 4.6m x 2.3m and comprising woodchip, hydroponic kit and evergreen shrubbery. A green wall is also proposed to the reverse of the sign facing south. Both elements achieve a positive visual impression in the streetscape and an improvement in bio-diversity. It is acceptable with regard to Policy DM E4 and Sustainability Policy 21.

#### CAR PARKING

4.27 The application will involve the removal of one car space from the ground level car park in front of Barton House. As there is parking elsewhere on the site, including at lower ground level and at the rear of the site, the loss of one car space from the street frontage is reasonable in accordance with Council's policies and is not opposed by Council's Highways department.

#### 5.0 CONCLUSION

5.1. It is considered that the illuminated LED advertising panel would preserve the character and appearance of the street scene and wider area, including the adjacent Hurlingham Conservation Area by reason of the proposal's design, materials, location, and landscaping.

5.2. It is considered that the Independent Safety Assessment does provide a robust assessment of the proposal and there are no Council objections to the proposal on public safety grounds, subject to conditions.

5.3. 4.3 As such the proposal is considered to accord with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Paragraphs 67, 131 and 132 of the NPPF, Policies BE1 and T1 of the Core Strategy (2011), Policies DM E4, DM G3, DM G6, DM G7, DM G8, DM H9, DM H10, DM H11, DM J1 and DM J6 of the DMLP (2013)



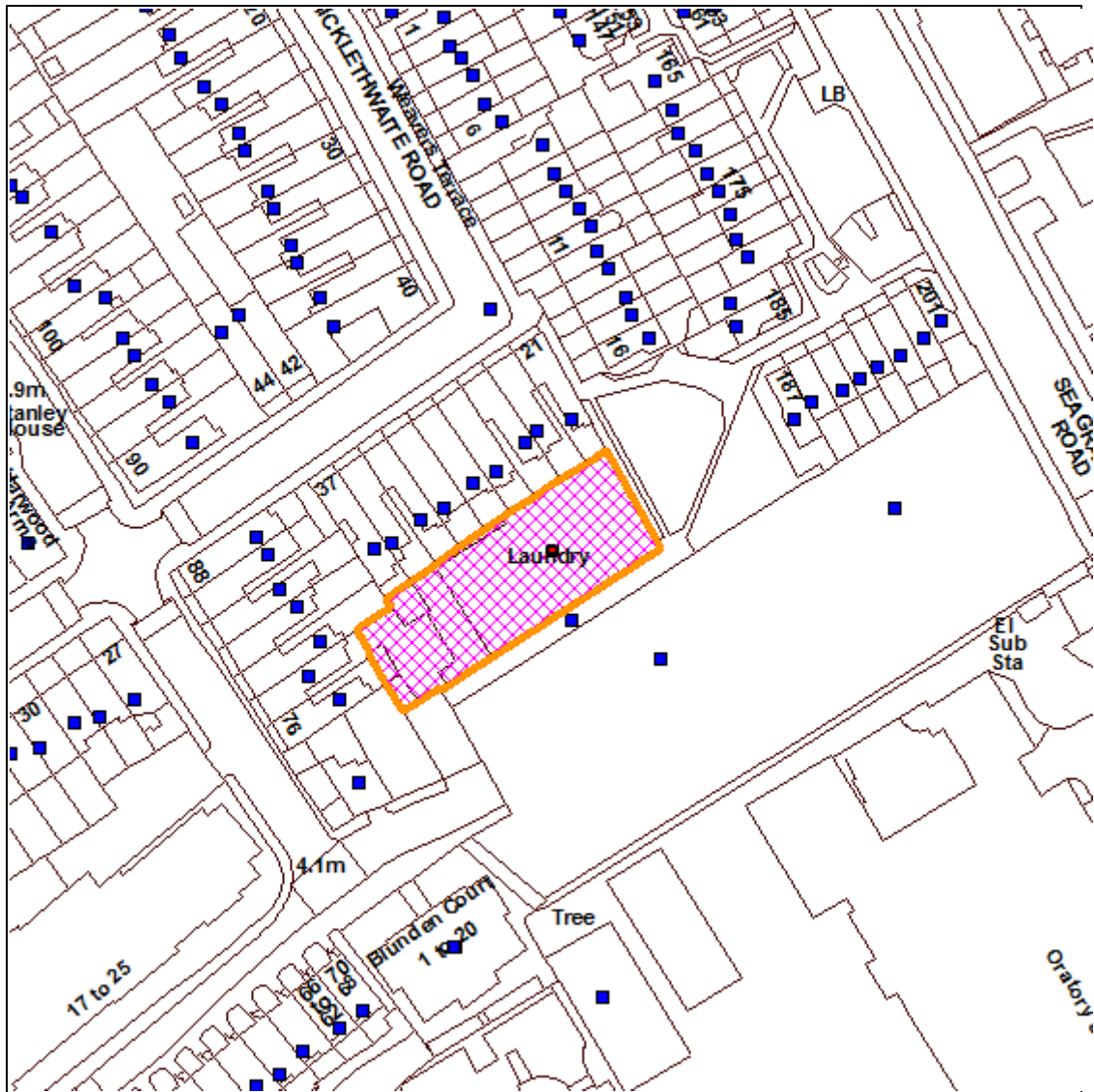
and Design Policies 29, 60, 61 and 62, Sustainability Policy 22, and Transport Policies 1, 19 and 35 of the Planning Guidance Supplementary Planning Document (2013).

5.4. It is therefore recommended that advertisement consent be granted, subject to conditions.

**Ward:** Fulham Broadway

**Site Address:**

Laundry 78 Farm Lane London SW6 1QA



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

**Reg. No:**  
2016/04823/FUL

**Case Officer:**  
Graham Simpson

**Date Valid:**  
22.11.2016

**Conservation Area:**  
Sedlescombe Road Conservation Area - Number  
17

**Committee Date:**  
14.03.2017

**Applicant:**

Tim Kemp  
21 Golden Square London W1F 9JN

**Description:**

Demolition of the existing laundry building to be replaced with a part two and part three storey terrace with basement floor, consisting of 9no. dwelling houses.

Drg Nos: FL-S-20-B1-05-01 P2; FL-S-20-0G-05-01 P2; FL-S-20-01-05-01 P3; FL-S-20-02-05-01 P3; FL-S-20-0R-05-01 P3; FL-S-25-MF-05-01 P2; FL-S-25-MF-05-02 P4; FL-S-25-MF-05-03 P2; FL-S-26-MF-05-01 P2; FL-S-25-MF-05-02 P2; FL-S-26-MF-05-03 P2

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

That the application be approved subject to the condition(s) set out below:

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

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

- 2) The development shall not be erected otherwise than in accordance with the following approved drawings: FL-S-20-B1-05-01 P2; FL-S-20-0G-05-01 P2; FL-S-20-01-05-01 P2; FL-S-20-02-05-01 P2; FL-S-20-0R-05-01 P2; FL-S-25-MF-05-01 P2; FL-S-25-MF-05-02 P2; and FL-S-25-MF-05-03 P2.

In order to ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policy BE1 of the Core Strategy 2011 and Policy DM G1 and G7 of the Development Management Local Plan 2013.

- 4) No demolition or construction works shall commence prior to the submission and approval in writing by the Council of a demolition method statement, a construction management plan and a demolition/construction logistics plan which shall include details of the steps to be taken to re-use and recycle waste, details of site enclosure throughout construction and details of the measures proposed to minimise the impact of the construction processes on the existing amenities of the occupiers of neighbouring properties, including monitoring and control measures for dust, noise, vibration, lighting and working hours, waste classification and secure off-street loading and drop off facilities, and the measures proposed to prevent the passage of mud and dirt onto the highway by vehicles entering and leaving the site in connection with the demolition and construction processes. All construction works shall be carried out in accordance with the approved details.

To ensure that demolition and construction works do not adversely impact on the operation of the public highway, and that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other

emissions from the building site, in accordance with Policies 5.18, 6.3 and 7.14 of the London Plan 2011 and Policies DM J1, J6, H5, H8, H9, H10 and H11 of the Development Management Local Plan 2013.

- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order amending, revoking and re-enacting that Order) no extensions or other form of enlargement to the residential development hereby permitted, nor erection of porches, outbuildings, hardstandings, storage tanks, gates, fences, walls or other means of enclosure, shall take place without the prior written permission of the Council.

Due to the limited size of the site, proximity to neighbouring properties and proposed design of the proposed single family dwellings on the site, the Council would wish to exercise future control over development which may affect residential amenity or appearance of the area, in accordance with Policy BE1 of the Core Strategy 2011 and Policies DM A9, DM G1 and DM G7 of the Development Management Local Plan 2013

- 6) Prior to the commencement of the development details of the proposed measures to ensure that the development achieves "secured by design" status shall be submitted to and approved in writing by the Council. No part of the development thereby effected shall be used or occupied prior to the implementation of the approved details.

To ensure that the development incorporates suitable design measures to minimise opportunities for, and the perception of, crime, in accordance with Policies 7.3 and 7.13 of the London Plan 2011 and Policy DM G1 of the Development Management Local Plan 2013.

- 7) The development hereby permitted shall not commence until detailed drawings in plan, section and elevation at a scale of no less than 1:20 of a typical bay of each elevation are submitted to and approved in writing by the Council. The development shall be carried out in accordance with such details as have been approved and thereafter permanently retained in this form.

To ensure a satisfactory external appearance, in accordance with Policy BE1 of the Core Strategy 2011 and Policies DM G1 and DM G7 of the Development Management Local Plan 2013.

- 8) No part of the flat roof areas provided by the development hereby approved shall be used as a terrace or other accessible amenity space. No walls, fences, railings or other means of enclosure shall be erected around the roofs, and no alterations shall be carried out to the approved building to form access onto these roofs.

To ensure a satisfactory external appearance and so that the use of the buildings does not harm the amenities of the existing neighbouring residential properties and future residential occupiers of the development as a result of overlooking, loss of privacy and noise and disturbance, in accordance with Policy DM H9, DM A9 and DM G1 of the Development Management Local Plan 2013, and SPD Housing Policy 8 of the Planning Guidance Supplementary Planning Document 2013.

- 9) The development hereby permitted shall not commence until details and samples of obscure glazing to be used in the rear elevation have been submitted to and approved in writing by the Council. The use of the roof of the main roof as a terrace shall not commence until the glazing, as approved has been installed and it shall be permanently retained as such thereafter.

In order to ensure that the glazing would not result in overlooking and any subsequent loss of privacy, in accordance with Policy DM G1 of the Development Management Local Plan 2013 and SPD Housing Policy 8 (ii) of Planning Guidance Supplementary Planning Document 2013.

- 10) No part of the development hereby approved shall be occupied prior to the provision of the refuse storage enclosures, as indicated on the approved drawings: FL-S-20-B1-05-01 P2 and FL-S-20-0G-05-01 P2.

To ensure that the use does not give rise to smell nuisance and to prevent harm to the street scene arising from the appearance of accumulated rubbish, in accordance with Policy CC3 of the Core Strategy 2011 and Policy DM H5 of the Development Management Local Plan 2013.

- 11) Any refuse/recycling generated by the residential units hereby approved shall be stored in the refuse stores forming part of the details approved pursuant to Condition 10 and shall not be stored on the pavement or street.

To ensure that the use does not give rise to smell nuisance and to prevent harm to the street scene arising from the appearance of accumulated rubbish, in accordance with Policy DM H5 of the Development Management Local Plan 2013.

- 12) No part of the development hereby approved shall be occupied prior to the provision of the cycle storage for the residential and commercial development hereby approved, as indicated on the approved drawing nos. FL-S-20-B1-05-01 P2 and FL-S-20-0G-05-01 P2 and such storage facilities shall be permanently retained thereafter in accordance with the approved details.

In order to promote alternative, sustainable forms of transport, in accordance with Policy DM J5 of the Development Management Local Plan 2013 and Policy 6.9 and Table 6.3 of the London Plan 2011.

- 13) The nine dwellings hereby permitted shall not be occupied until the Council has been notified in writing (and has acknowledged such notification) of the full postal address of the dwellings. Such notification shall be to the council's Head of Development Management and shall quote the planning application number specified in this decision letter.

In order that the Council can update its records to ensure that parking permits are not issued to the occupiers of the dwellings hereby approved, and thus ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car parking stress in the area, in accordance with Policy DM A1, A9, J2 and J3 of the Development Management Local Plan 2013 and Policy T1 of the Core Strategy 2011.

- 14) No occupiers of nine dwellings hereby permitted, with the exception of disabled persons who are blue badge holders, shall apply to the Council for a parking permit or retain such a permit, and if such a permit is issued it shall be surrendered to the Council within seven days of receipt.

In order to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car parking stress in the area, in accordance with Policy DM A1, A9, J2 and J3 of the Development Management Local Plan 2013 and Policy T1 of the Core Strategy 2011.

- 15) The nine dwellings hereby permitted shall not be occupied until such time as a scheme has been submitted to and approved in writing by the local planning authority to ensure that all occupiers, other than those with disabilities who are blue badge holders, have no entitlement to parking permits from the council and to ensure that occupiers are informed, prior to occupation, of such restriction.

In order that the prospective occupiers of the residential units concerned are made aware of the fact that they will not be entitled to an on-street car parking permit, in the interests of the proper management of parking, and to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car parking stress in the area, in accordance with Policy DM A1, A9, J2 and J3 of the Development Management Local Plan 2013 and Policy T1 of the Core Strategy 2011.

- 16) Prior to occupation of the commercial units, a Servicing Management Plan shall be submitted to and approved in writing by the Council. Details shall include times and frequency of deliveries and collections, vehicle movements, silent reversing methods, location of loading bays and quiet loading/unloading measures. The measures/scheme shall be implemented in accordance with the approved details prior to occupation of the development hereby permitted, and thereafter permanently retained and maintained in line with the agreed plan.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

- 17) Prior to the commencement of the development details must be submitted to and agreed in writing by the council of the Ultra Low NOx Gas fired boilers to be provided for space heating and domestic hot water. The Gas fired boilers to be provided for space heating and domestic hot water shall have dry NOx emissions not exceeding 40 mg/kWh (at 0% O<sub>2</sub>). Where any installations do not meet this emissions standard it should not be operated without the fitting of suitable NOx abatement equipment or technology as determined by a specialist to ensure comparable emissions. Following installation, emissions certificates will need to be provided to the council to verify boiler emissions.

To comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2016), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

- 18) Prior to the commencement of the relevant phase of the development a Low Emission Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Low Emission Strategy must detail the remedial action and mitigation measures that will be implemented to protect receptors (e.g. abatement technology for energy plant, design solutions). This Strategy must make a commitment to implement the mitigation measures (including NOx emissions standards for the chosen energy plant) that are required to reduce the exposure of future residents to poor air quality and to help mitigate the development's air pollution impacts, in particular the emissions of NOx and Particulates from on-site transport during construction and operational phases e.g. use of Low Emission Vehicles, and energy generation sources. The strategy must assess air quality neutral in accordance with the Mayor of London SPG 'Sustainable Design and Construction' (April 2014) guidance. It must also include and identify mitigation measures as appropriate to reduce transport and building emissions to below GLA benchmark levels.

To comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2016), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

- 19) No development shall commence until an Air Quality Dust Management Plan (AQDMP) is submitted to and approved in writing by the Council. The AQDMP must include an Air Quality Dust Risk Assessment (AQDRA) that considers residential receptors on-site and off-site of the development and is undertaken in compliance with the methodology contained within Chapter 4 of the Mayor's of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014 and the identified measures recommended for inclusion into the site specific AQDMP. The AQDMP submitted must comply with and follow the chapter order (4-7) and appendices (5,7,8,9) of the Mayor's SPG and should include an Inventory and Timetable of dust generating activities during demolition and construction; Dust and Emission control measures including on-road construction traffic e.g. use of Low Emission Vehicles; Non-Road Mobile Machinery (NRMM). Air quality monitoring of PM10 should be undertaken where appropriate and used to prevent levels exceeding predetermined Air Quality threshold trigger levels. Developers must ensure that on-site contractors follow best practicable means to minimise dust and emissions at all times.

To comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2016) (including 2013 alterations), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

- 20) Prior to the commencement of the development, details shall be submitted to and approved in writing by the Council of all Non-Road Mobile Machinery (NRMM) to be used on the development site. All NRMM should meet as minimum the Stage IIIB emission criteria of Directive 97/68/EC and its subsequent amendments. This will apply to both variable and constant speed engines for both NOx and PM. An inventory of all NRMM must be registered on the NRMM register <https://nrmm.london/user-nrmm/register>. All NRMM should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment.

To comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2016), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

- 21) The development shall not commence prior to the submission and approval in writing by the Council of details of the measures proposed to ensure that the operation of the car lift does not result in noise and disturbance to the occupiers of adjoining residential properties, and the car lift shall not be used prior to the implementation of the approved measures.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment, in accordance with Policies DM H9 and H11 of the Development Management Local

- 22) No plumbing, extract flues or pipes other than rainwater pipes shall be fixed on the front elevations of the building(s) hereby approved.

To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with Policy BE1 of the Core Strategy 2011 and Policy DM G1 and DM G7 of the Development Management Local Plan 2013.

- 23) All existing trees located within the rear gardens immediately to the east of the site must be protected and remain.

To ensure a satisfactory external appearance and to prevent harm to the conservation area, in accordance with Policy BE1 of the Core Strategy 2011 and Policies DM G1, DM G7 and DM E4 of the Development Management Local Plan 2013.

- 24) No alterations shall be carried out to the external appearance of the building, including the installation of air-conditioning units, ventilation fans or extraction equipment not shown on the approved drawings, without planning permission first being obtained. Any such changes shall be carried out in accordance with the approved details.

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policy BE1 of the Core Strategy 2011 and Policies DM G1 and G7 of the Development Management Local Plan 2013.

- 25) No plant, water tanks, water tank enclosures or other structures, that are not shown on the approved plans, shall be erected upon the roofs of the building(s) hereby permitted.

To ensure a satisfactory external appearance, in accordance Policy BE1 of the Core Strategy 2011 and Policy DM G1 and DM G7 of the Development Management Local Plan 2013.

- 26) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no aerials, antennae, satellite



dishes or related telecommunications equipment shall be erected on any external part of the approved buildings, without planning permission first being obtained.

In order to ensure that the Council can fully consider the effect of telecommunications equipment upon the appearance of the buildings in accordance with Policy BE1 of the Core Strategy 2011 and Policies DM G1 and DM G7 of the Development Management Local Plan 2013.

- 27) The development shall be implemented in accordance with the recommended flood mitigation measures as proposed in the submitted Drainage Statement (March 2016). Development hereby permitted shall not commence until further details of flood prevention measures including underground tanks, green roofs, soakaways, and permeable pavements and landscaping and other water efficiency measures have been submitted to and approved in writing by the Council. A non-return valve or other suitable device shall be installed to avoid the risk of the sewerage network surcharging wastewater to basement/ground level during storm conditions. The measures/scheme shall be implemented in accordance with the approved details prior to occupation of the development hereby permitted, and thereafter permanently retained and maintained in line with the agreed plan.

To reduce the impact of flooding to the proposed development and future occupants, in accordance with Policies 5.11, 5.13, 5.14 and 5.15 London Plan 2011, Policy CC1 and CC2 of the Core Strategy 2011, National Planning Policy Framework (2012) and the Technical Guidance to the National Planning Policy Framework (2012) and Policy DM H3 of the Development Management Local Plan 2013.

- 28) The development hereby permitted shall not commence until a surface water drainage scheme, based on sustainable drainage principles, and a maintenance programme for the sustainable urban drainage measures, have been submitted to and approved in writing by the council. The scheme shall be implemented in accordance with the approved details prior to first occupation of the development hereby permitted, and thereafter permanently maintained in accordance with the agreed details.

To prevent any increased risk of flooding and to ensure the satisfactory storage of/disposal of surface water from the site in accordance with Policy CC2 of the Core Strategy 2011 and Policy 5.13 of The London Plan 2011, PPS25 and Policy DM H3 of the Development Management Local Plan 2013.

- 29) No development shall commence until a preliminary risk assessment report is submitted to and approved in writing by the Council. This report shall comprise: a desktop study which identifies all current and previous uses at the site and surrounding area as well as the potential contaminants associated with those uses; a site reconnaissance; and a conceptual model indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and those planned at the site; and a qualitative risk assessment of any potentially unacceptable risks arising from the identified pollutant linkages to human health, controlled waters and the wider environment including ecological receptors and building materials. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the

Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

- 30) No development shall commence until a site investigation scheme is submitted to and approved in writing by the Council. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater . All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

- 31) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, following a site investigation undertaken in compliance with the approved site investigation scheme, a quantitative risk assessment report is submitted to and approved in writing by the Council. This report shall: assess the degree and nature of any contamination identified on the site through the site investigation; include a revised conceptual site model from the preliminary risk assessment based on the information gathered through the site investigation to confirm the existence of any remaining pollutant linkages and determine the risks posed by any contamination to human health, controlled waters and the wider environment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

- 32) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, a remediation method statement is submitted to and approved in writing by the Council. This statement shall detail any required remediation works

and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

### **Justification for Approving the Application:**

- 1) 1. Change of Use: It is considered that the proposed change of land use is acceptable. The loss of the existing B2 and creation mixed use office and commercial premises is deemed acceptable, in accordance with the NPPF (2012), London Plan (2011) Policy 4.2 and 4.3, Core Strategy (2011) Policy B and LE1, and Development Management Local Plan (2013) Policy BE1.  
  
2. Residential: The development of the site for residential is considered acceptable, in accordance with the NPPF (2012), London Plan (2011) Policy 3.3, Core Strategy (2011) H1 and H4, Policy DM A1 and DM A3 of the Development Management Local Plan (2013). The density, housing mix, internal design and layout of the new residential units are considered satisfactory having regard to London Plan Policies 3.4, 3.5 and 3.8, Core Strategy Policies H2, H3 and H4, Policy DM A2, DM A3 and DM A9 of the Development Management Local Plan (2013), and the amenity provision is considered satisfactory, having regard to the physical constraints of the site, judged against Policy DM A2 of the Development Management Local Plan (2013) and SPD Housing Policy 1 and 3 of the Planning Guidance SPD (2013).  
  
3. Design: The proposed development would be a high quality development which would make a positive contribution to the urban environment in this part of the Borough. The proposed development would be compatible with the scale and character of existing development and its setting. The proposal would preserve and enhance the character and appearance of the adjacent conservation area and the conservation of which it forms a part of. The development would therefore be acceptable in accordance with the NPPF (2012), London Plan Policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6 and 7.8, Core Strategy Policy BE1 and Policy DM G1 and DM G7 of the Development Management Local Plan (2013) and SPD Design Policies 44 and 48 of the Planning Guidance SPD (2013), which seek a high quality in design and architecture, requiring new developments to have regard to the pattern and grain of existing development.  
  
4. Residential Amenity and Impact on Neighbouring Properties: The impact of the proposed development upon adjoining occupiers is considered acceptable with no significant worsening of noise, overlooking, loss of sunlight or daylight or outlook to cause undue detriment to the amenities of neighbours. In this regard, the development would respect the principles of good neighbourliness. The development would therefore be acceptable in accordance with Policies DM G1, H9, H11 and A9 of the Development Management Local Plan (2013) and SPD Housing Policy 8 of the Planning Guidance SPD (2013).  
  
5. Safety and Access: The development would provide a safe and secure environment for all users in accordance with London Plan (2011) Policy 7.3 and Policy DM G1 of the Development Management Local Plan 2013 (2013). The

proposal would provide ease of access for all people, including disabled people, in accordance with London Plan (2011) Policy 3.8, Core Strategy (2011) Policy H4, Policy DM A4, DM A9, DM G1 of the Development Management Local Plan (2013) and SPD Design Policies 1 and 11 of the Planning Guidance SPD (2013).

6. Transport: There would be no adverse impact on traffic generation and the scheme would not result in congestion of the road network. Conditions will secure satisfactory car permit free dwellings, provision of cycle and refuse storage. The development would therefore be acceptable in accordance with the NPPF (2012), London Plan (2011) Policies 6.1, 6.3, 6.9, 6.10, 6.11, 6.13, Core Strategy Policies T1 and CC3 (2011), Policies DM J1, DM J2, DM J3, DM J5, DM A9 and DM H5 of the Development Management Local Plan (2013), and SPD Transport Policies 3, 5 and 12 and SPD Sustainability Policies 3, 4 and 7 of the Planning Guidance SPD (2013).

7. Flood Risk: A Flood Risk Assessment (FRA) has been submitted and has considered risks of flooding to the site and adequate preventative measures have been identified. Further necessary details have been secured by condition. Details of SUDS will be secured by a condition. In this respect the proposal is therefore in accordance with the NPPF (2012), London Plan (2011) Policies 5.11, 5.12, 5.13, 5.14 and 5.15, Core Strategy Policies CC1 and CC2 (2011), Policy DM H3 of the DM LP (2013) and SPD Sustainability Policies 1 and 2 of the Planning Guidance SPD (2013).

8. Land Contamination: Conditions will ensure that the site would be remediated to an appropriate level for the sensitive residential and open space uses. The proposed development therefore accords with Policy 5.21 of the London Plan (2011), Policy CC4 of the Core Strategy (2011), Policies DM H7 and H11 of the Development Management Local Plan (2013), and SPD Amenity Policies 2, 3, 4, 5, 7, 8, 12, 13, 14, 15, 16 and 17 of the Planning Guidance SPD (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: 28th October 2016

Drawing Nos: see above

**Policy documents:** National Planning Policy Framework (NPPF) 2012  
The London Plan 2016  
LBHF - Core Strategy Local Development Framework 2011  
LBHF - Development Management Local Plan 2013  
LBHF - Planning Guidance Supplementary Planning Document  
2013

### **Consultation Comments:**

**Comments from:**  
Thames Water - Development Control  
Highways

**Dated:**  
25.11.16  
07.12.16

## **Neighbour Comments:**

### **Letters from:**

72 Farm Lane 58 Landau Apartments London SW6 1BQ  
33 Micklethwaite Road London SW6 1QD  
59 landau apartments 72 Farm Lane London SW6 1 QA  
27 Micklethwaite Road London SW6 1QD  
29 MICKLETHWAITE ROAD LONDON SW6 1QD  
23 Micklethwaite Road London SW6 1QD  
31 Micklethwaite Road London London SW6 1 QD  
David Collins Studio The Studio, 74 Farm Lane SW6 1QA  
15 Weavers Terrace Micklethwaite Road London SW6 1QE  
25 Micklethwaite Road London SW6 1QD  
NAG  
Apt. 6 72 Farm Lane London SW6 1QA  
Micklethwaite Road London SW6 1QD  
First Floor Flat 27 Micklethwaite Road London SW6 1QD  
15 Landau Apartments 72 Farm Lane London SW6 1QA

### **Dated:**

06.12.16  
17.12.16  
06.12.16  
15.12.16  
15.12.16  
13.12.16  
15.12.16  
15.12.16  
15.12.16  
19.12.16  
14.12.16  
19.12.16  
15.12.16  
16.12.16  
11.01.17

## 1.0 SITE DESCRIPTION

1.1 The application site measures approximately 0.1 hectares and is a regularly shaped parcel of land. It is surrounded by the rear gardens of the residential properties at No.s 21-37 Micklethwaite Road to the north and No.s 74-78 Farm Lane to the west, a public open space to the east and No. 72 Farm Lane to the south (recently completed).

1.2 The site is occupied by a large warehouse which operates as a commercial laundry (B2 use). The site is not in a conservation area but is adjacent to the Seddlescombe Road Conservation Area to the north. The site is in Flood Risk Zone 3a.

## 1.3 RELEVANT HISTORY

1.4 Planning permission 2012/02182/FUL was refused in September 2012 for the demolition of the existing buildings (Class B2) and the erection of two terraces comprising 3 houses each, with on site parking and amenity space. This application was refused on the grounds of loss of the B2 use, visual amenity and loss of residential amenity. The decision was subsequently appealed and the planning inspectorate allowed the appeal under application number APP/H5390/A/12/2185179 in March 2013.

1.5 Planning permission 2014/03261/FUL was refused in August 2014 for the demolition of the existing warehouse building and ancillary outbuildings and the erection of a part three, part four storey terrace, consisting of 9 single family dwellinghouses together with roof terraces at first, second and third floor levels; formation of a basement to provide 10 car parking spaces, cycle parking and refuse storage, including provision of a car lift; and associated landscaping. The decision was subsequently appealed and the planning inspectorate dismissed the appeal under application APP/H5390/A/14/2228528 in April 2015. The inspector considered the following to be the main issues:

- i) The effect of the proposal on the character and appearance of the area;

- ii) Whether or not the proposal would make adequate provision for security;
- iii) The implications of the proposal for the living conditions of adjacent occupants and its future occupants;
- iv) Whether or not the proposed car parking provision would be consistent with encouraging sustainable travel; and
- v) Whether or not servicing of the site is practicable without adversely affecting highway safety.

1.6 The inspector concluded that the proposal would harm the character and appearance of the area, did not make adequate provision for security, would unacceptably harm the amenities of neighbours and would fail to provide an adequate environment for future occupiers. For these reasons the inspector dismissed the appeal. Although found the proposal to be acceptable in terms of car parking and servicing.

1.7 This current application follows on from the previous refusal, and is for the demolition of the existing laundry building to be replaced with a reduced part two and part three storey terrace with basement floor, consisting of 9no. dwelling houses.

## 2.0 CONSULTATION RESPONSES (INTERNAL AND EXTERNAL)

2.1 The application has been advertised by means of a site notice and press advert. Individual notification letters were sent to occupiers of neighbouring properties.

2.2 A total of 14 objections and neutral responses were received. The objections can be summarised as follows:

- Overlooking and loss of privacy
- Noise pollution
- Overdominant development
- Out of keeping with the development
- Out of keeping with the scale and character of local area/neighbouring conservation area
- Increased sense of enclosure
- Loss of outlook
- Loss of light
- Daylight/sunlight report
- Impact on access to neighbouring 72 Farm Lane
- Increase in traffic generation
- Highways impacts from building works
- Increased parking stress
- Air pollution from building works
- Negative impact on property prices of surrounding area

## 3.0 PLANNING ISSUES

3.1 The main planning considerations in the National Planning Policy Framework (2012), The London Plan and the Council's adopted Core Strategy and Development Management Local Plan include: the loss of the B2 use and the principle of the residential use in land use terms; quantum and intensity of development in terms of the height, scale and massing; impact on surrounding uses particularly neighbouring residential properties, and the impact on the highway network.

## LAND USE

3.2 The proposed demolition results in the loss of the laundry (B2 use) and should be considered against Policy LE1 and Policy B of the Core Strategy, Policy 4.2 of The London Plan and Policy B1 of the DM Local Plan which seek to resist the loss of employment space, unless certain criteria are addressed including supporting marketing evidence to justify the loss.

3.3 When the Inspector allowed the 2013 appeal (paragraph 1.5 above), in land use terms he concluded the following:

'The appellants have provided a detailed analysis of market evidence, showing a lack of demand for and a general oversupply of industrial and office space within the Borough. The proposed development, by replacing a substandard and poorly located site for B2 use with much needed residential accommodation, within a currently mixed but predominantly residential neighbourhood, would meet national policy objectives as well as Policy LE1, Strategic Policy B of the Core Strategy. It would also meet the objectives of Policies 4.2 and 4.4 of the London Plan 2011'.

3.4 Given that the Inspector's decision raised no objections in principle to the proposed loss of the employment use, the change of use is considered acceptable.

## HOUSING

3.5 The National Planning Policy Framework (2012) identifies the need for additional housing and sets out ways in which planning can significantly boost the delivery of housing through the preparation of policy documents. London Plan Policy 3.3 B states that an annual average of 32,210 net additional homes should be delivered. Table 3.1 sets an annual target of 1,031 net additional dwellings for Hammersmith and Fulham. Core Strategy (2011) Policy H1 reiterates the London Plan's annual target of additional dwellings for the borough. The provision of 9 dwellings would contribute towards these targets.

3.6 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.

3.7 Eight of the proposed nine dwellings would all be family sized units and would therefore accord with the objectives of the Core Strategy and DM LP.

## DENSITY/AFFORDABLE HOUSING

3.8 With regard to the proposed density, London Plan Policy 3.4 and Core Strategy Policy H3 seek to ensure that development proposals achieve the optimum intensity of use compatible with local context, design principles and with public transport capacity, with consideration for the density ranges set out in Table 3.2 of the London Plan. This is supported by Policy DM A2 of the DM LP.

3.9 Part of the site is located in Public Transport Accessibility Level (PTAL) 6a using Transport for London's methodology, indicating that it is very accessible by public transport. According to the London Plan density matrix, the site is considered to be set



in an urban area with predominantly dense development such as, for example, terraced houses, mansion blocks, a mix of different uses, medium building footprints and typically buildings of two to four storeys, located within 800 metres walking distance of a District centre or, along main arterial routes. This would support a density of between 200 and 700 habitable rooms per hectare (hr/ha), or 45-185 units per hectare (u/ha).

3.10 The proposed development site comprises 0.1 hectares and would have approximately 53 habitable rooms which would result in a residential density of 530 hr/ha (equivalent of 90 houses/ha), which is within the density range stipulated in the London Plan.

3.11 One of the grounds for refusing the previous application in 2014 was the impact on the residential amenities of the neighbouring properties by reason of its bulk and scale. The Inspector agreed with this refusal reason. The revised scheme has been reduced by scaling the development back on the north, south and west elevations. The previous scheme extended on the southern boundary up to the boundary with the alleyway. The proposal has been set back away from the alleyway so that the windows on the southern elevation facing 72 Farm Lane are further away, and the windows on the north elevation are obscure glazed to prevent overlooking to opposing properties in Micklethwaite Road.

3.12 The proposal in its current form is considered to be at its maximum volume in terms of its envelope. Any increase in bulk and scale would result in an unneighbourly development in terms of outlook, increased sense of enclosure and daylight and sunlight. It is therefore accepted that no further bulk could reasonably be added to the site. The development is considered to be at its maximum acceptable envelope in terms of its scale and mass.

3.13 While it is acknowledged that the units being provided are generous in terms of overall floor areas if the proposed basement floorspace was excluded (55sqm) then the units would be modest in size. The applicant has submitted further analysis exploring the possibility of providing additional units within the envelope of the proposed building to clarify whether the affordable housing threshold could be met.

3.14 The site dimensions and surrounding context have been the determining factors to establish the most suitable building layout, internal arrangement and density configuration for the development. Officers consider that it is not physically possible to create a useable 10 unit scheme on this site.

3.15 If the scheme were redeveloped to include a terrace of 10 houses, the width of the resulting dwellings would then not be able to accommodate a double bedroom on any of the above ground floors in units 5-10. All of the bedrooms in units 5-10 above ground would be single bedrooms. This would not suit a family dwelling or meet the criteria of the Councils Core Strategy or the London Plan. It is therefore not physically practicable to add another house as it would result in a poor quality environment for future occupiers with no family units.

3.16 If the proposal were redesigned to include flats rather than houses to provide more than 9 units on the site, the revised configuration would result in unsatisfactory flat layouts that include: small single aspect dwellings with those to the rear having very little outlook from the principal rooms, providing an unacceptable standard of

accommodation, and it would not be possible to provide the required private amenity space for the flatted dwellings.

3.17 In this case, due to site constraints, the building envelope which responds to the previous appeal is at its maximum and ensures that the amenities of neighbouring occupiers, and enables the provision of satisfactory dual aspect for the nine dwellings.

3.18 In conclusion, the submitted 9 unit scheme represents the most effective and efficient use of this brownfield site whilst maximising the development potential. The proposal reasonably falls below the threshold for affordable housing, however Officers consider that it would not be appropriate to include further units within the proposed development in order to meet the affordable housing threshold.

## HEIGHT, MASSING and SCALE

3.19 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. London Plan Policy 7.1, 7.2, 7.3, 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.

3.20 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'.

3.21 Policy DM G1 (Design of New Build) of the DM LP 2013, seeks to ensure that new build development to be of a high standard of design and compatible with the scale and character of existing development and its setting. The policy also required proposals to be designed to respect the principles of secured by design.

3.21 Policy A8 of the DM LP outlines that new basement accommodation will be permitted where: it does not extend beyond the footprint of the dwelling and any approved extension (whether built or not); there is no adverse impact on the amenity of adjoining properties and on the character of the street scene; and it does not increase flood risk from any source.

## Demolition:

3.22 The existing laundry building is of limited visual merit the demolition of it is considered acceptable providing a suitably designed new development is proposed.

## Impact on setting

3.23 In the previous 2014 scheme which was dismissed at appeal, both the Council and the Inspector raised concerns that the height, scale and massing of the proposed homes, in conjunction with the development at 72 Farm Lane, as it extended three storeys in height right up to the southern boundary with the alleyway for its full length. It was considered that the development would result in an overbearing sense of enclosure to the alleyway which could heighten perceptions of an unsafe and insecure public realm. This was worsened by the lack of any defensible space between the alleyway and the development.

3.24 The current proposal has been significantly reduced by setting the central part of the proposed building back from the alleyway by 7m for over half the length of the site from the southern boundary. This has resulted in a height and massing which would be more compatible with surrounding terrace properties. Further, the reduced bulk and set back from the alleyway results in a more open aspect than the 2014 appeal scheme.

3.25 Whilst the building is higher than that it replaces, it would improve the sense of security through natural surveillance when compared to the previously existing situation (which attracted anti-social behaviour largely because of its secluded nature). The previously existing commercial building and the application site resulted in both sides of the alleyway having high blank walls just metres from each other. As proposed the scheme increases natural surveillance and openness within the alleyway it is considered the development is an appropriate design response to the constraints of the site.

## Design

3.26 The surroundings are characterised by a variety of heights and periods, ranging from two to six storeys in height, and terraced housing to the north and west, and a recently completed development to the south at 72 Farm Lane comprises a residential development ranging between 2 and 6 storeys in height with a modern design.

3.27 The proposed part two, part three storey building is considered acceptable within the existing surrounding context. The building is not visible from any long views as it is largely a backland site. The site would be visible from the alleyway and oblique angles to the north.

3.28 The proposed terrace is a sympathetic design that is well proportioned. Units 2-9 have a traditional architectural style using a restrained palette of traditional materials. Both the front and the rear elevations to Units 2-9 are based on a simple two storey brick façade with articulated brick to the external features. The brickwork is punctuated with simple window openings that diminish in size as the elevations rise, which is typical architectural hierarchy of the area. All window elements are recessed to the back of the external wall to provide depth to the openings.

3.29 Unit 1 has a slightly more contemporary design which includes accommodation for the car lift entrance at ground floor level and is a floor lower than the other eight units. The design compliments the remainder of the terrace and the immediate setting which includes 72 Farm Lane, a contemporary building. This unit would incorporate similar materials to the other units, thereby remaining in keeping with the character and appearance of the development itself.

3.30 It is considered that the proposed design would not harm the existing character and appearance of the surrounding development, and adjacent conservation area and is therefore considered acceptable. It is considered that the proposed development would be a high quality development which would make a positive contribution to the urban environment in this part of the Borough. The development would therefore be acceptable in accordance with the NPPF (2012), London Plan Policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6 and 7.8, Core Strategy Policy BE1 and Policy DM G1 and DM G7 of the DMLP and SPD Design Policies 44 and 48 of the Planning Guidance SPD (2013), which seek a high quality in design and architecture, requiring new developments to have regard to the pattern and grain of existing development.

## QUALITY OF THE PROPOSED ACCOMMODATION

### Size and Aspect:

3.31 Policy 3.5 and Table 3.3 of the London Plan, Core Strategy Policy H3, DM LP Policy DM A2 and A9 expect all housing development to be of a high quality design and be designed to have adequate internal space. SPD Housing Policy 8 (iv) states that 'north facing units' (i.e. where the orientation is less than 50 degrees either side of north) should be avoided wherever possible. All of the proposed units would be dual aspect and would exceed the minimum dwelling size requirements of the London Plan. It is considered the proposed family dwellings would provide a high quality of accommodation.

3.32 The proposed terrace of nine houses would provide: 1 x two bedroom unit, 6 x three bedrooms, and 2 x four bedroom units. In this instance all of the proposed units comply with internal floor space requirements as stipulated within the DCLG Technical Housing Standards. The floorspace of each unit, which all exceed the minimum standards comfortably, are shown below:

Two bedroom unit measuring 97sqm (minimum floorspace: 81sqm):

Three bedroom units measuring between 155sqm and 172 sqm (minimum floorspace: 110.5sqm):

Four bedroom units measuring 155sqm (minimum floorspace: 133sqm):

3.33 In terms of outlook and aspect, all of the units are dual aspect and would have good outlook and light.

3.34 As all the proposed dwellings would exceed the minimum dwelling size requirements of the DCLG Technical Housing Standards 2015, are dual aspect and provide good levels of light and outlook, they are considered to accord with Policy H3 within the Core Strategy, Local Plan Policy DM A2 and A9 and SPD Housing Policy 8.

### Amenity space:

3.35 DM LP Policy DM A2 supports the requirement for amenity space and also requires family housing on upper floors to have access to a balcony and/or terrace, subject to acceptable amenity and design considerations. SPD Housing Policy 1 requires all new dwellings should have access to an area of amenity space, appropriate to the type of housing being provided. The policy continues to state that all new family dwellings should have access to amenity or garden space of not less than 36sqm.

3.36 The ground floor outdoor amenity spaces range between 12 and 16.5sq m. Although the proposed private amenity spaces would fall short of the abovementioned policy requirements this reflects the physical constraints of the site in this urban setting. Consequently, the amenity space provided is considered to be an acceptable arrangement in this instance, and would not justify a refusal of planning permission.

3.37 Accordingly, the outdoor amenity space is regarded as being sufficient and the proposal complies with Local Plan Policy DM A2 and SPD Housing Policy 1 and 3.

Access:

3.38 London Plan Policy 3.8, Core Strategy Policy H4, Policy DM A4 of the DM LP, SPD Design Policy 1 (Inclusive design), SPD Design Policy 2 (Access to facilities inside a building) requires new residential development to be built to M4(2) (Accessible and Adaptable Dwellings) and/or M4(3) (Wheelchair Use Dwellings) of The Building Regulations 2010.

3.39 All of the houses are arranged in compliance with the spatial requirements and minimum room circulation space sizes, have been designed to comply with Part M of the Building Regulations. The proposal is therefore considered acceptable in terms of providing inclusive access.

## RESIDENTIAL AMENITY

3.40 Policy DM G1, H9, H11 and A9 require all proposals to be formulated to respect the principles of good neighbourliness. SPD Housing Policy 8 seeks to protect the existing amenities of neighbouring residential properties in terms of outlook, light, privacy and noise and disturbance.

3.41 The nearest adjacent properties are 21- 37 Micklethwaite Road, 72 and 76-88 Farm Lane.

Outlook:

3.42 SPD Housing Policy 8 (i) acknowledges that a building's proximity can have an overbearing and dominating effect detrimental to the enjoyment by adjoining residential occupiers of their properties. Although it is dependent upon the proximity and scale of the proposed development a general standard can be adopted by reference to a line produced at an angle of 45 degrees from a point 2 metres above the adjoining ground level of the boundaries of the site where it adjoins residential properties. However, on sites that adjoin residential properties that have rear gardens of less than 9 metres in length this line should be produced at 45 degrees from a point at ground level on the boundary of the site where it adjoins residential properties. If any part of the proposed building extends beyond these lines then on-site judgement will be a determining factor in assessing the effect which the extension will have on the existing amenities of neighbouring properties. The closest residential properties are in Micklethwaite Road and Farm Lane.

3.43 In respect of No.s 21- 37 Micklethwaite Road, it is considered that the resulting outlook would remain satisfactory as the proposed building would be setback from the rear boundary and step up at each level. The development has been designed not to breach a notional 45-degree angle as measured from the ground floor level on the rear

boundaries of these properties. The proposal would therefore comply with SPD Housing Policy 8.1.

3.44 With regards to No.s 76 and 78 Farm Lane it is noted that these properties have small rear gardens (3.5m in length) with limited outlook, as such it is important that the proposal does not worsen the sense of enclosure to these properties.

3.45 There is an existing single storey building located on the subject site adjacent to the rear boundary of No.76. As such a line of 45 degree has been taken from the roof of the existing building (on the boundary with No 76). The proposed first floor of unit 1 has been set away from the shared boundary with No. 76 Farm Lane in order to avoid transgressing a notional 45 degree line, as has the second floor of the Unit 2. It is considered that in this form, the proposal would not worsen the existing situation in terms of outlook to No. 76 and 78 Farm Lane.

3.46 As noted in paragraph 3.24 above, the proposal has been designed to step away from the existing opposing windows at No. 72 Farm Lane. Most notably the proposed Units 5, 6, 7 and 8 would be 20m away from the nearest existing opposing windows. It is considered that in this form, the proposal would not significantly breach impact on the outlook of No. 72 Farm Lane.

3.47 In view of the above it is considered that the development would not result in an unacceptable loss of outlook or increased sense of enclosure to the amenity of those properties complying with DM Policy G1, A9 and SPD Housing Policy 8.1.

#### Daylight and Sunlight:

3.48 Officers have considered the Daylight and Sunlight report submitted by the applicants. In terms of sunlight the proposals would be fully compliant with BRE guidelines. In terms of daylight, three windows would marginally fail to meet the Vertical Sky Component (VSC) requirement of no more than 20% reduction in daylight. However, the windows are secondary windows to those habitable rooms. It is therefore considered that the proposed design satisfies the requirements set out in the BRE guide 'Site Layout Planning for Daylight and Sunlight'.

#### Privacy:

3.49 SPD Housing Policy 8(ii) states that new windows should normally be positioned so that they are a minimum of 18 metres away from existing residential windows as measured by an arc of 60 degrees taken from the centre of the proposed window. In addition it states that a roof terrace/balcony is unacceptable if it would result in an additional opportunity for overlooking and consequent loss of privacy.

3.50 The proposed building would introduce a large number of windows in the front and rear elevations. The windows in the front elevation to Units 5-9 have been set back from the front boundary line in order to be at least 18m away from the nearest opposing habitable room windows at 72 Farm Lane, complying with SPD Housing Policy 8(ii). Although the windows in the front elevation at first and second floor level to Units 2, 3 and 4, would face windows within 18m of existing windows at 72 Farm Lane, these existing opposing windows at 72 Farm Lane are obscure glazed. The windows in the rear elevation facing Micklethwaite Road at first floor level are all obscure glazed and fixed shut.

3.51 It is considered that the proposal would not result in a loss of privacy or overlooking. The proposed development complies with Policy DM A9 and DM G1 of the Development Management Local Plan 2013 and SPD Housing Policy 8 (ii).

Noise and Disturbance:

3.52 DM LP Policy H9 and H11 relate to environmental nuisance and require all development to ensure that there is no undue detriment to the general amenities enjoyed by existing surrounding occupiers, particularly those of residential properties. SPD Housing Policy 8 (iii) adds that roof terraces or balconies likely to cause harm to the existing amenities of neighbouring properties by reason of noise and disturbance will not be supported.

3.53 Unlike the previous 2014 refusal, all outdoor amenity spaces above ground floor level has been omitted. Most of the ground floor outdoor amenity spaces being proposed are modest in size at approximately 12sq m of useable space. Units 2, 3 and 4 have larger outdoor spaces measuring 16.5sq m. It is considered that the proposed amenity spaces would not cause additional noise and disturbance to a degree that would justify withholding planning permission.

3.54 The proposal therefore complies with Local Plan Policies DM A9, DM H9 and SPD Housing Policy 3 and 8.

#### TRAFFIC GENERATION and CAR PARKING

3.55 Policy 6.1, 6.3, 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.

3.56 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. Policies DM J2 and DM J3 of the DM LP 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 and 7.

Car Parking:

3.57 The proposal would result in a net increase of 9 residential units. A basement car park would be provided with 4 off-street car parking spaces including one disabled bay. The applicant has confirmed that no more car parking could reasonably be accommodated within the proposed basement layout, as the available space will be required for the turning of vehicles. This has been demonstrated by the swept paths attached to the transport report. Council's Highways team consider this to be acceptable.

3.58 The site has a PTAL score of 6 using Transport for London's methodology, indicating that it has an excellent level of public transport accessibility. However the surrounding on-street parking network experience high levels of parking stress. The

proposed development will be car permit free and this would minimise the impact of the development on the on-street parking. This will be secured by Condition 15.

#### Car lift:

3.59 The proposed basement car park would be accessed by a car lift. Information on the dimensions of this car lift has been submitted and reviewed by the Council's Highways team and considered to be acceptable. Concern was expressed that vehicles would be emerging blind onto the alleyway. The proposal was therefore amended to provide low level planters on both sides of the car lift doors to assist a visibility for vehicles exiting the car lift. This is considered acceptable, as the car lift would meet the required pedestrian visibility splays. The applicant has agreed to a condition to secure a maintenance agreement of the car lift as required by Transport Policy 33.

#### Servicing:

3.60 Access by service vehicles such as removal lorries or delivery vehicles would be from Farm Lane and the access to the site from the end of that road. This would require carrying items along the footpath but this arrangement would not be dissimilar to that which would be required for the approved scheme of six houses allowed on appeal in 2013. Larger vehicles would be able to turn at the corner of Farm Lane. Although not ideal in terms of carrying distance, servicing of the site is practicable without adversely affecting highway safety. This was confirmed in the decision issued by the Planning Inspectorate in the decision dismissing the appeal in 2015. It is considered that the proposal would therefore not conflict with policies DM J1 and DM J6 of the LP in this regard.

#### Cycle:

3.61 Cycle parking should be provided in line with London Plan 2011 Policy 6.9 and Table 6.3. Policy DM J5 of the DM LP encourages increased cycle use by seeking the provision of convenient and safe cycle parking facilities. This is supported by SPD Transport Policy 12.

3.62 Secure storage for 18 bicycles is being proposed. The plans indicate provision of cycle parking would be made at basement level for four of the units and ground floor level within the front gardens for the remaining five units. The number of cycle spaces is considered satisfactory and will be secured by Condition 12.

#### Refuse:

3.63 London Plan Policy 5.16 outlines the Mayors approach to waste management. Core Strategy Policy CC3, DM LP 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. The plans indicate the provision of some refuse storage and recycling facilities at basement level, with five units having refuse storage within the front gardens. A condition would be attached to a permission ensuring the provision of these arrangements (Condition 10).



## OTHER MATTERS

### Environmental Quality:

3.64 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. 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. 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. Local Plan Policy DM H3 requires developments to reduce the use of water and minimise current and future flood risk by implementing a range of measures such as Sustainable Drainage Systems (SuDs)

### Flood Risk and Sustainable Urban Drainage Systems (SUDs):

3.65 The FRA has been submitted with the application, and includes details on the proposed flood mitigation measures, and additional SuDS measures are explored for their feasibility on the site.

3.66 There are references to the need for a number of issues to be examined further as part of the next phase of the detailed design work for the proposals. It is considered that the flood risk present on the site is capable of being mitigated satisfactorily and surface water flows can be attenuated as required. However, as the full details are yet to be provided, rather than conditioning the implementation of the FRA at this stage, it is considered appropriate to condition the submission of a revised FRA prior to commencement that provides the full details of the flood mitigation measures, including SuDS to be implemented as part of the development.

3.67 Overall, the proposed drainage and flood risk controls, as outlined in the submitted Drainage Strategy is acceptable subject to the confirmation of the issues highlighted above.

### Air Quality:

3.68 London Plan Policy 7.14, Core Strategy Policy CC4 and Policy DM H8 of DM LP seek to reduce the potential adverse air quality impacts of new major developments by requiring all major developments to provide an air quality assessment that considers the potential impacts of pollution from the development on the site and on neighbouring areas and requiring mitigation measures to be implemented to reduce emissions where assessments show that developments could cause a significant worsening of local air quality or contribute to exceedances of the Government's air quality objectives.

3.69 The Council's Environmental Quality team have considered the proposal and have recommended a number of conditions relating to air quality, namely in relation to Gas Boilers Compliance with Emission Standards, Low Emissions Strategy and Non Road Mobile Machinery (NRMM). This has been secured by Conditions 19, 20, 21 and 22.

## Energy

3.70 As the development consists of fewer than 10 residential units, it is not necessary for it to meet the sustainability and carbon reduction requirements (40%) specified in the London Plan, nor is detailed supporting information required with the application outlining the sustainable design and construction measures to be included in the new building. Notwithstanding this an Energy Assessment has been provided with the application. This confirms that energy efficiency measures, efficient heating and cooling systems and solar PV panels are to be installed which will reduce energy use and associated CO2 emissions. As the scheme is not a major site, the energy assessment is not required to show compliance with the 35% reduction in CO2 emissions, but it is calculated that just over a 20% improvement can be achieved. This is therefore adequate. The implementation of the measures outlined in the energy assessment can be conditioned (Conditions 19 and 20). In this respect the proposal is judged to comply with Core Strategy Policy CC1 and DM LP Policy DM H1 and G1 on carbon reduction and London Plan Policy 5.3, Core Strategy Policy H3, DM LP Policy DM H2 and G1 and SPD Sustainability Policies 25 and 26 on sustainable design and construction. Given the relatively small-scale nature of the proposal, this level of performance is acceptable and can be conditioned if it were recommended for approval

## Contamination:

3.71 Policy 5.21 of the London Plan, Core Strategy Policy CC4 and Policy DM H7 and H11 of the DM LP 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.

3.72 Potentially contaminative land uses, past or present, are understood to occur at, or near to, this site. In order to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works conditions would be attached covering the assessment and remediation of contaminated land if the application were to be approved (Conditions 36-41).

## Community Infrastructure Levy:

3.73 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. 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.

## Local CIL:

3.74 The Council has also set a CIL charge. The Council's Community Infrastructure Levy (CIL) is also a charge levied on the net increase in floorspace arising from development in order to fund infrastructure that is needed to support development in the area. The Council's CIL runs alongside Section 106 Agreements (S106s) which will be scaled back but will continue to operate. The CIL Charging Schedule was presented to Council and approved 20 May and has formally taken effect since the 1st September 2015. An estimate of £287,800 based on 1439sqm of additional floorspace has been calculated.

#### 4.0 Conclusion and Recommendation

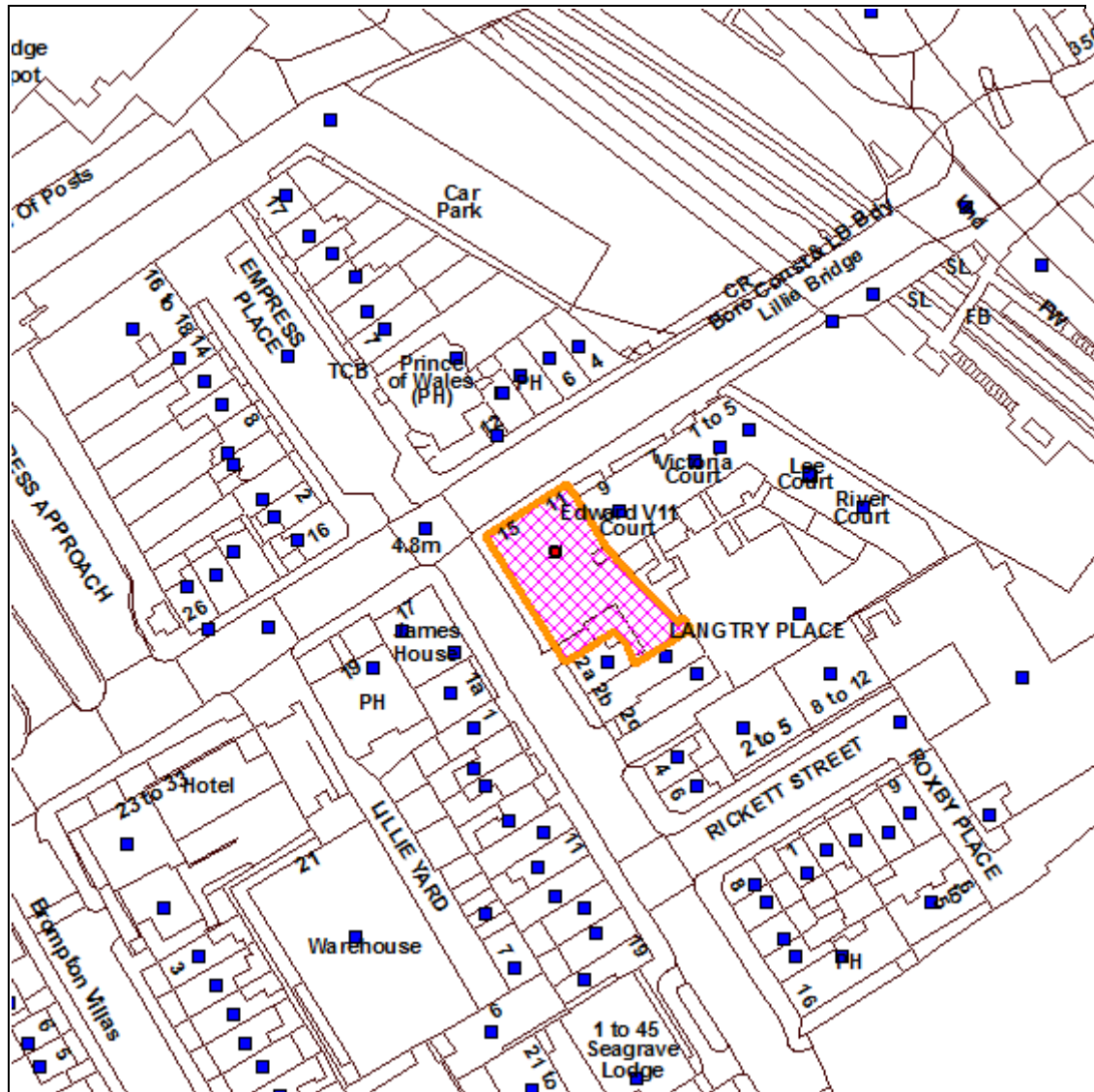
4.1 The proposed demolition is acceptable given that the building being demolished are not of architectural merit, or listed. The proposed development would create well-designed residential scheme that would complement its setting. The proposal would improve the appearance of the site and the surrounding area. The development has an acceptable impact on neighbouring living and working conditions. The impact of the development subject to conditions would not have a significant impact on the highway, parking, flooding or the environment. As such the proposal is considered to be in accordance with relevant national guidance, London Plan policies, the Core Strategy, DM LP and Planning Guidance Supplementary Planning Document Policies.

4.2 It is recommended that the application be approved subject to conditions.

**Ward:** Fulham Broadway

**Site Address:**

11 - 15 Lillie Road London SW6 1TX



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

**Reg. No:**  
2016/03855/FUL

**Case Officer:**  
Sally Prowd

**Date Valid:**  
26.08.2016

**Conservation Area:**

**Committee Date:**  
14.03.2017

**Applicant:**

Ms Lucie Banham  
20 Thornsett Road London SW18 4EF

**Description:**

Redevelopment of the site; involving the demolition of the existing three storeys building and the erection of a ground plus six storeys (and basement) building; to accommodate a 'hub' style hotel (Class C1); providing 89 rooms on the upper floors and basement plus ancillary reception, café and lounge areas at ground floor level to Lillie Road/Seagrave Road.

Drg Nos: Dwgs. 811\_07\_001; 811\_07\_100-104; 811\_07\_200-203; 811\_07\_400;  
Planning Statement (Aug. 2016) Allies and Morrison; Design and Access Statement (Aug. 2016) Allies and Morrison; Daylight and Sunlight Report (June 2016) Point 2 Surveyors; Historic Environment Assessment (Aug. 2016) MOLA; Noise Survey Report (26/05/2016) Hoare Lea; Air Quality Assessment - Rev. 001 (18/11/2016) AECOM; Energy Strategy - Rev. H (08/30/2016) Hoare Lea; BREEAM Pre Assessment - Rev. D (24/08/2016) Hoare Lea; Flood Risk Assessment - Rev A (June 2016) Water Environment; FRA Addendum (22 December 2016) Water Environment; Out Delivery and Servicing Management Plan (June 2016) Steer Davies Gleave; Outline Construction Method Statement Issue 3 (October 2016) Construction Planning Associates; Draft Travel Plan (June 2016) Steer Davies Gleave; and Transport Statement (June 2016) Steer Davies Gleave.

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

That the Committee resolve that the Lead Director of Planning and Development be authorised to determine the application and grant permission up on the completion of a satisfactory legal agreement and subject to the condition(s) set out below

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

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

- 2) The development shall not be erected otherwise than in accordance with the following approved drawings;

811\_07\_001, 811\_07\_100, 811\_07\_101, 811\_07\_102, 811\_07\_103,  
811\_07\_104, 811\_07\_200, 811\_07\_201, 811\_07\_202, 811\_07\_203,  
811\_07\_400.

In order to ensure full compliance with the planning permission hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with policy BE1 of the Core Strategy 2011 and policies DM G1 and DM G7 of the Development Management Local Plan 2013.

- 3) The development hereby permitted shall not commence until a scheme for temporary fencing and/or enclosure of the site where necessary has been submitted to and approved in writing by the Council, and such enclosure has been erected in accordance with the approved details and retained for the duration of the building works. No part of the temporary fencing and/or enclosure of the site shall be used for the display of advertisement hoardings.

To ensure a satisfactory external appearance of the site, in accordance with Policy BE1 of the Core Strategy 2011 and policies DM G1 and DM G7 of the Development Management Local Plan 2013.

- 4) The development shall not commence until a Demolition Management Plan and a Demolition Logistics Plan have been submitted to and approved in writing by the Council. These shall include details of the proposed control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800-1300hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. The details shall also include the numbers, size and routes of demolition vehicles, provisions within the site to ensure that all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. Details regarding tree protection should also be included. The Demolition Management Plan and Demolition Logistics Plan shall be implemented in accordance with the approved details throughout the relevant project period.

To ensure that appropriate steps are taken to limit the impact of the proposed demolition works on the operation of the public highway, the amenities of local residents and the area generally, in accordance with policies 5.18, 5.19 and 7.14 of the London Plan (2016), policy CC1, CC4 and T1 of the Core Strategy 2011, policies DM H1, DM H2, DM H5, DM H8, DM H9, DM H11, DM J1 and DM J6 of the Development Management Local Plan July 2013 and SPD Amenity Policy 26 of the Planning Guidance Supplementary Planning Document (July 2013).

- 5) The development hereby permitted shall not commence until a Construction Management Plan and a Construction Logistics Plan have been submitted to and approved in writing by the Council. The details shall include any external illumination of the site during construction, contractors' method statements, waste classification and disposal procedures and locations, suitable site hoarding/enclosure, dust and noise monitoring and control, provisions within the site to ensure that all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, the numbers, size and routing of construction vehicles and other matters relating to traffic management to be agreed. All works shall be carried out in accordance with the approved plan. No part of the temporary fencing and/or enclosure of the site shall be used for the display of advertisement hoardings.

To ensure no unacceptable adverse effect on the amenities of surrounding occupiers and highways, in accordance with Policies DM J6 and DM H11 of the Development Management Local Plan 2013.

- 6) No development shall commence until a preliminary risk assessment report is submitted to and approved in writing by the Council. This report shall comprise: a desktop study which identifies all current and previous uses at the site and surrounding area as well as the potential contaminants associated with those uses; a site reconnaissance; and a conceptual model indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and those planned at the site; and a qualitative risk assessment of any potentially unacceptable risks arising from the identified pollutant linkages to human health, controlled waters and the wider environment including ecological receptors and building materials. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

- 7) No development shall commence until a site investigation scheme is submitted to and approved in writing by the Council. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater . All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

- 8) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, following a site investigation undertaken in compliance with the approved site investigation scheme, a quantitative risk assessment report is submitted to and approved in writing by the Council. This report shall: assess the degree and nature of any contamination identified on the site through the site investigation; include a revised conceptual site model from the preliminary risk assessment based on the information gathered through the site investigation to confirm the existence of any remaining pollutant linkages and determine the risks posed by any contamination to human health, controlled waters and the wider environment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.



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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

- 12) The development hereby permitted shall not commence until the implementation of a programme of archaeological investigation in accordance with a Written Scheme of Investigation. The details shall have first been submitted to and approved in writing by the Council, in consultation with English Heritage. No development shall take place other than in accordance with the Written Scheme of Investigation.

Reason: Condition required by English Heritage, to ensure the preservation or protection of any archaeological interests that may be present on the site, in accordance with policy DM G7 of the Development Management Local Plan, 2013, and the National Planning Policy Framework (NPPF) Chapter 12.

- 13) The development hereby permitted shall not commence (other than demolition) until samples of all the materials to be used in all external facades of the building, have been submitted and approved in writing by the Council. The development shall be carried out in accordance with the approved details and permanently retained as such thereafter.

Reason: To ensure a satisfactory external appearance, in accordance with Policy BE1 of the Core Strategy 2011 and policies DM G1 and DM G7 of the Development Management Local Plan 2013.

- 14) The development hereby permitted shall not commence above ground level until detailed drawings of a typical bay of the building on Lillie Road and Seagrave Road in plan, section and elevation at a scale of no less than 1:20 have been submitted to and approved in writing by the Council. The development shall be built in accordance with the approved drawings, and permanently retained as such thereafter.

Reason: To ensure a satisfactory external appearance and prevent harm to the street scene, in accordance with Policy BE1 of the Core Strategy 2011 and policies DM G1 and DM G7 of the Development Management Local Plan 2013.

- 15) The development hereby permitted shall not be occupied/used until detailed plans, sections and elevations at a scale of 1:20 of the rooftop plant have been submitted to and approved in writing by the Council. The development shall be carried out in accordance with the details as approved and thereafter permanently retained in this form.

To ensure a satisfactory external appearance in accordance with policy BE1 of the Core Strategy 2011 and policies DM G7 and DM G1 of the Development Management Local Plan 2013.

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

To ensure a safe and secure environment in accordance with policy 7.3 of the London Plan (2016), policy BE1 of the Core Strategy (2011) and policy DM G1 of the Development Management Local Plan (2013).

- 17) The hotel use hereby permitted shall not commence until details of the 10 wheelchair accessible rooms have been provided. This arrangement shall thereafter be permanently retained.

To ensure the provision and retention of facilities for all, including disabled people, in accordance with Policy H4 of the Core Strategy 2011, Policies DM A4, DM A9 and DM G1 of the Development Management Local Plan 2013 and SPD Design Policies 1, 2, 3, 4, 6, 7, 8, 9 and 10 of the Planning Guidance Supplementary Planning Document (July 2013).

- 18) The development hereby permitted shall not be occupied or used until the cycle storage arrangements indicated on approved drawing no. 811\_07\_100 to serve the development have been fully provided and made available to visitors and staff. The facilities shall be permanently retained thereafter.

To ensure the suitable provision of cycle parking within the development to meet the needs of future site occupiers, in accordance with policies 6.9 and 6.13 of The London Plan 2016 and Policy DM J5 of the Development Management Local Plan 2013.

- 19) No organised delivery of food in connection with the cafe use shall take place from the premises using motor vehicles (which includes motor cycles, mopeds and motor scooters).

No provision has been made for the parking of vehicles off-street in connection with a delivery service. In the circumstances, any such vehicles would be likely to park on the public highway which would prejudice the free flow of traffic and public safety. Also, this is to ensure that noise and other disturbance caused by deliveries does not cause harm to surrounding residents.

In accordance with Policies DM C6, DM H9, DM H11 and DM J5 of Development Management Local Plan 2013.

- 20) The hotel development hereby permitted shall not be occupied or used until the refuse storage arrangements shown on approved drawing no. 811\_07\_100, including provision for the storage of recyclable materials, have been fully implemented, and fitted with self-closing doors. All refuse/recycling generated by the development hereby approved shall be stored within the approved areas. These areas shall be permanently retained for this use.

To ensure the satisfactory provision of refuse storage and recycling, in accordance with Policy DM H5 of the Development Management Local Plan 2013.

- 21) No part of the building hereby approved shall be used or occupied for purposes other than those that are in connection with and ancillary to the use of 11-15 Lillie Road as a hotel (Class C1), and the building shall not be used independently or for residential or any other trade or business purposes.

The use of the accommodation separate from the use of the remainder of the application property as an apart-hotel, would raise materially different planning considerations that the Council would wish to consider at that time, in accordance with Borough Wide Strategic Policy CC2 of the Core Strategy 2013 and Policies DM A1, DM A9, DM H11 and DM J2 of the Development Management Local Plan 2013 and SPD Housing Policy 9 and SPD Sustainability Policy 1 of the Planning Guidance Supplementary Planning Document (July 2013).

- 22) The hotel use hereby permitted shall have a maximum of 89 bedrooms as detailed on the approved drawings previously listed.

In accordance with the approved details, and to safeguard the amenities of surrounding neighbours from noise disturbance, in accordance with policy BE1 of the Core Strategy 2011 and policies DM A9, DM G1 and DM G7 of the Development Management Local Plan 2013.

- 23) No customers shall be on the premises in connection with the cafe at ground floor level hereby approved between the hours of 0000 and 0700 the following day. Only staff and hotel guests shall have access to this area outside of these times.

In order that noise and disturbance which may be caused by customers leaving the premises is confined to those hours when ambient noise levels and general activity are sufficiently similar to that in the surrounding area, thereby ensuring that the use does not cause demonstrable harm to surrounding residents, in accordance Policies DM C6, DM H9 and DM H11 of the Development Management Local Plan 2013.

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

To ensure a satisfactory external appearance and to preserve the integrity of the design of the building in accordance with Policies DM G1 and DM G7 of the Development Management Local Plan 2013, and to ensure that the amenity of occupiers of surrounding premises is not adversely affected by artificial lighting, in accordance with Policies DM H10 and H11 of the Development Management Local Plan 2013.

- 25) No plumbing or pipes, other than rainwater pipes, shall be fixed externally on the front (Lillie Road and Seagrave Road) elevation of the building hereby approved.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2016), policy BE1 of the Hammersmith and Fulham Core Strategy 2011 and policies DM G1 and DM G7 of the Development Management Local Plan 2013.

- 26) No plant, water tanks, water tank enclosures or other structures that are not shown on the approved plans shall be erected on the roofs of the building hereby permitted.

To ensure a satisfactory external appearance, in accordance with Policy BE1 of the Core Strategy 2011 and Policy DM G1 and DM G7 of the Development Management Local Plan 2013.

- 27) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any part of the development hereby permitted, without planning permission first being obtained.

To ensure that that the visual impact of telecommunication equipment can be considered in accordance with policy BE1 of the Core Strategy 2011 and policies DM G1 and DM G7 of the Development Management Local Plan 2013.

- 28) The development hereby permitted shall not commence until further details of a Sustainable Urban Drainage System (SUDS), including maintenance programme have been submitted to and approved in writing by the council. The details shall aim to achieve greenfield run-off rates, with a minimum target of reducing flows by 50% compared to the pre-development situation. The SUDS scheme shall be implemented in accordance with the approved details prior to occupation of the development hereby permitted, and thereafter permanently retained and maintained in line with the agreed plan.

To ensure that surface water run-off is managed in a sustainable manner, in accordance with policy 5.13 of The London Plan (2016), Policy CC2 of the Core Strategy 2011 and policy DM H3 of the Development Management Local Plan 2013.

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

To reduce the risk of flooding to the proposed development and future occupants in accordance with policy CC2 of the Core Strategy (2011), policies 5.11, 5.13, 5.14 and 5.15 of the London Plan (2016) and part 10 of and the Technical Guidance to the National Planning Policy Framework (2012).

- 30) The development hereby permitted shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved in writing by, the local planning authority in consultation with the

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

To reduce the risk of flooding to the proposed development and future occupants in accordance with policy CC2 of the Core Strategy (2011), policies 5.11, 5.13, 5.14 and 5.15 of the London Plan (2016) and part 10 of and the Technical Guidance to the National Planning Policy Framework (2012).

- 31) The development shall be carried out in accordance with the approved Energy Strategy (8 March 2016) prepared by which would result in a 39% carbon dioxide emissions savings, based on Part 2010 Regulations. Any revised energy strategy for the development site shall be submitted to the Local Planning Authority for approval, in writing and shall result in carbon reductions which would not be less than 39.2%. The development shall be implemented and operated in accordance with any subsequent approved revised energy strategy.

To ensure that the development is consistent with the Mayor's carbon emissions objectives in accordance with Policies 5.5, 5.6, 5.7, 5.8 and 5.9 of the London Plan (2016) and Further Alterations to the London Plan (2014) and in accordance with policy CC1 of the Core Strategy 2011 and policy DM H1 and DM H2 of the Development Management Local Plan 2013.

- 32) The sustainable design and construction details contained within the Sustainability Statement prepared by Hoare Lea, Revision D, shall be implemented prior to the occupation of the development hereby permitted, and thereafter permanently retained and maintained in line with the agreed document.

To ensure that sustainable design and construction techniques are implemented and retained, in accordance with Policies DM G1, DM H2 of the Development Management Local Plan 2013 and Policies 5.1, 5.2, 5.3 and 5.7 of The London Plan 2016, and Policies BE1 and CC1 of the Core Strategy 2011.

- 33) External artificial lighting at the development shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals in the 'Guidance Notes For The Reduction Of Light Pollution 2011'. Lighting should be minimized and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Notes.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting, in accordance with Policies DM H10 and H11 of the Development Management Local Plan 2013.

- 34) No music nor amplified sound (including voices) emitted from the development hereby permitted shall be audible at any residential/noise sensitive premises.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, in accordance with policies DM H9 and DM H11 of the Development Management Local Plan (2013) and policies in the Supplementary Planning Guidance Document - SPD (July 2013).

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

To ensure that the amenity of occupiers of the development site is not adversely affected by noise from transport [industrial/ commercial noise sources], in accordance with Policies DM H9 and H11 of the Development Management Local Plan 2013.

- 36) Prior to use of the development, details shall be submitted to and approved in writing by the Council, of the external sound level emitted from plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external sound level emitted from plant, machinery/ equipment will be lower than the lowest existing background sound level by at least 10dBA in order to prevent any adverse impact. The assessment shall be made in accordance with BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. A post installation noise assessment shall be carried out where required to confirm compliance with the sound criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment, in accordance with Policies DM H9 and H11 of the Development Management Local Plan 2013.

- 37) Prior to use of the development, details of anti-vibration measures shall be submitted to and approved in writing by the Council. The measures shall ensure that machinery, plant/ equipment, extract/ ventilation system and ducting are mounted with proprietary anti-vibration isolators and fan motors are vibration isolated from the casing and adequately silenced. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by vibration, in accordance with Policies DM H9 and H11 of the Development Management Local Plan 2013.

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

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by cooking odour, in accordance with Policies DM H9 and H11 of the Development Management Local Plan 2013.

- 39) Prior to commencement of the development, (excluding site clearance and demolition) a report including detailed information on the proposed mechanical ventilation system with NO<sub>x</sub> filtration shall be submitted to and approved in writing by the Council. This report shall specify air intake locations and the design details and locations of windows to demonstrate that they avoid areas of NO<sub>2</sub> or PM exceedance e.g. Lillie Road. The whole system shall be designed to prevent summer overheating and minimise energy usage. Chimney/boiler flues and ventilation extracts shall be positioned a suitable distance away from ventilation intakes, openable windows, balconies, roof gardens, terraces and receptors. Approved details shall be fully implemented prior to the occupation/use of the residential development and thereafter permanently retained and maintained. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications, and shall be the responsibility of the primary owner of the property.

To comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2016), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

- 40) Prior to the commencement of the development details shall be submitted to and approved in writing by the Council of all Non-Road Mobile Machinery (NRMM) to be used on the development site. All NRMM should meet as minimum the Stage IIIB emission criteria of Directive 97/68/EC and its subsequent amendments. This will apply to both variable and constant speed engines for both NO<sub>x</sub> and PM. An inventory of all NRMM must be registered on the NRMM register <https://nrmm.london/user-nrmm/register>. All NRMM should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment.

To comply with the requirements of the NPPF, Policies 7.14a-c of the London Plan (2016), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

- 41) No development shall commence until a Air Quality Dust Risk Assessment (AQDRA) that considers residential receptors on-site and off-site of the development is undertaken in compliance with the methodology contained within Chapter 4 of the Mayor's of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014 and the identified measures recommended for inclusion into a site specific Air Quality Dust Management Plan (AQDMP) that is submitted to and approved in writing by the Council. The AQDMP submitted must comply with and follow the chapter order (4-7) and appendices (5,7,8,9) of the Majors SPG and should include an Inventory and Timetable of dust generating activities during demolition and construction; Dust and Emission control measures including on-road construction traffic e.g. use of Low Emission Vehicles; Non-Road Mobile Machinery (NRMM). Air quality monitoring of PM<sub>10</sub> should be undertaken where appropriate and used to prevent levels exceeding predetermined Air Quality threshold trigger levels. Developers must ensure that

on-site contractors follow best practicable means to minimise dust and emissions at all times.

To comply with the requirements of the NPPF, Policies 7.14a-c of the London Plan (2016), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

- 42) Prior to the commencement of the development (excluding site clearance and demolition) a Low Emission Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Low Emission Strategy must address the results of the approved Air Quality Assessment and detail the remedial action and mitigation measures that will be implemented to protect receptors (e.g. abatement technology for energy plant, design solutions). This Strategy must make a commitment to implement the mitigation measures (including NO<sub>x</sub> emissions standards for the chosen energy plant) that are required to reduce the exposure of future residents to poor air quality and to help mitigate the development's air pollution impacts, in particular the emissions of NO<sub>x</sub> and particulates from on-site transport during Demolition, Construction and Operational phases e.g use of Low Emission Vehicles, and energy generation sources. Evidence shall be submitted to and approved in writing by the Local Planning Authority to show that the CHP units installed within the energy centre comply with the relevant emissions standards in the Mayor's Sustainable Design and Construction Supplementary Planning Document (2014) shall be set out in the document. The submitted information shall include the results of NO<sub>x</sub> emissions testing of each CHP unit by an accredited laboratory, where this is available.

The strategy must re-assess air quality neutral as agreed in the Air Quality Assessment in accordance with the Mayor of London SPG 'Sustainable Design and Construction' (April 2014) guidance. It must also identify mitigation measures as appropriate to reduce building emissions to below GLA benchmark levels.

To comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2016) (including 2013 alterations), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

- 43) Prior to the commencement of the development details must be submitted to and agreed in writing by the council of the Ultra Low Nox Gas fired boilers to be provided for space heating and domestic hot water. The Gas fired boilers to be provided for space heating and domestic hot water shall have dry NO<sub>x</sub> emissions not exceeding 40 mg/kWh (at 0% O<sub>2</sub>). Where any installations do not meet this emissions standard it should not be operated without the fitting of suitable NO<sub>x</sub> abatement equipment or technology as determined by a specialist to ensure comparable emissions. Following installation, emissions certificates will need to be provided to the council to verify boiler emissions.

To comply with Emission Standards.

- 44) Prior to the operation of each the CHP units, details must be submitted and approved in writing by the Local Planning Authority, that demonstrate the CHP units, abatement technologies and boilers installed comply with the approved Air Quality Assessment and the emissions standards set out within the agreed Low Emission Strategy. The CHP plant shall meet a minimum Band 'B' emissions



standard of 95mg/Nm-3 (at 5% O<sub>2</sub>). The submitted evidence must comply with the Major of London SPG 'Sustainable Design and Construction', April 2014 guidance and include:

- o The results of NO<sub>x</sub> emissions testing of the CHP unit by an accredited laboratory.
- o Evidence that the termination height of the Flue stacks for the CHP plant have been installed a minimum of 5 metres above the roof level of the tallest building in the development

Where any combustion plant does not meet the relevant standard it should not be operated without the fitting of suitable NO<sub>x</sub> abatement equipment or technology (evidence of installation shall be required).

To comply with the requirements of the NPPF, Policies 7.14 a-c of The London Plan (2016), Core Strategy 2011 Policy CC4 and Policy DM H8 of the Development Management Local Plan (2013).

- 45) Prior to the operation of the diesel generator units, details must be submitted and approved in writing by the Local Planning Authority, that demonstrate all the diesel fuelled generators and their abatement technologies installed comply with a minimum NO<sub>x</sub> emissions standard of 190mg/Nm<sup>3</sup> (at 5% O<sub>2</sub>). During the operation of the generators there must be no persistent visible emission. Where any combustion plant does not meet the relevant standard it should not be operated without the fitting of suitable NO<sub>x</sub> abatement equipment or technology. Evidence of installation shall be required where secondary abatement is required to meet the NO<sub>x</sub> Emission standard 190mg/Nm-3. The submitted evidence must include the results of NO<sub>x</sub> emissions testing of the diesel fuelled generator units by an accredited laboratory and where secondary abatement is used to meet that NO<sub>x</sub> emissions standard of 190mg/Nm<sup>3</sup> it is met within 5 minutes of the generator commencing operation. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications, and shall be the responsibility of the primary owner of the property.

The diesel fuelled generators shall only be used when there is a sustained interruption in the mains power supply to the site, and the testing of these diesel generators and diesel sprinkler pumps shall not exceed a maximum of 12 hours per calendar year.

To comply with the requirements of the NPPF, Policies 7.14a-c of the London Plan (2016), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

#### **Justification for Approving the Application:**

- 1) The principle of the proposed hotel development is considered to be an appropriate in land use terms and the loss of office are considered acceptable under policy LE1 of the Core Strategy (2011) thereby policies DM B1 and DM B2 of the Development Management Local Plan (2013) are met. It is considered that the proposal would not have an unacceptable impact on the existing amenities of the occupiers of neighbouring residential properties, in terms of light, outlook and

privacy and would be of an acceptable visual appearance. In this regard the development would respect the principles of good neighbourliness and thereby satisfy policies DM G1, DM G9 and DM G11 of the Development Management Local Plan (2013). It is not considered that the development would harm the existing character or appearance of the area with regard to the height, scale, mass and materiality of the redevelopment. In this respect the development is judged to be acceptable assessed against policy BE1 of the Core Strategy (2011) and policies DM G1 and DM G7 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: 25th August 2016

Drawing Nos: see above

**Policy documents:** National Planning Policy Framework (NPPF) 2012  
The London Plan 2016  
LBHF - Core Strategy Local Development Framework 2011  
LBHF - Development Management Local Plan 2013  
LBHF - Planning Guidance Supplementary Planning Document  
2013

### Consultation Comments:

Comments from:

Dated:

### Neighbour Comments:

Letters from:

2-A Seagrave Road West Brompton London SW6 1RR

Dated:

02.11.16

2A Seagrave Road London SW6 1RR

30.09.16

2A Seagrave Road London SW6 1RR

30.09.16

7 Seagrave Road London sw6 1rp

08.11.16

Flat 2, 1 Seagrave Road London SW61RP

11.11.16

Flat 3 1 Seagrave Road London SW61RP

09.11.16

Flat 1 1 Seagrave Road London SW61RP

09.11.16

## OFFICER REPORT

### 1.0 BACKGROUND

1.1 11-15 Lillie Road is a three-storey corner property, located on the south side of Lillie Road and the junction with Seagrave Road (east). The existing building is vacant and has a floor space of 1,300 sqm (GIA). Last occupied by a retail showroom (HSS HIRE - tool hire shop) on the ground floor with ancillary storage space in the basement plus storage/offices on the first/second floors. The shop entrance is located on the Lillie

Road frontage. There are two separate ancillary access points on Seagrave Road serving an internal garage and inner yard area.

1.2 The surrounding area comprises a mix of buildings of varying heights and form. Beyond Lillie Road to the north of the site, is the former Earl's Court Exhibition Centre land, Lillie Road Depot, Empress State and housing estates land. Outline planning permission was granted in November 2013, by both LBHF and RBKC, for the comprehensive regeneration of the land for new homes and businesses. The first phase of redevelopment on the former Earl's Court Exhibition Centre land is now in progress.

1.3 To the east, the site is bounded by 1-9 Lillie Road. Currently 1-9 Lillie Road comprises 3 and 4 storey buildings with 24 residential units and office accommodation (1-5 Lillie Road). There is a private courtyard (Langtry Place) to the rear, with car parking and amenity space accessible off Seagrave Road. In March 2014, planning permission was granted for redevelopment of 1-9 Lillie Road for a residential led scheme (65 units). The extant development would take the form of two buildings, ranging from 6 to 12 storeys in height and the provision of public realm spaces between the two proposed buildings and to the rear of the site. On the Lillie Road frontage, the consented development at 1-9 Lillie Road would adjoin the application site and take the form of a 5 storeys building up to the parapet height at street level with a recessed glazed top floor and plant area above. The 1-9 Lillie Road development is connected to the consented 'Lillie Square Development' (808 residential units) to the south of Seagrave Road with linkages proposed at basement and grade levels. The Lillie Square development is currently under construction and the first phase is practically completed.

1.4 Seagrave Road to the south has a more consistent scale. The site adjoins a short terrace of buildings ranging between 2 and 3 storeys in height. The adjoining properties, 2a-2c Seagrave Road comprise a shop use at ground level (2a Seagrave Road) and residential use on the ground and the upper floors.

1.5 The application site is located in the southern part of the Earl's Court and West Kensington Opportunity Area (EC&WKOA), contained within the London Plan (2016) and Core Strategy (2011). The EC&WKOA stretches across the boroughs of LBHF and Royal Borough of Kensington and Chelsea (RBKC). The site lies within the borough's Fulham Regeneration Area (FRA) and close to one of the borough's specific strategic regeneration sites: FRA 1 (former Seagrave Road car park) and Fulham town centre.

1.6 The site is well served by public transport with a Public Transport Accessibility Level (PTAL) of 6a, on a scale of 1-6a/b where 1 is 'poor' and 6 being rated as 'excellent'. This indicates the site has good accessibility to public transport. The site is located within two minutes' walk from West Brompton station (London Underground: District Line - Wimbledon Branch, London Overground services and Southern trains), 500m from Earls Court Underground Station and various bus routes. The nearest bus stop is located approximately 150m to the west of the site on Lillie Road.

1.7 The application site is not in a conservation area. The site is located close to the Sedlescombe Road Conservation Area and the Brompton Cemetery Conservation Area (RBKC). Brompton Cemetery lies on the other side of Lillie Bridge and is a Grade I listed registered 'Park & Garden of Special Historic Interest' and designated Metropolitan Open Land. Within the cemetery there are a number of Grade II and Grade II\* listed monuments and structures. The site is not designated as a listed or a locally listed building. The closest heritage assets are the Grade II listed West Brompton

station (RBKC) and the Lillie Langtry public house (19 Lillie Road), a locally listed Building of Merit located beside 17 Lillie Road. The site lies within Environment Agency Flood Zone 3.

#### Proposed Development

1.8 The proposed development relates to the demolition of the existing three storey building and the erection of a ground plus six storeys (and basement) building to provide a 'hub' style hotel (Class C1) with a total floor space of 2,866 sqm (GEA). Premier Inn's 'hub' is a new concept, city centre hotel with compact, contemporary room design. The proposed hotel use would provide 89 bedrooms, largely placed on the upper floors, together with a front of house reception, a deli style café and lounge waiting area at ground floor level to Lillie Road/Seagrave Road together with staff areas plant and linen rooms. The proposed hotel would provide 15 rooms on Levels 1, 2 and 3, 12 rooms on Levels 4 and 5, and a further 8 rooms on Level 6. A further 12 rooms, together with plant and ancillary staff areas are proposed in the basement area. Two wheelchair (DDA) compliant rooms are proposed on each level from Level 1 to Level 5 (total 10 rooms). All deliveries, servicing and refuse collection is proposed on street via a rear yard accessed through gates on Seagrave Road. No off street car or coach parking is proposed with the proposal and 15 on-site cycle spaces for both staff and guest would be located within the rear yard. Taxi pick-up/drop off would be on street on Seagrave Road. The proposed hotel use would employ 28 persons (16 Full-time and 12 Part-time staff).

1.9 The proposal is for a largely brick building of 6 storeys to parapet height on the Lillie Road frontage with a recessed glass top contained on the roof on 2 storeys. The building height varies on part of the Seagrave Road frontage, stepping down to 4 storeys. The hotel entrance fronting Lillie Road would be marked with a canopy structure above the ground level entrance.

1.10 The application is accompanied by existing, proposed and demolition plans; a Planning Statement; Design and Access Statement; Transport Statement and Travel Plan; Servicing and Delivery Plan; Energy Strategy and BREEAM pre assessment; Flood Risk Assessment and site Drainage Strategy; Historic Environment Assessment; Daylight and Sunlight Assessment; and Construction Management Plan.

## 2.0 PUBLICITY AND CONSULTATIONS

2.1 The application was advertised as a major development and has been publicised by way of a press notice and site notices. Almost 200 residential owners/occupiers and commercial operators in the neighbourhood were also notified by letter advising of the planning application.

2.2 In total, 7 objections have been received, all from occupiers in Seagrave Road and includes one representation from solicitors acting on behalf of the occupier of the adjoining property: 2a Seagrave Road. The objections received are summarised below:

- Height excessive and disproportionate to the adjacent and surrounding properties in Seagrave Road;
- Loss of daylight/sunlight to residential properties;
- Noise and disturbance associated with traffic and works during demolition and construction;
- Overload surrounding roads and footways;
- Light and Security issues;

- Privacy and overlooking;
- Noise from plant at the top of the development; and
- Impact on fire escape route and facing window on adjacent property.

2.3 The planning matters raised above and those received from internal consultees will be addressed in the main body of the report below.

### 3.0 PLANNING CONSIDERATIONS

3.1 The main planning considerations to determine the merit of the proposed development are: land use and acceptability of a hotel use in this location; the scale, bulk, design and appearance of the proposed building; the impact of the development on the street scene and character of the surrounding area; impacts on the existing amenity of the neighbouring properties in terms of noise, light, privacy, outlook and glare; traffic generation, servicing and parking; accessibility; energy efficiency and sustainability; and environmental impacts.

#### Land Use

3.2 London Plan Policy 4.5 aims for boroughs to support London's visitor economy and stimulate its growth, taking into account the needs of business as well as leisure visitors and seeking to improve the range and quality of provision. It states that London boroughs should seek to achieve 40,000 net additional hotel bedrooms by 2036, of which at least 10 per cent should be wheelchair accessible. It further states that boroughs should ensure that new visitor accommodation is in appropriate locations, and beyond the Central Activities Zone (Central London) it should be focused in town centres and opportunity and intensification areas, where there is good public transport access to central London and international and national transport termini.

3.3 Strategic Policy 'B' (location of employment activities) in the Core Strategy 2011 states that major new visitor accommodation will be directed to the borough's three town centres or the Earl's Court and West Kensington and White City Opportunity Areas. This is supported by Policy DM B2 which relates to provision for visitor accommodation and facilities. Policy DM B2 restates that hotels should be directed to town centres or opportunity areas. It states:

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

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

3.4 The site is located within the Earls Court and West Kensington Opportunity Area, close to Fulham Town Centre and with good links to public transport (the site has a Public Transport Accessibility Level (PTAL) of 6a which is close to the most accessible rating).

3.5 Subject to other criteria set out in policy DM B2 being met, the principle of the proposed use of the site for a hotel use complies with the relevant policy aims in land use terms.

3.6 The proposed development would not result in no loss of existing housing. The principle of the loss of the office space on the upper floors has also been consider in context with Core Strategy Policy LE1 (Local Economy and Employment) which seeks the retention of premises capable of providing continued accommodation for local services or significant employment and DMLP Policy B1 (Providing for a range of uses). The development results in the loss of 675 sqm (GIA) floor space of the upper floors above a retail use which are currently vacant. It is considered that the existing accommodation in the building has reached the end of useable life span and unlikely to attract occupation without significant major refurbishment. In comparison the applicant states the proposed hotel use would provide employment for some 28 staff (16 Full-time and 12 Part-time) which exceeds the 5 former employees on the site. The principle of the loss of the office space above the ground floor unit in this location and given the nature of the proposed use, the development is therefore considered to be acceptable and in accordance with the NPPF and local plan policies.

3.7 The main planning issues arising out of this proposal therefore relate to the design and form of the proposed new build and whether the development would impact unacceptably impact on the amenities of neighbouring properties and the local area or impact significantly on the highway network and the generation of traffic which is further examined below.

#### Design & Heritage

3.8 In respect of design, one of the core planning principles of the National Planning Policy Framework (NPPF) is that development should always seek to secure high quality and inclusive design for all development and buildings should be visually attractive as a result of good architecture. London Plan Policies 7.1, 7.2, 7.4, 7.5 and 7.6 require development to be of high quality that responds to the surrounding context.

3.9 Core Strategy policy BE1 (Built Environment), Policy DM G1 (Design of New Build) of the DMLP require new developments to have a high standard of design, and state that the physical character of new development should respond to that of the surrounding area, taking into account historical context, height, scale, massing, form, grain and use of materials. Although use of innovative and contemporary materials is encouraged, these must be sensitively integrated into the existing built form and townscape. Policy G7 of the Development Management Local Plan sets out a presumption in favour of conservation, restoration and securing the future of the borough's heritage assets.

3.10 The surrounding area and in particular Lillie Road is characterised by a diverse mix of building styles. The application site lies within an Opportunity Area, opposite the Earls Court regeneration masterplan, part of which is currently being demolished. The site adjoins the 1-9 Lillie Road consented development site and is in close proximity to the Lillie Square development, south on Seagrave Road which also form part of the Earls Court Regeneration.

3.11 The proposed building forms an important corner location at the junction of Lillie Road and Seagrave Road. As in the case with the existing building, the proposal would cover the entire site. The overall scale and height of the proposed development is

designed in response to the adjoining consented proposals at 1-9 Lillie Road. The proposed height is generally consistent on both elevations and would be 7 storeys on Lillie Road and continue at the same height for a large extent along the return frontage on Seagrave Road. The seventh storey is set back from the main building edges in a similar way to the adjoining 1-9 development, reducing the perceived massing on the corner views of the building. Due to the change in ground levels on the Lillie Road frontage, the proposed building would be set below the overall height of the adjoining consented scheme at 1-9 Lillie Road. On the last bay of the Seagrave Road elevation, the proposed building would step down in height to a four storey segment, designed in order to minimise the scale and mediate the step down to the existing height of the adjoining three storey residential terraces along Seagrave Road. There are already significant taller buildings in the vicinity of the site. Officers consider the height and scale of the proposed building responds to the adjoining consented scheme at 1-9 Lillie Road and the lower building form of Victorian properties on Seagrave Road. Given the current and future character of the surrounding area, the height and scale of the proposed development is therefore considered to be acceptable.

3.12 In composition, the proposed building consists of a base, principal façade and a roof pavilion. The building would incorporate a double base component at the ground and first floor spaces which relates to the adjoining extant planning consented at 1-9 Lillie Road. The ground floor façade on Lillie Road would be largely transparent providing views to and from the active public space within the hotel. A canopy along the Lillie Road façade would mark the entrance to the building which is located on the corner of Lillie Road and Seagrave Road. The façade treatment at first floor level on Seagrave Road is reduced in scale to relate to the residential nature of this street with individual punched windows.

3.13 The principal façade component contains the rooms and is organised into a regular frame arrangement of bays containing the regular rhythm of narrow windows that respond to internal plan arrangement of the bedrooms. The main part of the façade treatment consists of an expressed brick-clad frame giving the building a sense of scale and defining its proportions. Within the frame, the window module has deep reveals and a stepped alignment comprising a translucent and clear glass panels giving layering and depth to the elevation. Aluminium sills and soffits to the window cassette would add emphasis to the depth of the openings.

3.14 The top of the building is set back on three sides and would be clad in translucent glass with small sections of clear glass responding to the rooms behind.

3.15 The material palette proposed comprises brick, aluminium and clear and opaque glass. The facing brickwork would be a multi tone grey finish, with dark grey anodised aluminium spandrel panels and dark grey framed aluminium windows along the Seagrave Road frontage to match. The brick colour is proposed to provide some variation and relief to the predominantly creamy coloured palette of stone and brickwork in the Lillie Square development and the proposed materials on the adjacent consented 1-9 Lillie Road development. The Langtry Place elevation would incorporate on the top two levels, a section of lighter grey brickwork which correspond to the typical window bays along the main street elevations. This would be visible until the Lillie Square development is completed. Overall the proposed design and material palette is considered in keeping with the surrounding character of the area.

3.16 The site is not located in a conservation area and the closest heritage assets are the Lillie Langtry Public House which is a Building of Merit and West Brompton Station a Grade II listed building located within the administrative boundary of RBKC. The Grade II listed Brompton Cemetery is also within close proximity to the site. The proposed development is not considered to have a detrimental impact on the character or setting of these heritage assets.

#### Hotel Layout/Amenity

3.17 The proposed hotel use is defined as a 'hub' style hotel for leisure and business users. This type of hotel use is defined as a new generation of hotel operation and is typically found in accessible urban city locations. Hub hotels are designed to be contemporary in style with all the modern facilities yet smaller and more efficient bedroom layouts compared to accommodation in standard or traditional hotels. Customers can book and check in on line as well as pre-select their room temperature and light settings. Occupancy is defined predominantly for evening use. A similar hotel originally opened in St Martins Lane, Covent Garden and there are three more similar hotels in London and one in Edinburgh with a further sixteen planned in the UK. The hotels are planned to appeal to customers in terms of the price, location and efficient design features and layout over space. In total the proposed hotel would have 57 standard, 22 double and 10 DDA rooms. The typical standard room is 11.4 sqm and the larger room size type is 16.7 sqm. The layout of the proposed hotel includes 12 bedrooms located in the basement level with no windows openings along the Lillie Road and Seagrave Road edges. There are three other Hub style hotels approved and operational in London which offer these types of rooms in the basement. All the bedrooms would be mechanically ventilated. Due to the style of hotel accommodation proposed the room sizes are considered to be acceptable.

#### Impact On Neighbouring Properties

3.18 This section focuses on the impact of the development on the properties surrounding the site. Policy 7.6 of the London Plan (2016) requires new development not to cause unacceptable harm to the amenity of surrounding land and buildings, in relation to privacy, overshadowing, wind and microclimate.

3.19 Strategic Objective 13 of the Core Strategy seeks to preserve and enhance amenity for residents, supported by Policy DM G1 of the Development Management Local Plan which sets out that development should take into account the principles of good neighbourliness. The Council must have regard to matters of outlook, daylight and sunlight, privacy and noise disturbance when assessing the neighbourliness of proposals.

#### Daylight and sunlight

3.20 Policy DM G2 of Council's Development Management Local Plan outlines the need of new development to minimise impacts on skyline, views, overshadowing, and light spillage to surrounding development.

3.21 The Council has had regard to the guidance set out in Building Research Establishments' (BRE) Report 2011 - "Site Layout Planning for Daylight and Sunlight - A guide to good practice". The BRE guidelines advise that the guidance should be applied flexibly and there are circumstances that will exist where a greater degree of obstruction to light can on occasion be acceptable. The applicant has carried out a daylight/sunlight assessment in line with the BRE guidelines on the potential impact of the massing of the proposed building on surrounding properties. The assessment has been carried out in



context with the current base line (i.e. with all existing surrounding buildings in place) and the cumulative or future baseline (i.e. incorporating the adjoining consented Lillie Square development). The report assesses the impact of the proposal on the windows of neighbouring properties in terms of daylight to or within a room using calculations of Vertical Sky Component (VSC) and the No Sky Line test (NSL). For sunlight, the report uses the Annual Probable Sunlight Hours (APSH) method and an assessment of sun-on-ground. These methods are described below.

3.22 VSC calculates the amount of visible sky available to each window, or to the parts of a façade on which windows will be regardless of which rooms are behind the windows. The BRE guidance sets out that if windows have sufficient levels of VSC, which is 27% or 0.8 of their existing value, they comply with guidance and no further tests are required.

3.23 NSL assesses how much daylight is received into rooms by calculating the area of the 'working pane' which receives a direct view of the sky. Within a residential property, the working plane is set at 850mm above floor level. There is not a set amount of no sky line within the BRE guidance but it recommends that 0.8 of the existing view of the sky should be retained.

3.24 The Annual Probable Sunlight Hours test for sunlight considers the percentage of probable hours of sunlight for each window in summer (21st March - 21st September) and winter (21st September - 21st March). For properties surrounding a new development, windows orientated 90 degrees of due south which overlook the site are the only windows relevant for assessment. Main habitable rooms have the main expectation for sunlight. At least one window with the main living room should receive 25% of total annual sunlight in summer and 5% in winter. Kitchens, bedrooms and ancillary rooms are considered less important in the guidance.

3.25 The Sun-on-Ground Assessment for both external and internal areas, uses the sun hours on the ground during the Spring Equinox (21st March) and tracks the sun paths to determine where the sun would reach the ground and where it would not. For a garden or amenity area to appear adequately sunlight throughout the year no more than 50% of the area should be prevented by buildings from receiving two hours of sunlight on 21st March. If an existing garden or amenity area does not meet the BRE Guidelines, then any reduction in sunlight by 0.8 times would be noticeable.

3.26 The assessment has been evaluated by officers. The daylight and sunlight assessment undertaken has found that many of the surrounding properties would still achieve the recommended BRE guidelines for daylight and sunlight.

3.27 Overall the daylight results show the vast majority of habitable rooms within the existing surrounding properties will not experience a noticeable impact as a result of the proposed development and where these do exceed the guidance, the majority relate to the minor infringements to the VSC form of assessment.

3.28 In the case of the York House development at 1A Seagrave Road, the development would satisfy the BRE guidelines, with the exception of one first floor window. This window serves a room which is already lit by another window that satisfies the guidance. The NSL result also meets the BRE guidelines. Two windows at 1 Seagrave Road fall below the VSC guidance in the BRE guidelines but each of the habitable rooms served by the windows would satisfy the NSL assessment.

3.29 2A Seagrave Road, is located immediately south of the site. This property would see two bedrooms with small reductions in terms of the VSC guidance and the NSL daylight assessment. However, these impacts are considered temporary in nature due to existing conditions and adhere to the guidelines with the consented 1-9 Lillie Road development in place.

3.30 The adjoining property to the east at 9 Edward Court, Lillie Road is part of the proposed 1-9 Lillie Road development scheme. In this case 5 windows fall short of the VSC BRE guidelines however, only 1 room does not satisfy the NSL test. While there is a minor impact, it is considered this is a temporary nature and would not have a significant impact on daylight to warrant refusal of planning permission.

3.31 Two windows in 8 Lillie Road and four windows 10 Lillie Road to the north and opposite the site recorded minor VSC reductions beyond the BRE guidelines, however they still satisfy the NSL assessment. The properties on the north side of Lillie Road are currently vacant.

3.32 In terms of sunlight, any alterations to sunlight levels currently enjoyed by the existing neighbouring properties complies with the BRE guidelines in the majority of instances. Minor isolated transgressions are identified to individual windows however, the sunlight levels to the rooms as a whole are maintained, meaning little noticeable alteration to sunlight amenity as a result of the proposed development.

3.33 In conclusion, officers consider that the overall impact on daylight and sunlight of surrounding properties is minimal, and where these impacts may be noticeable, they are temporary in nature due to future redevelopment.

#### Outlook and privacy

3.34 DMLP Policy DM G1, DM G2, DM G3 have regard to the principles of good neighbourliness and require that there is no significant loss of outlook and privacy. Officers consider the proposed development would not cause a significant loss of outlook to neighbouring residential properties.

3.35 The proposed window bays have been designed to minimise the actual size of the window opening, while maintaining the appearance of a large window. Given the slender frame of the window and the depth there is minimal chance of direct overlooking.

3.36 The window placement is such that openings avoid any direct alignment with adjoining residential windows along Seagrave Road.

3.37 Therefore, the proposed development would not result in adverse privacy impacts on the adjoining buildings on Lillie Road or Seagrave Road. The building on the opposite corner of Seagrave Road (17 Lillie Road) is currently used as a temporary marketing suite for the Lillie Square redevelopment and as such is not currently in residential use. Similarly, the properties on the north side of Lillie Road are currently vacant. As such there is minimal impact on the immediate neighbours in terms of overlooking and privacy, and that design of these site would need to take into consideration the orientation and window alignment of the hotel is permission is granted.

3.38 Due to the nature and function of the proposed development and the style and orientation of windows, it is not considered that there would be any adverse impacts on privacy or overlooking to surrounding residential premises.

#### Noise

3.39 London Plan policy 7.15 and Core Strategy policy CC4 advises and seeks to minimise the impact of development. Policy H9 and H11 of the Development Management Local Plan set out that new development should not materially increase noise for sensitive uses such as residential and to implement noise (including vibration) mitigation measures when necessary.

3.40 The application site is located within close proximity to West Brompton station and on a busy junction of Lillie Road/Seagrave Road in an area which consists of a mixed use of commercial and residential property. The background noise environment is typical of an inner city area, formed of both nearby and distant road traffic noise, with local traffic and bus movements being the dominant sources.

3.41 Plant would be located inside the proposed rear annex of the building on three levels and at roof level on the second floor adjacent to 2a and 2b Seagrave Road. The current background noise level at this position is 38dB (A) during the day and 32 dB (A) at night. It is proposed that the plant would maintain noise levels 10dB below this background noise level. The emergency plant which is infrequently tested is proposed to be 10dB above the background and would be subject to agreement with the Council. The Noise and Nuisance officer has considered the proposals and raised no objection subject to the inclusion of relevant conditions.

#### Accessibility

3.42 The application has been considered with regard to the London Plan policy 7.2 and the Council's SPD: Access for All. Policy 7.2 of the London Plan 2016 requires development proposals to meet the specific needs of disabled persons. Policy DM G1 of the DM Local Plan requires that development provide ease of access for all users including disabled people.

3.43 The proposed hotel would incorporate 10 accessible hotel rooms (11% of all the bedrooms). The proposal is for 5 of the rooms to be fitted out from the outset and a further 5% capable of adaptation. This is in line with current GLA guidance provided in Accessible Hotels in London 2010. The accessible bedrooms include a mix of rooms on various levels, including an accessible bathroom. Further details of accessible rooms would be agreed by condition.

3.44 In terms of pedestrian access the front of the proposed hotel would be in line with the consented 1-9 Lillie Road development so to allow for the footpath to be widened slightly. This would ensure improved pedestrian access from West Brompton Station and from a number of bus stops within close proximity to the site. There is no proposed on-site parking. Blue Badge holders are able to park in the vicinity of the site on Seagrave Road on-street car parking bays. A 1:20 ramp within the lobby is designed to deal with the change in the floor level with the street level. Entrance to the main lobby would be fitted with automatic doors and swipe card access at night, with night reception staff also able to assist if required. A 1:12 ramp with a level landing top and bottom is proposed to allow access between the yard and internal ground floor area of the hotel. The reception and deli café would be located at the ground floor and designed for level access.

3.45 Staff facilities include an accessible WC/shower/changing area, a team room and office in the basement. Two internal lifts are proposed to be wheelchair compliant with tactile embossed symbols and numbers on lift controls. The lifts would be positioned within the central core to minimise travel distances. Internal circulation spaces also allow for wheelchair passing and manoeuvring.

#### Safety and Security

3.46 The NPPF, London Plan Policy 7.3 and Policy G1 of the Development Management Local Plan require new development to incorporate crime prevention measures to provide a safe and secure environment.

3.47 Secure by design principles have been incorporated into the development where possible. The proposed development will help with 24-hour activation of the site. The nature of the hotel with people arriving, occupying and leaving the hotel, as well as the ground floor café will promote natural surveillance and enhance the safety of the surrounding streets.

3.48 The ground floor plan provides no open recesses or external access corridors and would be staffed 24 hours a day. Furthermore, internal and external CCTV systems, laminated glazing to the ground floor windows and enhanced security doors to guest rooms and selected areas would be incorporated to improve security. A condition for final details of the Secure by Design measures to be incorporated into the development is recommended.

#### Transport, Access & Parking

3.49 The site is located on Lillie Road at the junction with Seagrave Road and has a good PTAL Level of 6a. West Brompton station is within 100m and Earls Court Station is within 500m of the site. The closest bus stops on Lillie Road are within 150m and further services along North End Road, Warwick Road and Earls Court Road are within 5-10 minutes walking distance.

#### Trip Generation

3.50 The NPPF requires that developments which generate significant movement are located where the need to travel would be minimised, and the use of sustainable transport modes can be maximised; and that development should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Policies 6.1, 6.3, 6.10, 6.11 and 6.13 of The London Plan set 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. Core Strategy Policy T1 supports The London Plan. Policy J1 of the Development Management Local Plan states that all development proposals will be assessed for their contribution to traffic generation and their impact on congestion. Policies DM J2 and DM J3 of the with Development Management Local Plan 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 and 7. A Transport Statement and Travel plan have been produced in support of the application.

3.51 The proposed trip generation for the development is forecast to generate 25 two-way trips in the AM peak hour and 20 two-way trips in the PM peak hour. The majority

of these trips are however expected to be made by public transport. The proposed development is anticipated to generate 2 additional peak hour vehicle trips each day, which can be accommodated on the surrounding highway network. Over 90% of trips to and from the site are forecast to be by public transport and sustainable travel modes (walking/cycling). It is considered that the trips associated with the development would not have an adverse impact on the surrounding transport network.

#### Car Parking

3.52 Policy 6.13 of the London Plan seeks a balance between promoting new development and preventing excessive car parking and sets maximum parking standards in table 6.2. Policy J2 of the DMLP require compliance with the Council's car parking standard except in exceptional circumstances.

3.53 Seagrave Road is located within Controlled Parking Zone F, which operates from 9.00 to 20.00 Mondays to Saturdays with parking bays reserved for permit holders only between 18.30 - 20.00 Monday to Friday and between 14.00 - 16.00 and 18.00 - 20.00 on Saturdays.

3.54 No car parking spaces are proposed on site and therefore the development is intended to be car free. The London Plan sets no maximum parking standards for hotels, but notes that in PTAL 4-6 areas, on-site parking should be limited to operational needs, parking for disabled people and the needs for servicing and coach parking (para. 6A.8). Having regard to the site's high accessibility level and existing on street parking restrictions, it is considered the proposed use would not attract vehicles seeking a parking space. The lack of parking provision both on and off site would be the key determinant in discouraging guests and staff from arriving by private car. These matters could be advertised on the hotel's website, in promotional literature and would be expected to feature in the site's Travel Plan. The Travel Plan would be secured through a condition to ensure commitment to encouraging clientele to use public transport systems. The Transport Assessment submitted by the applicant has assessed the scheme with reference to comparable hotel schemes in London (i.e. those with a similar or greater number of rooms and no parking). The assessment has shown that the number of bedrooms would not have an adverse impact on public transport capacity.

3.55 The proposed hotel operator operates on a set tariff and does not offer discounts to coach parties, tour operators and coach operators and does not accept coach part booking. As such no provision for coach parking is proposed at the site. As part of the mitigations there will be a requirement for no coach parking/bookings in the s106 agreement. Taxi drop off and pick up is proposed to be provided on the eastern side of Seagrave Road.

#### Cycle Parking

3.56 Policy 6.9 of the London Plan requires cycle parking to be provided in all new development. Table 6.13 of the London Plan sets out the minimum cycle parking standards that developments should accord with in line with policy 6.9. The minimum standards for C1 use is 1 short term space per 50 bedrooms and 1 long stay space per 20 bedrooms. For the A1/A3 use the minimum cycle space provision is 1 short term space per 175sqm and 1 long term space per 40sqm. Policy J5 of the Development Management Local Plan seeks increased opportunities for cycling and walking and allows for hotels (over 30 bedrooms) to have 1 space per 20 bedrooms with 1 space per 3 staff, and for the café use 1 space per 25sqm.

3.57 A Santander Cycles docking station is located 500m north of the site on Trebovir Road (17 cycles), and 600m to the west on Lillie Road (24 cycles).

3.58 A total of 15 cycle spaces are proposed within the yard area. This is designed for 5 visitor spaces, 7 staff spaces and 3 spaces for the café use. The cycle parking would be in the form of Eltham stands and would be in a secure space within the courtyard, only accessible via a lockable gate from Seagrave Road. Cycle improvements involving the delivery of cycle links and improving off-site cycle routes towards Fulham town centre have been generally supported through developments in order to make cycle use more attractive and ensure that car trips are minimised. A contribution towards this obligation would be secured by the s.106 Agreement.

#### Travel Plan

3.59 The application is accompanied by a Travel Plan which sets out the objectives and measures to be incorporated in a Travel Plan. The Travel Plan will aim to target both staff and guest. A Travel Plan Coordinator for the hotel operator would manage the common aspects of the Travel Plan and report back to central management. All hotel staff will be informed of the Travel Plan through internal communications.

3.60 An Active Travel Plan in line with Transport for London guidance would be required and allowance for monitoring by the Council. This would be secured by a S106 obligation requiring the development to fund the annual review and revision of the travel plan if necessary after one, three and five years of operation.

#### Servicing and Deliveries

3.61 London Plan Policy 5.16 outlines the Mayor's approach to waste management. Core Strategy Policy CC3 and Policy DM H5 of the Development Management local plan require development to incorporate suitable facilities for the storage and collection of segregated waste.

3.62 Servicing and delivery arrangements for the hotel would be coordinated centrally by a dedicated logistics supplier and servicing would form part of an existing vehicle journey on the local highway network. It is estimated that the hotel use would generate 11 deliveries and 3 waste collections per week, approximately 2 service vehicle movements per day.

3.63 Due to on-site constraints and enable deliveries to take place, it is proposed that both servicing and refuse collection would take place on-street on the west side of Seagrave Road. In order to facilitate deliveries and maintain two-way flow on Seagrave Road, parking and loading restrictions along the road are proposed to be amended as part of a Traffic Regulation Order (TRO). It is estimated that up to three existing permit holder/ pay and display car parking spaces on the on west side of Seagrave Road would need to be relocated within the zone to enable delivery and loading and this is recommended to be secure through the legal agreement. Existing overnight parking stress levels in Seagrave Road are relatively low and the removal of the three parking bays would not significantly affect levels. The provision of the spaces lost elsewhere within the vicinity of the site would however be secured through the S106 agreement to ensure no impact on provision of on street parking spaces.

3.64 It is estimated that waste collection would be required three times a week for general waste and once a week for recycled waste. The hotel is forecast to require two 1,100L Eurobins for general waste, four 1,100L Eurobins for recycling, and two 240L

wheelie bins for food waste and one for glass. All waste within the development will be stored within the bin store at ground level with direct access to the yard area. A site management company will operate at the site and transfer waste daily from the hotel and café into the bin store. A final Delivery and Servicing Management Plan would be appropriately conditioned.

#### Demolition and Construction Phase

3.65 A Draft Construction Management Plan (CMP) has been submitted with this application. However, as the final contractors will not be appointed until a decision on the application is made this will require further detail prior to the commencement of both demolition and construction works. The internal site movements and access arrangements to the site are restricted. The outline CMP covers off estimated timeframes for works, giving details of the anticipated demolition and construction phases. This document also gives information regarding vehicle and pedestrian movements during the construction phases. The average daily HGV movements across the construction program is 3.3 vehicles per day. A preliminary dust assessment and air quality and dust management plan has also been provided. Noise and vibration measures have also been proposed, this will include monitoring and trigger levels and the procedure if levels are recorded in exceedance.

3.66 A final Demolition and CMP shall be required to include demolition details, contractors' construction method statements, waste classification and disposal procedures and locations, dust and noise monitoring and control, provisions within the site to ensure that all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. A Construction Logistics Plan would be required in accordance with Transport for London (TfL) requirements. This should seek to minimise the impact of construction traffic on nearby roads and restrict construction trips to off peak hours only. This will be considered by way of conditions. There will be limited on-site or off-site parking provided for contractors and staff. All staff will therefore be expected to use public transport, cycle or walk to the site.

3.67 The Construction Logistics Plan will require further details of the construction phase to be included prior to discharge. A commitment of the developer to work with the wider Earls Court Highways and Logistics Group, including contributing to the cost of this working group would also be secured through the S106 agreement.

3.68 Off site highway improvement works to Seagrave Road/Lillie Road are proposed which would be secured via the s.106 agreement (and S278 notices). These proposals include upgrade the existing footways.

3.69 Overall in terms of transport, officers consider that the proposal subject to the mitigation measures secured, would not have a detrimental impact on the transport network and that opportunities exist to promote alternative modes of transport.

#### Environment and Sustainability

3.70 The NPPF requires development to mitigate and adapt to climate change including moving to a low carbon economy. The London Plan climate change policies are set out in Chapter 5; now collectively require developments to make the fullest contribution to tackling climate change by minimising carbon dioxide emissions, adopting sustainable design and construction measures, prioritising decentralised energy supply, and incorporating renewable energy. These policies set out ways in which developers must

address mitigation of, and adaptation to, the effects of climate change. London Plan Policy 5.1 aims to achieve a 60% reduction in London's CO2 emissions by 2025. Policy 5.2 advises that the Policy 5.1 target should be achieved through planning decisions by using less energy, supplying energy efficiently and using renewable energy (lean, clean, green). Policy 5.3, 5.6, 5.7, 5.8 and 5.9 requires the highest standards of sustainable design and construction and supports the use of innovative alternative energy technologies to reduce the use of fossil fuels and CO2 emissions.

3.71 Core Strategy Policy CC1 states that the Council will reduce emissions and tackle climate change through ensuring that new development minimises energy use, uses energy from efficient sources and uses renewable energy where feasible, and through meeting London Plan reduction targets.

3.72 An Energy Strategy and Sustainability Statement including a BREEAM pre assessment has been submitted. The Sustainability Statement consists of a BREEAM Pre-Assessment for the new hotel which shows that it will be designed and constructed to achieve a "Very Good" rating. The BREEAM Assessment details a range of measures that are proposed for the new building aimed at reducing energy and water use, minimise waste and promote recycling, use sustainable construction materials, improve the open space and ecology, provide sustainable transport measures and minimise pollution impacts. The measures outlined are adequate to meet the requirements of the Local Plan and London Plan in terms of sustainable design and construction. Conditions regarding the integration of the measures outlined and a post-construction assessments are proposed to be included.

3.73 The submitted Energy Assessment shows that the energy use and associated CO2 emissions will be reduced from the Building Regulations requirements, by including energy efficiency measures such as improved insulation, better airtightness and use of energy efficient heating and ventilation systems and lighting and controls. The proposed energy efficiency measures are calculated to reduce CO2 emissions by about 4% a year to 168 tonnes from a baseline of just over 176 tonnes. The feasibility of integrating a Combined Heat and Power (CHP) system has been checked and can be included to provide 100% of water heating demand as well as generating electricity. The CHP system helps reduce CO2 emissions by a further 47 tonnes to 121 tonnes. In terms of renewable energy generation on-site, it is planned to include Air Source Heat Pumps (ASHPs) to provide space heating and cooling. The ASHPs remove a further 17 tonnes of CO2 a year. In total, the carbon reduction measures planned for the new hotel will reduce CO2 emissions by 39% compared to the Building Regulations requirements, which meets the 35% target set in the London Plan. The measures outlined are therefore adequate to meet the requirements of the Local Plan and London Plan in terms of carbon reduction. A condition regarding the integration of the measures outlined is proposed.

3.74 London Plan policy 5.3 states that sustainable design should be integral to development proposals, including at construction phase. Policy H 2 of the emerging Development Management Local Plan seeks to promote sustainable design and construction, and requires a sustainability statement to be submitted with all new development. A BREEAM assessment report has been submitted with the application to outline the expected sustainable design and construction measures that would be implemented in the new development.

Flood Risk and Sustainable Urban Drainage Systems (SUDS)



3.75 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. London Plan Policy 5.11, 5.12, 5.13, 5.14 and 5.15 requires new development to comply with the flood risk assessment.

3.76 Core Strategy policy CC1 requires that new development is designed to take account of increasing risks of flooding. Policy CC2 states that new development would be expected to minimise current and future flood risk and that sustainable urban drainage would be expected to be incorporated into new development to reduce the risk of flooding from surface water and foul water. Policy H3 of the Development Management Local Plan requires a Flood Risk Assessment to be submitted for new development, and for SUDS to be incorporated into all developments.

3.77 The FRA outlines that the development will have a waterproofed basement with a cavity drainage system. The site is currently 100% impermeable surfaces, and will include a SUDS strategy including a brown roof of 118sqm and attenuation tank of 3.6 cubic meters with a flow control device. An FRA addendum was provided to address additional comments made by the Environmental Policy officer. The proposed SUDS measures demonstrate that the final discharge rate has been reduced to just over 50% of the previous rate and the volume of attenuation is to be increased by more than double. Permeable paving has been included, and information regarding brown roofs has also been provided. Rainwater harvesting has not been included in this design. The Environmental policy officer has recommended the inclusion of conditions to ensure that levels of attenuation and final discharge to be used for storm events up to the 1 in 100-year event are acceptable and maintenance measures have also been provided.

#### Contamination

3.78 Policy 5.21 of the London Plan and Policy CC4 of the Core Strategy states that the Council would 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. This is supported by Policy H7 of the Development Management Local Plan.

3.79 The contaminated land officer has no objection to the proposal subject to the inclusion of conditions to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works.

#### Air Quality

3.80 The whole of the borough is designated as an Air Quality Management Area and therefore steps need to be taken to minimise the impact of the proposed development on local air quality, in order to comply with Development Management Local Plan policy DM H8. The development as a result of traffic and energy plant emissions during the demolition, construction and operation phase will require mitigation in the form of additional ventilation for rooms facing Lillie Road, where fresh air intake units should be located at the rear roof level, with any extracts for the ventilation system located on Lillie Road elevations away from the fresh air units.

3.81 Furthermore, it is recommended that the development does not use a CHOP plant or diesel generator for their energy supply. Any plant and flue outlets should be carefully sited to avoid fumes affecting nearby residential units and fresh air ventilation intakes. This has been conditioned accordingly.

3.82 The Air Quality officer has no objection to the application subject to the inclusion of several conditions to provide mitigation and ensure the application is acceptable in accordance with policies CC4 of the Core Strategy and DM H8 of the DMLP.

The Community Infrastructure Levy Regulations (CIL)/Planning Obligations:

3.83 Mayoral CIL came into effect in April 2012 and is a material consideration to which regard must be had when determining this planning application. The development would be liable for CIL and the levy is set at £50 per square metre. As there is 1,566 additional sqm proposed on site the CIL would be £78,300.

3.84 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.

3.85 The Community Infrastructure Levy Regulations - CIL Regulations (2010) set out a number of tests to ensure the application of planning obligation is sound. These tests state that planning obligations must be:

- (1) necessary to make the development acceptable in planning terms,
- (2) directly related to the development,
- (3) fairly related in scale and kind to the development.

3.86 London Plan policy 8.2 recognises the role of planning obligations in mitigating the effects of development and provides guidance on the priorities for obligations in the context of overall scheme viability

3.87 A Legal Agreement is proposed for the development in to secure the necessary infrastructure and non-infrastructure to mitigate the needs of the proposed development and ensure the proposal is in accordance with the statutory development plan.

3.88 The applicant has agreed to enter into a legal agreement(s) under Section 106 of the Town and Country Planning Act 1990 (As Amended) and S278 of the Highways Act 1980.

Heads of Terms

3.89 The proposed legal agreement would incorporate the following heads of terms:

- Fund necessary highway works (s278 works) arising from the development to Lillie Road and Seagrave Road frontages to achieve Street smart standards;
- Fund Traffic Regulation Orders and associated highway works (s278 works) for the removal of existing parking bays in Seagrave Road in order to provide facility for Delivery and Servicing arrangements and the relocation of existing parking bays lost within the vicinity of the application site;
- No coach bookings;
- Fund cycle route improvements;
- Fund reviews of Travel Plan;

- Fund liaison with Local Contractor Monitoring Group associated with monitoring of the demolition and construction process; and
- Commitment to meet the costs of the Council's Legal fees.

3.90 Overall, the proposed development is considered to be acceptable subject to conditions and s106 obligations.

#### 4.0 RECOMMENDATION

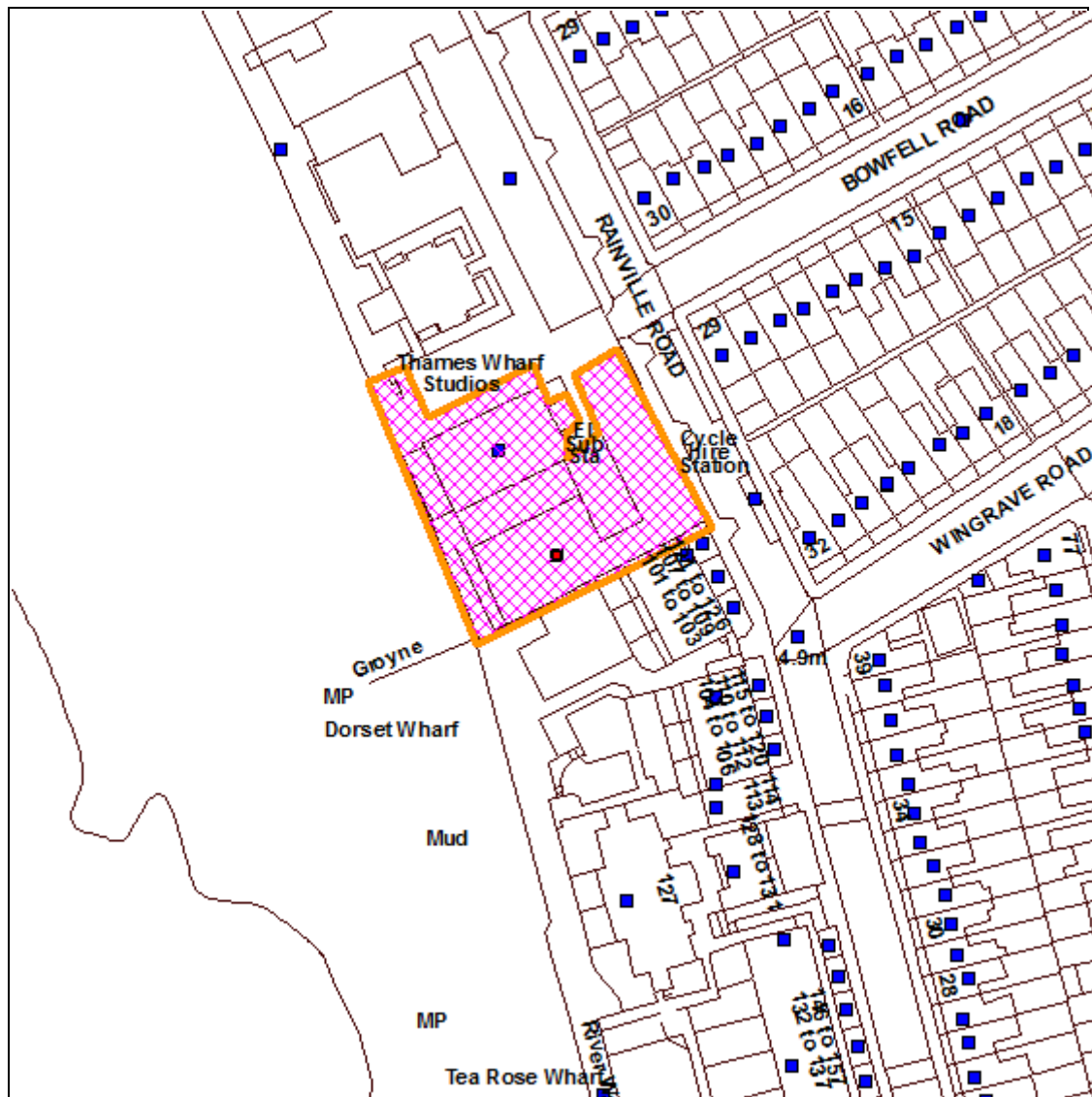
4.1 It is not considered that the proposed hotel development, would cause demonstrable harm to the amenities of neighbouring residents and would be in keeping with the local character of the area. The development would not impact significantly on the highway network and local parking conditions. The principle of the land use and the nature of the proposal are considered to be acceptable. In conclusion, the proposed development is considered to be in accordance with the relevant national and regional planning policy guidance, the Council's Core Strategy and the Development Management Local Plan.

4.2 In view of the above it is therefore recommended that members resolve to grant planning permission subject to the completion of a legal agreement as stated above, under Section 106 of the 1990 Act and Section 278 Agreement (and other appropriate powers), and subject to the conditions outlined above.

**Ward:** Fulham Reach

**Site Address:**

Thames Wharf Rainville Road London W6 9HA



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

**Reg. No:**  
2016/04418/FUL

**Case Officer:**  
Jacques Du Plessis

**Date Valid:**  
10.10.2016

**Conservation Area:**  
Fulham Reach Conservation Area - Number 39

**Committee Date:**  
14.03.2017

**Applicant:**

Sophie De Carvalho  
C/O AGENT

**Description:**

Temporary (7 year) change of use of ground and first floors of Blocks 1, part of ground floor and mezzanine of Block 2 and ground floor of Block 3 to a creative and community hub comprising artists studios (Class B1,) events, workshop, art gallery and education space (Class D1/D2,) with an ancillary café (Class A3).

Drg Nos: Transport Statement (Royal Haskoning DHV), 23 Sept 2016; Floor risk Assessment (Three Counties), 4 Oct 2016; Planning Statement (Montagu Evans), Oct 2016; Ground floor Mezzanine and First Floor (26 April 2016); Ground Floor (26 April 2016); SK01-P1.

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

That the application be approved subject to the condition(s) set out below:

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

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

- 2) The use hereby approved is permitted for a limited period only, until 14th March 2024, on or before which date the use shall cease and any temporary structures in connection with the use shall be removed from the site.

This proposal is considered to be acceptable for this limited period in view of its nature, design and appearance, and to allow the Council to reassess the impact of the operation of the use on the existing amenities of the occupiers of neighbouring properties and on traffic and car parking conditions, in accordance with policies BE1, LE1, CC2, CC4, CF1 and T1 of the Core Strategy 2011 and policies DM B1, DM B3, DM D1, DM D2, DM F2, DM G7, DM J2, DM J5 and DM J6 of the Development Management Local Plan 2013.

- 3) The development shall be carried out and completed in accordance with the following drawings and documents submitted:

Transport Statement (Royal Haskoning DHV), 23 Sept 2016; Flood Risk Assessment (Three Counties), 4 Oct 2016; Planning Statement (Montagu Evans), Oct 2016; Ground floor Mezzanine and First Floor (26 April 2016); Ground Floor (26 April 2016); SK01-P1.

In order to ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with policies 4.1, 4.3, 4.12, 6.9, 6.10, 6.11, 6.12, 6.13, 7.1, 7.2, 7.4,

7.5, 7.6, 7.8, 7.14 and 7.15 of the London Plan 2016 and Policy BE1 of the Core Strategy 2011 and Policies DM B1, DM B3, DM D1, DM D2, DM F2, DM G7, DM J2, DM J5 and DM J6 of the Development Management Local Plan 2013.

- 4) Prior to commencement of development details of a Car Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The details shall include management and allocation of spaces in the Skelwith Road car park, controls and method of access. The development shall proceed only in accordance with the details as approved and the details shall be maintained as such thereafter.

To ensure no unacceptable adverse effect on the amenities of surrounding occupiers and highways, in accordance with Policy T1 of the Core Strategy 2011 and Policies DM J2, DM J4, DM J6, DM H9 and DM H11 of the Development Management Local Plan 2013

- 5) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order revoking and re-enacting that Order), the premises shall not be used for other purposes within Use Classes A3, B1, D1, D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order other than the approved development.

In order to ensure that the Council can fully consider the effect of any such proposal on traffic generation and/or employment policies, in accordance with Policies LE1, CF1 of the Core Strategy 2011 and Policies DM J2 and DM J6 of the Development Management Local Plan 2013.

- 6) The premises shall not be used primarily for the sale of takeaway hot food and any activity of this nature shall be incidental and ancillary to the permitted use for the consumption of food and drink on the premises.

Such a use could give rise to potentially different operating conditions resulting in increased activity noise and disturbance, contrary to Policy DM C6 of the Development Management Local Plan 2013.

- 7) Prior to use of the development, details shall be submitted to and approved in writing by the Council, of the external sound level emitted from plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external sound level emitted from plant, machinery/ equipment will be lower than the lowest existing background sound level by at least 10dBA in order to prevent any adverse impact. The assessment shall be made in accordance with BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. A post installation noise assessment shall be carried out where required to confirm compliance with the sound criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from plant/mechanical installations/

equipment, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

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

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by cooking odour, in accordance with Policies DM H9 and H11 of the Development Management Local Plan

- 9) Prior to use of the development, details of anti-vibration measures shall be submitted to and approved in writing by the Council. The measures shall ensure that [machinery, plant/ equipment] [extract/ ventilation system and ducting] are mounted with proprietary anti-vibration isolators and fan motors are vibration isolated from the casing and adequately silenced. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by vibration, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

- 10) Prior to the occupation of development, details of refuse and recycling storage and provision shall be submitted to and approved in writing by the Local Planning Authority. Development shall accord with the details as approved, and the refuse and recycling provision shall be retained thereafter for the lifetime of the development.

To ensure the satisfactory provision of refuse storage and recycling and to prevent obstruction of the highway in accordance with Policy DM H5 of the Development Management Local Plan 2013.

- 11) Prior to the occupation of the development, details of secure cycle storage for the commercial uses shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall be provided prior to occupation and thereafter permanently retained, in accordance with the approved details for the lifetime of the development.

To ensure the provision of bicycle spaces in accordance with Policy DM J4 and DM J5 of the Development Management Local Plan 2013.

- 12) The hours of operation of the uses hereby approved shall be 0700 hours to 2130 hours Mondays to Saturdays and 0700 to 1900 Sundays.

To ensure that the amenities of surrounding occupiers are not unduly affected by noise and other disturbance, in accordance with Policies DM H9 and DM H11 of the Development Management Local Plan 2013.

- 13) No deliveries nor collections / loading nor unloading associated with the A3 use shall occur at the development hereby approved between Monday to Friday other than between the hours of 8am and 8pm, and 9am to 6pm Saturdays, and not at all on Sundays.

To ensure that the amenity of occupiers of the development site / surrounding premises is not adversely affected by noise, in accordance with Policies DM H9 and H11 of the Development Management Local Plan 2013.

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

To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by noise, in accordance with Policies DM H9 and H11 of the Development Management Local Plan 2013.

- 15) No advertisements shall be displayed on either the external face of the development and/or inside any windows, unless full details of proposed signage have been submitted and approved in writing by the Council.

In order to ensure a satisfactory appearance to the development and to prevent harm to the street scene in accordance with Policy BE1 of the Core Strategy 2011 and Policies DM G1 and DM G8 of the Development Management Local Plan 2013.

- 16) No organised delivery of food (i.e. takeaway deliveries to customers) shall take place from the premises using motor vehicles (which include motor cycles, mopeds and motor scooters).

No provision has been made for the parking of vehicles off- street in connection with a delivery service. In the circumstances any such vehicles would be likely to park on the public highway which would prejudice the free flow of traffic and public safety in accordance and in the interests of residential amenities in accordance with Policies DM H9 and DM H11 of the Development Management Local Plan 2013.

- 17) No chairs or tables shall be set out on the Thames Path to the front of the building.

To ensure that the use does not give rise to conditions which would be detrimental to the amenities of surrounding occupiers by reason of noise and disturbance occasioned by the use of this area in compliance with policy H11 of the Development Management Local Plan 2013.

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

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise, in accordance with Policies DM H9 and H11 of the Development Management Local Plan 2013.



- 19) The use shall not commence until all external doors to the premises have been fitted with self-closing devices, which shall be maintained in an operational condition and at no time shall any external door nor windows be fixed in an open position.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise /odour /smoke /fumes, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

- 20) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council of the installation of acoustic lobbies to entrances and exits which would otherwise allow the emission of internal noise to neighbouring noise sensitive premises.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

- 21) Prior to commencement of the development, details of external artificial lighting shall be submitted to and approved in writing by the Council. Lighting contours shall be submitted to demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations of the Institution of Lighting Professionals in the 'Guidance Notes For The Reduction Of Light Pollution 2011'. Details should also be submitted for approval of measures to minimise use of lighting and prevent glare and sky glow by correctly using, locating, aiming and shielding luminaires. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting, in accordance with Policies DM H10 and H11 of the Development Management Local Plan.

- 22) The use shall not commence until a Travel Plan has been submitted to and approved in writing by the Council. Upon the commencement of the use the Travel Plan shall be implemented in full compliance with the approved details, and shall thereafter continue to be fully implemented whilst the use remains in operation. Such details must include information on how alternative methods of transport to and from the site, other than by car, will be encouraged by the applicant. The parking area known as Skelwith Road Car Park, located to the northern boundary of Thames Wharf Studios, shall only be used between the hours of 08:00 till 19:00 by customers or staff to serve the use hereby approved. The Travel Plan shall be regularly reviewed, at intervals to be agreed with the Council.

To ensure that the amenity of occupiers of adjacent premises is not adversely affected by noise and that the use does not generate an excessive number of car trips which would be contrary to the Council's policies of car restraint set down in Policy T1 of the Core Strategy 2011, and Policies DM H9, DM J1, J2 and J3 of the Development Management Local Plan 2013.

## **Justification for Approving the Application:**

- 1) Land use: The principle of a temporary community use, artists studio, events workshop, art gallery, education space with ancillary cafe will make effective use of currently under-utilised land in accordance with London Plan 2016 Policy 7.29 and Policies DM C6, DM F1 and DM F2 of the Development Management Local Plan 2013 and Policy LE1 of the Core Strategy 2011.
- 2) Residential Amenity and Impact on Neighbouring Properties: The impact of the proposed development upon adjoining occupiers is considered acceptable with no overall significant worsening of air quality, and noise to cause undue detriment to the amenities of neighbours. In this regard, the development would sufficiently respect the principles of good neighbourliness. The development is therefore considered acceptable in accordance with Policies 4.1, 7.6, 7.14, 7.15 of the London Plan 2016, and Policies DM H8, DM H9, and DM H11 of the Development Management Local Plan 2013, and Policies BE1 and CC4 of the Core Strategy 2011, and the Council's "Planning Guidance" Supplementary Planning Document 2013.
- 3) Transport: The development seeks that there would be no significantly adverse impact on traffic generation or car parking and the proposed development would not result in unacceptable conditions on the road network. It has been demonstrated that there is reserve parking capacity on the streets immediately near the vicinity of the site to accommodate the need generated by the proposals. Satisfactory provision would be made for cycle parking. Adequate provision for storage and collection of refuse and recyclables would be provided. The development is therefore considered to be acceptable in accordance with Policies 6.3, 6.9, 6.10, 6.11, 6.13 of the London Plan 2016 and Policies DM J2, and DM J5 of the Development Management Local Plan 2013, and Policies T1 and RTC1 of the Core Strategy 2011 and the Council's "Planning Guidance" Supplementary Planning Document 2013.
- 4) Access: The development would provide a safe and secure environment for all users. The development is therefore considered acceptable in accordance with Policies 7.2 and 7.5 of the London Plan 2016, Policies DM H9 and DM H11 of the Development Management Local Plan 2013, and the Council's adopted "Planning Guidance" Supplementary Planning Document 2013.
- 5) Sustainability: The proposal would seek to reduce pollution and waste and minimise its environmental impact. The development is therefore considered acceptable in accordance with Policies 5.1, 5.2, and 5.12 of the London Plan 2016 and Policies CC3, CC4, and RTC1 of the Core Strategy 2011 and the Council's "Planning Guidance" Supplementary Planning Document 2013.
- 6) Flood Risk: A Flood Risk Assessment (FRA) has been submitted which considers risk of flooding to the site and indentify and secure adequate preventative measures. The development is therefore considered to be acceptable in accordance with the NPPF, London Plan 2016 Policy 5.12 and Policy CC2 of the Core Strategy 2011.

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

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

Application form received: 7th October 2016  
Drawing Nos: see above

**Policy documents:** National Planning Policy Framework (NPPF) 2012  
The London Plan 2016  
LBHF - Core Strategy Local Development Framework 2011  
LBHF - Development Management Local Plan 2013  
LBHF - Planning Guidance Supplementary Planning Document  
2013

**Consultation Comments:**

**Comments from:**

**Dated:**

**Neighbour Comments:**

**Letters from:**

26 Petley Road London W6 9ST  
73 Colwith Road London W6 9EZ  
6 Bowfell Rd London London W6 9HE  
7 Bowfell road London W6 9HE  
10 Colwith Road London W6 9EY  
10 Colwith Road London W6 9EY  
10 Colwith Road London W6 9EY  
50 Petley Road London W6 9ST

**Dated:**

25.01.17  
24.01.17  
06.02.17  
06.03.17  
24.01.17  
24.01.17  
24.01.17  
22.02.17

1.0 BACKGROUND

SITE AND SURROUNDINGS

1.1 The application site comprises Blocks 1, 2 and 3 which forms part of the Thames Wharf Studios site located on the north bank of the River Thames west of Rainville Road. Thames Wharf Studios comprises a range of buildings set around a central courtyard of private open space (Blocks 1-6). The Southern Wharf building (Block 1), the taller office building (Block 2) and the single storey office building (Block 3) were previously occupied by an architectural firm but is currently vacant. The ground floor of the northern Wharf Building (Blocks 4 and 5) are in restaurant use and currently occupied by The River Café with the remainder of the site in office use.

1.2 Thames Wharf Studios is bounded to the north by the Thames Reach residential development, to the east by Rainville Road with two storey domestic scale terraces, to the south by Rainville Court a borough housing scheme of the late 1970's plus Dorset Wharf and to the west by the Thames Path and River Thames.

1.3 The site lies within the Fulham Reach Conservation Area and Thames Policy Area and is bounded to the east by the Crabtree Conservation Area and to the west by the River Thames Nature Conservation Area. The main three storey northern Wharf Building fronting Rainville Road is included on the Council's local Register of Buildings of Merit.

1.4 The site has a Public Transport Accessibility Level (PTAL) of 2 (on a scale of 1 to 6 where 1 is lowest and 6 highest). There are a number of bus services on Fulham Palace Road (420m from the site), with the nearest underground station being Hammersmith, a 15-20 minute walk from the site.

## PLANNING HISTORY

1.5 Blocks 1, 2 and 3 were built by Duckhams in 1958 and was redeveloped in 1980s as individual offices with a restaurant (River Café) which opened in the Building of Merit in 1987.

1.6 Planning Permission (2015/00642/FUL) was granted 28 August 2015 for the demolition of existing buildings adjacent to the River Thames (excluding the main Wharf buildings) and redevelopment of the site comprising the construction of two buildings with balconies (one part six, part seven-storey and one part six, part seven, part nine-storey plus mezzanine) together with the retention and conversion of the buildings fronting Rainville Road; provision of a total of 57 residential units (Class C3); 699 sq.m ground floor office space (Class B1); 116 sq.m flexible restaurant/office space (Class B1/A3) and retention of a 544 sq.m restaurant (Class A3); with new access arrangements, basement car parking; cycle parking and associated landscaping. This permission has not been implemented at the date of this report and will expire if the development is not commenced before 28 August 2018.

1.7 Planning Permission (2016/04874/FUL) was granted 10 February 2017 for the temporary change of use of part of the existing ground floor (Block 2) from offices (Use Class B1) to Restaurant / Cafe (Use Class A3) and provision of external seating.

## CURRENT APPLICATION

1.8 The current application seeks permission for a temporary (7 year) change of use of Blocks 1, 2 and 3 to a creative and community hub comprising art gallery space, artists' studios (Class B1,) events, workshops, and education space (Class D1/D2), with an ancillary café (Class A3). The total change of use area measures 983 sq.m. No external alterations are proposed to the buildings.

1.9 The facilities will be available to Members and the public to partake in various events, including workshops, discussions, exhibitions, performances, lectures, film screenings aimed at the local community. Events will be throughout the day and in the evening (07:00 till 21:30). Daytime programming would be a more regular programme of activities for locals, parents, and kids. The target users of the centre will be those of the local area, within walking/cycling distance.

1.10 The proposal will reintroduce the use of the buildings and economic activity and will employ an anticipated 10-15 people.

## SUPPORTING DOCUMENTS

1.11 The proposals have been accompanied by the following technical reports;

- Planning Application Drawings;
- Planning Statement (Montagu Evans, Oct 2016);
- Flood Risk Assessment (Three Counties, Oct 2016);
- Transport Statement (Royal HaskoningDHV, Sept 2016).

## 2.0 PUBLICITY AND CONSULTATIONS

2.1 The application was advertised by way of site notices and a press notice and notification letters were sent to statutory bodies, local amenity and resident groups as well as to neighbouring properties. The application has been advertised as being.

- A Minor Development
- An Application within a Conservation Area

## NEIGHBOUR NOTIFICATION

2.2 138 letters were distributed to local residents and businesses advising of the planning application and six responses have been received with one being neutral, one in support and four raising the following concerns;

- Use of Skelwith Road Car Park for night time parking would result in noise and pollution;
- Limit operating hours of Car Park;
- Resurface Car Park to reduce noise;
- Opening hours (7:00-21:30) are too long;
- Proposal underestimates number of visitors;
- Traffic and Parking issues;
- The facility being a private members club; and
- Not to allow seating area on River Walk.

2.3 The applicant hosted a residents meeting on 26 January 2016 from 5pm onwards to provide the opportunity for members of the public to view the proposal and seek clarification where needed. Per the attendance list provided a total of 40 people attended the event.

## AMENITY GROUPS AND STAKEHOLDERS

2.4 The following states the main points of responses received from amenity groups and stakeholders within the London Borough of Hammersmith and Fulham;

2.5 Hammersmith Embankment Residents Association (HERA): Raised some queries regarding consultation which contributed to seeking that the applicant host a resident's meeting.

2.6 Crabtree Estate Residents Association: Objects to the proposal as it would result in additional parking demand in the area especially when events will be held.

2.7 Fulham Society: Supports the proposals and considers that the Centre would be a very good short term use for the buildings.

### 3.0 PLANNING CONSIDERATIONS

3.1. The planning report will comprehensively assess the following planning considerations some of which have been raised in the consultation responses to the application:

- Principle of Development;
- Proposed Land Uses;
- Riverwalk
- Café / Restaurant (Class A3 Use);
- Design and Appearance;
- Impacts on residential amenity;
- Highways and Transportation (Traffic Generation and Pedestrian Safety, Car parking, Cycle parking, Servicing);
- Environmental Considerations (Flood Risk Drainage and Water Resources, Ecology, Air Quality, Noise and Vibration, Waste and Recycling);
- Accessibility;
- Community Infrastructure Levy (CIL);
- Conclusion and Recommendation.

3.2. The planning application has been assessed against the Development Plan which comprises the London Borough of Hammersmith and Fulham Core Strategy (2011), the Development Management Local Plan (2013) and the London Plan (2016). The National Planning Policy Framework (NPPF) presents important planning guidance at a higher strategic level and is a material planning consideration in the assessment of planning applications. The Draft Local Plan has been submitted to the Secretary of State for independent examination on 28 February 2017. Key themes within the Local Plan include securing more genuinely affordable homes, driving our local economy, protecting our health facilities, and promoting innovative and wide ranging environmental measures. The document is a material consideration to which appropriate weight should be afforded.

### PRINCIPLE OF DEVELOPMENT

3.3. The National Planning Policy Framework (NPPF) states that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

3.4. The London Plan (2016) encourages refurbishment of office stock where it is viable. Policy 4.2 (Offices) is relevant to this application and the focus of this policy is to enable the necessary growth of office provision including the renewal and modernisation of existing office stock in viable locations. It allows for change of use to other uses where the existing office space can be deemed surplus to requirements. The policy encourages the consideration of surplus large office space for smaller units.

3.5. Core Strategy Policy LE1 (Local Economy and Employment) seeks the retention of premises capable of providing continued accommodation for local services or significant employment unless:

1. Continued use would adversely impact on residential areas; or
2. an alternative use would give a demonstrably greater benefit that could not be provided on another site; or
3. it can be satisfactorily demonstrated that the property is no longer required for employment purposes; or
4. an alternative use would enable support for essential public services and is otherwise acceptable.

3.6. DMLP Policy DM B1 (Providing for a range of employment uses) should also be considered against the proposals in this scheme which sets out criteria with which to assess the loss of employment floorspace against. These include;

- 1.) The suitability of the site for continued use;
- 2.) evidence of unsuccessful marketing;
- 3.) the need to avoid adverse impact on established clusters of employment use; and
- 4.) the need to ensure a sufficient stock of premises and sites to meet local need for a range of types of employment uses in appropriate locations.

3.7. The proposed development involves the loss of 983 sqm GIA of Class B1 office floorspace. It should be noted that the extant consent ref: 2015/00642/FUL, when implemented, will result in the nett loss of 3,316sqm GIA office floorspace. An Office Market Review Report was submitted with the extant consent which justified the loss of the office floorspace. The report provided an opinion on the likelihood of the site providing a suitable and sustainable office use once the primary tenant has relocated to their new premises. The report focussed on addressing Part 3 of Policy LE1 and the four considerations set out in the second part of Policy DM B1 in order to justify the loss of employment floorspace on site. Officers have carefully considered the Office Market Review Report in determining whether the loss of office space is acceptable or not. The assessment concluded that the existing buildings have reached the end of their useable life span without major refurbishment. It was acknowledged that there is some appetite from small local occupiers for the accommodation in its current condition. The location is less of an issue for smaller companies, as they do not need to be plugged into the local infrastructure and do not have the same requirements for proximity to amenity facilities.

3.8. Policy CF1 of the Core Strategy (Supporting Community Facilities and Services) states that the council will seek to support high quality accessible and inclusive facilities and services for the community by encouraging the co-location of community facilities and services where opportunities arise and improving the range of leisure, recreation, sports, arts and cultural facilities. The proposal will reintroduce the use of the buildings and contributing to the economic activity within Thames Wharf Studios. The use will also provide activity on the riverside contributing to its vitality, attractiveness, and safety of the riverside.

3.9. The principle of loss of office floorspace in this location, given the scale and nature of the proposals, is still considered to be acceptable and in accordance with the objectives of the NPPF, Policy 4.2 and Annex 1 of the London Plan and Policy LE1 of the Core Strategy and Policy DM B1 of the Development Management Local Plan.

## PROPOSED LAND USES

### Artists' Studios

3.10. The first floor of the Southern Wharf building (Block 1) will be made available to artists on short-term leases of three to six months each. At any given time, the space will accommodate 10 artists.

### Art Gallery Space

3.11. The ground floor of the Southern Wharf building (Block 1) will be an art gallery space used to host pop-up shows by galleries. The centre anticipates that there will be between 8 to 10 exhibitions per year. The art gallery space will be free to enter for guests and works of art will be for sale. The artist studio space provides the opportunity for artists who may not otherwise be able to secure affordable artist studio space to work within the artistic community and exhibit work to the wider public in an environment which may not otherwise be possible.

### Lecture/Event Space

3.12. The event space (Block 3) will be used for a variety of daytime and evening events such as; Lectures; Talks; Discussion workshops; Theatre/performances; Screenings; Music; and Community events. It is anticipated that events will be attended by up to 100 visitors and the applicant has confirmed that the numbers will be controlled by limiting tickets sales.

### Workshop Space

3.13. The first floor of Block 2 will be workshop space with the intention to run a range of education, health and fitness activities. The type of activities that may take place may include; Health and fitness such as yoga/ Pilates/meditation groups; and Educational workshops for adults and children corresponding with the overarching themes of the centre.

### Café / Restaurant Use

3.14. The ground floor of Block 2 fronting the river will be a café space which will include a permanent juice/coffee bar/light refreshments primarily to serve as a hospitality function for guests of the centre. In addition, additional space will be made available to "pop-up" occupiers on a rotating basis. It is anticipated that each occupier will occupy the space for approximately three months. The primary customers for food and beverage space will be members and guests of the centre, however the space will be open to non-member guests as well and a limited range of food will be offered for takeaway. No formal "cooking" space is required and occupiers requiring functioning kitchen space will prepare food off-site. Cold food such as salads and sandwiches may be prepared on the premises, but only reheating facilities are required. As such there are no requirement for extraction but prep kitchen will be available. The café space will accommodate approximately 50 seats, and include outdoor seating, ancillary to the wider use of the outside area in the ownership of the landlord. The intention is that while the space will be available to passing trade (for instance Riverside Walk), the café space functions as an ancillary space to the workshop, studio, events space etc. Opening hours are anticipated to be 8:00 to 19:00.



3.15. The principle of additional restaurant floorspace has been set by the extant consent (2015/00642/FUL) which will provide an additional 104sq.m of restaurant floor space within the proposed new north building. It is also proposed as part of the extant consent to provide an area measuring 116sqm on the ground floor within the northern building fronting the river with flexible use Class A3 (Restaurant) and Class B1 (Office).

3.16. Use Class A3 can represent town centre type uses, which should be directed into the town centre first in accordance with the NPPF. The proposed extension to the existing A3 use is supported in this instance as it would result in the provision of a mixed-use development as part of the existing Thames Wharf Studios, contributing to the vitality of the riverside location and providing employment opportunities within the use. This is confirmed in Core Strategy paragraph 7.70 which supports provision of 'ground level uses appropriate to a river location'.

3.17. It is recommended that several safeguarding conditions would be attached to any permission for A3 uses ensuring the hours of operation are controlled and any external ducting is submitted to the local authority for approval, prior to occupation of the restaurant / café. It is also recommended that the use is restricted to Class A3 (food and drink restaurant/café only) so hot-food take-away, or public house/bar uses are prohibited. The condition should also state that change of use to Class A1 retail would not be permitted without applying for planning permission.

3.18. In conclusion, it is considered that subject to conditions a small amount of ancillary A3 use would be acceptable in this location and would positively contribute to the riverside context in terms of reinforcing the vibrant and mixed use character. The application is considered to be compliant with Core Strategy policy LE1, DMLP Policy DM C6, London Plan policies 7.1 and 7.27 and the NPPF with regards to mixed use development and land uses within out-of-centre locations.

## RIVERWALK

3.19. The Thames Path is Hammersmith and Fulham's most important Linear Open Space. Improving and establishing a network of links to this space is very important to increase use and enjoyment of this space. The proposal would not encroach onto the Thames Path or public highway and therefore does not cause any concerns.

## DESIGN AND APPEARANCE

3.20. The NPPF attaches great importance to design, and should contribute to making better places for people. Developments should function well and establish a strong sense of place. They should optimise the potential of a site to accommodate development, and respond to local character. Whilst acknowledging the importance of visual appearance the NPPF considers that high quality and inclusive design goes beyond this and should address the connections between people and places and the integration of new development into the natural, built and historic environment.

3.14. The external appearance of the existing facades will remain unchanged.

## THE IMPACT ON RESIDENTIAL AMENITIES

3.21. This section focuses on the impact that the schemes would have on the properties surrounding the site as well as internally within the site. Policy 7.6 of the London Plan

(2016) states that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy. Policy DM G1 of the Development Management Local Plan outlines that development should be designed to respect the principles of 'good neighbourliness'.

3.22. The east of the site fronts onto Rainville Road, and on the opposite side of the road are residential properties. To the south of the application site lies Rainville Court. It is considered that the surrounding residential properties are sufficiently set back from Blocks 1, 2 and 3 with the proposed uses contained within the buildings and the relationship is considered acceptable not to have a detrimental impact on neighbouring properties.

3.23. Subject to conditions restricting operating hours, deliveries, takeaway services, servicing and outside seating areas it is considered that the proposal would be in accordance with Policy 7.6 of the London Plan and Policy DM G1 of the Development Management Local Plan.

## HIGHWAYS AND TRANSPORTATION

3.24. The NPPF notes the link between transport, sustainability and health. An overall aim is to reduce the need to travel and to give priority to pedestrians and cyclists. London Plan Policy 6.1 (Strategic approach) seeks to integrate transport and developments by encouraging developments that reduce the need to travel, especially by car. Maximum car parking standards, minimum cycle parking standards, and proximity to public transport are components of this. Policy 6.13 expands on this and requires that when assessing the effects of development on transport capacity development which generates new trips should be located where good public transport exists which has capacity to support the additional demand. The London Plan (2016) strengthens the policies on cycling provision, including the Mayor's cycle hire scheme and using Section 106 agreements to ensure there is sufficient capacity.

3.25. Core Strategy Policy RTC1 (Thames River and Grand Union Canal) encourages greater use of the river and greater access to it for leisure and educational activities. Policy T1 also seeks increased opportunities for walking and cycling, and securing appropriate levels of parking.

3.26. Development Management Local Plan Policies DM J1 and DM J6 requires that all development proposals be assessed against their contribution to traffic generation and other impacts on congestion, particularly on bus routes and the primary road network, and against the present and potential availability of public transport and its capacity to meet increased demand. Policy DM J2 relate to car parking provision and Table 12.1 sets out maximum car parking standards.

3.27. Rainville Road runs to the east of the site which is of residential character with footways on both sides of the road and street lighting. The site can be accessed from a total of seven bus stops, with the nearest located on Fulham Palace Road 420m to the east (services 74, 190, 211, 220, 295, 424 and 430). Hammersmith Underground Station, providing access to Circle, District, Piccadilly and Hammersmith & City lines, is approximately a 1.0km walk distance and a 15 minute walk from the site. As a result the site is considered to have a poor Public Transport Accessibility Level (PTAL) of 2 (on a scale of 1 to 6 where 6b is the most accessible).

3.28. The nearest commercial centre to the site is Hammersmith with The Broadway Shopping Centre being approximately 1000m walking distance. Other retail and leisure facilities are offered along Fulham Palace Road in the shopping parade, approximately 400m to the east of the site. The Thames Path runs adjacent to the site along the western boundary. Although there are no cycle lanes provided in the immediate vicinity, the bus lanes on Fulham Palace Road provide routes for cyclists. There is a docking station for Barclays Cycle Hire on the east side of Rainville Road opposite the application site.

## TRAFFIC GENERATION AND PEDESTRIAN SAFETY

3.29. Policies DM J1 and DM J6 of the Development Management Local Plan requires that all development proposals be assessed against their contribution to traffic generation and other impacts on congestion, particularly on bus routes and the primary road network, and against the present and potential availability of public transport and its capacity to meet increased demand. Policy DM J2 relate to car parking provision and Table 12.1 sets out maximum car parking standards.

3.30. As part of the Transportation Assessment, the Applicant has provided a trip analysis for the proposed A3, B1, D1 and D2 uses. According to the assessment the number of people visiting the centre will vary on a day to day basis, with the sample programme of events provided estimating that between 90 and 260 people will visit the site over the course of a day. When evening events occur, these will typically conclude on-site at 21:30, and as such no late night traffic movements will be associated with the proposal. The assessment has identified that the proposal will not result in a material increase in traffic movements and the proposed change of use application for Blocks 1, 2 and 3 will not result in a material impact on the local transport network. In comparison to the use of the site as an office, it has been shown that during the AM and PM peak hours there will be a net reduction in both the total number of person trips and the total number of vehicle trips.

3.31. Given the scale and nature of the development and after assessing the trip generation included in the Transport Statement, officers consider that the impact on the public transport network will be negligible and in accordance with Policies DM J1 and DM J6 of the Development Management Local Plan.

## CAR PARKING

3.32. There is on street car parking on Rainville Road and the surrounding streets. The site falls within Car Parking Zone T but is also in close proximity to Car Parking Zone X. Both car parking zones are pay and display parking with control times being Monday to Friday 09:00 - 17:00.

3.33. The applicant has submitted a Transport Statement undertaken by an independent survey company which comprise of surveys to measure the anticipated car parking demand by the proposal and existing on street car parking stress. The assessment concluded that the proposal would generate a parking demand for a maximum of 11 cars at peak time (17:00 - 18:00). However, officers believe that the proposed development is likely to attract around 15 cars at one time to the area.

3.34. The on-street car parking stress survey submitted indicates that there is spare parking capacity near to the vicinity of the site on Rainville Road, Skelwith Road,

Bowfell Road, and Wingrave Road. The assessment further demonstrates that if all 15 vehicles expected at peak time are parked on these streets, there is still substantially less than 80% parking stress and a reserve capacity of 91 spaces (even with the 15 cars parked). Officers are satisfied with the information provided and believe the on-street parking zone can accommodate a minimum of 15 cars without causing any detrimental impact to these streets.

3.35. The centre will retain the use of seven on-site parking spaces currently provided on site within the courtyard alongside the central landscaped area opposite Bowfell Road and it is anticipated that this will accommodate most of the daytime car parking demand during the parking restriction period. If, on occasion, more than seven cars require parking in association with the centre (excluding evening event parking), on-street pay and display parking bays are available locally during the day. Car parking for the office accommodation was provided within the car park to the north adjacent to the site opposite Skelwith Road. Additional daytime parking (08:00 - 19:00) will be made available by the centre in this car park as required.

3.36. Car parking for the restaurant is currently provided on site within the courtyard and is managed with the use of valet parking for the River Cafe who will continue to utilise this space in the evenings.

3.37. Officers are mindful of the objections raised by residents who use the local highways network on a regular basis. However, it is considered that any additional parking demand generated by the proposal would be catered for by the existing reserve parking capacity or on occasion the Skelwith Road car park and therefore complies with Policy DM J2 of the Development Management Local Plan.

## CYCLE PARKING

3.38. Policy DM J4 of the Development Management Local Plan requires safe and secure cycle parking provision. The cycle parking will need to be in line with Policy DM J5 at a minimum number of 63 cycle spaces for this development. Staff and visitors of centre will have access to on-site cycle parking to be located in the car park opposite Skelwith Road. The car park will accommodate parking for up to 44 cycles.

3.39. The proposal therefore complies with the London Plan and the Development Management Local Plan.

## SERVICING

3.40. Servicing will take place from the highway, in a manner that is consistent with the current arrangement. Service vehicles will be predominately LGVs and are able to wait at kerbside adjacent to the development, as on-street car parking is low and there are no on-street loading restrictions on the site frontage.

3.41. The proposal makes adequate provision for refuse and recycling storage and collection areas that will avoid refuse being stored on the highway in accordance with Policy DM H5 of the Development Management Local Plan.

## ENVIRONMENTAL CONSIDERATIONS

### FLOOD RISK, DRAINAGE AND WATER RESOURCES

3.42. The NPPF outlines 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 the developments safe without increasing flood risk elsewhere. London Plan Policy 5.12 considers flood risk management, and policy 5.13 requires that drainage is sustainable. Core Strategy Policy CC2 (Water and flooding) aims to minimise current and future flood risk and adverse impacts expected from developments. Policies within the Development Management Local Plan are about water consumption as well as flooding.

3.43. On 26 March 2015 the Environment Agency (EA) informed the council that the need to require developers to carry out a Sequential Test for any site in Hammersmith and Fulham is no longer required. So much of the borough is in the EA's high to medium risk flood zones that it is impractical to try and direct development to alternative sites in Flood Zone 1 (which is what the Sequential Test seeks where possible). In any case, although flood risk from the Thames is low in FZ 1, there are still surface water and sewer flood risks here so, in reality, the majority of the borough is at risk of some form of flooding or another.

3.44. This site is in the EA's Flood Zone 3 which indicates a high risk to flooding from the Thames, although this does not take into account the high level of protection provided by the Thames Barrier and local river wall defences. If these failed, EA modelling shows that part of the site is in an area that could be impacted by rapid inundation of flood waters. A Flood Risk Assessment (FRA) has been provided with the application. The assessment state that the site was formerly used as B1 office space and the proposed development is considered to be a "less vulnerable" classification. Under table 3 in the NPPF guidance it states that the proposed development is appropriate.

### AIR QUALITY

3.45. The NPPF requires that consideration is given to air quality and the cumulative impact of developments. Policy 7.14 of the London Plan recognises the importance of tackling air pollution and improving air quality: developments should minimise exposure to existing poor air quality. Policy DM H8 reflects this and advises that the Council will seek to reduce the adverse air quality impacts of new development. Policy DH H11 requires that there will be no detrimental impact to the general amenity of existing or prospective residents caused by activities.

3.46. The Planning Statement submitted state that no formal cooking space is required and occupiers requiring functional kitchen space will prepare food off-site. Cold food such as salads and sandwiches may be prepared on the premises, but only reheating facilities are required. As such there are no requirement for extraction but a preparation kitchen will be available. Officers consider that no air quality mitigation is required and the proposal therefore complies with Policy 7.14 of the London Plan and Policy DM H8 of the Development Management Local Plan.

## NOISE AND VIBRATION

3.47. 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.

3.48. 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".

3.49. Policy CC4 of the Core Strategy requires the council to protect and enhance the environmental quality of the borough, which includes minimising the impact of noise. This is carried through to policy DM H9 which concerns noise and vibration. Sensitive uses should not be permitted where occupants would be affected by noise, and where it is likely to be an issue adequate mitigation measures need to be in place.

3.50. Officers consider that the mitigation measures to be secured by condition are sufficient and therefore complies with Policy 7.15 of the London Plan, Policy CC4 of the Core Strategy and Policy DM H9 of the Development Management Local Plan.

## WASTE AND RECYCLING

3.51. The NPPF notes that the minimisation of waste is important and linked to sustainability.

3.52. London Plan Policy 5.3 (Sustainable Design and Construction) considers minimisation of waste to be part of sustainable design and construction. Policies 5.16, 5.17 and 5.18 are specific to waste and deal with waste self-sufficiency, waste capacity and construction waste respectively. They contain strategic targets for reducing waste, and aim to encourage boroughs to increase their waste processing capacity. London Plan Policy 5.3 considers minimisation of waste to be part of sustainable design.

3.53. Core Strategy Policy CC3 concerns waste management and makes the link with climate change. In promoting sustainable waste management the Council will promote sustainable waste behaviour, including sustainable demolition and ensuring that all developments provide suitable waste and recycling storage facilities.

3.54. Policy DM A9 of the Development Management Local Plan includes waste and recycling storage facilities within the criteria for appropriate residential standards. Policy H5 of the Development Management Local Plan sets out criteria to ensure that all developments include suitable facilities for the management of waste, including the collection and storage of separated waste.

3.55. Details of refuse storage, management and recycling will be secured by way of condition attached to any permission. Officers consider the waste storage and management facilities are appropriate and are therefore in accordance with London Plan Policies and Core Strategy Policy CC3.

## ACCESSIBILITY

3.56. London Plan Policy 3.1 requires that all persons have equal life chances. Policy DM G1 of the Development Management Plan requires that the principles of accessibility and inclusive design. The Planning Guidance SPD contains a number of policies about inclusive design. These collectively deal with entry into buildings (Design Policy 2), access within buildings (Design Policy 3), and the design and operation of open spaces (Design Policies 6, 7 and 8).

3.57. The applicant has provided a Planning Statement which confirms that the principles of inclusive design have been accorded with and the proposal is considered acceptable in this regard and in accordance with London Plan Policy 3.1, Policy DM G1 of the Development Management Plan and the Planning Guidance SPD.

## COMMUNITY INFRASTRUCTURE LEVY (CIL)

3.58. Mayoral CIL is a material consideration in determining this planning application. The Borough CIL came into effect on 1 September 2015 which means that CIL liable development proposals approved on or after 1 September 2015 will need to pay the borough CIL in addition to the Mayoral CIL which is already in place. The CIL is 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.

3.59. No CIL is chargeable for the proposals given that no additional floorspace is created.

## 4.0 CONCLUSION and RECOMMENDATION

4.1 The development is considered to be acceptable in accordance with national policy and guidance, the London Plan 2016, the Core Strategy 2011 and the Development Management Local Plan 2013. Officers consider that the development would make provision for a community centre which would make a positive contribution to the area.

4.2 Officers have given consideration to all the representations received when assessing the proposal. For the reasons detailed in this report officers conclude that the proposal is acceptable in accordance with the relevant policies including the scale, nature; design; impact on surrounding amenity; highways; access for all; environmental impact and equalities. On the basis of securing the recommended conditions, the proposal is considered to represent sustainable development within the Borough.

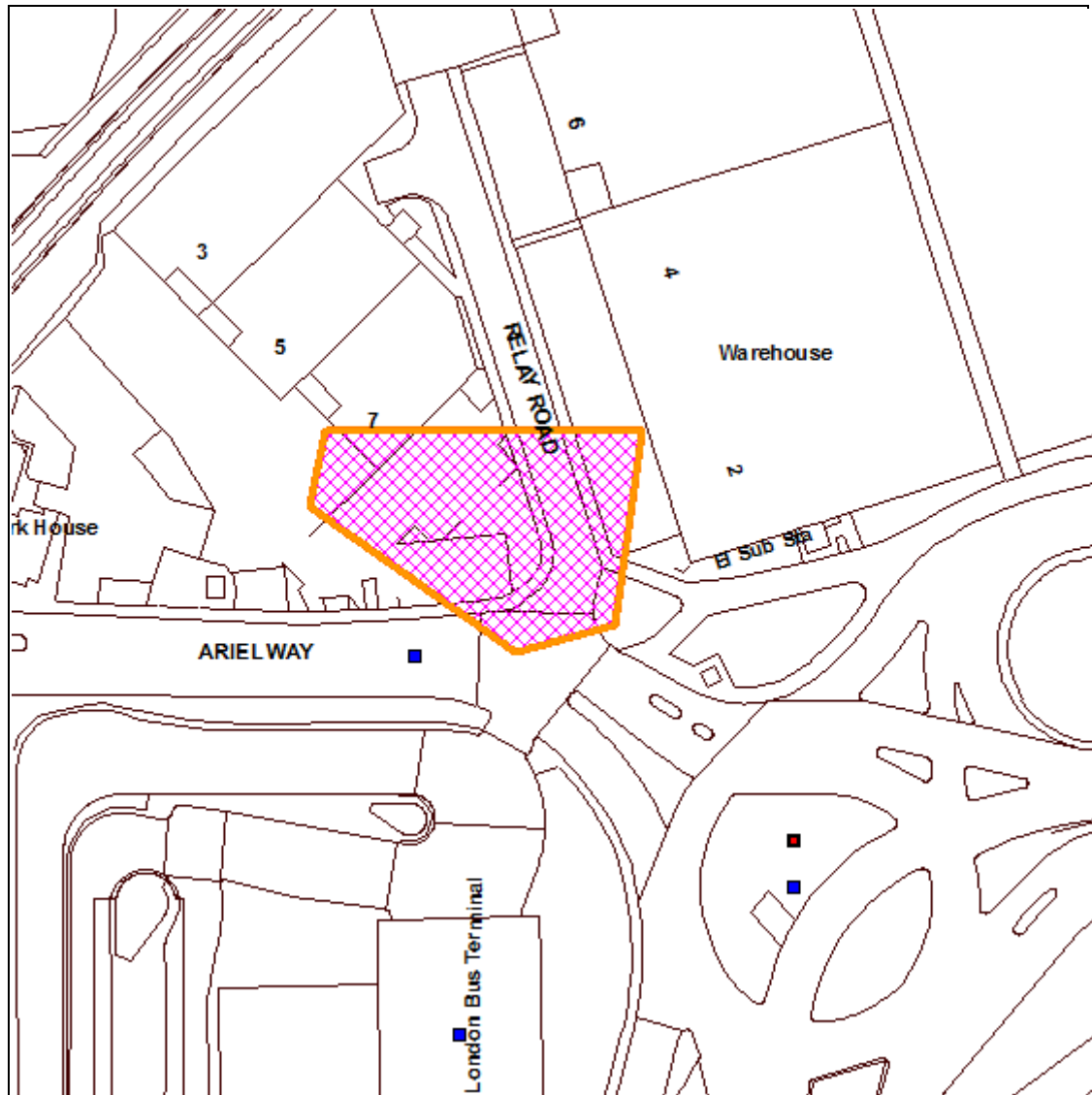
## RECOMMENDATION

4.3 Therefore, officer recommendation is that the Committee resolve that the Lead Director of Planning and Development be authorised to determine the application and grant permission up on the completion of a satisfactory legal agreement.

**Ward:** Shepherd's Bush Green

**Site Address:**

Land North Of Westfield Shopping Centre Ariel Way London



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

**Reg. No:**  
2016/04602/FUL

**Case Officer:**  
Sally Shepherd

**Date Valid:**  
24.10.2016

**Conservation Area:**

**Committee Date:**  
14.03.2017



**Applicant:**

Westfield Europe Limited  
c/o Agent

**Description:**

Erection of a four storey extension to the Westfield Phase 2 Retail Extension comprising 3,783.4 sqm of retail use (Class A1) and 3,056.5sqm of flexible food and beverage use (Classes A3, A4, A5).

Drg Nos: See condition 2.

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

That the Committee resolve that the Lead Director of Planning and Development be authorised to determine the application and grant permission up on the completion of a satisfactory legal agreement and subject to the condition(s) set out below

1) APPROVED DRAWINGS AND DOCUMENTS

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

W2-SRA-N2-20-DR-A-08101 Rev P01;  
W2-SRA-N2-40-DR-A-08101 Rev P01;  
W2-SRA-N2-50-DR-A-08101 Rev P01;  
W2-SRA-N2-55-DR-A-08101 Rev P01;  
W2-SRA-N2-55-DR-A-08102 Rev P00;  
W2-SRA-N2-60-DR-A-08101 Rev P00;  
W2-SRA-N2-EN-DR-A-08101 Rev P00;  
W2-SRA-N2-EN-DR-A-08102 Rev P00;  
W2-SRA-N2-ES-DR-A-08101 Rev P00;  
W2-SRA-N2-EW-DR-A-08102 Rev P00;  
W2-SRA-N2-EZ-DR-A-08101 Rev P01;  
W2-SRA-N2-SZ-DR-A-08101 Rev P00;  
W2-SRA-N2-SZ-DR-A-08102 Rev P00;  
W2-SRA-ZA-00-DR-A-08101 Rev P01;  
W2-SRA-ZA-20-DR-A-08101 Rev P00;  
W2-SRA-ZA-20-DR-A-08102 Rev P01;  
W2-SRA-ZA-40-DR-A-08101 Rev P00;  
W2-SRA-ZA-50-DR-A-08101 Rev P00;  
W2-SRA-ZA-55-DR-A-08101 Rev P00;  
W2-SRA-ZA-60-DR-A-08101 Rev P00;  
W2-SRA-ZA-EW-DR-A-08101 Rev P00.

Environmental Statement prepared by Ramboll Environ dated August 2016;  
Planning Statement prepared by Montagu Evans dated October 2016;  
Design and Access Statement (Revision C) prepared by Glenn Howells Architects dated December 2016; Retail Statement prepared by Montagu Evans dated August 2016; Historic Environmental Report prepared by Peter Stewart

Consultancy dated August 2016; Sustainability Statement prepared by Ramboll Environ dated August 2016; Letter from Foreman Roberts dated 11th August 2016.

Reason: To ensure full compliance with the application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policy BE1 of the London Borough of Hammersmith and Fulham Core Strategy (2011) and Policies DM G1 and DM G7, of the Development Management Local Plan (2013).

## 2) TIME LIMITS

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

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

## 3) MATERIALS

Notwithstanding the details shown on the approved drawings, prior to the commencement of the relevant part of the development hereby approved, details and samples of the materials to be used on all external faces including soffits shall be submitted to and approved in writing by the Local Planning Authority. A GRC sample panel shall be built on site for inspection and approval of the Local Planning Authority's Urban Design and Conservation Officer prior to the commencement of the relevant part of the development. The development shall be implemented in accordance with the approved details and the approved GRC sample panel.

Reason: To ensure a satisfactory external appearance and to prevent harm to the visual amenity of the street scene and public realm, in accordance with policies 7.1 and 7.5 of the London Plan (2016), policy BE1 of the Core Strategy (2011) and policies DM G1, DM G2, and DM G7 of the Development Management Local Plan (2013).

## 4) GLAZING

All glazing shown on the approved development shall be clear unless otherwise indicated on the drawings and shall remain permanently unobscured and shall not be mirrored or tinted in any way.

Reason: To ensure a satisfactory external appearance and to prevent harm to the visual amenity of the street scene and public realm, in accordance with policies 7.1 and 7.5 of the London Plan (2016), policy BE1 of the Core Strategy (2011) and policies DM G1, DM G2, and DM G7 of the Development Management Local Plan (2013).

## 5) WINDOW DISPLAYS AT LEVEL 50 AND 55

Prior to the commencement of the relevant part of the development hereby approved, detailed drawings of the display windows at levels 50 and 55 in plan, section and elevation at a scale of no less than 1:50 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant part of the development. The minimum internal depth of the display space shall be one metre and the glazing shall be clear glazed and shall not be mirror tinted or otherwise obscured. No part of the development shall be used or occupied prior to the completion of that part of the development in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and to prevent harm to the visual amenity of the street scene and public realm, in accordance with policies 7.1 and 7.5 of the London Plan (2016), policy BE1 of the Core Strategy (2011) and policies DM G1, DM G2, and DM G7 of the Development Management Local Plan (2013).

## 6) LONDON UNDERGROUND STRUCTURES

Prior to the commencement of the development, detailed design and method statements for all the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), shall be submitted to and approved in writing by the Local Planning Authority in consultation with London Underground Limited. The details shall:

- o provide details on all structures;
- o provide details on the use of tall plant and scaffolding;
- o accommodate the location of the existing London Underground structures and tunnels; and
- o accommodate ground movement arising from the construction thereof and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

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

Reason: To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with the London Plan (2016) and the 'Land for Industry and Transport' Supplementary Planning Guidance (2012).

## 7) CONSTRUCTION LOGISTICS MANAGEMENT PLAN

Prior to the commencement of the development, a Construction Logistics Management Plan (CLMP) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with TfL. Construction works shall be carried out in accordance with the Construction Logistics Management Plan.

The CLMP shall be prepared in accordance with TfL's 'Construction Logistics Plan - Guidance for Developers' document and at a minimum shall include details of:

- a) proposed access routes for construction traffic;
- b) permitted hours of access for construction;
- c) proposed on-site management measures to ensure that movement of vehicles in and out of the site is safe (and in forward gear);
- d) using freight operators who can demonstrate their commitment to best practice
- e) consolidating deliveries so fewer journeys are needed;
- f) using more sustainable delivery methods;
- g) cycle safety measures to be implemented during construction

Approved details shall be implemented throughout the project period.

Reason: To ensure that no unacceptable adverse effect on the amenity of surrounding occupiers in accordance with policies 5.18, 5.19, 5.20, 5.21 and 5.22 of the London Plan (2016), policy CC4 of the Core Strategy (2011) and policies DM G1, DM H5, DM H8, DM H9, DM H10 of the Development Management Local Plan (2013).

## 8) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the Construction Environmental Management Plan (CEMP).

The CEMP shall include:

- Methods of piling, steps to be taken to re-use and re-cycle demolition waste, measures proposed to minimise the impact of construction on the existing amenities of neighbouring occupiers including monitoring and control measures for dust, noise, vibration, lighting and working hours (including restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays) unless otherwise agreed in writing by the Local Planning Authority;
- Waste classification and disposal procedures, provisions within the site to ensure that all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management; and
- A commitment to advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works.

Reason: To ensure that no unacceptable adverse effect on the amenity of surrounding occupiers in accordance with policies 5.18, 5.19, 5.20, 5.21 and 5.22 of the London Plan (2016), policy CC4 of the Core Strategy (2011) and policies DM G1, DM H5, DM H8, DM H9, DM H10 of the Development Management Local Plan (2013).

## 9) AIR QUALITY AND AIR QUALITY NEUTRAL ASSESSMENT

Prior to the commencement of the development hereby approved, an Air Quality & Air Quality Neutral Assessment shall be submitted to and approved in writing by the Council. The assessment shall include:

- o Dispersion modelling of emissions of NO<sub>2</sub> and PM<sub>10</sub> from vehicles, and combustion plant;
- o Stack Height analysis including D1 calculations from ground level to inform the height of any energy plant chimneys;
- o Dust Risk Assessment for demolition and construction phases of the development; and
- o Impacts too sensitive existing and future receptors, on-site and off-site from NO<sub>2</sub> and PM<sub>10</sub>.

This should be completed in accordance with London Councils' Air Quality and Planning Guidance (2007); Mayor of London's Control of Dust and Emissions during Construction and Demolition SPG (2014); GLA Air Quality Neutral Planning Support Update (April 2014) and IAQM Land Use Planning and Development Control: Planning for Air Quality (May 2015).

Reason: To comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2016) and Policy DM H8 of the Development Management Local Plan (2013).

## 10) LOW EMISSIONS STRATEGY - AIR QUALITY

Prior to the commencement of the development hereby approved, a Low Emission Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Low Emission Strategy must address the results of the approved Air Quality Assessment and detail the remedial action and mitigation measures that will be implemented to protect receptors (e.g. abatement technology for energy plant, design solutions). This Strategy must make a commitment to implement the mitigation measures (including NO<sub>x</sub> emissions standards for the chosen energy plant) that are required to reduce the exposure of future residents to poor air quality and to help mitigate the development's air pollution impacts, in particular the emissions of NO<sub>x</sub> and Particulates from on-site transport during construction and operational phases e.g. use of Low Emission Vehicles, and energy generation sources. Evidence shall be submitted to and approved in writing by the Local Planning Authority to show that the CHP units installed within the energy centre comply with the relevant emissions standards in the Mayor's Sustainable Design and Construction Supplementary Planning Document (2014) shall be set out in the document. The submitted information shall include the results of NO<sub>x</sub> emissions testing of each CHP unit by an accredited laboratory, where this is available.

The strategy must re-assess air quality neutral as agreed in the Air Quality Assessment in accordance with the Mayor of London SPG 'Sustainable Design and Construction' (April 2014) guidance. It must also identify mitigation measures as appropriate to reduce building emissions to below GLA benchmark levels.

Reason: To comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2016) and Policy DM H8 of the Development Management Local Plan (2013).

#### 11) AIR QUALITY DUST MANAGEMENT PLAN - AIR QUALITY

No development shall commence until an Air Quality Dust Management Plan (AQDMP) is submitted to and approved in writing by the Council. The AQDMP must include an Air Quality Dust Risk Assessment (AQDRA) that considers residential receptors on-site and off-site of the development and is undertaken in compliance with the methodology contained within Chapter 4 of the Mayor of London's 'The Control of Dust and Emissions during Construction and Demolition' SPG (July 2014) and the identified measures recommended for inclusion into the site specific AQDMP. The AQDMP submitted must comply with and follow the chapter order (4-7) and appendices (5,7,8,9) of the Mayor's SPG and should include an Inventory and Timetable of dust generating activities during demolition and construction and Dust and Emission control measures including on-road construction traffic e.g. use of Low Emission Vehicles; Non-Road Mobile Machinery (NRMM). Air quality monitoring of PM10 should be undertaken where appropriate and used to prevent levels exceeding predetermined Air Quality threshold trigger levels. Developers must ensure that on-site contractors follow best practicable means to minimise dust and emissions at all times.

Reason: To comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2016), Core Strategy (2011) Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

#### 12) NON ROAD MOBILE MACHINERY COMPLIANCE WITH EMISSIONS STANDARDS - AIR QUALITY

Prior to the commencement of the development details shall be submitted to and approved in writing by the Council of all Non-Road Mobile Machinery (NRMM) to be used on the development site. All NRMM should meet as minimum the Stage IIIB emission criteria of Directive 97/68/EC and its subsequent amendments. This will apply to both variable and constant speed engines for both NOx and PM. An inventory of all NRMM must be registered on the NRMM register <https://nrmm.london/user-nrmm/register>. All NRMM should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment.

Reason: To comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2016), Core Strategy (2011) Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

#### 13) RISK ASSESSMENT

No development shall commence until a preliminary risk assessment report is submitted to and approved in writing by the Council. This report shall comprise: a desktop study which identifies all current and previous uses at the site and surrounding area as well as the potential contaminants associated with those uses; a site reconnaissance; and a conceptual model indicating potential pollutant linkages between sources, pathways and receptors, including those in the

surrounding area and those planned at the site; and a qualitative risk assessment of any potentially unacceptable risks arising from the identified pollutant linkages to human health, controlled waters and the wider environment including ecological receptors and building materials. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Reason: To ensure that no acceptable risks are caused to humans, controlled waters of the wider environment during and following the development works, in accordance with policy 5.21 of the London Plan (2016), policy CC4 of the Core Strategy (2011) and policies DMH4, DMH6, and DMH7 of the Development Management Policies Local Plan (2013).

#### 14) SITE INVESTIGATION SCHEME

No development shall commence until a site investigation scheme is submitted to and approved in writing by the Council. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and ground water . All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Reason: To ensure that no acceptable risks are caused to humans, controlled waters of the wider environment during and following the development works, in accordance with policy 5.21 of the London Plan (2016), policy CC4 of the Core Strategy (2011) and policies DMH4, DMH6, and DMH7 of the Development Management Policies Local Plan (2013).

#### 15) QUANTITATIVE RISK ASSESSMENT

Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, following a site investigation undertaken in compliance with the approved site investigation scheme, a quantitative risk assessment report is submitted to and approved in writing by the Council. This report shall: assess the degree and nature of any contamination identified on the site through the site investigation; include a revised conceptual site model from the preliminary risk assessment based on the information gathered through the site investigation to confirm the existence of any remaining pollutant linkages and determine the risks posed by any contamination to human health, controlled waters and the wider environment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Reason: To ensure that no acceptable risks are caused to humans, controlled waters of the wider environment during and following the development works, in accordance with policy 5.21 of the London Plan (2016), policy CC4 of the Core

Strategy (2011) and policies DMH4, DMH6, and DMH7 of the Development Management Policies Local Plan (2013).

#### 16) REMEDIATION METHOD STATEMENT

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

Reason: To ensure that no acceptable risks are caused to humans, controlled waters of the wider environment during and following the development works, in accordance with policy 5.21 of the London Plan (2016), policy CC4 of the Core Strategy (2011) and policies DMH4, DMH6, and DMH7 of the Development Management Policies Local Plan (2013).

#### 17) VERIFICATION REPORT

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

Reason: To ensure that no acceptable risks are caused to humans, controlled waters of the wider environment during and following the development works, in accordance with policy 5.21 of the London Plan (2016), policy CC4 of the Core Strategy (2011) and policies DMH4, DMH6, and DMH7 of the Development Management Policies Local Plan (2013).



## 18) LONG-TERM MONITORING

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

Reason: To ensure that no acceptable risks are caused to humans, controlled waters of the wider environment during and following the development works, in accordance with policy 5.21 of the London Plan (2016), policy CC4 of the Core Strategy (2011) and policies DMH4, DMH6, and DMH7 of the Development Management Policies Local Plan (2013).

## 19) EXTERNAL ALTERATIONS TO THE BUILDING

No alterations shall be carried out to the external appearance of the building, including the installation of air-conditioning units, ventilation fans and extraction equipment not shown on the approved drawings, without permission first being obtained from the Local Planning Authority. Any such changes shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policy BE1 of the Core Strategy 2011 and Policies DM G1 and G7 of the Development Management Local Plan 2013.

## 20) EXTERNAL NOISE FROM MACHINERY, EXTRACT/ VENTILATION DUCTING ETC.

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

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from mechanical installations/ equipment, in accordance with Policies DM H9 and H11 of the Development Management Local Plan (2013).

## 21) ANTI- VIBRATION MOUNTS AND SILENCING OF MACHINERY ETC.

Prior to use, machinery, plant or equipment, extract/ventilation system and ducting at the development shall be mounted with proprietary anti-vibration isolators and

fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration, in accordance with Policies DM H9 and H11 of the Development Management Local Plan (2013).

## 22) EXTRACTION AND ODOUR CONTROL SYSTEM FOR NON-DOMESTIC KITCHENS

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

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by cooking odour, in accordance with Policies DM H9 and H11 of the Development Management Local Plan (2013).

## 23) SECURITY LIGHTS AND DECORATIVE EXTERNAL LIGHTING

Prior to commencement of the relevant part of the development, details of external artificial lighting shall be submitted to and approved in writing by the Council. Lighting contours shall be submitted to demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations of the Institution of Lighting Professionals in the 'Guidance Notes For The Reduction Of Light Pollution 2011'. Details should also be submitted for approval of measures to minimise use of lighting and prevent glare and sky glow by correctly using, locating, aiming and shielding luminaires. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting, in accordance with Policies DM H10 and H11 of the Development Management Local Plan (2013).

## 24) TEMPORARY FENCING AND ENCLOSURE

Prior to the commencement of the development, details of temporary fencing and/or enclosure of the site shall be submitted to and approved in writing by the Local Planning Authority and shall be retained as approved for the duration of the construction works.

Reason: To ensure that the site remains in a tidy condition during the construction phase and to prevent harm to the street scene and character and appearance of the adjoining conservation area, in accordance with policy BE1 of the Core Strategy (2011) and policy DM G7 of the Development Management Local Plan (2013).

## 25) TELECOMMUNICATIONS EQUIPMENT

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any part of the development hereby permitted, without planning permission first being obtained.

Reason: To ensure that the visual impact of telecommunication equipment can be considered in accordance with policy BE1 of the Core Strategy (2011), policy DM G1 of the Development Management Local Plan (2013) and SPD Design Policy 39 of the Council's Planning Guidance Supplementary Planning Document (2013).

## 26) REFUSE AND RECYCLING ARRANGEMENTS AND STORAGE

Prior to the occupation of the development, details of the refuse arrangements including storage, collection and recycling shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented prior to the use or occupation of any part of the development and maintained permanently thereafter.

Reason: To ensure the satisfactory provision for refuse storage and recycling in accordance with policy CC3 of the Core Strategy (2011) and policy DM H5 of the Development Management Local Plan (2013) and the Council's Planning Guidance Supplementary Planning Document (2013).

## 27) SECURED BY DESIGN

Prior to the commencement of the relevant part of the development, a statement of how "Secured by Design" requirements are to be adequately achieved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out prior to occupation of the development hereby approved and permanently maintained thereafter.

Reason: To ensure a safe and secure environment in accordance with policy 7.3 of the London Plan (2016), policy BE1 of the Core Strategy (2011) and policy DM G1 of the Development Management Local Plan (2013).

## 28) ADVERTISEMENTS

No advertisements shall be displayed on or within any elevation of the building itself, without details of the advertisements having first been submitted to and agreed in writing by the Local Planning Authority.

Reason: In order that any advertisements displayed on the building are assessed in the context of an overall strategy, to ensure a satisfactory external appearance and to preserve that integrity of the design of the building, in accordance with policy BE1 of the Core Strategy (2011) and policy DM G8 of the Development Management Local Plan (2013).

## 29) ENTRANCE DOORS AND THRESHOLDS

The ground floor entrance doors to the development and integral lift/stair cores, hereby approved shall not be less than 1-metre-wide and the threshold shall be at the same level as the path fronting the entrance to ensure level access.

Reason: To ensure the development provides ease of access for all users, in accordance with Policy 3.1 and 7.2 of the London Plan (2016), policy BE1 of the Core Strategy (2011), policy DM G1 of the Development Management Local Plan (2013) and the Council's Planning Guidance Supplementary Planning Document (2013).

## 30) VEHICLE DYNAMICS ASSESSMENT

Prior to the occupation of the development a Vehicle Dynamics Assessment (VDA) carried out by an appropriately qualified and experienced person and details of holistic Hostile Vehicle Mitigation (HVM) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the commercial areas of the development are protected appropriately from vehicle impact events in accordance with policy 7.3 of the London Plan (2016), policy BE1 of the Core Strategy (2011) and policy DM G1 of the Development Management Local Plan (2013).

## 31) WIND/MICROCLIMATE

Prior to the occupation of the development, details of the mitigation measures relating to wind/micro-climate impacts to entrances, pedestrian thoroughfares and external amenity spaces and any proposed balconies/roof terraces for that phase, shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to occupation or use of the relevant phase or part thereof and shall be permanently retained thereafter.

Reason: To ensure a comfortable pedestrian and external amenity environment for users of the development in accordance with policies 7.6 and 7.7 of the London Plan (2016), policy BE1 of the Core Strategy (2011) and policy DM G2 of the Development Management Local Plan (2013).

### **Justification for Approving the Application:**

#### 1) Land Use

The proposed development is in accordance with national, regional and local planning policies which are designed to maximise the development potential of brownfield sites to improve the vitality and viability of town centres. The proposed development is in accordance with Strategic Policy C and Strategic Policy WCOA of the Core Strategy as the implementation of the development would contribute to the regeneration of the area, improve the vitality and viability of Shepherds Bush Metropolitan Town Centre, improve employment opportunities and promote sustainable economic growth. The application has demonstrated that the profile of the retail floorspace forming part of the proposed development cannot be

accommodated within the existing Town Centre and can only be accommodated on land to the north of Westfield London. The size, profile and location of the retail, food and beverage floorspace provision is considered to be acceptable and would not compromise the vitality or viability of the existing centre, or of surrounding centres. The redevelopment of this site would enhance links to the northern part of the White City Opportunity. The proposed development is considered to be an appropriate use within the White City Opportunity Area which is highly accessible by public transport. The proposed development is therefore considered to be acceptable and would be in accordance with policies 2.13, 2.15, 3.3, 3.4 of the London Plan (2016) and Strategic Policies WCOA, WCOA1, B, C, LE1 and H1 of the Core Strategy (2011) and policies DM A1, DM C1, DM D1 and DM D2 of the Development Management Local Plan (2013).

### Design and Conservation

The proposed development would be a high quality development which would make a positive contribution to the character and appearance of the White City Opportunity Area. Having regard to the conservation of designated heritage assets, officers consider that the public benefit of the proposal including the unique opportunity to deliver additional retail and restaurant floorspace integrated within the existing shopping centre outweighs any harm to the Grade II listed DIMCO building. The design, scale and massing of the development is considered to respond positively to the consented masterplan and the wider area. As such, it is considered that the proposed development would positively contribute to this part of White City and is therefore considered to be acceptable and would be in accordance with policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7 and 7.8 of the London Plan (2016), policies BE1, WCOA, WCOA1, BE1 of the Core Strategy (2011) and DM G1, DM G2, DM G6 and DM G7 of the Development Management Local Plan (2013), The Royal Borough of Kensington and Chelsea Consolidated Local Plan (2015) policy CL11, and; English Heritage/CABE "Guidance on tall buildings" (2007).

### Amenity

With regards to light, outlook, privacy, overshadowing, the proposed development would have no impact upon the amenities of adjoining occupiers and would have negligible impact on the amenities of future occupiers within Plot D of the consented masterplan. The development would have no adverse impacts on air quality or noise. In this regard, the development would respect the principles of good neighbourliness. The proposed development is therefore considered to be acceptable and would be in accordance with policies 7.6, 7.7 and 7.15 of the London Plan (2016), policies CC4 of the Core Strategy (2011) and policies DM G1, DM H9 and DM H10 of the Development Management Local Plan (2013).

### Highways

It is considered that the overall traffic impact of the proposed development, on its own and as part of the wider development scheme would be acceptable and in accordance with DM Local Plan Policy DM J1. It is considered that the approved car parking provisions for the retail extension provides an acceptable level of car parking, to accommodate the additional retail floorspace proposed under this full planning application in accordance with the DM Local Plan policies DM J2 and DM

J3 and London Plan (2016) table 6.3. The site is accessible and well served by public transport. It is considered that the cumulative impacts arising from the various developments would be mitigated by conditions and s106 provision to contribute towards enhancing the public realm and pedestrian connectivity within the White City. A servicing and delivery plan and a travel plan will be required via the s106 legal agreement to mitigate against potential issues including a review of cycle parking availability. Subject to conditions and obligations, the proposed development is therefore considered to be in accordance with policies 6.1, 6.3, 6.5, 6.9, 6.10, 6.11, 6.13 and Table 6.3 of the London Plan (2016) and policy T1 of the Core Strategy (2011) and policy DM J1, DM J2, DM J3, DM J4, DM J5 and DM J6 of the Development Management Local Plan (2013).

### Sustainability

The energy requirements of the proposed development are incorporated into the wider Phase 2 scheme which has been designed to meet a BREEAM rating of Very Good. The 2013 energy strategy includes provision for an energy centre which provides the heating and hot water requirements for the development including the restaurant block, through a gas fired CHP. The proposal will contribute towards further CO2 reductions through the façade designs, the incorporation of green and brown roofs and the provision of photovoltaics. This will result in a significant reduction of CO2 emissions across the whole site. The proposed development is therefore considered to be acceptable and would be in accordance with 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 (2016) and policies CC1, CC2 and H3 of the Core Strategy (2011) and policy DM H1, DM H2, DM H3, DM H4, DM H5, DM H6, DM H7, DM H8, DM H9, DM H10, DM A2 and MD A9 of the Development Management Local Plan (2013), the Council's Planning Guidance Supplementary Planning Document and the White City Opportunity Area Planning Framework (2013).

### Flood Risk

A Flood Risk Assessment (FRA) has been submitted and has considered risks of flooding to the site and adequate preventative measures have been identified. The proposed development would therefore be acceptable in accordance with Policies 5.12 and 5.13 of the London Plan (2016) and policies DM H3 and DM H4 of the Development Management Local Plan (2013).

### Environmental Impacts

All Environmental Impacts have been assessed with regards to Land Use, Socio-Economics, Archaeology, Townscape, Heritage and Visual Impact, Transport and Access, Air Quality, Noise and Vibration, Ground Conditions, Water Resources, Hydrology and Flood Risk, Ecology, Sunlight Daylight and Overshadowing, Wind, Telecommunications, Waste, Cumulative Effects set out in the Environmental Statement in accordance with the EIA Regulations 2011. The Environmental Statement and their various technical assessments together with the consultation responses received from statutory consultees and other stakeholders and parties, enable the Council to determine this application with knowledge of the likely significant environmental impacts of the proposed development.

## Legal Agreement

The application seeks to ensure that the impacts arising from the proposed development are mitigated by way of a planning obligations to fund improvements that are necessary as a consequence of the increased use arising from the population yield from the development and additional new land uses. The financial contributions will go towards the enhanced provision of education, health, employment, community facilities, accessibility and sustainable transport, highways (including pedestrian and cycle routes) and the public realm within the White City Opportunity Area. The proposed development would therefore accord with London Plan (2016) Policy 8.2, Core Strategy (2011) Policies CF1, WCOA and WCOA1 and the White City Opportunity Area Planning Framework (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 October 2016

Drawing Nos: see above

**Policy documents:** National Planning Policy Framework (NPPF) 2012  
The London Plan 2016  
LBHF - Core Strategy Local Development Framework 2011  
LBHF - Development Management Local Plan 2013  
LBHF - Planning Guidance Supplementary Planning Document  
2013

#### **Consultation Comments:**

<b>Comments from:</b>	<b>Dated:</b>
Environment Agency - Planning Liaison	22.11.16
Historic England London Region	09.11.16
Greater London Authority - Planning Decisions Unit	23.11.16
Health And Safety Executive	10.11.16
The Hammersmith Society	28.11.16
London Underground Limited	25.11.16
Thames Water - Development Control	07.12.16

#### **Neighbour Comments:**

<b>Letters from:</b>	<b>Dated:</b>
81b Macfarlane Road London W12 7JY	20.11.16
42 Greenside road London W12 9JG	05.12.16

## 1. BACKGROUND AND SITE DESCRIPTION

### Background

1.1 This report accompanies planning application (Ref. 2016/04602/FUL) which seeks full planning permission for a new integral building to be attached to the approved Retail Extension to the Westfield London Shopping Centre. The approved Retail Extension forms the first phase of the comprehensive development of land to the north of the Westfield London in Shepherd's Bush.

1.2 The proposals under consideration in this report comprise the erection of a four storey extension comprising 3,056.5sqm of flexible food and beverage floor space (Class A3/A4/A5) at ground and first floor levels and 3,783.4sqm of retail floorspace (Class A1) at second and third floor levels. The extension would be connected to the consented Retail Extension of the Shopping Centre which is currently under construction.

1.3 The wider masterplan has evolved since first being approved in 2012 with the east to west pedestrian route being internalised and the main vehicular route (Ariel Way) being realigned further south. The changes to the masterplan have left a large un-planned west facing facade to the Retail Extension (Plot A) which has presented the applicant with an opportunity to provide additional floorspace to increase the activity on the western façade of Plot A. The modified masterplan has led to further rationalisation of the internal floorspace within Plot A to facilitate the proposed extension, referred to as 'the Restaurant Block'.

1.4 The application site is located within part of the wider Westfield Phase 2 development area to the north of the existing Westfield London Shopping Centre. The site is triangular in shape and comprises the area immediately to the west of Plot A, north of the realigned Ariel Way. The proposed development has been submitted as a full planning application and, if acceptable, will be constructed alongside the Retail Extension. The applicant has also submitted a revised Reserved Matters Application (RMA) for the Retail Extension (Plot A) (Second Plot A RMA) which would facilitate the construction of the restaurant block and establish a linkage between the two developments. The restaurant block could not be implemented without the approval of the Second Plot A RMA and vice versa. Therefore, it is recommended that both the Second Plot A RMA and the Restaurant Block Application are considered concurrently to present a comprehensive and holistic planning assessment.

### Westfield Phase 2 Planning Permission Background

1.5 In September 2014, the applicant secured outline planning permission (Ref. 2013/05115/OUT) for the comprehensive redevelopment of the land to the north of the existing Westfield London shopping centre to comprise a mix of uses (A1, A3, A4, A5, B1, D1, D2 and C3) across distinct building blocks ranging from 2 to 23 storeys. This permission is referred to as "the 2014 Consent".

1.6 In October 2015, planning permission was granted for a Section 73 application (Ref. 2015/02565/VAR) for minor material amendments to the 2014 Consent to allow for design development undertaken to the outline scheme since September 2014. This permission is referred to as "the 2015 S73 Consent".



1.7 Planning permission was granted in April 2016 for the first reserved matters application for Plot A which comprises the Retail Extension, and is referred to as the "the First Plot A RMA" (Ref. 2015/05217/RES). The First Plot A RMA sought reserved matters approval for access, appearance, layout, and scale of the structure (Phase B) and envelope (Phase C) of Plot A.

1.8 On 9th November 2016, LBHF planning committee resolved to grant planning permission subject to a s106 legal agreement for a second s73 application which sought to amend the 2015 consent (Ref. 2016/03944/VAR). The amendments included alterations to the floorspace use classes as well as vertical and horizontal alterations to the plot parameter plans and was submitted to enable the submission of this full planning application for the restaurant block (although it did not pre-judge its acceptability). The application is referred to as "the 2016 S73 Application" which essentially comprises the 'parent' main planning permission to which all subsequent Reserved Matters are submitted pursuant to. The full planning application for the Restaurant Block cannot be determined until the legal agreement for the 2016 S73 Application has been completed and the application approved.

1.9 In December 2016, a revised reserved matters application for Plot A (Ref. 2016/05319/RES) was submitted. This application is referred to as "the Second Plot A RM application". The purpose of the revised reserved matters application is to regularise the footprint and external appearance of the retail extension (Plot A) to ensure that the Restaurant Block and Plot A appear as a complete development. This report should be read in conjunction with the 2016 S73 Application (Ref. 2016/03944/VAR) and the Second Plot A RMA report (Ref. 2016/05319/RES).

1.10 Officers advise that the Restaurant Block application can only be assessed and determined in conjunction with the Second Plot A RMA as the upper floors of the Restaurant Block would be accessed via the Retail Extension. In addition, the Restaurant Block would not be deliverable as a self-standing/self-sufficient element and would be reliant on the outline (and reserved matters) scheme for access, servicing and parking. In coming to a view on this application, members are requested to note that the Restaurant Block can only be approved as per the officer recommendation if members of the planning committee resolve to grant permission for the Second Plot A RMA. It should be noted that this application has been assessed both on its own merits and on the basis that the Second Plot A RMA is approved.

## Site Description

### The Application Site

1.11 The site comprises a triangular shaped plot of approximately 1,713 sqm (0.17 hectares) located to the north of the existing Westfield London Shopping Centre and south of the Hammersmith and City line viaduct. The site is located within the Westfield Phase 2 development area and forms part of the public realm to the south of Relay Square as laid out on the approved parameters plans.

1.12 The eastern boundary of the site abuts the Retail Extension (Plot A) and the southern boundary faces the Grade II listed DIMCO buildings located on the south side of Ariel Way. White City Bus Station is located to the south west of the site, approximately 75m away. Wood Lane (A219) lies directly west of the site which links the Westway to the north and Uxbridge Road to the south. The BBC Television Centre

located on the western side of Wood Lane. Block D and Relay Square of the approved outline masterplan lie to the north-west of the site with Wood Lane station beyond.

1.13 The site has a Public Transport Accessibility Level (PTAL) rating of 6a (Excellent) indicating high public transport accessibility.

### Planning Designations

1.14 The site is just outside the Shepherds Bush Town Centre which is identified as a Metropolitan Town Centre within the London Plan (2016). The site is located within the White City Opportunity Area (WCOA), where the Council wishes to see a comprehensive approach to development for a mix of uses as set out in the Core Strategy Strategic Policy WCOA. The site is not located within a conservation area, although the Wood Lane conservation area is located to the north of the site on the north side of the railway viaduct. The site is adjacent to the Grade II listed DIMCO buildings.

### Existing Uses

1.15 As the site is located within the Westfield Phase 2 development area, it has been cleared and is currently being used for construction purposes associated with the Retail Extension. Various works have been undertaken within the Westfield Phase 2 development area since permission was granted for the enabling works in 2014. The enabling works permission included the demolition of existing buildings, the temporary diversion and construction of highways and construction of a tunnel to connect to the existing Westfield London basement. Reserved matters were approved for the formation of the basement below the Retail Extension (ref. 2015/01447/RES) in June 2015. Reserved matters for the structure and envelope of Plot A (ref. 2015/05217/RES) were approved in April 2016. In September 2016, planning permission was granted for the construction of a bus layover facility within the outline permission site. Work has since commenced on all three elements.

1.16 The site was formerly occupied by industrial buildings which formed part of the White City industrial estate and the technical assessments contained within the Environmental Statement (ES) submitted with this application adopt a baseline of the fully occupied site prior to the commencement of any demolition and construction works to present a worst case scenario assessment.

### The Surrounding Area

1.17 The site falls within a larger parcel of land sandwiched between Wood Lane (the A219) to the west, the Westway (A40) to the north, the West Cross Route (the A3220) and railway lines to the east and Shepherds Bush Green to the south. This area is occupied by buildings with large footprints, including the existing Westfield Shopping Centre, warehouses and office buildings.

1.18 The West Cross Route (A3220) is a dual carriage way connecting the Westway (A40) and Holland Park Roundabout. It is set at an elevated level for much of its length, therefore acting as a major physical barrier between the areas either side of it.

1.19 The area immediately to the east of the West Cross Route is occupied by office buildings including the Yellow Building occupied by Monsoon Accessorize Ltd, the

White Building occupied by Talk-Talk and the Studio Building. These buildings are large in scale and define the urban context of the immediate area, which is particularly relevant to the development site. To the west of the site, Wood Lane (A219) links the Westway to the north and Uxbridge Road to the south, varying in character and scale along its length. There are a mix of commercial and residential buildings along Wood Lane including the BBC Television Centre which is Grade II Listed. The White City Estate is situated north of the BBC TV Centre and the BBC Media Village is located beyond that which contains large buildings set around pedestrian streets and a public space. The Wood Lane Conservation Area lies directly to the north and west of the site.

1.20 The existing Westfield London Shopping Centre and residential areas are located to the south of the site. The streets to the west (such as Frithville Gardens and MacFarlane Road) are residential in character, dominated by terraced housing, largely Victorian in origin. The streets to the south west of the site are set on a regular and tight grid and are largely aligned in a north-south direction. These streets are predominantly occupied by two to three storey terraced houses.

1.21 In terms of local transport links, Wood Lane Underground Station is directly to the north-west corner of the Site and is served by the Hammersmith and City Line. Shepherds Bush Underground Station is located approximately 455m to the south of the Site, and is served by the Central Line. Adjacent to Shepherds Bush Underground Station is an integrated bus station interchange and Shepherds Bush Overground station. White City Underground Station is located approximately 280m to the north of the site and served by the Central Line.

#### Development within the Surrounding Area

1.22 The following section provides a summary of the most recently approved developments which are in the immediate vicinity of the application site.

#### BBC Television centre

1.23 In July 2014, Stanhope PLC secured planning permission for the comprehensive redevelopment of the former BBC Television Centre site (ref: 2013/02355/COMB) which has been subsequently varied (latest approval in September 2016 (ref: 2016/01373/VAR)) alongside the relevant accompanying listed building consents. The proposals include 943 residential units, 56,801sqm of B1 floorspace and 11,053 sqm of A1/A2/A3/A4 floorspace and includes a tall building of 25 storeys, lying directly to the west of Wood Lane. Works began on site in 2014.

#### St James, White City.

1.24 The land immediately to the north of the Westfield application site is the former M&S site which was acquired by St James in 2013. On 16th December 2015, planning permission was granted for a part outline/detailed planning application, for the comprehensive redevelopment of the site. The permission approved the erection of new buildings ranging from 10 to 28 storeys; up to 1,465 residential units; provision of a mix of commercial uses (A1 - A5, B1, D1 and D2); provision of new accessible open space; provision of new pedestrian and vehicle routes, accesses and amenity areas.

## Former Dairy Crest Site

1.25 The large site immediately to the north of the St James site comprises the former Unigate Dairy Crest factory and distribution centre. Planning permission was granted on 21/11/2014 for the comprehensive redevelopment of the former Dairy Crest site off Wood Lane. This permission approved the demolition of all existing buildings on site and the development of up to 1,150 new homes, 19,623sqm of office accommodation and 2,320 sqm of retail floorspace. The site was sold to Imperial College London in August 2013 who are reviewing development options.

## Imperial West

1.26 In November 2010, LBHF granted permission (ref. 2010/02218/FUL) for the redevelopment of part of the Imperial College Campus at Woodlands (Phase 1), comprising 608 self-contained flats for post graduate students, nine 3-bed flats for academics and 120 sqm of Class D1 floorspace. The development comprised the erection of four interconnected buildings ranging from three to ten storeys. This development has been completed and occupied since September 2012.

1.27 Permission was subsequently granted in July 2012 (ref. 2011/04016/COMB) for Phase 2, comprising the erection of six buildings of up to 35 storeys to provide A1, A3, B1, C1, C3, D1 and D2 floorspace. This planning permission has subsequently been varied to include several enhancements to the masterplan (most recent permission Ref: 2015/06109/VAR dated 05/12/2016) In August 2013, Imperial College completed the purchase of the former Dairy Crest Site, increasing its land holdings to a total of 22.75 acres across one contiguous site. It is anticipated that a revised planning application for the site will come forward at a later date.

1.28 In March 2016, permission was granted (ref. 2015/01329/FUL) for the erection of a Biomedical Engineering Research Hub (Block E) which would be a 13-storey building plus two levels of basement comprising research laboratories and offices (Class B1) together with a clinical facility, lecture theatre and other ancillary uses, as well as a ground floor shop / café (flexible A1 - A3 use).

## 2.0 RELEVANT PLANNING HISTORY

### Existing Westfield London Shopping Centre

2.1 On 29th March 1996, outline planning permission (ref: 1993/01830/OUT) was granted for the Westfield London Shopping Centre. This included the land to the south of Ariel Way to provide the access and servicing roads to the shopping centre.

2.2 On 23rd December 2002, outline planning permission (ref: 2000/01642/OUT) was granted for the southwest corner retail extension which delivered additional retail floorspace, community facilities and an art gallery.

2.3 On 29th May 2013, full planning permission (ref: 2013/01074/FUL) was granted for the extension of the existing shopping centre at roof level to comprise 3,092 sqm (Gross Internal Area (GIA)) retail floorspace (A1 Use Class) and 7,249 sqm (GIA) leisure floorspace (D2 Use Class), (spilt over a full floor and mezzanine level) to be occupied by a Children's Education and Entertainment use ("the CEE Attraction") (known as Kidzania), located above the new M&S floor. The application also included identification

of external signage zones, relocation of existing plant and addition of new plant and other associated works.

2.4 On 31st July 2013, full planning permission (ref: 2013/01768/FUL) was granted for the extension of the existing shopping centre at roof level comprising additional office floorspace (1490.34sqm) (Class B1), relocation of existing plant and addition of new plant and other associated works.

Land to the North of Westfield Shopping Centre ("Westfield Phase 2 Extension")

2.5 On 29th March 2012, outline planning consent (ref: 2011/02940/OUT) was granted for the redevelopment of land to the north of Ariel Way to allow a mixed use scheme consisting of new additions and alterations to the existing Westfield London shopping centre. The permitted scheme comprises up to 50,855 sqm Class A1 (Retail), up to 5,070 sqm Classes A3, A4 and A5 (Restaurants, Cafes, Bars, Hot-food Take-away use), up to 540 sqm Class B1 (Offices), up to 1,520 sqm Class D1 (Community use) and up to 1,758 sqm Class D2 (Leisure use) floorspace, as well as up to 1,522 residential units.

2.6 On 5th September 2014, a second outline planning permission (ref: 2013/05115/OUT) was granted for the comprehensive redevelopment of the site to the north of the existing Westfield Shopping Centre including construction of new buildings (ranging from 2 - 23 storeys) and structures (including podium) up to 87.975m (AOD) to provide up to 61,840sqm (GEA) retail use (A1) including an anchor department store; up to 8,170sqm (GEA) restaurant and café use (A3 - A5); up to 2065sqm (GEA) office use (B1); up to 1,600sqm (GEA) community/health/cultural use (D1); up to 3500sqm (GEA) leisure use (D2) and up to 1,347 residential units.

2.7 On 15th July, an associated enabling works consent (ref: 2013/05350/FUL) connected to the outline application (ref: 2013/05115/OUT) was granted including demolition of existing buildings and associated structures, the closure and temporary diversion of highways, construction of temporary highways, excavation and construction of a tunnel and support structures to connect to the existing Westfield London basement, utilities diversions and other associated works.

2.8 On 1st July 2015, reserved matters application (2015/01447/RES) was granted to discharge access, scale and layout pursuant to condition 1 of the outline planning permission (ref: 2013/05515/OUT) for Phase A (engineering and construction operations comprising the formation of the basement and facilitating the future layout of the basement only) of the Westfield London development.

2.9 On 7th October 2015, planning permission was granted for a non-material amendment application (ref: 2015/01569/NMAT) to the outline permission 2013/05115/OUT comprising amendments to the wording of the following conditions; 9 - Details of Typical Bays, 10 - Details of Hard and Soft Landscaping, 24 - Noise Assessment, 26 - Enhanced Sound Insulation Scheme, 66 - Bus Priority Measures, 67 - Vehicle Entry to Anchor Store, 69 - Wind / Microclimate, 77 - Business Relocation Plan, to require approval of details prior to commencement of the relevant phase of development, or part thereof.

2.10 On 13th October 2015, a Section 73 application (ref: 2015/02565/VAR) was granted to vary conditions 2, 3, 5 and 49 of the outline planning permission (ref:

2013/05115/OUT). The amendments included alterations to: site levels; the public realm; increase in massing affecting building footprint and building height; a 107sqm (GEA) overall reduction in total floorspace and changes to its apportionment to approved land uses including deletion of 2,065 sqm (GEA) B1 Office floorspace; reduction in non-residential car parking spaces.

2.11 On 6th April 2016, members of the planning committee resolved to grant planning permission subject to a s106 legal agreement for the realignment of Ariel Way to include provision of a new point of egress from White City Bus Station to the proposed bus layover located under block C; provision of a taxi / valet drop-off area to the north of Ariel Way; formation of a solid central reservation prohibiting a right-turn from Ariel Way onto the short connecting link between Ariel Way and the main exit from Westfield London Car Park; the separation of access and egress to the relocated bus layover facility; a shortened bus lane, with the bus lane extending from the bus layover egress to the priority T-junction providing access to White City Bus Station; one service vehicle lay-by at the eastern end of Ariel Way; demolition and provision of new cleaning facilities on a new island site opposite the West Dimco building. The s106 has not been signed yet and so the application is currently pending determination.

2.12 On 29th April 2016, reserved matters application (2015/05217/RES) was granted for the submission of reserved matters relating to appearance, scale, access and layout for Phases B and C (Plot A structure and envelope) of the outline permission 2015/02565/VAR comprising 75,019 sqm of A1 floorspace, 4,285sqm of A3-A5 floorspace; 2,456 sqm of D2 leisure floorspace and 518 non-residential car parking spaces pursuant to outline planning permission dated 13th October 2015 (ref: 2015/02565/VAR).

2.13 On 14th September 2016, non-material amendment application (Ref: 2016/03604/NMAT) was granted for amendment to planning permission 2015/02565/VAR dated 13th October 2015 for the relocation of the energy centre flue stack from Plot C to Plot K including a reduction in the height of the flue stack and amendments to the building line and building height of Plot K to allow the construction of the flue stack.

2.14 On 28th September 2016, planning permission (Ref: 2015/05685/FUL) was granted for erection of a covered bus layover facility beneath the Westfield London Phase 2 podium to provide 21 layover spaces and a drivers' facility, associated with the relocation of the existing White City bus layover facility from the East Dimco building.

2.15 In October 2016, a reserved matters application (Ref: 2016/04664/RES) was submitted for the submission of reserved matters relating to layout, scale, appearance, access and landscaping for Phase E (Public Realm) pursuant to outline planning application (as amended) 2016/03944/VAR.

2.16 On 9th November 2016, LBHF planning committee resolved to grant planning permission for the 2016 S73 Scheme (Ref: 2016/03944/VAR) for the variation of conditions 2, 3, 5 and 49 of Outline Permission (as amended) 2015/02565/VAR granted on 13th October 2015. Amendments include an increase in the maximum building height for Plot K from 8 (43.05m AOD) and 14 (62.4m AOD) storeys to 10 (48.1m AOD) and 16 (70.2m AOD); an increase in the maximum height of the energy centre flue from 67.4m AOD to 75.2m AOD; a reduction in leisure (Class D2) and food/drink use (Classes A3-A5) and an increase in retail use (Class A1) resulting in an overall

reduction in the total proposed floorspace by 42.4sqm; reduction to the limit of deviation of the south eastern façade of Plot D from +/- 5m to -5m; increase to the limit of deviation of the western canopy of the east-west link of Plot A from +/- 5m to +11m/-5m.

2.17 On 9th November 2016, LBHF planning committee resolved to grant planning permission (Ref: 2016/04020/RES) for the submission of reserved matters relating to layout, scale, appearance, access and landscaping for Plot K comprising the erection of a part 10, part 16 storey building to provide 89 residential units (33 x 1 bed, 45 x 2 bed, 11 x 3 bed) pursuant to outline planning application 2016/03944/VAR.

2.18 Following the determination of the applications listed above, several approval of details applications have also been granted permission.

### 3.0 THE PROPOSED DEVELOPMENT

3.1 The proposals for the Restaurant Block comprise the erection of a four storey building containing 3,056.5 sqm (GEA) of food and beverage uses at the ground (Level 20) and first (Level 40) floors, with 3,783.4 sqm (GEA) of retail floorspace located at second (Level 50) and third (Level 55) floors. The building will be constructed to connect to the consented Retail Extension (comprising Plot A) subject to the approval of the Second Plot A RMA (which is to be considered alongside this planning application).

3.2 This application was submitted following the submission of the 2016 S73 Application (Ref. 2016/03944/VAR) which sought to vary the floorspace and other parameters approved under the 2015 Consent to enable the delivery of the Restaurant Block. LBHF Planning Committee resolved to grant planning permission for the 2016 S73 Application on 9th November and the application is pending determination subject to the completion of the s106 legal agreement. The 2016 S73 Application and the Restaurant Block Application (consolidating the second reserved matters application) together comprise the 'August 2016 Proposed Development' which have been assessed together within the Environmental Statement and the Retail Statement submitted in support of the Full Planning Application for the Restaurant Block.

#### Development description

3.3 The application seeks full planning permission for:

"Erection of a four storey extension to the Westfield Phase 2 Retail Extension comprising 3,783.4 sqm of retail use (Class A1) and 3,056.5sqm of flexible food and beverage use (Classes A3, A4, A5)."

3.4 The proposed building will be four storey in height and each floor will be at the same level as the corresponding floor within the Retail Extension to ensure even connectivity between the floors of each building.

3.5 At the ground floor, four restaurant units are proposed which will be set out over two levels. The restaurants will be accessed from Relay Square and each unit will have a separate entrance. Each restaurant unit will be set back behind a 3m wide colonnade which would be used for outdoor dining. A separate entrance door and lobby is proposed on the south-west façade. This provision has been made so that it is feasible to build an extension above the Restaurant Block, by creating a potential access on the ground floor and future proofing the plans. The entrance door and lobby are included as

restaurant floorspace for this application. Along the southern facade, facing DIMCO, the ground floor accommodation includes a service core and emergency exit doors which are provided to facilitate back of house access.

3.6 At the first floor level, accommodation is proposed as full service restaurant space accessed from the relevant unit at ground level below. Vertical circulation connecting the units at ground and first will be provided by the tenant. Other uses include the necessary back of house core services provision. Accommodation at the second and third floors is proposed as flexible open retail floorspace which will be accessed from the Retail Extension.

3.7 At the roof level, an area of vertical screening is provided for rooftop mechanical and electrical plant which would serve the Restaurant Block. This area is open to but has horizontal over screening to prevent overlooking and any necessary acoustic treatment to counteract noise breakout.

#### Relationship with the wider site

3.8 The Restaurant Block site is located mostly within the red line of the Westfield Phase 2 development site, with the exception of the southern facade. The proposed building would extend beyond the amended parameter plans set out in the 2016 S73 Application as part of the Restaurant Block is located on the site where the original road was and the road was excluded from the red line plan. The 2016 S73 Application revised the parameter plans with respect to Plot D. The levels of deviation were modified (by reducing the maximum projections) to ensure that the resultant maximum parameters of Plot D would allow sufficient public realm between the building and the emerging Restaurant Block proposals. The applicant has submitted the Second Plot A RMA which extends up to the maximum parameters on the western Plot A building line. The Second Plot A RMA enables the Restaurant Block to be physically connected to the main Retail Extension.

3.9 Plot D is located to the north-east of the Restaurant Block and has been approved in outline with retail floorspace on the ground floor and residential above. All details for Plot D were reserved under the outline permission and no details of the design of this block have been submitted. Details of Relay Square have been submitted under the public realm application which is currently pending determination (Ref. 2016/04664/RES). The public realm reserved matters details include interim proposals for the area designated as Plot D before Plot D is constructed. Plot D comprises a part 8 part 12 storey residential building with ground level flexible retail uses. The proposed Restaurant Block would be located 12m from Plot D, if Plot D is constructed to its maximum parameters. A 12m wide street would be created between the northern elevation of the restaurant block and Plot D which would provide access from Ariel Way/Wood Lane to the shopping centre and the 24 hour east-west link.

#### Application submission

3.11 The following documents have been submitted in support of the application.

- Application Covering Letter prepared by Montagu Evans dated 19th October 2016;
- Planning Application Form and Certificates;
- Site Location Plan;
- Planning Statement prepared by Montagu Evans dated October 2016;



- Design and Access Statement (Revision C) prepared by Glenn Howells Architects dated December 2016;
- Retail Statement prepared by Montagu Evans dated August 2016;
- Environmental Statement prepared by Ramboll Environ dated August 2016, comprising:
  - Volume 1 - Non-Technical Summary;
  - Volume 2 - ES Main Report;
  - Volume 3 - Townscape, Heritage and Visual Impact Assessment;
  - Volume 4A - Technical Appendices; and
  - Volume 4B - Transport Assessment;
- Historic Environmental Report prepared by Peter Stewart Consultancy dated August 2016;
- Sustainability Statement prepared by Ramboll Environ dated August 2016;
- Letter from Foreman Roberts dated 11th August 2016, confirming adherence to BREEAM targets and Energy Strategy as set under the 2015 Consent;
- Statement of Community Involvement, prepared by Weber Shandwick dated August 2016;
- CIL Additional Information Form, prepared by Montagu Evans on behalf of Westfield Europe Limited;
- CGIs;
- Planning application drawings:
  - W2-SRA-N2-20-DR-A-08101 Rev P01;
  - W2-SRA-N2-40-DR-A-08101 Rev P01;
  - W2-SRA-N2-50-DR-A-08101 Rev P01;
  - W2-SRA-N2-55-DR-A-08101 Rev P01;
  - W2-SRA-N2-55-DR-A-08102 Rev P00;
  - W2-SRA-N2-60-DR-A-08101 Rev P00;
  - W2-SRA-N2-EN-DR-A-08101 Rev P00;
  - W2-SRA-N2-EN-DR-A-08102 Rev P00;
  - W2-SRA-N2-ES-DR-A-08101 Rev P00;
  - W2-SRA-N2-EW-DR-A-08102 Rev P00;
  - W2-SRA-N2-EZ-DR-A-08101 Rev P01;
  - W2-SRA-N2-SZ-DR-A-08101 Rev P00;
  - W2-SRA-N2-SZ-DR-A-08102 Rev P00;
  - W2-SRA-ZA-00-DR-A-08101 Rev P01;
  - W2-SRA-ZA-20-DR-A-08101 Rev P00;
  - W2-SRA-ZA-20-DR-A-08102 Rev P01;
  - W2-SRA-ZA-40-DR-A-08101 Rev P00;
  - W2-SRA-ZA-50-DR-A-08101 Rev P00;
  - W2-SRA-ZA-55-DR-A-08101 Rev P00;
  - W2-SRA-ZA-60-DR-A-08101 Rev P00;
  - W2-SRA-ZA-EW-DR-A-08101 Rev P00.

### Statement of community involvement

3.12 The applicant had undertaken a public consultation exercise prior to the submission of the planning application. Pre-application discussions were held with planning and design officers and changes to the scheme were introduced. The changes are described in the Design and Access Statement which accompanies this application.

3.13 In preparing the planning submission, the applicants consulted the following stakeholders:

- London Borough of Hammersmith and Fulham
- Local residents
- Local community groups
- Local businesses
- Existing tenants

3.14 The Statement of Community Involvement submitted with the application provides details of the consultation which was carried out prior to the application submission. The consultation included two public exhibitions which was publicised to residents, community groups and other stakeholders within the White City area.

#### 4.0 CONSULTATION AND PUBLICITY

4.1 The application was advertised as a Major Development and an Environmental Impact Assessment (EIA) development which adjoins a Conservation Area and may affect the setting, character, or appearance of a Grade II listed building.

4.2 The following methods were used to advertise the application:

- site notice published from 15/11/2016 to 06/12/2016
- press notice published from 08/11/2016 to 06/12/2016
- 266 neighbours were consulted by letter
- 20 consultees were consulted by letter

#### External consultee responses

##### 4.3 Historic England

- This application should be determined in accordance with national and local policy guidance, and based on LPA specialist conservation advice.

##### 4.4 Health and Safety Executive

- The proposed development site does not currently lie within the consultation distance of a major hazard site or major accident hazard pipeline and so the HSE advised that they had no comments on the application.

##### 4.5 Environment Agency:

- The Environment Agency is a statutory consultee for applications accompanied with an Environmental Impact Assessment (EIA). However, there are no environmental constraints within the Environment Agency's remit and the EA have advised that they have no comments to make on this application.

##### 4.6 Transport for London:

- There are no additional strategic transport issues raised over the application except for bus journey time delays in the new bus lane and road circulation system internal to the Westfield site;
- Following modelling iterations, and discussions during the application consultation period, a revised signalised option for access to the bus layover were submitted;
- The proposed signalised entry/exit for buses accessing the bus layover, and accompanying modelling, is acceptable in terms of initial design and lessening of delays, but this is subject to further iteration and a Road Safety Audit. This must be

completed and agreed with TfL prior to the formal decision by the Council on the internal road layout scheme. Additionally, TfL has negotiated with the applicant and the Council for buses to be allowed to use the servicing lane to minimise service journey time delays. A condition to require the applicant to complete the modelling and implement the signalised junction to the authorities' satisfaction, and to allow buses to access the service lane, is being negotiated for the layout scheme;

- TfL are therefore supportive of the ongoing work on a technical solution to strategic bus journey time impacts subject to more detailed design and safety auditing and have no objection to this restaurant application.

Case officer comment: Two conditions were added to the road re-alignment application (Ref. 2015/05684/FUL) to mitigate the impact of the wider development on bus journey times.

#### 4.7 Greater London Authority:

- The application is supported and complies with the London Plan. It does not need to be referred back to the Mayor.

#### 4.8 London Underground Limited

- No objection to the planning application subject to conditions.

#### 4.9 Hammersmith Society:

- Oppose the application on the grounds that it damages the setting of a heritage asset;
- Relay Square is the setting for the listed Dimco building and we were advised in Westfield Phase 2 consultations that the project would allow Dimco to be seen to advantage;
- The proposed restaurant block will further restrict views from the main entrance of John Lewis and from the public realm between John Lewis and the viaduct arches;
- The planning decision must take account of Block D regardless of timescales;
- Block D is repeatedly omitted in the larger-scale plans and views which allows the impression of a substantial open space remaining in front of Dimco. Very little open space will be left with both buildings in place and no view is shown south to Dimco with both blocks constructed; and
- The proposal is unacceptable in the way it would affect views of and the setting of the Listed building and should be rejected.

#### 4.10 Historic Buildings Society

- Principally concerned with the impact on the Grade II listed Dimco building which is considered to be the earliest example of an electricity generating station specifically for the London underground;
- We had understood that the Grade II listed building would be retained with a setting worthy of a heritage asset, enabling it to be fully appreciated;
- Should the restaurant block be approved, together with the already approved Plot D, the setting of the listed building will be seriously compromised. Furthermore, views of the building will be severely restricted;
- In several plans and visuals within the Design and Access statement, the views and images exclude block D. The resultant impression given is that there is more space around the Dimco building than there would be in reality;
- We ask that this application be refused on grounds that it fails to either respect or enhance a listed building.

#### 4.11 Thames Water:

- No objection with regards to sewerage infrastructure capacity;
- Recommended informatives are added to any permission.

#### Internal consultees

#### 4.12 Urban Design and Conservation

- Comments within assessment.

#### 4.13 Highways

- No objection subject to the submission of a construction management plan, travel plan and servicing and deliveries plan and a contribution to public realm improvements.

#### 4.14 Planning Policy

- The proposal is broadly in keeping with the land uses identified within the Core Strategy policy for the area and they are supported in principle;
- Whilst there is no objection in principle to the land uses proposed, officers must be satisfied that this scheme fits in with the objectives for the wider opportunity area and does not have a negative impact on existing infrastructure, residential amenity and/or the transport network;
- The cumulative impact of the scheme alongside other development proposals such as the extension to Westfield, the BBC centre development and the M&S site proposals will be a key consideration regarding the appropriateness of this scheme.

#### 4.15 Environmental Policy:

- In terms of sustainability issues, including sustainable design and construction, energy use and associated CO2 emissions and flood risk and sustainable drainage matters, the restaurant block is acceptable, meeting the requirements of the London Plan and Local Plan by integrating into the Outline Scheme.

#### 4.16 Public Protection and Safety:

- No objection subject to conditions and informatives.

#### 4.17 Air Quality:

- No objection subject to conditions and informatives.

#### 4.18 Environmental Quality (land contamination):

- No objection subject to conditions

#### Neighbours

4.19 One objection was received from 81b Macfarlane Road. The following issues were raised:

- Concerns regarding use of heavy equipment and impact on property; and
- Noise from construction works.

#### Design Review Panel

4.20 The restaurant block was presented to the Council's Design Review Panel on 27th April 2016. The DRP had the following comments:

- The panel thanked the Westfield team for their explanation of the complex scenarios of the medium and long term proposals for the area. There will be significant changes in the medium to long term on the site, and it will be important to keep a focus for the open space, in terms of its setting, orientation and use;
- The DIMCO building is listed and the panel were concerned with the likely impacts of the proposed restaurant extension in terms of its height and alignment. The panel felt that this relationship could be improved if the alignment on the western side was re-aligned to open-up more of the views towards Dimco. The Panel fully appreciated the aims in defining the space, and concurred with the applicant's analysis of how pedestrians would move around the space;
- The plan for the area appeared to work and had a logic, but the 3D extrusion was less successful. Furthermore, the scheme appears more comfortable in its earlier phases than the final phase as the advent of the restaurant block changes completely the form and design of the outline consented block D. Block D will require further consideration in relation to the difference that the restaurant extension makes to the spaces and the overall site. When the restaurant extension exists, it changes the role of Block D visually and functionally. It would become a big building filling a space. That space has worked hard to take on a key role in the overall masterplan; and
- In supporting the restaurant block it must be noted therefore that the parameters of the outline permission require an adjustment and review of the assumptions made for block D. The panel considered that they did not work at all well together.

## 5.0 ENVIRONMENTAL IMPACT ASSESSMENT

5.1 It is considered that the Restaurant Block development would not result in significant environmental effects in isolation. However, cumulatively due to the scale, size and form of the proposals alongside the wider Phase 2 development, the combined effects would be likely to result in significant environmental effects which require examination by way of an Environmental Impact Assessment (EIA).

5.2 As such, the proposed combined developments including the restaurant block have been systematically assessed through an Environmental Impact Assessment (EIA), in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the results of which are presented in full within the Environmental Statement (ES).

5.3 The ES has been designed to inform readers of the nature of the proposed development, the likely environmental impacts and the measures proposed to eliminate, reduce or mitigate any significant adverse effects on the environment. The ES was submitted as part of the 2016 S73 Application which updates the previous ES that was lodged as part of the 2013 Outline Scheme (Ref: 2013/05115/OUT). The new ES covers all the various amendments to the subsequent varied planning permission, including where the reserved matters details are known. The ES therefore covers the amendments to the floorspace, the height of Plot K and flues, the horizontal lines of deviation for the plots and the restaurant block. The proposals are collectively referred to in the ES as 'the August 2016 Proposed Development'.

5.4 The ES also describes the likely environmental impacts of the Proposed Development during the demolition and construction phase, and on completion and occupation of the Proposed Development. The fully occupied site condition prior to the commencement of demolition and construction works has been adopted as the 'Existing Baseline' within the ES as this presents the worst case.

5.5 The Environmental Statement comprises the following documents:

- ES Volume 1: Non-Technical Summary
- ES Volume 2: Environmental Statement Main Report
- ES Volume 3: Townscape, Heritage and Visual Impact Assessment
- ES Volume 4A: Technical Appendices; and
- ES Volume 4B: Transport Assessment.

5.6 The Environmental Statement Main Report contains the following chapters which outline the environmental topics considered:

- Chapter 1: Introduction
- Chapter 2: EIA Process and Methodology
- Chapter 3: Alternatives and Design Evolution
- Chapter 4: Proposed Development Description
- Chapter 5: Demolition and Construction Environmental Management
- Chapter 6: Planning and Land Use
- Chapter 7: Socio Economics
- Chapter 8: Archaeology
- Chapter 9: Transport and Access
- Chapter 10: Air Quality
- Chapter 11: Noise and Vibration
- Chapter 12: Ground Conditions
- Chapter 13: Water Resources, Hydrology and Flood Risk
- Chapter 14: Ecology
- Chapter 15: Daylight, Sunlight and Overshadowing
- Chapter 16: Wind
- Chapter 17: Telecommunications
- Chapter 18: Waste
- Chapter 19: Cumulative Effects
- Chapter 20: Summary of Residual Effects

5.7 The Council appointed Treewick Environmental Consultants to undertake an independent review of the ES. This review considered the performance of the ES against good practice criteria. Some minor concerns were identified in relation to elements of communication of consultation comments and influence of mitigation upon significance of effects. However, Treewick advises that the ES was considered overall to perform well against good practice.

5.8 The ES (section 2) was found to be deficient in two areas in relation to 'consultation' (section 2 of the review table). However, this reflected the absence of consultee responses and officers are advised that this is not significant. Under section 3 'assessment' Treewick advises that the occasional grouping of negative effects findings in some tables potentially reduces the prominence of negative attributions compared with positive. In addition, it was noted that for mitigation measures referred to in the ES (but not yet fully defined or developed), it would be good practice to provide an assessment of significance of effects prior to actionable mitigation being applied and following implementation to convey the effect or importance of the mitigation proposed.

5.9 It was noted that section 4 contained insufficient information within the main text of the ES on the anticipated lifespan or operational hours of elements of the completed

development and Treewick advises it is difficult to judge whether this might affect long term effects of the proposal (the wider development scheme).

5.10 Officers are advised by Treewick that the highlighted issues are not EIA Regulatory concerns as they relate to good practice methods, which would ensure the transparency of the documents. Officers agree with Treewick's conclusions that the issues identified above could be appropriately addressed at Reserved Matters stage for the outline elements of the scheme.

5.11 In conclusion, officers are advised by Treewick that, from their experience as IEMA ES Quality Mark Assessors, meeting most of the criteria under section 1-4 of the review, the ES is consistent with current good practice for large mixed-use urban regeneration schemes. Officers (and our environmental consultants) are satisfied that sufficient information has been supplied to enable understanding of the environmental effects of the proposed scheme to aid the decision making process.

5.12 A summary of the EIA conclusions are set out in detail within the above documents and are reported in the relevant sections of the report assessment below.

## 6.0 PLANNING CONSIDERATIONS

6.1 The main planning considerations are:

- Regeneration and the principle of the development;
- Land use;
- Public realm, design, conservation and heritage;
- Impact on surrounding properties;
- Highways Matters;
- Access;
- Environmental sustainability and energy;
- Waste;
- Air quality;
- Noise impact and vibration;
- Ecology and nature conservation;
- Ground conditions;
- Flood risk and drainage;
- Microclimate and Wind;
- Telecommunications;
- Archaeology;
- Equality impacts; and
- Planning Obligations and Mayoral CIL.

## 7.0 PLANNING POLICY AND STATUTORY DUTIES

### Development Plan

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, the planning application has been assessed against the adopted policies in the Development Plan together with any other material considerations.

7.2 The Development Plan comprises the London Plan (2016), London Borough of Hammersmith and Fulham Core Strategy (2011) and Development Management Local

Plan (2013). The Government's National Planning Policy Framework (NPPF) has also been considered. Other adopted planning guidance includes the White City Opportunity Area Framework (WCOAPF) (2013) which has been adopted as a supplementary planning document. The Development Management SPD Supplementary Planning Guidance (2013) has also been considered.

## Emerging Policy

7.3 Consultation on the proposed submission of the Local Plan ran from 16th September to 28th October 2016. The Local Plan sets out the vision, objectives and detail spatial strategy for future development in Hammersmith and Fulham for the next 15-20 years.

## National Policy: National Planning Policy Framework (2012)

7.4 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and is a material consideration in all planning decisions. The NPPF sets out national planning policies and how these are expected to be applied replacing the previous framework of Planning Policy Guidance and Planning Policy Statements. It is intended to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. It includes a presumption in favour of sustainable development in both plan making and decision making.

7.5 A key principle of the NPPF is the requirement to ensure the planning system does everything it can to support sustainable economic growth and build a strong and competitive economy and it identifies that planning should operate to encourage and not act as an impediment to sustainable growth. It also promotes mixed use development encouraging the multiple benefits from the re-use of brownfield land in urban areas.

## Regional Policy: London Plan (2016)

7.6 The London Plan forms part of the statutory development plan against which planning applications are considered. Policy 2.5 of the London Plan identifies the site within the West London sub-region and Policy 2.9 in the Inner London region. Policy 2.14 refers to areas for regeneration but some of the areas identified also fall within opportunity or intensification areas where policy 2.13 is applicable. Policy 2.13 sets out the Mayor's role in relation to the 33 Opportunity Areas (OA's) and what development proposals within OA's should achieve.

7.7 White City is recognised in the London Plan by its classification as an OA in Map 2.4. The whole of the application site lies within the White City Opportunity Area (WCOA). Typically, opportunity areas have capacity to provide at least 5,000 new jobs and 2,500 new homes. However, for the White City Opportunity area, the capacity is estimated to provide 10,000 new jobs and 5,000 new homes.

7.8 London Plan Policy 2.13 states that developments within Opportunity Areas will be expected to optimise residential and non-residential densities, to provide necessary social and other infrastructure, to sustain growth and to contain a mix of uses where appropriate. The proposed development is considered to respond to the thrust of these policies with regards to the provision of new jobs and contribution to the local and London wide economy.



Local Policy: LBHF Core Strategy (2011) and LBHF Development Management Local Plan (2013)

7.9 The Council's regeneration strategy is set out within Chapter 7 in the Local Development Framework Core Strategy (Adopted October 2011). The site forms the southern part of Strategic Site WCOA1 (White City East), designated within the Core Strategy which also comprises BBC Television Centre, Dairy Crest Site, M&S Site (St James) and Imperial College. In line with the London Plan, policy WCOA in the Core Strategy allocates indicative targets of 5,000 additional homes (of which around 4,500 in White City East) and 10,000 new jobs. Policy WCOA states:

"The Council will work with the GLA, other strategic partners, the local community and landowners to secure the comprehensive regeneration of the White City Opportunity Area (WCOA); and, to create a vibrant and creative place with a stimulating and high quality environment where people will want to live, work, shop and spend their leisure time. The existing estates community must be able to benefit from regeneration of the area through access to jobs, better local facilities, better and more suitable housing, and improved environmental conditions."

7.10 The Development Management Local Plan (2013) sets out the proposed development management policies used in helping to determine planning applications.

7.11 An examination of the key development principles and development plan requirements coupled with an assessment on the compliance of the proposed land uses is set out in preceding sections of this report.

Supplementary Planning Document: White City Opportunity Area Planning Framework (2013)

7.12 The existing Westfield shopping centre, including the land to the north, is also located within the wider regeneration area as defined within the White City Opportunity Area Planning Framework (WCOAPF) which was formally adopted in October 2013. This document builds upon the Core Strategy Regeneration policies and promotes the regeneration of the wider White City area. The WCOAPF encompasses an overarching strategy for urban design, land use, housing, transport, social and environmental and provides policy guidance for developers and landowners to ensure a comprehensive approach is taken in the redevelopment of the area. The SPD identifies several strategic sites where the majority of new development should be focused. This includes the application site.

Equality Act

7.13 Section 149 of the Equality Act (2010) which sets a Public Sector Equality Duty (PSED) came into force in April 2011 and requires the Council to consider the equality impacts on all protected groups when exercising its functions. In the case of planning, equalities considerations are factored into the planning process at various stages. The first stage relates to the adoption of planning policies (national, strategic and local) and any relevant supplementary guidance. A further assessment of equalities impacts on protected groups is necessary for development proposals which may have equality impacts on the protected groups.

7.14 With regards to this application, all planning policies in the London Plan, Core Strategy, DM Local Plan and National Planning Policy Framework (NPPF) which have been referenced in this report have been considered with regards to equalities impacts through the statutory adoption processes, and in accordance with the Equality Act 2010 and Council's PSED. Therefore, the adopted planning framework which encompasses all planning policies which are relevant in officers' assessment of the application are considered to acknowledge protected equality groups, in accordance with the Equality Act 2010 and the Council's PSED. A summary of the equalities impacts on protected groups is set out as a separate section in the report.

#### Planning (Listed Buildings and Conservation Areas) Act 1990

7.15 Officers acknowledge that there is a strong statutory presumption under the Planning (Listed Building and Conservation Areas) Act 1990 and as reflected in recent case law against the grant of planning permission for any development which would either (1) fail to preserve the setting or special architectural or historic character of a listed building or (2) fail to preserve the character or appearance of a conservation area. This is because the desirability of preserving the special architectural or historic character of a listed building, or the character or appearance of the area is a consideration of considerable importance and weight.

7.16 Officer's assessment of the level of harm to the setting or special architectural or historic character of the Grade II listed DIMCO building character and appearance of the conservation area is a matter of planning judgement and the Urban design, conservation and heritage section of this report address these matters in detail.

#### Regeneration and the principle of the development

7.17 This section of the report sets out a review of the contribution of the proposed development to the delivery of the objectives for achieving the vision as set out in the WCOAPF (October 2013). Although the scheme represents a small part of the overall extension of Westfield London, it contributes to the benefits of the wider scheme and the vision of the WCOAPF.

7.18 The WCOAPF sets out a vision for the OA as follows:

"White City will be a vibrant and creative place with a stimulating and high quality environment where people will want to live, work, shop and spend their leisure time.

Anchored by world leading institutions including the BBC and Imperial College London, and with one of London's best retail offers at Westfield in a reinvigorated and metropolitan town centre, the area will become a renowned hub for creative industries and innovation...The area will contribute to meeting local employment and community needs, with a high proportion of new jobs filled by local people.

The area to the north of Westfield and including the former BBC television centre will become a new urban quarter with an enlarged, mixed community, through housing-led, mixed use development...The Opportunity Area will be fully integrated within the wider local area. The area will be a model of high quality urban design, sustainable architecture and construction situated within a first class, permeable and inclusive public realm to encourage walking and cycling. Many people will choose to both live and work

in the area, reducing the need for commuting and demand on the public transport and road network."

7.19 The WCOAPF highlights eight objectives for achieving the vision. The objectives are set out below, along with a commentary on the role of the application in responding to and meeting these objectives.

#### Provide mixed use commercial development

7.20 The application seeks permission for flexible A-class uses, with retail and food and drink uses proposed. The proposed development seeks to add to the quantum of commercial uses proposed in the Phase 2 development and does not affect its mix. It is therefore considered that the redevelopment of the site, coupled with the redevelopment of the wider centre, responds to these principles.

#### Reinforce and connect with the town centre

7.21 The application seeks to facilitate the further extension of town centre activities northwards, connecting the existing retail and commercial area centred on Westfield London Shopping Centre, with the surrounding area, including land to the north of the Hammersmith and City line viaduct and other areas within the OA which are undergoing rapid change. The new four storey building is considered to provide a second active frontage with an urban presence that bookends the western elevation of the Retail Extension with the John Lewis building forming the feature building to the north.

7.22 The proposals ensure that there would be sufficient public space leftover in the masterplan with the restaurant block (and Plot D of the comprehensive development) in situ. The proposals will not affect the overall proportions or dimensions of the new public square (Relay Square) adjacent to the Restaurant Block and Plot D which will operate as a major pedestrian link to the rest of the Opportunity Area.

#### Creation of new housing and opportunities

7.23 This application does not propose residential accommodation. The wider scheme proposes to deliver 1,347 residential units and this is unaffected by the proposed restaurant block. This comprises a mix of residential units, as well as the provision of affordable housing. The applicant has commenced works on the first residential phase (Plot K) which will comprise 89 affordable units.

#### Maximise connectivity

7.24 The 2015 S73 Consent (to be subsequently amended by the 2016 S73 Consent) includes the creation of new pedestrian connections within the site and the wider development area. Central to this is the creation of Ariel Walk, a major east-west route through the site which links Ariel Square in the east and Ariel Way in the west. The route is not affected by the Restaurant Block proposal.

#### Create high quality public realm and open space

7.25 It is recognised that a well-designed public realm can contribute significantly to the quality of the built environment. The 2015 Consent includes the delivery of high quality public spaces and landscaped areas within the Site, to which significant amendments

are not proposed. The Restaurant Block is due to form an important frontage to the proposed Relay Square, forming an active and vibrant frontage with restaurant spaces and food and beverage uses at ground floor level, utilising this public space.

#### Increase employment opportunities

7.26 As per chapter 7 of the 2016 ES that accompanies the application, the restaurant block itself is anticipated to give rise to 295 net additional jobs, making a significant contribution to the WCOA target of 10,000 new jobs in the area.

#### Provide social and community facilities

7.27 The application does not propose social and community facilities, however the redevelopment of the wider site will include the delivery of up to 1,600 sqm (GEA) of community floorspace and this is unaffected by the Restaurant Block. In addition, the new public spaces that will be created across the site will be designed to be flexible to accommodate a range of uses and events, interrelating with the uses proposed within the Restaurant Block. This includes civic space, as well as flexible public realm along the mixed use streets.

#### Provide innovative sustainable energy solutions

7.28 As per Chapter 4 of the submitted ES, an Energy Strategy was prepared for the 2014 Consent, including an energy demand assessment and renewable energy feasibility study. The Applicant's current M&E engineers, Forman Roberts, have confirmed in a letter dated 11th August 2016, that this energy strategy remains valid for the August 2016 Proposed Development, including the restaurant block proposals.

7.29 The 2013 Energy Strategy proposes to reduce the energy consumption and carbon emissions associated the proposed development through passive design measures and energy efficiency design measures.

#### Land use

7.30 Core Strategy Policy WCOA sets out the land uses that are envisaged for the OAPF area. Strategic Site WCOA1 states that major leisure activities and major retail that cannot be located within the town centre may be appropriate north of Westfield on the edge of the existing town centre boundary. It is specifically noted that there is potential to consider a northwards extension of the town centre, which the application proposals would deliver.

7.31 The Restaurant Block proposes additional retail uses (Class A1) and flexible provision for food and beverage uses (Classes A3, A4 and A5) which are defined as 'town centre uses'. To summarise, the application seeks permission for the floorspace set out in Table 1 below.

Table 1: Proposed floorspace

Use	Use Class	Proposed Floorspace (GEA)
Retail	A1	3,783.4 sqm
Food and Beverage (flexible use)	A3, A4, A5	3,056.5 sqm
Total		6,839.9 sqm

7.32 At the ground and first floor, four food and beverage units are proposed which will be set out over two levels. Retail floorspace is proposed as the second and third floor levels and the units will be accessed from Plot A. Details of the internal layouts have not been provided and the applicant has confirmed that the tenants will provide the vertical circulation to connect the ground and first floor restaurant units.

7.33 The proposal site is located on the edge of Shepherd's Bush Town Centre and is in the White City Opportunity Area, where the council wishes to see a comprehensive approach to development for a mix of uses as set out in the Core Strategy Strategic Policy WCOA. The London Plan (2016) sets out that the opening of the Westfield London Shopping Centre has raised the status of Shepherds Bush to a Metropolitan Town Centre (Annex 2, Table A2.1).

7.34 Core Strategy Strategic Policy WCOA states that the area should be redeveloped to create a vibrant and creative place with a stimulating and high quality environment where people will want to live, work, shop and spend their leisure time. Of particular importance is that this site must individually contribute proportionately to the achievement of the objectives and policies for the area; and, to the overall provision of social and physical infrastructure, and any necessary improvements to the transport infrastructure that are together necessary to enable the area to be developed to its potential.

7.35 In terms of national planning policy, the site lies partly within and partly on the edge of a metropolitan town centre and therefore the principle for retail use in this location is in part consistent with the policies contained within the NPPF. However, there is a requirement in the NPPF to carry out an impact test and sequential test for a retail proposal in an out of centre location and in the case of the impact test where it is above 2,500 sqm.

7.36 The applicants have submitted a retail statement with the application. Trade diversion on the relevant centres has been assessed within the retail statement and the assessment concludes that the impact of the scheme on other retail centres is minimal. For example, the impact on Hammersmith Town Centre has been calculated at just 1.5% of its turnover up to 2025, which is not considered to be significant. Whilst the applicant's conclusion that the impact of the proposed Restaurant Block on neighbouring centres is minimal, the methodology behind the impact calculations is not clearly explained as the sequential test within the retail statement is a re-iteration of that produced for the previous extension application. Nevertheless, it is considered to be sufficient in outlining the lack of sequentially preferable sites in the centre.

7.37 The West London Retail Needs Study (2010) projected a significant need for further retail floorspace in Shepherd's Bush town centre within the plan period of the Core Strategy. For example, the needs study states that for up to 2021, the need for comparison retail floorspace in Shepherd's Bush would be 41,400 sqm. However, the 2010 study has recently been superseded by an updated retail needs study (September 2016) which identifies far less need, for example only 13,900 sqm of comparison and 900 sqm of convenience retail floorspace for up to 2031 for Shepherds Bush. Nevertheless, the proposed retail and restaurant floorspace is considered to be consistent with the projected need and the size, role and function of the town centre, particularly as the London Plan identifies the centre as having the potential to be an International Centre in the future.

7.38 In summary, the proposed level of retail and restaurant floorspace is considered to be consistent with the supported land uses that are identified in the relevant site specific policies in the Core Strategy and policy guidance in the WCOAPF.

#### Public realm, design, conservation and heritage

7.39 High quality and inclusive design which is delivered through mixed and integrated developments with well-planned public spaces is encouraged at all policy levels. The NPPF notes that good design is a key aspect of sustainable development, and should contribute positively to making places better for people. Part 7 of the NPPF outlines the requirement for good design and sets out that development should:

- Function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- Are visually attractive because of good architecture and appropriate landscaping.

7.40 Chapter 7 of the London Plan (2016) sets out the Mayor's policies on a range of issues regarding places and space, setting out fundamental principles for design to ensure that people can live and work in a safe, healthy supportive and inclusive neighbourhood with easy access to facilities and services that are relevant to them and access to a network of open and green spaces. Policy 7.2 (An Inclusive Environment) requires all new development in London to achieve the highest standards of accessible and inclusive design, while Policy 7.4 (Local Character) states that:

"development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings". Part D of Policy 7.6 (Architecture) states that buildings and structures should "not cause unacceptable harm to the amenity of surrounding land and buildings".

7.41 At the borough level, Core Strategy Policy BE1 (Built Environment) states that all development should create a high quality urban environment. It adds that 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. The Core Strategy also states that the WCOA will be a "model of high quality urban design, sustainable architecture and construction situated within a first class permeable, accessible and inclusive public realm".

7.42 DM LP Policy DM G1 (Design of New Build) states that: "new build development will be permitted if it is of a high standard of design and compatible with the scale and character of existing development and its setting. All proposals must be designed to respect:

- The historical context and townscape setting of the site, and its sense of place;
- The scale, mass, form and grain of surrounding development;
- The relationship of the proposed development to the existing townscape, including the local street pattern, local landmarks and the skyline;
- The local design context, including the prevailing rhythm and articulation of frontages, local building materials and colour, and locally distinctive architectural detailing, and thereby promote and reinforce local distinctiveness;
- The principles of good neighbourliness;
- The local landscape context and where appropriate should provide local landscaping and contribute to an improved public realm;
- Sustainability objectives, including adaptation to, and mitigation of, the effects of climate change;
- The principles of accessible and inclusive design; and
- The principles of Secured by Design".

7.43 Section 3 of the White City Opportunity Area Planning Framework (WCOAPF) sets out the Urban Design Strategy for the area. The three principle design objectives for the OA are as follows:

- Creating areas of new public realm and open space;
- Maximising connectivity; and
- Quality urban design that responds to context.

7.44 Paragraph 3.125 of the WCOAPF specifically refers to development north of the existing Westfield London Shopping Centre, stating that:

"Town Centre uses will be extended north of the existing Westfield with major leisure, residential and retail in an active environment with a series of retail uses at ground level on streets with offices and residential above. New development should avoid the monolithic approach of the existing Westfield Mall and instead deliver variation in scale, grain and built form to make a successful transition from the shopping mall typology and encourage a suitable mix of commercial and residential uses. This will require a finer grain of development requiring separate blocks, open public streets and passageways without canopies or bridges above and generous open spaces".

7.45 The application site is situated adjacent to the Grade II listed DIMCO building to the south which comprises two adjoining single height gable-ended brick buildings. The western part of the DIMCO building is occupied by substations for London Underground and Westfield. The eastern part of the DIMCO building is now redundant following the relocation of the TfL bus layover area to a purpose built facility beneath Plot C of the development site.

## Impact on public realm

7.46 The proposed Restaurant Block occupies an area between Wood Lane, re-aligned Ariel Way and the western entrance to the shopping centre extension which is currently under construction. Part of the land which the Restaurant Block will be built on was consented as public realm use under the approved masterplan. Part of the development is located on the land which was previously Ariel Way before it was re-aligned to the south. The re-alignment of Ariel Way has led to the creation of more floorspace to the north of Ariel Way which the Restaurant Block will be built on.

7.47 As the Restaurant Block would partly be built on land which was stipulated to be used as public realm within the consented masterplan, the proposal would result in a loss of public realm when compared to the level of public realm consented under the 2015 S73 Consent (the extant permission) and the 2016 S73 Application. However, the parameters plans do not account for the area of land which has been created with the re-alignment of Ariel Way further south.

7.48 The Restaurant Block would introduce active frontages at the ground floor and parts of the first floor and would increase level of activity adjacent the road and DIMCO buildings. It would not have any impact on the size of Relay Square which lies between Plot D and the Anchor Store building. The masterplan layout includes provision for a 12m wide (minimum) street between Plot D and the Restaurant Block which will benefit from active frontages at both the ground and first floor levels on both sides. The 12m wide street has been secured under the 2016 S73 Application. The new street will channel pedestrians from Wood Lane towards the western entrance of the shopping centre extension and Relay Square.

7.49 A reserved matters application for the public realm around the Retail Extension and the Restaurant Block has been submitted and is currently pending determination (Ref. 2016/04664/RES). The public realm proposals include the creation of a temporary public square combining Relay Square and the site of Plot D, which will provide compensatory open space in the short term until Plot D is built out.

7.50 Officers consider the provision of public realm (Relay Square and the new street between the restaurant block and Plot D) which will be left over after the Restaurant Block is built will be sufficient to support the development. However, as the proposal does have a direct impact on the level of public realm consented within the masterplan, a financial contribution towards the provision and/or the enhancement of public realm within the White City Opportunity Area is sought to mitigate the impacts of the scheme and this will be secured by a s106 legal agreement.

7.51 Ariel Walk will form an east-west pedestrian route through the shopping centre extension at podium level linking Wood Lane with the West Cross Route and RBKC beyond. The Restaurant Block will not impact upon the provision of the east-west podium route.

## Design

7.52 The Restaurant Block forms a further extension to the shopping centre extension, but with a separate visual identity in terms of its detailed design and materials. The double height base of the block includes a colonnade at ground floor level with shopfronts providing active frontages to the public realm. An entrance would be



provided at ground floor level opposite DIMCO as passive provision for a future roof level development.

7.53 At mezzanine level, large windows in the restaurant units would provide an opportunity to overlook the public realm and break up the massing of the building. At first floor and first floor mezzanine level, a three bay wide section of the elevation fronting the new street would consist of fully glazed windows which would return around the corner to the underside of the shopping centre entrance canopy, this would provide significant visual interest in views from Relay Square. Condition 5 is recommended which requires details of the depth and appearance of the window displays at levels 50 and 55.

7.54 The remainder of the upper part of the Restaurant Block would be clad in a vertically expressed Glass Reinforced Concrete (GRC) masonry panel arrangement. The overall composition would consist of GRC clad columns, soffits, string courses, cornices and panels arranged in a sawtooth profile at 5 or 10 degree angles. The direction of the sawtooth profile would be consistent throughout the elevation. The first floor and first floor mezzanine levels would be divided into three horizontal bands of GRC cladding panels to break down the massing of the building, the uppermost band forming a shallower 'attic' storey.

7.55 The Restaurant Block would read as a distinct element of the extended shopping centre, in the same way as the John Lewis building on the opposite side of the shopping centre extension entrance. The string course above ground floor mezzanine level is similar in height to the eaves of DIMCO and the parapet height matches a horizontal break point on the John Lewis building on the opposite side of the shopping centre extension entrance. A full height glazed shadow gap fronting Ariel Way would provide a clear visual separation from the cladding of the shopping centre extension which extends out from the original shopping centre. The parapet height of the Restaurant Block is similar to the parapet height of the shopping centre extension over-sailing Ariel Way. Overall the height, scale, detailed design and materials are compatible with the shopping centre extension and the proposed elevations are of a high quality. As material sample panels were not submitted with the application, condition 3 is recommended requiring details to be submitted which shall include a sample panel on site.

#### Impact on significance of listed building

7.56 Para 131 of the NPPF states that local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

7.57 Para 132 of NPPF requires the decision maker to give great weight to the conservation of designated heritage assets such as DIMCO when considering the impact of a proposed development on their significance. It further states that 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.

7.58 The proposed Restaurant Block would extend the built form of the shopping centre towards Ariel Way, enclosing the setting of DIMCO. Officers acknowledge that the setting of DIMCO has changed significantly since the building was originally built but throughout the development of the shopping centre, officers have sought to secure adequate space around it to allow its elevations to be appreciated in the round. The projection of the Restaurant Block to the kerb of Ariel Way creates a potentially awkward relationship with the listed building. However, attempts have been made to minimise any harm to the setting of DIMCO through the quality of the elevations and the choice of materials.

7.59 It is noted that the opportunity for views towards DIMCO from immediately outside the western entrance to the shopping centre extension would be lost with the proposal in situ. Some views of DIMCO from Relay Square would be available across the temporary open space until such time as Plot D is built out. The loss of opportunity for views of the northern gables of DIMCO from outside the western entrance to the shopping centre is unfortunate, particularly since the northern part of DIMCO is now empty pending proposals for its reuse. Officers concerns are twofold. Firstly, there would be a loss of visual connection between DIMCO and the main areas of public realm (close to the mall entrance) which are likely to support the highest pedestrian footfall. Secondly, by isolating DIMCO, officers are concerned that the proposals could reduce the attractiveness of the northern part of DIMCO to potential occupiers and therefore impede its viable reuse.

7.60 Notwithstanding the potential disadvantages outlined above, officers consider that there are also benefits to the wider masterplan that could arise out of the proposed Restaurant Block. It is considered that, with all the blocks of the masterplan completed, the resulting development would be characterised by the creation of a pedestrian streets with active frontages to channel pedestrians towards Wood Lane, instead of an open space. The applicant suggests that this may encourage more pedestrians to venture beyond the shopping centre exit and deliver pedestrian footfall closer to DIMCO which could in turn help to create a viable reuse of the northern part of DIMCO. Officers concur with this assessment and it is notable that the proposed Restaurant Block would support activity on its two principle facades with the north western façade containing restaurants and the southern-DIMCO facing façade containing a second potential entrance to an upper level roof top facility which the applicant is in the process of designing.

7.61 Without the Restaurant Block, the ground levels in the Retail Extension would comprise back of house functions in the building that would be adjacent to the public realm. This would negate any activity or visual permeability with this part of the retail extension elevation making this external space unlikely to be well-used. Therefore, although the proposed Restaurant Block would project 'in-front' of the DIMCO building, the resulting ground levels would be active and would improve upon the potential 'dead-inactive' edges that would be left if the Restaurant Block is not implemented. There is potential for the 'active' parts of the building to spread to the south which would contribute towards a new relationship with the DIMCO buildings and could improve upon the setting.

7.62 Officers consider that the proposals would cause some harm to the setting of DIMCO and that this would constitute less than substantial harm in the terms of the NPPF. Harm is measured on a spectrum and the proposal would be at the lower end of the spectrum of less than substantial harm. Para 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.

7.63 The applicant has put forward a number of public benefits arising from the proposed development including:

- An improved setting for DIMCO;
- Approximately 900 construction jobs;
- Approximately 295 jobs during the operational stage of the development, an increase of 10% when compared to the Outline scheme;
- Additional retail floorspace will sustain and potentially enhance the wider Shepherds Bush Metropolitan town centre;
- Mix of uses will contribute towards mix of uses sought by the WCOAPF;
- The proximity of the Restaurant Block to the existing centre and the extension under construction provides a critical mass and mix of uses which are of a scale necessary to support the demand for the quantum of Food and Beverage uses forming part of the Restaurant Block. This could not be sustained or delivered elsewhere in the WCOA. On this basis the socio-economic benefits arising from the restaurant block could not be achieved elsewhere within the WCOA; and
- Urban design and place making benefits including active ground floor frontages to the temporary public square and better drawing pedestrians across the temporary public square and towards DIMCO.

7.64 On balance and having regard to the great weight to be given to the conservation of designated heritage assets, officers consider that the less than substantial harm to the setting of the listed building is outweighed by the public benefits of the proposal including the unique opportunity to deliver additional retail and restaurant floorspace integrated with the existing shopping centre and the shopping centre extension. The proposed development would increase retail floorspace and enhance the retail offer of Shepherds Bush Town Centre, supporting its status as a Metropolitan town centre. Officers consider that the retail and restaurant floorspace could not be delivered elsewhere in the WCOA and that therefore the socio-economic benefits arising from it are unique to the scheme.

Impact on surrounding properties

Daylight and sunlight

7.65 Policy 7.6 of the London Plan (2016) states that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. There are no specific policies with regard to daylight, sunlight or overshadowing either within the Local Management Plan or Core Strategy. Policy DM G1 does however refer to impact generally and the principles of 'good neighbourliness'. Housing Policy 8 in the SPD requires amenity of neighbouring occupiers to be protected.

7.66 Environment Statement Chapter 15 provides an assessment of the potential effects on the daylight, sunlight and overshadowing on the surrounding properties, public open space and amenity areas as well as on the residential properties proposed on the site. The assessment has been carried out for the construction phase and the operational phases of the proposed development, in the context of national and regional policies.

7.67 The residential properties along 87-101 Macfarlane Road and 63-67 Wood Lane have been highlighted as the nearest sensitive receptors which are located approximately 170m from the site. The other sensitive receptors highlighted within the ES are within Hunt Close to the east of the site although this was due to the impact from the increase in height to Plot K and so they are not relevant for the development proposal.

7.68 The daylight and sunlight analysis show that there would be no noticeable reductions to the properties along Macfarlane Road and Wood Lane when compared against the baseline condition. This is due to the Restaurant Block being set back from the residential properties. The ES concludes that the effect on the daylight and sunlight levels to these properties would therefore be negligible.

7.69 The ES also considers the cumulative effects of the development together with the BBC Television Centre Plots G and H, Plots E and F and the St James Scheme on the daylight and sunlight levels to the existing residential receptors. The ES concludes that with the introduction of the proposed development and the relevant cumulative schemes, there would be no noticeable reductions when compared with the baseline conditions for both 63-67 Wood Lane and 87-101 Macfarlane Road.

7.70 An assessment has also been undertaken to assess the internal daylight and sunlight amenity that would be achieved within the residential properties that form part of the outline scheme. The Restaurant Block is located partly within the outline masterplan and is situated opposite (minimum distance 12m) from the residential block D. The assessment has been undertaken for all of the residential blocks within the development (Plots D, K and C) although the proposal would have no impact in terms of daylight on Plots C and K due to the separation distance.

7.71 The impact of the scheme on the daylight and sunlight of Plot D is a material consideration as the Restaurant Block is located 12m away from the south elevation of the residential Plot D. Within the Environmental Statement, an assessment has been undertaken to assess the internal daylight and sunlight amenity that would be achieved within residential properties that form part of the Outline Scheme.

7.72 As the residential elements of Plot D are in outline, the sizes of the rooms, locations of windows, balconies and window fenestration details have not yet been decided. However, in the absence of detailed internal layouts, the likely sizes of rooms can be predicted with a reasonable degree and the following assumptions were made to assess the daylight and sunlight levels:

- A standard bedroom size of 3 m x 4 m with a window size of 1.2 m wide x 2 m tall;
- A living room size of 4.5 m x 4 m, with a window size of 2 m wide x 2 m tall;
- Balcony provision for a living room with a balcony size of 2 m x 1.5 m deep, which has been offset from the centre point of the living room window;

- An assessment of the living room without a balcony has also been conducted to demonstrate that through alternative design solutions, a high degree of daylight can be achieved to the living room if necessary.

7.73 To undertake the assessment, an Average Daylight Factor (ADF) test was used. It is recommended that ADF is a minimum of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. The assessment uses the 1.5% for kitchens as it is likely that the units will have open plan living room/kitchens. The assessment was carried out at the second floor level which is the lowest floor level of residential use. This represents the units likely to receive the least amount of light due to their height and location and therefore presents the worst case scenario. The results from the assessment are presented in the table below.

Table 2: Plot D 2<sup>nd</sup> Floor - Baseline Scenario (with balconies)

<b>Room</b>	<b>Pass / fail</b>	<b>%</b>
Living/Kitchen/Dining (1.5%)	3 / 6	50%
Bedroom (1%)	6 / 6	100%
Total	9 / 12	75%

Table 3: Plot D 2<sup>nd</sup> Floor - Without balconies

<b>Room</b>	<b>Pass / fail</b>	<b>%</b>
Living/Kitchen/Dining (1.5%)	6 / 6	100%
Bedroom (1%)	6 / 6	100%
Total	12 / 12	100%

7.74 The ADF assessment of daylight to Plot D shows that with the Restaurant Block in place, the majority of habitable rooms (75%) at the second floor level within Plot D would receive an appropriate level of daylight. If balconies are not included within the Plot D development, 100% of the habitable rooms would receive adequate daylight. The assessment was carried out at the second floor level which presents the worst case scenario and so there would be less of an impact at the upper levels. It should also be noted that the size of the rooms, location of windows, balconies and window fenestration details have not been decided for Plot D and alternative design solutions could be carried out to achieve a higher degree of daylight to units is necessary. Based on the ADF assessment, officers consider that the provision of daylight to Plot D will be acceptable.

#### Overshadowing

7.75 The BRE Guidelines require that at least 50% of any garden or open space should receive at least two hours of sunlight on 21st March. In addition, if following the completion of a development an existing garden/amenity area does not meet the suggested criteria and the reduction in the area which can receive some sun is more than 20% the loss of sunlight is likely to be noticeable.

7.76 Due to the separation distances, the restaurant block would not have any impact on the existing gardens/amenity areas of the nearest existing residential properties. An assessment on overshadowing on amenity space within the Westfield development has been carried out as part of the ES. The assessment confirms that the indicative roof level communal open space at Plot D would obtain an acceptable level of sunlight between 7am - 5pm on 21st March, 7am - 5 pm on 21st June and 10am - 3pm on 21st December and would therefore comply with the relevant guideline criteria.

7.77 In summary, given the urban context, it is considered that the proposed development would not have a detrimental impact in terms of daylight, sunlight or overshadowing on the existing and proposed residential properties or the approved open spaces which are under construction.

7.78 It is therefore considered that the proposed development is in accordance with policy DM G1 of the Development Management Local Plan, Paragraph 17 of the NPPF, and Policies 7.6 and 7.7 of the London Plan (2016).

### Highways Matters

7.79 Section 4 of the NPPF sets out the Government's policy in terms of Transport. Paragraph 29 notes that: "transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives".

7.80 Paragraph 32 requires that: "all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment". Furthermore, paragraph 36 states that developments which will generate a significant amount of movement should provide a Travel Plan.

7.81 Paragraph 34 states that: "plans and decisions should ensure 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". Chapter 6 of the London Plan provides the regional guidance for transport. Policy 6.1 (Strategic Approach) outlines the general objectives of transport policy and seeks a closer integration of transport and development. Policy 6.2 (Providing Public Transport Capacity and Safeguarding Land for Transport) focuses on public transport and seeks to: "improve the integration, reliability, quality, accessibility, frequency, attractiveness and environmental performance of the public transport system".

7.82 The requirement for a transport assessment is outlined within Policy 6.3 of the London Plan (Assessing Effects of Development on Transport Capacity), while Policy 6.4 (Enhancing London's Transport Connectivity) states the need to support sustainable development through transport developments.

7.83 Policy 6.5 of the London Plan (Funding Crossrail and Other Strategically Important Transport Infrastructure) sets out the negotiation of planning obligations, whilst Policy (Better Streets and Surface Transport) seeks to improve the quality of bus, bus transit and tram services.

7.84 Policy 6.9 (Cycling) outlines the Mayor's strategy to increase cycling within the capital. The identified target is for cycling to account for at least 5% of modal share by 2026. The policy outlines that development should contribute to the increase of cycling

through the provision of cycle parking facilities and on site changing facilities. Policy 6.10 (Walking) aims to bring about a significant increase in walking, by improving the quality of the pedestrian and street environment.

7.85 Policy 6.11 expresses the Mayor's wish to take a coordinated approach to smoothing traffic flow and tackling congestion. Policy 6.12 (Road Network Capacity) states the Mayor's support for limited improvements to London's road network, with the priority on seeking improvements to conditions for pedestrians, cyclists, public transport users, freight and local residents.

7.86 The Mayor's Transport Strategy was published in May 2010 and sets out the transport vision for London as follows:

"London's transport system should excel among those of world cities, providing access to opportunities for all its people and enterprises, achieving the highest environmental standards and leading the world in its approach to tackling urban transport challenges of the 21st century".

7.87 Policy T1 of the Core Strategy refers to Transport and states that the Council will seek to ensure that the intensity of development is related to public transport accessibility and highway capacity. The policy sets out a need to improve transportation provision and accessibility in the borough by (inter alia) increasing opportunities for walking, seeking localised improvements to the highway network, securing access improvements for all and ensuring appropriate parking provision.

7.88 With regards to transport considerations, Strategic Policy WCOA (White City Opportunity Area) states that:

"The overall quantity of development and its expected trip generation must be related to the capacity of the public transport and highway networks, taking account of firm improvements that could be made, to prevent unacceptable levels of congestion and improve the flow of essential traffic on Wood Lane, in particular. Where individual sites come forward, the transport and traffic impact must be considered in relation to the expected transport and physical infrastructure capacity. Development must be permeable and well connected both within and outside the area, especially for pedestrians and to overcome the barrier effect of the West London Line/A3220 and A40".

7.8 DM LP Policy J1 (Transport Assessments and Travel Plans) reiterates the requirement for a Transport Assessment and states that all development proposals will be assessed for their contribution to traffic generation and their impact on congestion, particularly on bus routes and the primary route network, and against the existing and potential availability of public transport, and its capacity to meet increased demand.

7.90 The WCOAF identifies that strategic transport infrastructure improvements to the local area are of paramount importance to mitigate the impact of future planned development and accommodate the sustainable regeneration of the area. Development proposals in the area would be expected to contribute towards these improvements, subject to their likely impact and the scheme's viability.

7.91 The site has a Public Transport Accessibility Level (PTAL) of 6b using Transport for London's (TfL's) methodology which represents a high level of accessibility. In terms

of local transport links, Wood Lane Underground Station is directly to the north-west corner of the Site and is served by the Hammersmith and City Line. Shepherds Bush Underground Station is located to the south of the Site, and is served by the Central Line. Adjacent to Shepherds Bush Underground Station is an integrated bus station interchange and Shepherds Bush Overground station. The site is within Controlled Parking Zone (CPZ) O, which operates restricted parking Monday to Saturday 9:00am - 5:00pm.

7.92 A Transport Assessment (TA) prepared by Vectos was submitted with the application as part of the Environmental Statement. The TA is provided in accordance with policy DM J1 of the DM Local Plan 2013 which requires the submission of an assessment. The assessment provides the basis against which the other development plan policies have been considered.

### Car Parking

7.93 No new car parking spaces are provided for the Restaurant Block. Visitors travelling by car would use the car parking within the existing centre or the proposed car parking within the Retail Extension. A total of 1,128 non-residential car parking spaces will be provided within the Retail Extension located beneath the Anchor Store building and on the roof above the Retail Extension. For the whole site, a total of 4,100 car parking spaces will be provided, except for peak periods where the total could be increased to 5,320 by using the parking reservoir. Within the Retail Extension car park, 40 blue badge spaces are provided along with 113 active electric vehicle parking spaces and 113 passive electric vehicle parking spaces.

7.94 The number of motorcycle parking spaces proposed within the Retail Extension is 34 spaces. The Transport Assessment submitted with application states that although this number is below the SPG requirement, an analysis of survey data illustrates that the number of spaces will accommodate the forecasted level of demand.

7.95 A comprehensive parking assessment was provided within the Transport Assessment which was submitted with the 2016 S73 Application and the current application which considers the impact of the proposed development (82,265 m<sup>2</sup>) when compared with the consented baseline approved under the 2015 S73 Consent (77,068 m<sup>2</sup>). The trip generation impact assessment predicts that the proposal would result in minor increase in car parking demand and that the proposed level of car parking is sufficient to accommodate the additional demand increase from the Restaurant Block.

7.96 A Car Park Management Plan (CPMP) is required as part of the s106 attached the 2016 S73 Application which will set out how the car parks will operate and any additional controls that will be put in place to manage peak movement on the network, the control/supply of the reservoir of parking, charging regime, VMS, PGS, marshals, and mechanisms for ongoing monitoring and review. Condition 16 of the 2016 S73 Application also requires details of the design, phasing, layout and location of the car parks including the proposed reservoir parking. As the development proposed in this application (the restaurant block) could not be operational until the retail extension has been completed and until the CPMP/car parking details have been approved, officers have comfort that the controls within the s106 (for the wider scheme) are sufficient for the local authority to exert control over the development.



## Cycle parking

7.97 The proposed restaurant block results in an increase in floorspace of the overall Westfield Phase 2 development of 5197m<sup>2</sup>. However, no additional cycle parking spaces are proposed above the number approved under the 2015 S73 Consent and proposed in the 2016 S73 Application for the wider development scheme. The total number of non-residential cycle parking spaces proposed for the Phase 2 development is 125 which is well below the standards set out in both the London Plan (2016) and Policy DM J5 of the Development Management Local Plan (2013). However, the level of non-residential cycling parking has previously been agreed with Highways officers and TfL and it was calculated based on available cycle parking provision and demand, and follows the principle of providing the appropriate number of cycle parking spaces in optimum locations, whilst also providing attractive and uncluttered areas of public realm.

7.98 Within the Transport Assessment submitted with the current application and the 2015 S73 Consent, the applicant has justified the under provision by providing an analysis of existing cycle parking demand as well as usage of the London Cycle Hire Scheme docking stations. The analysis shows that there are a significant number of existing cycle parking facilities at Westfield London (circa 578 spaces), with generally low levels of demand. The data did highlight some areas where demand outstrips capacity and it should be noted that although current cycle access into the OA is difficult at present, a number of schemes are currently being considered to overcome this (such as the Wood Lane Public Realm scheme). As such, cyclist numbers in the area are anticipated to increase.

7.99 Considering the above, a review mechanism is to be factored into the Travel Plan for the scheme which will be secured through the s106. This will ensure cycle provision is increased should demand increase. The review mechanism will also monitor the cycle stores where demand is high and the future proofing for additional capacity factored into the design. Furthermore, through the Travel Plan for the extant s106, a review of the cycle facilities for staff at the existing Westfield development will be required to be carried out to ensure it is sufficient to cater for the increase in staff. The proposed layout and form of the cycle parking was conditioned under the 2016 S73 Scheme and so officers have comfort that the controls within the s106 (for the wider scheme) are sufficient for the local authority to exert control over the development.

## Trip generation and impact on the transport network

7.100 The trip generation has been calculated for the S73 2016 Application and the Restaurant Block as a whole and it has been compared with the consented baseline which has been established as the 2015 S73 Consent (the extant permission). The Section 73 application will reduce the total floor area by 42.4m<sup>2</sup>. The Restaurant Block will result in an increase in the retail/restaurant use of 6,839.9m<sup>2</sup>m taking the total floorspace to 82,265.5m<sup>2</sup>.

7.101 The table below sets out the net effect of the Proposed Development (2016 S73 Application and the Restaurant block) when compared with the Consented Baseline (2015 S73 Consent).

Table 4: Net effect of Proposed Development from Consented Baseline

	AM		PM		Saturday	
	Arrivals	Departures	Arrivals	Departures	Arrivals	Departures
Car Driver	4	0	15	16	28	16
Car Passenger	2	0	8	9	15	9
Motor Cycle	0	0	0	0	1	0
Pedal Cycle	0	0	0	0	1	0
Taxi	0	0	1	1	2	1
Bus	6	0	21	24	39	24
Rail	1	0	5	7	10	7
Underground	9	0	35	40	65	40
Walk	4	0	14	15	26	15
Coach	0	0	0	0	0	0
Total	27	0	101	113	187	113

### Bus impact

7.102 The maximum increase in bus passengers per service from the consented baseline is 0.6 additional passengers on Service 207 arriving at White City Bus Station in the Saturday peak hour. This level of increase in bus passengers is not considered a material change in demand, and it is expected that the level of increase predicted can be accommodated. Even allowing for an uneven demand profile within the peak hours, it is not considered that this number of additional bus trips will be perceptible or result in a material impact on any other bus service.

7.103 The Transport Assessment provides details of the impact of the development on bus journey times. The cumulative impact was calculated from the Phase 2 development as set out in the S73 2016 Application which included the restaurant block. Transport for London were consulted on the application and provided the comments raising concerns with regards to the cumulative impact of the developments on the bus network.

7.104 TfL and LBHF Highways officers have conducted a series of meetings with the applicant to review the cumulative impact of the scheme on the bus journey times and identify possible mitigation measures to minimise any adverse impacts. It was resolved that additional conditions should be added to the current pending planning application (2015/05684/FUL) for the proposed realignment of Ariel Way (PADCC 8th February resolved to grant planning permission subject to conditions/s106). Officers consider it is not necessary or reasonable to impose conditions on the proposed restaurant block scheme given the site area forms only a small part of the wider development site and the development is for a small proportion of the additional retail floorspace to be added to the whole scheme. It is also considered that the mitigation measures can be secured within the site wide planning application for the road which enables the local authority to exert control on the operation of the road and use of the centre through this permission (when it becomes granted).

7.105 In addition to the mitigation that is proposed by the conditions/s106 re: 2015/05684/FUL, a financial contribution of £450,000 was secured under the extant permission for contribution towards the provision of improved/additional bus services appropriate for the proposed development.

#### Underground impact

7.106 The analysis in this Transport Assessment demonstrates that the effect of the proposed development will be broadly in line with the effect of the consented scheme, and the proposed development will not have a material impact on the operation of underground services. It is anticipated that the implementation of Crossrail will have the effect of reducing passenger numbers on other underground lines, particularly the Central Line, and this will benefit Shepherd's Bush and White City Underground Stations in particular.

#### Overground impact

7.107 The highest percentage impact when comparing the proposed development with the consented scheme, 0.9%, is recorded on services travelling southbound in the Saturday peak. This level of increase is not considered material to the operation of services at Shepherd's Bush Rail Station.

#### Construction Logistics Plan

7.108 A Construction Logistics Plan (CLP) will be required via a condition. The CLP which should seek to minimise the impact of construction traffic on nearby roads and restrict construction trips to off peak hours only.

#### Servicing and deliveries

7.109 Two service yards will be provided as part of Retail Extension in Plot A. One service yard will be located to the north of Ariel Way beneath the John Lewis Department Store and one will be located to the south of Ariel Way opposite the DIMCO buildings. The additional number of service vehicles associated with the extra floorspace created by the restaurant block is expected to number between a maximum of 1 -2 per hour. The service yards within the Retail Extension have been designed to have the flexibility and capacity to accommodate the additional demand. The applicant has included a draft Servicing Management Plan with the application and a full servicing and delivery plan will be required for the development which will be secured via the s106 legal agreement.

7.110 In summary, it is considered that the overall traffic impact of the proposed development, on its own and as part of the wider development scheme would be acceptable and in accordance with DM Local Plan Policy DM J1 subject to the submission of a travel plan, servicing and delivery plan and a construction management plan. It is considered that the approved car parking provisions for the retail extension provides an acceptable level of car parking, to accommodate the additional floorspace proposed under this full planning application in accordance with the DM Local Plan policies DM J2 and DM J3 and London Plan (2016) table 6.3. The site is accessible and well served by public transport. It is considered that the cumulative impacts arising from the various developments would be mitigated by conditions and s106 provision to contribute towards enhancing the public realm and pedestrian

connectivity within the White City. A servicing and delivery plan and a travel plan will be required via the s106 legal agreement to mitigate against potential issues including a review of cycle parking availability. Subject to conditions and obligations, the proposed development is therefore considered to be in accordance with policies 6.1, 6.3, 6.5, 6.9, 6.10, 6.11, 6.13 and Table 6.3 of the London Plan (2016) and policy T1 of the Core Strategy (2011) and policy DM J1, DM J2, DM J3, DM J4, DM J5 and DM J6 of the Development Management Local Plan (2013).

## Energy and Environmental sustainability

### Energy

7.111 Section 10 of the NPPF contains the Government's policy on climate change. Paragraph 96 states that: "in determining planning applications, local planning authorities should expect new development to:

- Comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the application, having regard to the type of development involved and its design, that this is not feasible or viable; and
- Take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption".

7.112 The Mayor seeks to achieve an overall reduction in London's carbon dioxide emissions of 60% (below 1990 levels) by 2025 (Policy 5.1 Climate Change Mitigation). Boroughs are to develop policies to promote the reduction of carbon dioxide emissions and to help achieve the Mayor's strategic carbon dioxide emissions target.

7.113 Policy 5.2 of the London Plan (Minimising Carbon Dioxide Emissions) states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- Be Lean: use less energy
- Be Clean: supply energy efficiently
- Be Green: use renewable energy

7.114 Policy 5.5 (Decentralised Energy Networks) states that the Mayor expects 25% of the heat and power used in London to be generated using localised decentralised energy systems by 2025. To do this, the Mayor 'prioritises the development of decentralised heating and cooling networks at the development and area wide levels, including larger scale heat transmission networks'. Policy 5.6 (Decentralised Energy in Development Proposals) states that development proposals should evaluate the feasibility of Combined Heat and Power (CHP) systems, and where a new CHP system is appropriate also examine opportunities to extend the system beyond the site boundary to adjacent sites. Part B of the Policy requires that major development proposals select energy systems in accordance with the following hierarchy:

- Connection to existing heating or cooling networks
- Site wide CHP network
- Communal heating and cooling

7.115 Policy 5.7 (Renewable Energy) further states that major development should provide a reduction in expected carbon dioxide emissions using on-site renewable energy generation, where feasible.

7.116 The Council's policy on energy is set out within Core Strategy Policy CC1. This states that the Council will reduce carbon emissions and tackle climate change by:

- Reducing carbon emissions from the redevelopment or reuse of buildings, by ensuring developments minimise their energy use, make use of energy from efficient sources and use renewable energy where feasible;
- Maximising provision of decentralised energy networks and integrating the use of renewable energy in the proposed regeneration areas;
- Meeting London Plan targets for reducing carbon emissions from new development;
- Promoting efficient use of land and buildings and patterns of land use that reduce the need to travel by car;
- Safeguarding existing heating and cooling networks in the borough;
- Where possible, new development should link to existing centralised energy systems and upgrade these systems. New decentralised energy systems and heat networks should be set up in the regeneration areas and other areas where major development is taking place. New development should also maximise the amount of energy generated from renewable sources to meet renewable energy targets for London.

7.117 The DM LP also sets out the Council's approach to tackling and adapting to climate change and other environmental matters. Policy DMH1 (Reducing carbon dioxide emissions) states that the Council will require the implementation of energy conservation measures by:

- Implementing the London Plan sustainable energy policies and meeting the associated carbon dioxide reduction targets
- Requiring energy assessments for all major development to demonstrate and quantify how the proposed energy efficiency measures will reduce the expected energy demand and CO<sub>2</sub> emissions
- Requiring major developments to demonstrate that their heating and/or cooling systems have been selected to minimise CO<sub>2</sub> emissions
- Using on site renewable energy generation where feasible
- Where it is not feasible to make the required CO<sub>2</sub> reductions by implementing measures on site, contributions should be made to a local fund to help reduce CO<sub>2</sub> emissions through off-site schemes.

7.118 The applicant has submitted a Sustainability Strategy with the application which states that the site-wide Energy Strategy that was developed in 2013 remains valid for the proposed development as the restaurant block will form an extension to the Outline Scheme and will therefore share many aspects of the outline scheme. The applicants have submitted a letter from Foreman Roberts, the building services engineers, dated 11th August 2016 which confirms that with the addition of the restaurant block, the Energy Statement and BREEAM targets remain unchanged to that of the approved scheme (both the 2015 S73 Consent and 2016 S73 Application).

7.119 The 2013 Energy Strategy proposes to reduce the energy consumption and carbon emissions associated with the 2016 S73 Application and the Restaurant block using passive design measures to reduce thermal loads on the buildings and energy efficiency design measures including:

- Energy efficient lighting and control of lighting (Passive Infrared Sensor (PIR) controls and occupancy sensing in relevant areas);
- Energy efficient display lighting;
- Zonal thermal controls;
- Variable speed pumps and fans;

- Heat recovery in ventilation systems;
- Energy metering; and
- Enhanced pipework, ductwork and thermal insulation.

7.120 The submitted Sustainability Statement shows that measures will be implemented for the site which will incorporate sustainable design and construction measures across several environmental areas to achieve a "Very Good" BREEAM rating. A waste management strategy is planned for the site and recycling will be encouraged by providing facilities to collect/store designated recyclable materials. Rainwater harvesting, use of infiltration methods such as soft landscaping and green/brown roofs are planned for the wider scheme along with use of attenuation storage tanks which help to manage surface water. Although no biodiversity measures are planned for the Restaurant block itself, the wider scheme has many ecology measures that enhance habitats and improve local biodiversity levels. The Energy Strategy developed for the site can provide the low level of additional heat and power demands that the Restaurant block would add to the overall site without significant impacts on CO2 emissions and the Considerate Constructors Code will be used to ensure environmental impacts are managed and minimised during the demolition and construction phases on site.

7.121 In accordance with the 'be clean' energy strategy, the restaurant block will connect to the CHP system which will be built within the energy centre for the wider site. London Plan policy 5.2 (Minimising carbon dioxide emissions) requires major developments such as the restaurant block to achieve a 40% reduction in carbon dioxide emissions from the 2010 Building Regulations base. The Energy Strategy for the wider site (which includes the restaurant block) confirms that a 17.64% energy reduction and a 15.96% carbon reduction from a base part L 2010 build will be achieved, resulting in a shortfall of 24%. However, the s106 legal agreement attached to the consent for the wider site requires the developer to use reasonable endeavours to assist other stakeholders in connecting to the CHP energy centre which would significantly improve the carbon reduction performance for the site beyond the 40%. Officers therefore have comfort that the controls within the s106 wider scheme are sufficient for the local authority to exert control over the development.

## Sustainability

7.122 London Plan Policy 5.3 (Sustainable Design and Construction) states that development proposals should demonstrate that sustainable design standards are integral. Part C of the policy goes on to state that "Major development proposals should meet the minimum standards outlined in the Mayor's supplementary planning guidance...The standards include measures to achieve other policies in this Plan and the following sustainable design principles:

- a) Minimising carbon dioxide emissions across the site, including the building and services (such as heating and cooling systems).
- b) Avoiding internal overheating and contributing to the urban heat island effect.
- c) Efficient use of natural resources (including water), including making the most of natural systems both within and around buildings
- d) Minimising pollution (including noise, air and urban runoff)
- e) Minimising the generation of waste and maximising reuse or recycling
- f) Avoiding impacts from natural hazards (including flooding)
- g) Ensuring developments are comfortable and secure for users, including avoiding the creation of adverse local climatic conditions
- h) Securing sustainable procurement of materials, using local supplies where

feasible, and

i) Promoting and protecting biodiversity and green infrastructure.

7.123 Policy DM H2 of the DM LP states that the Council will require the implementation of sustainable design and construction measures by implementing the London Plan sustainable design and construction policies to ensure developments incorporate sustainable measures and requiring Sustainability Statements for all major developments to ensure the full range of sustainability issues have been considered during the design stage.

7.124 An updated Sustainability Appraisal has been produced to accompany the Restaurant Block Application. This document provides an assessment of the development against the 2006 and 2013 Sustainable Design and Construction SPGs. In terms of sustainability issues, including sustainable design and construction, energy use and associated CO2 emissions and flood risk and sustainable drainage matters, the Restaurant block is acceptable, meeting the requirements of the London Plan and Local Plan by integrating into the Outline Scheme.

7.125 In conclusion, the proposed restaurant block energy requirements are incorporated into the wider proposed development which has been designed to meet a BREEAM rating of Very Good. The 2013 energy strategy includes provision for an energy centre which would provide the heating and hot water requirements for the development including the restaurant block, through Gas fired CHP units. The restaurant block alongside the other buildings in the wider development will contribute towards further CO2 reductions through the façade designs, the incorporation of green and brown roofs and the provision of photovoltaics. This will result in a significant reduction of CO2 emissions across the whole site. The proposed development is therefore considered to be acceptable and would be in accordance with 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 (2016) and policies CC1, CC2 and H3 of the Core Strategy (2011) and policy DM H1, DM H2, DM H3, DM H4, DM H5, DM H6, DM H7, DM H8, DM H9, DM H10, DM A2 and MD A9 of the Development Management Local Plan (2013), the Council's Planning Guidance Supplementary Planning Document and the White City Opportunity Area Planning Framework (2013).

## Environmental Impacts

7.126 The following section considers the following environmental impacts of the development against adopted planning policies and relevant supplemental guidance notes: Waste, Air Quality, Noise, Ecology, Ground conditions, Flood risk and drainage, Microclimate and Wind, Telecommunications and Archaeology.

### Waste

7.127 London Plan (2016) Policy 5.17 (Waste Capacity), CC1 of the Core Strategy (2011), and Policy DM H5 (Sustainable Waste Management) requires that all development should minimise waste and provide convenient facilities with adequate capacity to enable the occupiers to separate, store and recycle their waste.

7.128 The Sustainable Design and Construction SPG (2014) provides guidance for the minimisation of waste arisings throughout the design, construction and operational stages.

7.129 Section 6 of the White City Opportunity Area Planning Framework also outlines the following waste objectives:

- Demolition and excavation waste, including contaminated waste, should be treated, recycled and reused on-site;
- In addition to regulatory approaches, redevelopment in the OA should contribute towards reducing, reusing and recycling waste through non regulatory and education based approaches;
- Redevelopment of the OA must deliver sustainable and integrated waste collection and management systems;
- Redevelopment of the OA should provide green waste and kitchen waste collection to support a community led composting scheme;
- Consideration of an automated waste collection system to improve traffic congestion, air quality and local environmental quality.

#### Construction waste

7.130 Chapter 8 of the ES considers the potential impacts and likely effects of the August 2016 Proposed Development on waste arisings, waste disposal infrastructure and waste management practices during the demolition and construction works and once the wider development is complete and operational, in the context of national, regional and local waste policies

7.131 Refuse arising from construction Site waste will be dealt with by way of a Site Waste Management Plan (SWMP) which would be included in the Construction Environmental Management Plan required by condition 8. The implementation of a SWMP and good site and specification practices would facilitate the minimisation, re-use and recycling of waste to avoid unnecessary landfilling during the construction of the restaurant block.

#### Operational waste

7.132 A waste strategy summary statement has also been submitted within the Design Statement which sets out how the waste from the restaurant block will be managed.

7.133 The waste strategy for the proposed development has been prepared on the basis that the waste generated by the application scheme will be managed across the two new proposed service yards (as approved under the Block A Reserved Matters application) and the three existing service yards on a shared use basis.

7.134 Once operational, the ES states that the restaurant block would produce 105,825 L litres of waste per week. The outline scheme consented under the 2015 S73 Application and submitted under the 2016 S73 Application would produce 1,571,305 L per week. Therefore, the additional waste which would be generated because of the restaurant block would be minimal when compared with the overall scheme. With regards to the detailed components of the development, a condition is recommended which requires the detailed provision of the waste and recycling facilities to be approved prior to commencement on the relevant part of the development.

7.135 As such, it is considered that the proposed refuse provisions in the wider development scheme would provide satisfactory capacity to accommodate the additional waste generated from the additional retail development proposed within the restaurant block which would be in accordance with London Plan policy 5.16, Core



Strategy policy CC1 and DM Local Plan policy DM H5 and the relevant planning guidance set out in the Mayor's SPG (Sustainable Design and Construction), the WCOAPF and the London Waste Management Strategy.

#### Air quality

7.136 The NPPF requires the planning system to prevent development from contributing to, or bring unacceptable risk from elevated levels of air pollution. The London Plan (2016) policy 7.14 "Improving Air Quality" states that development proposals should "minimise increased exposure to existing poor air quality and make provision to address local problems of air quality (particularly in the Air Quality Management Areas (AQMAs)). Development should also promote sustainable design and construction to reduce emissions from demolition and construction. The Sustainable Design and Construction SPG (2014) introduces an Air Quality Neutral requirement on new developments.

7.138 The Core Strategy (2011) policy CC4 (Protection and Enhancing Environmental Quality) states that "the Council will support measures to protect and enhance the environmental quality of the borough including harmful emissions to land, air and water and the remediation of contaminated land. Policy DM H8 "Air Quality" of the Development Management Local Plan (2013) supports the Core Strategy policy stating that:

"The Council will seek to reduce the potential adverse air quality impacts of new major development by: requiring all major developments to provide air quality assessment; requiring mitigation measures to be implemented to reduce emissions, particularly nitrogen oxides and small particles, where assessments show that developments could cause a significant worsening of local air quality; requiring mitigation measures that reduce exposure to acceptable levels where developments are proposed that could result in the occupants being particularly affected by poor air quality".

7.139 The development site is within the borough wide Air Quality Management Area (AQMA ).

7.140 The council is required to work towards achieving the air quality objectives for nitrogen dioxide and PM10. Developers must therefore develop appropriate low emissions strategies to reduce the cumulative impact of new developments to ensure that no deterioration in air quality occurs in accordance with Core Strategy policy CE5.

7.141 An Air Quality Assessment (for the site wide development) has been carried out which assesses the development's potential impacts on local air quality and considers the issue of exposure to pollution for residents. The assessment takes account of the potential temporary impacts during the construction phase and the operational impacts caused by increase in traffic flows and emissions from boilers used to provide heating on-site.

7.142 LBHF Officers consider that the overarching methodology for the assessment of air quality impacts is generally acceptable however additional assessment is required to ensure that the air quality impact is adequately addressed. Increased vehicle movements would occur because of the wider development, including the restaurant block both from vehicles accessing the site from the main road network and using the internal roads to access the on-site car parks. To ensure the air quality impact are adequately addressed, conditions 9, 10, 11 and 12 are recommended.

7.143 In conclusion, it is considered that the air quality impacts of the cumulative developments can be minimised by implementing the proposed mitigation measures, as set out in the planning conditions which would be secured in relation to the restaurant block development. With such measures in place, the development including the restaurant block would not adversely impact upon occupiers on or off site. Subject to conditions it is considered that the proposed restaurant block would comply with London Plan (2016) policy 7.14, Core Strategy Policy CC4 and DM Local Plan policy DM H8 with regards to air quality issues

## Noise

7.144 NPPF paragraphs 109 and 123 are the primary source of planning guidance with respect to noise. Paragraph 109 states 'The planning system should contribute to and enhance the natural and local environment by inter alia preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise'.

7.145 The Noise Policy Statement for England sets out the government's noise policy, which is to 'promote good health and a good quality of life through the effective management of noise.' Policies within the London Plan and the London Ambient Noise Strategy aim to minimise the adverse impacts of noise on people living, working in, and visiting London by using the best available practices and technologies. A key aim is to work towards a more compact city development, whilst minimising noise.

7.146 The policies in the DM Local Plan state that noise generating development will not be permitted if it would materially increase the noise experienced by the occupants/users of existing or proposed noise sensitive uses in the vicinity.

7.147 Chapter 11 of the ES assesses the noise impact of the proposed site wide development on noise-sensitive properties both in the vicinity and within the outline permission site. The nearest existing residential properties to the site are located approximately 170m away on Macfarlane Road and Wood Lane. Due to the separation distance, any noise generated from the restaurant block (when in operation) is unlikely to have any impact on any existing residential properties in the vicinity of the site.

7.148 The ES considers the impact of the restaurant block on the proposed residential use at Plot D. The Restaurant block would introduce retail/restaurant floorspace in close proximity to the proposed residential use at Plot D, with associated plant and operational noise. However, the ES recommends that suitable mitigation should be provided to ensure that the amenity of future occupiers will be protected. The layout of the residential units within Plot D will must be carefully considered to take into account the relationship with the restaurant block to ensure that there is no detrimental impact on amenity. During the operation of the Restaurant block, it is not anticipated that the activities of patrons would be a significant contributor to the ambient noise environment, which is and will continue to be dominated by transport noise.

7.149 Any noise impacts arising from the operation of plant associated with the proposal will be mitigated to within enclosures (details of which have been provided with the Second Plot A RMA) and acoustically considerate plant selection ensuring that the plant noise emission criteria (set out under condition 20) will be met at the identified noise-sensitive receptors.

7.150 Further to this, noise arising from the operation of the proposed commercial and retail elements will be minimised via the use of a Servicing and Deliveries Management Plan which will be required via a s106 legal agreement. The SDMP will provide information on restricted delivery hours and specified locations for such activity.

7.151 The Council's Environmental Health Officer (EHO) has reviewed the documentation and raised no objections to the proposals subject to imposition of planning conditions and informatives. The EHO advises that the following details are submitted by way of conditions:

- External noise from machinery, extract/ventilation ducting;
- Anti-vibration mounts and silencing of machinery;
- Extraction and odour control system for non-domestic kitchens;
- Floodlights, security lights and decorative external lighting.

7.152 Subject to the above conditions, it is considered that the proposals would comply with the London Plan, Core Strategy and Local Plan policies, in addition to the NPPF with regards to noise. It is considered that with appropriate designs and mitigation measures in place, that the proposed restaurant block land uses would be compatible with the mixed uses in Plot D which include residential use in the upper levels.

## Ecology

7.153 The NPPF advises that LPAs should conserve and enhance biodiversity. Policy 5.11 of the London Plan encourages the provision of green roofs and walls within new development. Policy 7.19 relates to biodiversity and states that development proposals, where possible, should make a positive contribution to the protection, enhancement, creation and management of biodiversity. Policy 7.21 of the London Plan (2016) states existing trees of value should be retained and any loss as the result of development should be replaced following the principle of right place, right tree. Wherever appropriate, the planting of additional trees should be included in new developments, particularly large-canopied species.

7.154 Core Strategy Policy OS1 emphasises that the Council's strategic objective is to protect and enhance biodiversity in the Borough. Policy DM E3 of the DM Local Plan requires developments to enhance the nature conservation interests through initiatives such as tree planting and brown and green roofs.

7.156 Chapter 14 of the ES assess the likely significant effects on ecology and nature conservation arising from the demolition, construction and operation of the wider development scheme including the works and processes involved in connection with the restaurant block. There are no parts of the site that are designated for their nature conservation value. The nearest SINC is located approximately 70 m to the north of the Site. The closest statutory designated site is a Local Nature Reserve located over 1.2 km from the Site.

7.157 Before demolition, the existing site comprised a range of light industrial and commercial buildings, hardstanding areas, isolated pockets of introduced landscaping and roads. A Phase 1 Habitat Survey of the Site confirmed that the majority of the habitats on the Site has low ecological importance limited to the site-level only. No landscaping is proposed as part of the restaurant block development. However, the wider development includes proposed landscaping to parts of the development site,

including around the restaurant block. The applicant has applied for reserved matters approval for landscaping works under application ref. 2016/04664/RES. The landscaping proposals include a large variety of trees and shrub species, extensive areas of green space including green and brown roofs and will establish significantly greater landscaped (and potential habitat) areas, thus resulting in a vastly greater ecological value than the former site. This would therefore result in a permanent significant beneficial impact on species and habitat at site level.

7.158 Overall, it is considered that the proposed wider development scheme will enhance the ecological value of the site in compliance with London Plan policies 5.11, 7.19 and 7.21 Core Strategy policy OS1 and Development Management Local Plan policy DME3 and the proposed restaurant block does not detract from the site wide proposals.

#### Ground conditions

7.159 Legislation and national, regional and local planning policy require the planning system to contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of soil and water pollution. They require the remediation and mitigation of degraded, derelict, contaminated and unstable land, where appropriate.

7.160 The wider development site area has been identified as potentially contaminated as per Part 2A of the Environmental Protection Act 1990 and is prioritised for further inspection under the Council's Contaminated Land Strategy. As potentially contaminative land uses (past or present) are understood to occur at, or near to the site, it is recommended that conditions are imposed to ensure that there are no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, to ensure compliance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan.

7.161 The Council's Environmental Quality Officer recommends a raft of planning conditions that require the applicant to submit the following documents to the council for approval, prior to commencement of the relevant part of the development. These are (in order) (1) a preliminary risk assessment as part of a desk top study, (2) followed by a scheme of site investigation, (3) a quantitative risk assessment based on the findings of the site investigation, (4) a remediation method statement which outlines the remediation measures required to treat any contaminants found on the site, (5) a verification report and statement confirming the remediation method statement has been carried out in full and lastly (6) a long-term monitoring methodology report identifying any further remediation necessary and a verification report confirming whether there any residual adverse risks exist.

7.162 Subject to conditions, the proposed development would be compliant with policy 5.21 of The London Plan (2016), policy CC4 of the Core Strategy (2011), and policy DM H7 of the Development Management Local Plan (2013).

## Flood risk and drainage

7.163 The Water Resources, Hydrology and Flood Risk chapter of the ES considers the potential impacts and likely effects of the proposed development on water quality and hydrology in the study area (defined as that within a 1km radius of the site).

7.164 The NPPF states that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test.

7.165 The London Plan (2016) includes the following water-related policies: Policy 5.1 (Climate change mitigation); 5.3 (Sustainable Design and Construction); 5.11 (Green roofs and development site environs); 5.12 (Flood risk management); 5.13 (Sustainable drainage); 5.14 (Water quality and wastewater infrastructure); 5.15 (Water use and supplies); The Mayor's Sustainable Design and Construction Supplementary Planning Guidance (2014) provides additional information to support the implementation of the London Plan including sections on water and water pollution and flooding.

7.166 Local planning policy includes Core Strategy (2011) policy CC2 (Water and Flooding) states that the Council will expect all development to minimise current and future flood risk and the adverse effects of flooding on people. Policy CC4 (Protecting and Enhancing Environmental Quality) states that "The council will support measures to protect and enhance the environmental quality of the borough including harmful emissions to...water".

7.167 Development Management Local Plan (2013) policy DM H3 (Reducing Water Use and the Risk of Flooding) and DM H4 (Water Quality). The policy states that all new build development application shall be supported by a Flood Risk Assessment (FRA) and all development in the borough will be required to incorporate Sustainable Drainage Systems (SUDS). Developments are expected to achieve at least 50% attenuation and where possible 100% attenuation.

7.168 The ES includes an assessment of water resources and flood risk including a review of baseline information, a Flood Risk Assessment (FRA) for the wider development including the restaurant block, Local Topography and a Preliminary Risk Assessment. The assessment also considered the possible effects on water quality and hydrology likely to arise during development works (demolition and construction) and once the proposed development is complete.

7.169 The proposed development site is in Flood Zone 1 which means the site is at low risk of fluvial and tidal flooding. In addition, the ground water flooding has not been identified as being of concern to the development or surrounding area.

7.170 It is proposed that surface water runoff from the restaurant scheme would be managed via the proposed permeable paving linked to underground storage and green and brown roofs which form part of the site wide development which would reduce the risk of existing drains and Counters Creek flooding. Water demand would increase with the development, however it is proposed that these increases would be offset by the

adoption of a variety of water-saving devices (water meters, low water use features), rainwater harvesting and grey water recycling measures.

7.171 The Environment Agency is a statutory consultee for applications accompanied with an Environmental Impact Assessment (EIA). However, the Environment Agency advised that there are no environmental constraints within their remit and they therefore have no comments to make on the application. Planning conditions which require details of SUDs and green and brown roofs are on the 2016 S73 Application and so officers have comfort that the controls within the s106 wider scheme are sufficient for the local authority to exert control over the development.

7.172 Subject to planning conditions, the development is considered to be compliant with Policies 5.1, 5.3, 5.11, 5.12, 5.13, 5.14, 5.15 of the London Plan (2016), policies CC2 and CC4 of the Core Strategy (2011) and Development Management Local Plan (2013) policy H2 and H4 with regards to flood risk, surface water drainage, drainage and water infrastructure.

#### Microclimate and Wind

7.173 London Plan policy 7.6 states that inter alia buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings particularly residential buildings, in relation to wind and microclimate.

7.174 The local microclimate surrounding the existing and proposed buildings within the wider development site, including the restaurant block has been assessed in detail within Chapter 15 of the Environmental Statement. It considers the potential effects of wind upon pedestrian comfort and summarises the findings of the wind tunnel tests used to quantify the wind environment across the wider development site and within adjacent areas close to the site.

7.175 An assessment was carried out specifically for the restaurant block which confirmed that the proposed entrance locations are acceptable for entrance use. One entrance to the restaurant block which was assessed had a higher category rating which is too windy for entrance use during the windiest season. However, with mitigation measures such as localised planting or 'wind-breaks' the wind speed could be reduced to an acceptable level for the entrance. Condition 31 is recommended which requires details of the mitigation measures to be submitted for approval.

7.176 Ground level seating/amenity areas are expected to be located along the north-western façade of the restaurant block adjacent to Plot D. The assessment concludes that the area is expected to observe 'sitting' conditions which is acceptable for the proposed intended use.

#### Telecommunications

7.177 The NPPF paragraph 44 states that "Local planning authorities...should ensure that: they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and telecommunications services" London Plan (2016) policy 7.7 states that tall buildings "...should not affect their surroundings adversely in terms...[of]...telecommunication interference".

7.178 Based on the technical analysis carried out for the wider development including the restaurant block within the ES, is it considered unlikely that the restaurant block would cause any interference to digital terrestrial television reception, digital terrestrial television services, digital satellite TV services, cabled television services, broadcast radio service, or upon activities at BBC Worldwide Stage 6, and BBC Studios and Post Production Stages 1 and 3.

7.179 Notwithstanding this, two conditions have been recommended for the 2016 S73 Application which require details to be submitted to and approved in writing by the council showing the measures proposed to ensure that television interference which might be identified, is remediated in a satisfactory manner. On this basis, the proposed amended development is still considered to be in accordance with the relevant policies with the London Plan and the NPPF.

## Archaeology

7.180 In consideration of the archaeological impacts of the development, the ES has had regard to The National Planning Policy Framework (NPPF), The London Plan (2016) policy 7.18 "Heritage Assets and Archaeology"; Core Strategy (2011) Policy BE1 "Built Environment" and Development Management Local Plan (2013) policy DM G7 "Heritage and Conservation". A full consideration of these policies is set out in the relevant Archaeological Assessment included in the ES as well as the Historic Environment Statement.

7.181 The Archaeology section of the ES sets out the assessment of the potential impacts and likely effects of the proposed development on buried heritage (archaeological) assets within or immediately around the site. The assessment was carried out in accordance with the standards specified by the Institute for Archaeologists, Department of Communities and Local Government, English Heritage and the Greater London Archaeological Advisory Service.

7.182 The site contains no nationally designated (protected) heritage assets, such as scheduled monuments. In addition, the site does not lie within an Archaeological Priority Area as defined by the LBHF.

7.183 Any archaeological remains within the site are likely to be fragmentary due to past land use, brick earth extraction, and development from the late 19th onwards which will have caused widespread and localised truncation. The main archaeological potential is for building and evidence of activity of later post-medieval date, which is of low to medium significance. No heritage assets of very high significance are anticipated that might merit permanent preservation on the site.

7.184 The potential impact of the proposed development on any archaeological remains that may be within the site would be from substructure works, including piling and ground works. Such works have the potential to remove any surviving archaeological deposits on the site.

7.185 The Greater London Archaeological Advisory Service (GLAAS) have previously advised officers that they are satisfied with the information which has been submitted in support of the previous applications for the wider site, subject to the approval of a condition which requires the submission of a Written Scheme of Archaeological Investigation. This planning condition was included within the approved Enabling Works

application (ref: 2013/05350/FUL). The relevant condition has been discharged because all the necessary relevant archaeological investigative work has been carried out and therefore there is no need to attach the condition to the current application.

7.186 The proposed restaurant block would not change the impact on archaeology of the development and the proposed amended development would still be compliant with The National Planning Policy Framework (NPPF), The London Plan (2016) policy 7.18 (Heritage Assets and Archaeology); Core Strategy (2011) Policy BE1 (Built Environment) and Development Management Local Plan (2013) policy DM G7 (Heritage and Conservation).

## Equality

7.187 As set out in earlier paragraphs of the report, the Council's statutory duty under the Equality Act 2010 applies to planning decision making. In the consideration of all planning applications the Council must have regard to all relevant planning policies available at the time unless material considerations indicate otherwise.

7.188 The protected characteristics to which the Public Sector Equality Duty (PSED) applies now include age as well as the characteristics covered by the previous equalities legislation applicable to public bodies (i.e. disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, sexual orientation, religion or belief and sex).

7.189 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, and does not impose a duty to achieve results.

7.190 The equality assessment undertaken under the outline scheme concluded that the scheme complied with section 149 of the Equality Act as the proposal included extensive areas of public realm, play space (with inclusive play equipment) and an internal shopping environment that would be accessible by all user groups, including those with mobility impairments such as wheelchair users or the visually impaired. In addition to this, all residential units would be built to Lifetime Homes standards, 10% of units would be designed to be readily adaptable to full wheelchair housing standard and lift access is provided throughout the buildings.

7.191 The analysis of equality impacts of the planning application on protected groups as defined by the Act has been taken into account in the assessment of the application. Step-free access will be provided throughout the Restaurant block and the building would be designed to meet current accessibility requirements. 10% of the car parking spaces within the retail development will be for blue badge holders and details of a shopmobility scheme within the retail extension were approved under details application 2016/01540/DET.



7.192 In conclusion it is considered that LBHF has complied with section 149 of the Equality Act and has had due regard to provision of the Equality Impact of the proposed development in its consideration of this application.

#### Planning Obligations and Mayoral CIL

7.193 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.

7.194 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, using planning conditions or, where this is not possible, through planning obligations.

7.195 The Community Infrastructure Levy Regulations - CIL Regulations (2010) set out a number of tests to ensure the application of planning obligation is sound. These tests state that planning obligations must be:

- (1) necessary to make the development acceptable in planning terms,
- (2) directly related to the development,
- (3) fairly related in scale and kind to the development

7.196 The National Planning Policy Framework provides guidance for local planning authorities in considering the use of planning obligations. It states that authorities should consider whether unacceptable development could be made acceptable through the use of conditions or planning obligations and that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It adds that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development from being stalled.

7.197 Core Strategy policy CF1 requires that new development makes contributions towards or provides for the resulting increased demand for community facilities. The proposals form part of Strategic site WCOA 1. As such, officers have taken a co-ordinated and strategic approach to ensuring necessary and appropriate levels of s106 contributions for all development schemes in this part of the WCOA to mitigate the impact on existing infrastructure and facilitate for emerging and future needs. The WCOAPF also outlines the need for contributions in the area to go towards the local and strategic transport infrastructure and social infrastructure, and non-infrastructure needs that may arise due to the resulting development pressures. Major transport interventions are required to facilitate sustainable regeneration of the area, which is currently constrained by the existing highway and public transport network.

7.198 The necessary infrastructure required to absorb the planned level of development within the opportunity area is set out within the WCOAPF Development Infrastructure Funding Study (DIFS) which identifies a comprehensive list of critical enabling and desirable infrastructure projects and initiatives.

7.199 In the context of the above, Chapter 9 of the Core Strategy states that the

Council will implement the policies and proposals of the Core Strategy and seek to ensure that the necessary infrastructure and non-infrastructure is secured to support regeneration by, inter alia, negotiating s.106 obligations.

7.200 A Legal Agreement is proposed to secure the necessary infrastructure and non-infrastructure to mitigate the needs of the proposed development and ensure the proposal is in accordance with the statutory development plan.

7.201 The applicant has agreed to enter into a legal agreement(s) under Section 106 of the Town and Country Planning Act 1990 (As Amended). The Legal Agreement will include financial contributions towards improvements to local highways, employment initiatives by the Council, some or all of the cost of social and physical infrastructure and non-infrastructure items as identified in the WCOAPF and towards other necessary development infrastructure works required to alleviate the impacts of the development including local mitigation measures. Officers have consulted with the various departments in the Council to confirm the individual requirements for this scheme. Non-financial contributions are sought to mitigate the impacts of the development and to make the development acceptable in planning terms.

## Heads of Terms

### Financial obligations

£1 million [Indexed] to be applied within the White City Opportunity Area to be used towards all or some of the following:

- o Highways works;
- o Public realm improvements;
- o Employment initiatives by the Council;
- o Social and physical infrastructure and non-infrastructure items as identified in the Figure 7.3 of the White City Opportunity Area Planning Framework (WCOAPF) and towards other necessary development infrastructure works required to alleviate the impacts of the development including local mitigation measures.

For the purposes of CIL Regulations 123, the £1 million WCOAPF contribution is one planning obligation.

### Non-financial obligations

- Relay Square to be practically completed/accessible prior to occupation of restaurant block
- Implementation of the proposed development concurrently with the 2016 S73 Application (Ref. 2016/03944/VAR) and the Second Plot A RMA (Ref. 2016/04020/RES).
- Employment and Training Strategy (JEBS)
- Travel Plan
- Servicing and Delivery Plan

## 8. CONCLUSION

8.1 With regards to land use, the proposal which includes retail, food and beverage floorspace is in accordance with national, regional and local planning policies which are designed to maximise the development potential of brownfield sites to improve the vitality and viability of town centres. The restaurant block is in accordance with Strategic Policy C and Strategic Policy WCOA of the Core Strategy as the implementation of the development would contribute to the regeneration of the area, improve the vitality and viability of Shepherds Bush Metropolitan Town Centre, improve employment opportunities and promote sustainable economic growth. The application has demonstrated that the profile of the retail floorspace forming part of the proposed development cannot be accommodated within the existing Town Centre and can only be accommodated on land to the north of Westfield London. The size, profile and location of the retail, food and beverage floorspace provision is considered to be acceptable and would not compromise the vitality or viability of the existing centre, or of surrounding centres. The redevelopment of this site would enhance links to the northern part of the White City Opportunity. The proposed development is considered to be an appropriate use within the White City Opportunity Area which is highly accessible by public transport. The proposed development is therefore considered to be acceptable and would be in accordance with policies 2.13, 2.15, 3.3, 3.4 of the London Plan (2016) and Strategic Policies WCOA, WCOA1, B, C, LE1 and H1 of the Core Strategy (2011) and policies DM A1, DM C1, DM D1 and DM D2 of the Development Management Local Plan (2013).

8.2 In terms of design, the proposed restaurant block would be a high quality development which would make a positive contribution to the character and appearance of the White City Opportunity Area. Having regard to the conservation of designated heritage assets, officers consider that the public benefit of the proposal including the unique opportunity to deliver additional retail and restaurant floorspace integrated within the existing shopping centre outweighs any harm to the Grade II listed DIMCO building. The design, scale and massing of the restaurant block is considered to respond positively to the consented masterplan and the wider area. As such, it is considered that the proposed development would positively contribute to this part of White City and is therefore considered to be acceptable and would be in accordance with policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7 and 7.8 of the London Plan (2016), policies BE1, WCOA, WCOA1, BE1 of the Core Strategy (2011) and DM G1, DM G2, DM G6 and DM G7 of the Development Management Local Plan (2013), The Royal Borough of Kensington and Chelsea Consolidated Local Plan (2015) policy CL11, and; English Heritage/CABE "Guidance on tall buildings" (2007).

8.3 With regards to light, outlook, privacy, overshadowing, the proposed development would have no impact upon the amenities of adjoining occupiers and would have negligible impact on the amenities of future occupiers within Plot D of the consented masterplan. The development would have no adverse impacts on air quality or noise. In this regard, the development would respect the principles of good neighbourliness. The proposed development is therefore considered to be acceptable and would be in accordance with policies 7.6, 7.7 and 7.15 of the London Plan (2016), policies CC4 of the Core Strategy (2011) and policies DM G1, DM H9 and DM H10 of the Development Management Local Plan (2013).

8.4 It is considered that the overall traffic impact of the proposed development, on its own and as part of the wider development scheme would be acceptable and in

accordance with DM Local Plan Policy DM J1. It is considered that the approved car parking provisions for the retail extension provides an acceptable level of car parking, to accommodate the additional retail floorspace proposed under this full planning application in accordance with the DM Local Plan policies DM J2 and DM J3 and London Plan (2016) table 6.3. The site is accessible and well served by public transport. It is considered that the cumulative impacts arising from the various developments would be mitigated by conditions and s106 provision to contribute towards enhancing the public realm and pedestrian connectivity within the White City. A servicing and delivery plan and a travel plan will be required via the s106 legal agreement to mitigate against potential issues including a review of cycle parking availability. Subject to conditions and obligations, the proposed development is therefore considered to be in accordance with policies 6.1, 6.3, 6.5, 6.9, 6.10, 6.11, 6.13 and Table 6.3 of the London Plan (2016) and policy T1 of the Core Strategy (2011) and policy DM J1, DM J2, DM J3, DM J4, DM J5 and DM J6 of the Development Management Local Plan (2013).

8.5 With regards to energy and sustainability, the proposed restaurant block energy requirements are incorporated into the wider proposed development which has been designed to meet a BREEAM rating of Very Good. The 2013 energy strategy includes provision for an energy centre which provides the heating and hot water requirements for the development including the restaurant block, through a gas fired CHP. The restaurant block alongside the other buildings in the wider development will contribute towards further CO2 reductions through the façade designs, the incorporation of green and brown roofs and the provision of photovoltaics. This will result in a significant reduction of CO2 emissions across the whole site. The proposed development is therefore considered to be acceptable and would be in accordance with 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 (2016) and policies CC1, CC2 and H3 of the Core Strategy (2011) and policy DM H1, DM H2, DM H3, DM H4, DM H5, DM H6, DM H7, DM H8, DM H9, DM H10, DM A2 and MD A9 of the Development Management Local Plan (2013), the Council's Planning Guidance Supplementary Planning Document and the White City Opportunity Area Planning Framework (2013).

8.6 A Flood Risk Assessment (FRA) has been submitted and has considered risks of flooding to the site and adequate preventative measures have been identified. The proposed development would therefore be acceptable in accordance with Policies 5.12 and 5.13 of the London Plan (2016) and policies DM H3 and DM H4 of the Development Management Local Plan (2013).

8.7 All Environmental Impacts have been assessed with regards to Land Use, Socio-Economics, Archaeology, Townscape, Heritage and Visual Impact, Transport and Access, Air Quality, Noise and Vibration, Ground Conditions, Water Resources, Hydrology and Flood Risk, Ecology, Sunlight Daylight and Overshadowing, Wind, Telecommunications, Waste, Cumulative Effects set out in the Environmental Statement in accordance with the EIA Regulations 2011. The Environmental Statement and their various technical assessments together with the consultation responses received from statutory consultees and other stakeholders and parties, enable the Council to determine this application with knowledge of the likely significant environmental impacts of the proposed development.

8.8 The application seeks to ensure that the impacts arising from the proposed development are mitigated by way of a planning obligations to fund improvements that are necessary as a consequence of the increased use arising from the population yield

from the development and additional new land uses. The financial contributions will go towards the enhanced provision of education, health, employment, community facilities, accessibility and sustainable transport, highways (including pedestrian and cycle routes) and the public realm. The proposed development would therefore mitigate external impacts and would accord with London Plan (2016) Policy 8.2, Core Strategy (2011) Policies CF1, WCOA and WCOA1 and the White City Opportunity Area Planning Framework (2013).

## 9. RECOMMENDATION

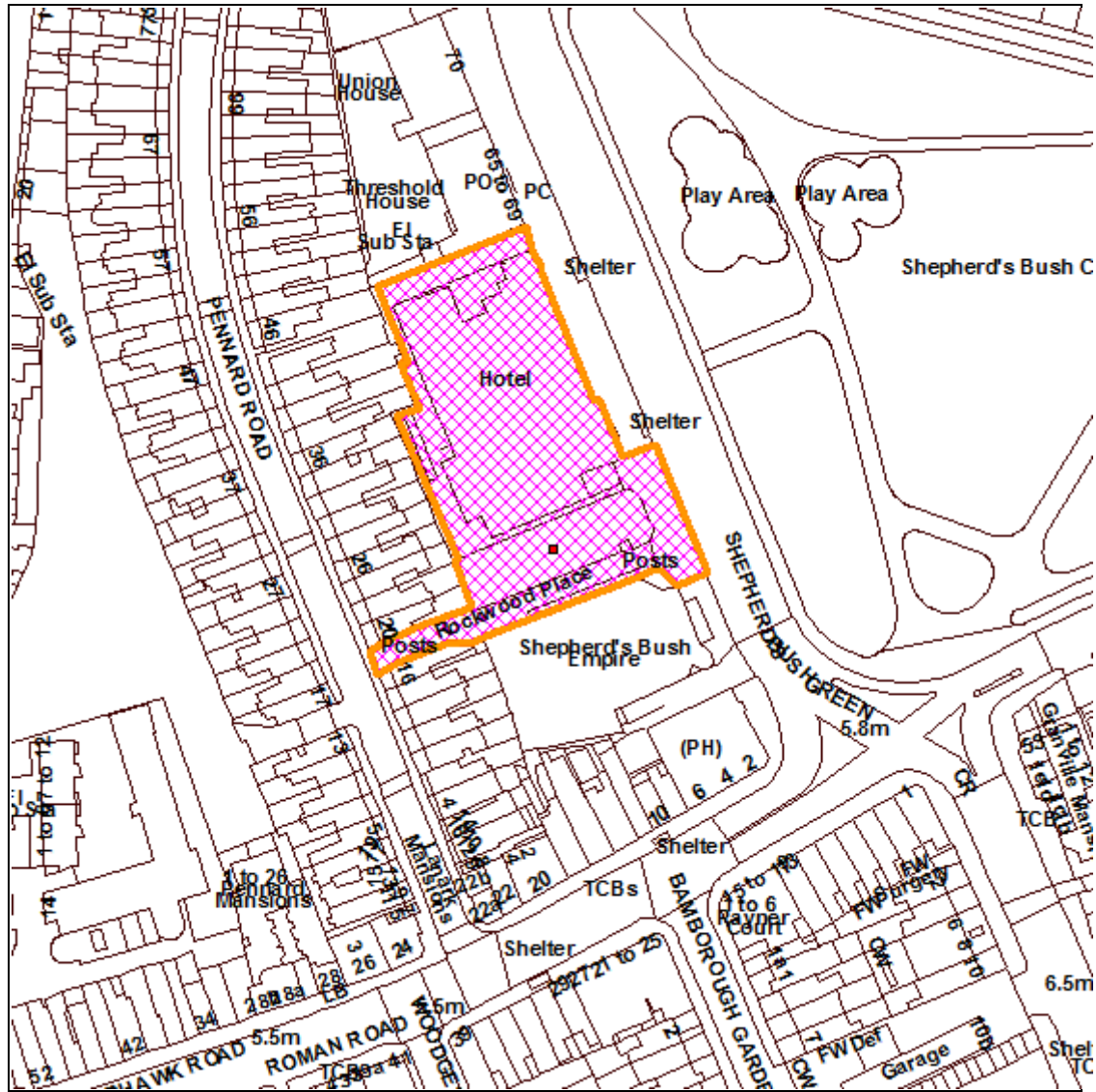
9.1 That the Committee resolve that the Lead Director for Planning & Development be authorised to determine the application and grant permission upon the completion of a satisfactory legal agreement and subject to conditions.

9.2 To authorise the Lead Director for Planning & Development in consultation with the Director of Law and the Chair of the Planning and Development Control Committee to make any minor modifications to the proposed conditions or heads of terms or any subsequent minor changes arising out of detailed negotiations with the applicant which may necessitate the modification, variation, addition or deletion of the conditions and heads of terms as drafted to ensure consistency between the two sets of provisions.

**Ward:** Shepherd's Bush Green

**Site Address:**

Walkabout Inn Including Part Of The Dorsett Hotel 56 And 58  
Shepherd's Bush Green London W12 8QE



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

**Reg. No:**  
2016/04044/FUL

**Case Officer:**  
Neil Egerton

**Date Valid:**  
16.09.2016

**Conservation Area:**  
Shepherds Bush Conservation Area - Number 21

**Committee Date:**  
14.03.2017

**Applicant:**

TBA

C/O Agent

**Description:**

Demolition of existing building (with the exception of the frontage) and redevelopment to provide an 8 storey plus basement building, comprising entertainment use (D2) at basement and ground floor level, restaurant extension (to the neighbouring hotel) at ground floor level, with 74 serviced apartments on the upper floors (in connection with the neighbouring hotel)

Drg Nos: PL-00-101G, 103G, PL-02-099G, 100G,108G, 301G, 302G, 303G, 304G, PL-10-099L, 100L, 101K,102K, 103L, 104L, 105L, 106L, 107L, 108J,201M, 202L, 301I, 302I, 303I, 304I.

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

That the Committee resolve that the Lead Director of Planning and Development be authorised to determine the application and grant permission up on the completion of a satisfactory legal agreement and subject to the condition(s) set out below

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

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

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

PL-00-101G, 103G, PL-02-099G, 100G, 108G, 301G, 302G, 303G, 304G, PL-10-099L, 100L, 101K, 102K, 103L, 104L, 105L, 106L, 107L, 108J, 201M, 202L, 301I, 302I, 303I, 304I.

In order to ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with policies 7.1, 7.2, 7.3, 7.4, 7.6, and 7.21 of the London Plan and policies DM G1 and DM G7 of the Development Management Local Plan 2013 and policy BE1 of the Core Strategy 2011.

- 3) Prior to commencement of the development hereby approved, a Demolition Logistics Plan shall be submitted to, and approved in writing by, the Council. The details shall include the numbers, size and routes of demolition vehicles, provisions within the site to ensure that all vehicles associated with the demolition works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. Approved details shall be implemented throughout the project period.

To ensure that demolition works do not adversely impact on the operation of the public highway, in accordance with policies DM J1 and DM J6 of the Development Management Local Plan (2013).

- 4) Prior to the commencement of the development hereby permitted, a Demolition Management Plan (including a Demolition Method Statement) shall be submitted to, and approved in writing by, the Council. Details shall include control measures for dust, emission, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800-1300hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. Approved details shall be implemented throughout the project period.

To appropriately mitigate the impact of the development during demolition in terms of noise, vibration, dust, lighting or other emissions from the building site, in accordance with policies DM H5, DM H8, DM H9, DM H10 and DM H11 of the Development Management Local Plan (2013), Core Strategy 2011 Policy CC4 and London Plan (2015) Policy 7.14.

- 5) Prior to the commencement of the development hereby permitted (save demolition and site clearance), a Construction Logistics Plan shall be submitted to, and approved in writing by, the Council. The details shall include the numbers, size and routes of construction vehicles, provisions within the site to ensure that all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. Approved details shall be implemented throughout the project period.

To ensure that construction works do not adversely impact on the operation of the public highway, in accordance with policies DM J1 and DM J6 of the Development Management Local Plan (2013).

- 6) Prior to the commencement of the development hereby permitted (save demolition and site clearance), a Construction Management Plan shall be submitted to, and approved in writing by, the Council. Details shall include control measures for dust, emission, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800-1300hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. Approved details shall be implemented throughout the project period.

To appropriately mitigate the impact of the development during construction in terms of noise, vibration, dust, lighting or other emissions from the building site, in accordance with policies DM H5, DM H8, DM H9, DM H10 and DM H11 of the Development Management Local Plan (2013), Core Strategy 2011 Policy CC4 and London Plan (2015) Policy 7.14.



- 7) The demolition works hereby permitted shall not be undertaken before:
- (i) a building contract for the redevelopment of the site in accordance with this planning permission has been entered into, and a signed copy of the building contract has been submitted to, and approved in writing by, the Council;

- (ii) written notice of the start date for the demolition process has been submitted to the Council. Such notification shall be to the Council's Head of Development Management and shall quote the application reference number specified in this decision letter.

To ensure that the demolition does not take place prematurely and to safeguard the character and appearance of the conservation area and the settings of neighbouring listed buildings and to protect the building of merit, in accordance with policies DM G1 and DM G7 of the Development Management Local Plan 2013.

- 8) No development shall commence until a preliminary risk assessment report is submitted to and approved in writing by the Council. This report shall comprise: a desktop study which identifies all current and previous uses at the site and surrounding area as well as the potential contaminants associated with those uses; a site reconnaissance; and a conceptual model indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and those planned at the site; and a qualitative risk assessment of any potentially unacceptable risks arising from the identified pollutant linkages to human health, controlled waters and the wider environment including ecological receptors and building materials. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

- 9) No development shall commence until a site investigation scheme is submitted to and approved in writing by the Council. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

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

Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

- 10) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, following a site investigation undertaken in compliance with the approved site investigation scheme, a quantitative risk assessment report is submitted to and approved in writing by the Council. This report shall: assess the degree and nature of any contamination identified on the site through the site investigation; include a revised conceptual site model from the preliminary risk assessment based on the information gathered through the site investigation to confirm the existence of any remaining pollutant linkages and determine the risks posed by any contamination to human health, controlled waters and the wider environment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

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

Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. Any required remediation shall be detailed in an amendment to the remediation statement and verification of these works included in the verification report. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

- 14) The development shall not commence until a statement of how 'Secured by Design' requirements are to be adequately achieved has been submitted to and approved in writing by the Council. The approved details shall be carried out prior to use of the development hereby approved and permanently maintained thereafter.

To ensure a safe and secure environment for users of the development, in accordance with policy DM G1 of the Development Management Local Plan, 2013.

- 15) Prior to commencement of the development hereby permitted (save for demolition and site clearance), a further surface water drainage strategy shall be submitted to and approved in writing by the Council. The strategy shall aim to achieve greenfield run-off rates for the final discharge of surface water from the site and shall demonstrate how run-off from the whole site would be managed by on-site Sustainable Drainage Systems (SUDS). Further details of the planned green/blue roof shall be provided and consideration shall be given to including collection of

rainwater for re-use on the site. The development shall only be carried out and occupied/used in accordance with the details approved. The development shall be permanently maintained as such thereafter.

To ensure that surface water run-off is managed in a sustainable manner, in accordance with policy 5.13 of The London Plan 2016, Policy CC2 of the Core Strategy 2011 and policy DM H3 of the Development Management Local Plan 2013.

- 16) The development hereby permitted shall not commence (save for demolition and site clearance) until a maintenance programme for all sustainable drainage systems, including timeframes for the planned maintenance measures and confirmation of the maintenance provider, have been submitted to, and approved in writing by, the Council. The sustainable drainage systems maintenance scheme shall be implemented in accordance with the approved details prior to occupation/use of the development hereby permitted, and thereafter be permanently retained and maintained in line with the agreed plan.

To ensure that surface water run-off is managed in a sustainable manner, in accordance with policy 5.13 of The London Plan 2016, Policy CC2 of the Core Strategy 2011 and policy DM H3 of the Development Management Local Plan 2013.

- 17) Prior to use/occupation of the development hereby permitted, details shall be submitted to and approved in writing by the Council, of the external sound level emitted from plant/ machinery/equipment and mitigation measures as appropriate. The measures shall ensure that the external sound level emitted from plant, machinery/equipment will be lower than the lowest existing background sound level by at least 10dBA in order to prevent any adverse impact. The assessment shall be made in accordance with BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. A post installation noise assessment shall be carried out where required to confirm compliance with the sound criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to occupation/use of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site/surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

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

To ensure that the amenity of occupiers of the development site is not adversely affected by noise, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

- 19) Prior to occupation/use of the development hereby permitted, details of anti-vibration measures shall be submitted to and approved in writing by the Council. The measures shall ensure that machinery, plant/ equipment and extract/ventilation system and ducting are mounted with proprietary anti-vibration isolators and fan motors are vibration isolated from the casing and adequately silenced. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by vibration, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

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

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

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

To ensure that the amenity of occupiers of the development site/surrounding premises is not adversely affected by noise /odour /smoke /fumes, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

- 22) Prior to commencement of the development hereby permitted, details shall be submitted to and approved in writing by the Council of the installation of acoustic lobbies to entrances and exits of the ground floor of the development. The lobbies, as agreed, shall be installed prior to the use of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site/surrounding premises is not adversely affected by noise, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

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

To ensure that the amenity of the occupiers of the development site/surrounding premises is not adversely affected by noise from activities or people at or leaving the site, in accordance with Policies DM H9 and DM H11 of the Development Management Local Plan.

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

To ensure that the amenity of occupiers of the development site/surrounding premises is not adversely affected by noise, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

- 25) Prior to commencement of the development hereby permitted, details of external artificial lighting shall be submitted to and approved in writing by the Council. Lighting contours shall be submitted to demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations of the Institution of Lighting Professionals in the 'Guidance Notes For The Reduction Of Light Pollution 2011'. Details should also be submitted for approval of measures to minimise use of lighting and prevent glare and sky glow by correctly using, locating, aiming and shielding luminaires. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting, in accordance with Policies DM H10 and H11 of the Development Management Local Plan.

- 26) Prior to commencement of the development hereby permitted, (excluding site clearance and demolition) a report including detailed information of the proposed mechanical ventilation system (or NO<sub>x</sub> Filtration) shall be submitted to and approved in writing by the Council. This report shall specify air intake locations and the design details and locations of windows on serviced apartment floors to demonstrate that they avoid areas of NO<sub>2</sub> or PM exceedance e.g. Shepherds Bush Green. The whole system shall be designed to prevent summer overheating and minimise energy usage. Chimney/boiler flues and ventilation extracts shall be positioned a suitable distance away from ventilation intakes, openable windows, balconies, roof gardens, terraces and receptors. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications, and shall be the responsibility of the primary owner of the property.

In the interest of air quality, to comply with the requirements of the NPPF, Policies 7.14 a-c of The London Plan (2016), Core Strategy 2011 Policy CC4 and Policy DM H8 of the Development Management Local Plan (2013).

- 27) Prior to the operation of each the CHP units, details shall be submitted to and approved in writing by the Council, to demonstrate the CHP units, abatement technologies and boilers installed comply with the approved Air Quality Assessment and the emissions standards set out within the agreed Low Emission Strategy. The CHP plant shall meet a minimum Band 'B' emissions standard of 95mg/Nm<sup>3</sup> (at 5% O<sub>2</sub>). The submitted evidence shall comply with the Major of London's SPG 'Sustainable Design and Construction', April 2014 guidance and include:

- o The results of NOx emissions testing of the CHP unit by an accredited laboratory.
- o Evidence that the termination height of the flue stacks for the CHP plant have been installed a minimum of 5 metres above the roof level of the tallest building in the development

Where any combustion plant does not meet the relevant standard it shall not be operated without the fitting of suitable NOx abatement equipment or technology (evidence of installation shall be required).

In the interest of air quality, to comply with the requirements of the NPPF, Policies 7.14a-c of The London Plan (2016), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

- 28) Prior to the commencement of the development (excluding site clearance and demolition) a Low Emission Strategy shall be submitted to and approved in writing by the Council. The Low Emission Strategy shall address the results of the approved Air Quality Assessment and detail the remedial action and mitigation measures that will be implemented to protect receptors (e.g. abatement technology for energy plant, design solutions). This Strategy shall make a commitment to implement the mitigation measures (including NOx emissions standards for the chosen energy plant) that are required to reduce the exposure of future residents to poor air quality and to help mitigate the development's air pollution impacts, in particular the emissions of NOx and particulates from on-site transport during Demolition, Construction and Operational phases e.g use of Low Emission Vehicles, and energy generation sources. Evidence shall be submitted to and approved in writing by the council to demonstrate that the CHP units installed within the energy centre comply with the relevant emissions standards in the Mayor's Sustainable Design and Construction Supplementary Planning Document (2014). The submitted information shall include the results of NOx emissions testing of each CHP unit by an accredited laboratory, where this is available. The strategy shall re-assess air quality neutral as agreed in the Air Quality Assessment in accordance with the Mayor of London SPG 'Sustainable Design and Construction' (April 2014) guidance. It shall also identify mitigation measures as appropriate to reduce building emissions to below GLA benchmark levels.

In the interest of air quality, to comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2016) (including 2013 alterations), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

- 29) No development shall commence until an Air Quality Dust Management Plan (AQDMP) is submitted to and approved in writing by the Council. The AQDMP shall include an Air Quality Dust Risk Assessment (AQDRA) that considers residential receptors on-site and off-site of the development and is undertaken in compliance with the methodology contained within Chapter 4 of the Mayor of London's 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014 and the identified measures recommended for inclusion into the site specific AQDMP. The AQDMP submitted must comply with and follow the chapter order (4-7) and appendices (5,7,8,9) of the Majors SPG and should include an Inventory and Timetable of dust generating activities during demolition

and construction; Dust and Emission control measures including on-road construction traffic e.g. use of Low Emission Vehicles; Non-Road Mobile Machinery (NRMM). Air quality monitoring of PM10 shall be undertaken where appropriate and used to prevent levels exceeding predetermined Air Quality threshold trigger levels. Developers shall ensure that on-site contractors follow best practicable means to minimise dust and emissions at all times.

In the interest of air quality, to comply with the requirements of the NPPF (2012), Policies 7.14a-c of The London Plan (2016), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

- 30) Prior to the commencement of the development hereby permitted details shall be submitted to and approved in writing by the Council of all Non-Road Mobile Machinery (NRMM) to be used on the development site. All NRMM should meet as minimum the Stage IIIB emission criteria of Directive 97/68/EC and its subsequent amendments. This will apply to both variable and constant speed engines for both NO<sub>x</sub> and PM. An inventory of all NRMM must be registered on the NRMM register <https://nrmm.london/user-nrmm/register>. All NRMM should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment.

In the interest of air quality, to comply with the requirements of the NPPF (2012), Policies 7.14a-c of The London Plan (2016) (including 2013 alterations), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

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

To ensure that there is sufficient waste and recycling management provision, in accordance with Policy DM H5 of the Development Management Local Plan (2013).

- 32) No demolition or construction shall commence prior to the submission and approval in writing by the Council of details of a scheme for the temporary fencing and/or enclosure of the site, and the temporary fencing/means of enclosure has been constructed in accordance with the approved details. The enclosure shall be retained for the duration of the demolition and construction works.

To ensure that the site remains in a tidy condition during demolition works and the construction phase and to prevent harm to the street scene, in accordance with policy BE1 of the Core Strategy 2011, and policies DM G3 and DM G7 of the Development Management Local Plan 2013.

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



The approved remediation measures shall be implemented immediately that any television interference is identified.

To ensure that television interference caused by the development is remediated, in accordance with Policy 7.7 of The London Plan 2016, Policy BE1 CC4 of the Core Strategy 2011 and Policies DM G1 and DM G2 of the Development Management Local Plan 2013.

- 34) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any part of the development hereby permitted, without having first been submitted to and approved in writing by the council. The development shall only be carried out in accordance with the details hereby approved.

In order to ensure that the Council can fully consider the effect of telecommunications equipment upon the appearance of the building, in accordance with Policies DM G1 and DM G3 of the Development Management Local Plan 2013.

- 35) Prior to the commencement of the development hereby permitted, a further BREEAM Assessment shall be submitted to show how the scheme will meet the 'Excellent' rating (including CO2 reduction targets). The development hereby permitted shall only be carried out in accordance with the recommendations set out in the Sustainability Statement. Within 6 months of first occupation/use of the premises, confirmation that the development meets the requirements of the 'Excellent' BREEAM rating shall be submitted (in the form of a post-construction BREEAM assessment), to the council for its written approval.

To ensure that sustainable design is implemented, in accordance with Policy 5.3 of The London Plan 2011, Policies DM G1 and H2 of the Development Management Local Plan 2013 and Policy H3 of the Core Strategy 2011.

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

To ensure a satisfactory external appearance, in accordance with Policy BE1 of the Core Strategy 2011 and policies DM G1 and DM G7 of the Development Management Local Plan 2013.

- 37) Prior to commencement of the development hereby permitted, a sample panel detailing brick colour, bond, pointing style, mortar colour and curtain walling shall be produced for on site inspection by Council Officers, along with the submission to the Council of samples of these materials, for subsequent approval in writing. The development shall not be used until works have been carried out in accordance with the submitted material samples and sample panel, and the development shall thereafter be permanently retained and maintained as such.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, to preserve the character and appearance of the conservation area; and the setting and special architectural and historic interest of the listed building, the locally listed building, and neighbouring listed buildings in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2016), policy BE1 of the Core Strategy (2011), policies DM G1, DM G3 and DM G7 of the Development Management Local Plan (July 2013) and guidance contained within the Planning Guidance Supplementary Planning Document (2013).

- 38) Prior to commencement of the development hereby permitted (save for demolition and site clearance), the following details of all new buildings in plan, section and elevation drawings at a scale of no less than 1:10 shall be submitted to, and approved in writing by, the Council. The development shall be carried out and permanently retained in accordance with the approved details:

- a) All new elevations
- b) Balustrades and gates
- c) Plant and plant enclosures
- d) All roof level excrescences including blue/green roofs and PV/solar panels
- e) Junctions with adjacent buildings and structures

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, to preserve the character and appearance of the conservation area; and the setting and special architectural and historic interest of the listed building, the locally listed building and neighbouring listed buildings in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2016), policy BE1 of the Core Strategy (2011), policies DM G1, DM G3 and DM G7 of the Development Management Local Plan (July 2013) and guidance contained within the Planning Guidance Supplementary Planning Document (2013).

- 39) The demolition works hereby permitted shall not be undertaken before an internal and external photographic survey of the property has been submitted to, and approved in writing by, the Council, and a copy of the approved photographic study has been submitted to the Council's Local Archive at Hammersmith Library.

To ensure that the demolition does not take place prematurely and to safeguard the special architectural or historic interest of the building, in accordance with Development Management Local Plan (2013) policies DM G1, DM G3 and DM G7, and Core Strategy (2011) policy BE1.

- 40) The development hereby permitted shall not be occupied until details of the siting, design and wording for a local history plaque with information on the history of the property have been submitted to and approved in writing by the council. The permitted uses shall not commence until such details as have been approved have been implemented, and the plaque shall thereafter be permanently retained.

In order to ensure that the historic identity of the site is commemorated as a point of reference for the future, in accordance with Policies DMG7 of the Development Management Local Plan 2013.

- 41) The demolition works hereby permitted shall not be undertaken before a method statement for the salvage, secure storage and reinstatement of the historic

advertising plaque in Rockwood Place have been submitted to, and approved in writing by, the Council. The works shall subsequently be undertaken in accordance with the approved method statement. The development shall not be used until a plaque has been reprovided to the satisfaction of the council.

To ensure that the demolition does not take place prematurely and to safeguard the character and appearance of the conservation area and the settings of the listed buildings and building of merit, in accordance with policies DM G1 and DM G7 of the Development Management Local Plan 2013.

- 42) Prior to commencement of the development hereby permitted (save for demolition and site clearance), full details of works to the retained and reinstated facades, including junctions with new facades and details of entrance screen to retained façade, shall be submitted to, and approved in writing by, the Council. The development shall be carried out in accordance with the approved details; and permanently retained as such.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, to preserve the character and appearance of the conservation area; and the setting and special architectural and historic interest of the locally listed building, the adjacent listed building, and neighbouring listed buildings in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2016), policy BE1 of the Core Strategy (2011), policies DM G1, DM G3 and DM G7 of the Development Management Local Plan (July 2013) and guidance contained within the Planning Guidance Supplementary Planning Document (2013).

- 43) All new works and finishes and works of making good to the retained and reinstated fabric shall match the existing adjacent work associated with the 1923 facade design with regard to the methods used and to materials, colour, texture and profile unless shown otherwise on the approved plans or other documents hereby approved or required by any condition attached to this permission.

To ensure a satisfactory external appearance and prevent harm to the street scene, and to safeguard the amenities of neighbouring residential occupiers, in accordance with policies DM G1, DM G7, DM H9 and DM H11 of the Development Management Local Plan 2013.

- 44) Prior to commencement of the development hereby permitted (save for demolition and site clearance), details of all new external materials to be used in the development including curtain walling, cladding and roofing materials shall be submitted to, and approved in writing by, the Council. The development shall be carried out in accordance with the approved details; and permanently retained as such.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, to preserve the character and appearance of the conservation area; and the setting and special architectural and historic interest of the locally listed building, the adjacent listed building and neighbouring listed buildings in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2016), policy BE1 of the Core Strategy (2011), policies DM G1, DM G3 and DM G7 of the Development Management Local Plan (July 2013) and guidance contained within the Planning Guidance Supplementary Planning Document (2013).

- 45) The communal terrace areas hereby permitted at third, fourth, fifth and sixth floor levels within the development shall only be used between 08:00 hours and 21:00 hours daily.

To ensure that control is exercised over the use of these terraces so that undue harm is not caused to the amenities of the occupiers of neighbouring residential properties as a result of noise and disturbance, particularly in the quieter night time hours, in accordance with policy DM H11 of the Development Management Local Plan (2013) and SPD Housing Policy 8 of the Planning Guidance Supplementary Planning Document (2013).

### **Justification for Approving the Application:**

- 1) 1. Land Use: The proposed development would achieve the partial retention and re-use of a vacant locally listed building for a use which would promote the vitality and viability of Shepherd's Bush Town Centre. The extension to the existing hotel use together with the entertainment use is considered to be an appropriate use for this town centre location, which is highly accessible by public transport. Section 1 of the NPPF (2012), London Plan (2016) Policies 4.5, and 4.7, Core Strategy Policies C and B, DMLP (2013) policy DM B2, DM C1 and DM C6.
2. Design and heritage: The proposal would use innovative design principles to redevelop this locally listed building. The extensions and alterations would complement the existing character of the building and would respect the local architectural and townscape importance and qualities of this building and its setting. The visual amenities of the area would be enhanced through improved aesthetics. The proposal would use contemporary yet acceptable materials, that would preserve and enhance the appearance, character and views of the conservation area. Policies DM G1, DM G7 of the Development Management Local Plan 2013, Policy BE1 of the Core Strategy 2011 and Policies 7.4 and Policies 7.6 and 7.9 of The London Plan 2016 are thereby satisfied.
3. Highways matters: There would be no adverse impact on traffic generation and the scheme would not result in congestion of the primary road network. No car parking would be provided and the development is not considered to contribute significantly towards pressure on on-street parking, subject to satisfactory measures to discourage the use of the private car which would be contained in a Travel Plan, secured by legal agreement. Subject to the completion of a satisfactory legal agreement preventing coach party bookings, the development would not generate congestion or disturbance as a result of coach parking. Acceptable provision would be made for cycle parking. The public transport accessibility level of the site is high. Acceptable provision for servicing and the storage and collection of refuse and recyclables would be provided. The proposal is thereby in accordance with policies DM J1, DM J5 and DM J6 of the Development Management Local Plan (2013).
4. Sustainability: The application proposes a number of measures to reduce CO2 emissions from the baseline using passive design measures as well as a Combined Heat and Power (CHP) system. Any shortfall would be off-set by a developer contribution towards off-site carbon reduction measures. Renewable technologies would also be included as part of the development. The proposal would seek to reduce pollution and waste and minimise its environmental impact.

Policy CC1 of the Core Strategy 2011 and Policies 5.2, 5.5, 5.6 and 5.7 of The London Plan 2016 are therefore satisfied.

5. Amenity: On balance, the impact of the proposed development upon adjoining occupiers is not considered unacceptable. Measures would be secured by conditions to minimise noise and disturbance to nearby occupiers from the development. In this regard, the development would respect the principles of good neighbourliness, and thereby satisfy policy DM H9 and DM H11 of the Development Management Local Plan 2013.

6. Safety and Access: The development would provide a safe and secure environment for all users in accordance with London Plan Policy 7.3 and DMLP Policy DM G1. The proposal would provide ease of access for all people, including disabled people, in accordance with London Plan Policy 4.5, Core Strategy Policy H4 and the Council's Adopted Supplementary Planning Document (SDP) 'Access for All'.

7. Land Contamination: Conditions would ensure that the site would be remediated to an appropriate level. The proposed development therefore accords with policy 5.21 of The London Plan, Policy CC4 of the Core Strategy 2011, and Policy DM H7 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: 9th September 2016  
Drawing Nos: see above

**Policy documents:** National Planning Policy Framework (NPPF) 2012  
The London Plan 2016  
LBHF - Core Strategy Local Development Framework 2011  
LBHF - Development Management Local Plan 2013  
LBHF - Planning Guidance Supplementary Planning Document  
2013

### **Consultation Comments:**

<b>Comments from:</b>	<b>Dated:</b>
The Theatres Trust	21.10.16
Twentieth Century Society	25.10.16
Historic England London Region	17.10.16
Granville Mansions Association	24.10.16
Heritage Of London Trust	25.10.16

### **Neighbour Comments:**

<b>Letters from:</b>	<b>Dated:</b>
35 Roseford Court 34 Shepherd's Bush Green W12 8RA	31.01.17
58 Shepherd's Bush Green London W12 8QE	05.12.16
13 Sulgrave Gardens London W6 7RA	30.01.17

5 loftus road London London W12 7EH	24.09.16
12 Richford Street London W6 7HH	22.09.16
56 Roseford Court 34 Shepherd's Bush Green W12 8RB	31.01.17
54 Pennard Road London W12 8DS	28.09.16
10 Woodger Road London W12 8NN	31.01.17
60 Roseford Court 34 Shepherd's Bush Green W12 8RB	30.01.17
12 Richford Street London W6 7HH	26.09.16
22 Woodger Road London W12 8NN	30.01.17
8 Roseford Court 34 Shepherd's Bush Green London W12 8RA	30.01.17
37b ashchurch park villas London W12 9sp	28.09.16
44 Roseford Court 34 Shepherd's Bush Green W12 8RA	30.01.17
95 Roseford Court 34 Shepherd's Bush Green W12 8RB	31.01.17
28 Sulgrave Road London W6 7RP	31.01.17
44 Sulgrave Gardens London W6 7RA	30.01.17
32 Sulgrave Gardens London W6 7RA	30.01.17
94 Minford Gardens London W14 0AP	30.01.17
105 Roseford Court 34 Shepherd's Bush Green W12 8RB	30.01.17
70 Minford Gardens London W14 0AP	31.01.17
8 Woodford Court London W12 8QY	31.01.17
26 Woodger Road London W12 8NN	30.01.17
51 Goldhawk Road London W12 8QP	30.01.17
44 Goldhawk Road London W12 8DH	30.01.17
Flat 33 Woodford Court 33 Shepherd's Bush Green W12 8QY	30.01.17
Defectors Weld 170 Uxbridge Road London W12 8AA	30.01.17
34 Sulgrave Road London W6 7RP	31.01.17
69 Roseford Court 34 Shepherd's Bush Green W12 8RB	30.01.17
37 Sulgrave Gardens London W6 7RA	31.01.17
6 Rayner Court Bamborough Gardens London W12 8QJ	02.10.16
23 Pennard Road London W12 8DW	12.10.16
Flat 10 Russell Court 108 Hammersmith Grove W6 7HB	13.10.16
3 Astrop Terrace London W6	28.10.16
2 Pennard Mansions London w12 8dl	12.10.16
113 Stanlake Rd London W12 7HQ	14.10.16
10 Arminger Road Shepherd's bush London W12 7BB	10.10.16
12 Pennard Road London W12 8DS	10.10.16
65 Nasmyth Street London W6 0HA	10.10.16
103 Harewood Road Isleworth TW7 5HN	08.10.16
13 Stamford Brook Ave Hammersmith W6 0YB	02.10.16
170 The Grampians Shepherds Bush Rd London W67NB	15.10.16
42 GREENSIDE ROAD LONDON W12 9JG	03.11.16
21A Loftus road London W127EH	10.10.16
21 Loftus Rd Shepherds Bush London W12 7EH	13.10.16
115 Sulgrave Road London W67QH	11.10.16
7 St Anns Villas London W11 4RU	04.10.16
5 loftus road London London W12 7EH	01.10.16
40 Stanlake Rd London W12 7HL	03.10.16
49 Pennard Road London W12 8DW	17.10.16
6 Wellington Place Leeds LS1 4AP	17.10.16
Pyke's Cinematograph Theatre	17.10.16
Lime Grove	17.10.16
98 Frithville Gardens W12 7JW	10.10.16
64 Frithville Gardens London W12 7JN	10.10.16

4, Brooklyn Court, Frithville Gardens W12 7JL	10.10.16
32, Pennard Road, LONDON W12 8DS	10.10.16
103 Frithville Gardens W12 7JQ	10.10.16
73c Godolphin Road London W12 8JN	07.10.16
30 kelmscott gardens London w12 9db	17.10.16
12 Pennard Road London w128ds	11.10.16
8 Hopgood St London w127JU	10.10.16
14 Pennard Road London W12 8DW	04.10.16
44 Roseford Court 34 Shepherd's Bush Green	03.10.16
41 Goldhawk Road W12 8QP	05.10.16
105 Emlyn Road London W12 9TG	07.10.16
47 Pennard Road Shepherds Bush London W128DW	10.10.16
21 Loftus Road London W12 7EH	14.10.16
Flat B 38 Eilerslie Road Shepherd Bush,London W127BW	10.10.16
Nag	30.11.16
Nag	30.11.16
46 Blaxland House Australia Road White City Estate W12 7NH	30.11.16
50 Mellitus Street London W12 0AS	30.11.16
56 A Uxbridge Road W12 8LD	30.11.16
Flat 5 Sarrat House London W10 5HS	29.11.16
36 Joslings Close White City W12 7DF	29.11.16
1A Pavillion Parade Wood Lane London W12 0HQ	29.11.16
6 St Helens Gardens London W10 6LR	01.12.16
285D Westbourne Park Road London W11 1EE	01.12.16
12 Yeldham Road London W6 8JE	01.12.16
134 Uxbridge Road London W12 8AA	25.11.16
22 Batson Street London W12 9PW	25.11.16
53 Davisville Road London W12 9SH	29.11.16
32 Winthrop House White City Estate W12 7qb	29.11.16
36 Joslings Close London W12 7DF	29.11.16
45C Curwen Road London W12 9AF	29.11.16
NAG	12.12.16
Nag	12.12.16
Westfield London Ariel Way London W12 7GA	08.12.16
70 Woodford Court W12 8QZ	31.01.17
31 Woodford Court W12 8QY	31.01.17
83 Woodford Court W12 8QZ	31.01.17
94 Woodford Court W12 8QZ	31.01.17
44 Woodford Court W12 8QY	31.01.17
60 Bush Court W12	30.01.17
50 Bush Court W12 8PL	30.01.17
40 Bush Court Shephed Bush Green W12 8PJ	30.01.17
28 Bush Court W12 8PJ	30.01.17
88 Woodford Court 33 Shepherds Bush Green W12 8QZ	31.01.17
26 Woodford Court W12 8QY	31.01.17
2 Bush Court Shepherds Bush Green W12 8PJ	31.01.17
36 Bush Court W12 8PJ	31.01.17
19 Bush Cout Shepherds Bush Green W12 8PS	31.01.17
32 Bush Court W12	31.01.17
46 Bush Court Shepherds Bush Court W12 8PJ	31.01.17
23 Minford Gardens W14 0AP	31.01.17
27 Minford Gardens London W14 0AP	31.01.17

57 Roseford Court W12 8RB	31.01.17
100 Bush Court W12 8PL	31.01.17
44 Roseford Court London W12 8RA	31.01.17
72 Bush Court W12 8PZ	31.01.17
71 Shepherd's Bush Green White City London W12 8PL	02.02.17
64 Shepherd's Bush Green White City London W12 8PL	02.02.17
87 Shepherd's Bush Green White City London W12 8PL	02.02.17
65 Shepherd's Bush Green White City London W12 8PL	02.02.17
39 Goldhawk Road Shepherds Bush London W12 8QQ	02.02.17
116 Uxbridge Road Shepherds Bush London W12 8AA	02.02.17
21-23 Goldhawk Road Shepherds Bush London W12 8QQ	02.02.17
27 Goldhawk Road Shepherds Bush London W12 8QQ	02.02.17
Epress Barbershop 8 Goldhawk Road White City W12 8DH	02.02.17
Dry Cleaners Uxbridge Road Shepherds Bush W12 8AA	02.02.17
Diamond Dry Cleaners 224 Uxbridge Rd Shep Bush W12 7JD	02.02.17
1-3 Wood Lane Shepherds Bush W12 London	02.02.17
Simply Clinics 20 Goldhawk Road Shepherds Bush W12 8DH	02.02.17
MAAA Ltd 26 Goldhawk Road Shepherds Bush W12 8DH	02.02.17
114 Uxbridge Road Shepherds Bush London W12 8AA	02.02.17
7 Goldhawk Road Shepherds Bush W12 8AA	02.02.17
3 Wood Lane Shepherds Bush London W12 7DP	02.02.17
18A Uxbridge Road Vakko Gafe Shepherds Bush W12 7JP	02.02.17
70 Goldhawk Road Shepherds Bush W12 8HA	02.02.17
3-4 Romney Court 4 Shepherds Bush W12 8PY	02.02.17
Tech City Ltd 138 Uxbridge Road London W12 8AA	02.02.17
La Crema 116 Uxbridge Road Shepherds Bush W12 8AA	02.02.17
Universal Textiles 35/37 Uxbridge Road Shep Bush W12 8AA	02.02.17
28 Chesterton Road London W10 5LX	02.02.17
42 Sulgrave Gardens Shepherds Bush London W6 7RA	02.02.17
25 Roseford Court Shepherds Bush London W12 8RA	02.02.17
77 Bush Court Shepherds Bush London W12 8PL	02.02.17
12 Charcroft Court Brook Green London W14 0BD	02.02.17
38 Roseford Court Shepherds Bush Green W12 8RA	02.02.17
108 Roseford Court Shepherds Bush London W12 8RA	02.02.17

## 1.0 BACKGROUND

1.1 The application property is a two storey building located on the western side of Shepherd's Bush Green, within the designated Shepherd's Bush Town Centre. The site is within the White City Opportunity Area as identified in the council's Local Development Framework, and is in the Shepherd's Bush Conservation Area. Shepherd's Bush Green (opposite) is designated as Metropolitan Open Land.

1.2 The building dates from 1910, when it was originally built as a cinema (Pykes Cinematograph Theatre, later known as the Palladium). It is not statutorily listed but is locally listed by the Council as a Building of Merit, due to its local architectural and historic interest. It sits between two taller, Grade II listed buildings - the Shepherd's Bush Pavilion to the north (a 6-7 storey building that has recently been redeveloped for use as the Dorsett hotel) and the Shepherd's Bush Empire to the south (a 5 storey building with a bell tower, which has long been in use as a concert hall and



entertainment venue). To the rear, the site adjoins the residential gardens of the two storey (3 storey back additions) properties on Pennard Road.

1.3 The buildings in the immediate area are predominantly 3 to 5 storeys in height, although the buildings along the western side of Shepherd's Bush Green are larger in scale, with 6 storey office buildings further north of the Shepherd's Bush Pavilion. To the south of Shepherd's Bush Green, but set back from the street frontage, are 22 storey residential blocks built in the 1960s.

1.4 Following the closure of the cinema in 1981, the building was used as a bar and entertainment venue, most lately by the 'Walkabout' chain, until its recent closure when the Dorsett Hotel purchased it.

1.5 The area is well served by public transport with a Public Transport Accessibility Level (PTAL) of 6b, on a scale of 1-6a/b where 1 is 'poor' and 6 being rated as 'excellent'. The Hammersmith and City Line Stations at Goldhawk Road and Shepherd's Bush Market are both approximately 300m from the site and the Central Line station at Shepherd's Bush is approximately 450m away. There are also numerous bus routes which stop outside the property on Shepherd's Bush Green.

#### Planning History

1.6 There are various planning records relating to the premises and its use. Most notably, planning permission was refused in 1991 (refs: 1990/00530/FUL and 1991/00315/FUL) for redevelopment involving the erection of a five storey building to provide 2,396 square metres of office floorspace (Class B1) with related car parking and the provision of a vehicular access onto Pennard road via Rockwood Place. Permission was refused for reasons of overdevelopment, unacceptable scale and bulk, impact on conservation area, unsuitable access, and loss of leisure use.

1.7 Planning applications to extend the opening hours of the premises (2004/00742/FUL, 2004/00925/FUL, 2011/00105/VAR) were all refused. These applications sought opening until 02:30 hours and were refused on basis of impact on the amenities of neighbouring residential occupiers.

1.8 Planning permission (2015/00982/FUL) was refused in May 2015, for the demolition of the building and redevelopment to provide a part 7, part 16 storey building comprising 56 serviced apartments (Class C1) at first to seventh floors in connection with the operation of the adjoining hotel, 7 residential units (class C3) from eighth to fifteenth floors, extension to hotel restaurant and provision of café (Class A3) at ground floor level, new basement storey comprising additional restaurant seating, customer toilets, refuse storage and plant; resurfacing and landscaping of external areas and provision of external seating area in connection with proposed café/restaurant to the front and side of the proposed building. This was submitted by the owners of the neighbouring Dorsett Hotel who have bought the application premises. It was proposed that the serviced apartments would link in with the operation of the existing Dorsett Hotel.

1.9 The grounds for refusal were:

1) The proposed development is considered unacceptable in the interests of visual amenity and in terms of its impact on the historic environment. More particularly, the

proposed building, rising to 16 storeys, would far exceed the prevailing height of the surrounding built environment, and would appear as an isolated, intrusive feature, failing to respect its townscape context in terms of scale, massing form and detailed design. It would dominate the skyline in views from Shepherd's Bush Green as well as in close and longer views including from within the Shepherd's Bush Conservation Area, and would fail to preserve or enhance the quality of the built environment and open spaces which contribute towards the character of the conservation area. The design of the building is not considered to be of such merit as to outweigh these concerns as it would be excessive in its massing and awkward in its form, with heavy elevational treatment which would fail to read successfully against the form and architectural character of the adjacent listed buildings. In these respects, the development would fail the requirements of Policy DM G2 of the Development Management Local Plan, relating to the siting of tall buildings. The development is considered to cause substantial harm to the character and appearance of the conservation area and the setting of the adjacent designated heritage assets and substantial public benefits to justify the harm have not been demonstrated. In these respects the proposal is considered to be contrary to Policies DM G1 and DM G7 of the Development Management Local Plan 2013, Design Policy 49 of the SPD (2013), Policy BE1 of the Core Strategy (2011) and Policy 7.4 and 7.8 of The London Plan (2015) and the NPPF, particularly paragraphs 56, 58 and 133.

2) The proposal would lead to the loss of a locally listed Building of Merit which has historic, architectural, and communal value, without satisfactory evidence to show that the building could not be viably retained, or practicably be adapted to retain any historic interest, or that the scheme would provide public benefits to outweigh the harm arising from its loss. Furthermore, it is considered that the redevelopment scheme is unacceptable, and therefore the loss of a locally listed Building of Merit to accommodate the proposal is not considered to be justified. In the absence of a scheme which would offer public benefits to satisfactorily outweigh the loss of the non-designated heritage asset, and substantial public benefits to outweigh the substantial harm to the conservation area caused by the loss of the building, the proposal is considered to be contrary to the aims of Policy DM G7 of the Development Management Local Plan 2013, Design Policy 21 of the Planning Guidance Supplementary Planning Document 2013, Policy 7.8 of The London Plan 2015 and paragraph 133 of the National Planning Policy Framework.

3) The proposal is considered to be unacceptable as it would result in the unjustified loss of an entertainment use in the town centre, contrary to the requirements of Policy DM D2 of the Development Management Local Plan 2013, which seeks to retain cultural and entertainment uses. The proposal would also fail to help maintain Shepherd's Bush Town Centre's role as a centre for entertainment, contrary to the objectives of the council as expressed in the DMLP.

4) The proposed development, due to the scale, height, bulk, and width of the rear part of the building in close proximity to neighbouring residential properties at the rear, would lead to unacceptable loss of outlook and increased sense of enclosure to these properties. In this respect, the proposal would harmfully affect residential amenity, contrary to Policies DM A9 and DM G1 of the Development Management Local Plan 2013 and Housing Policy 8 of the Planning Guidance Supplementary Planning Document 2013.

5) The daylight analysis submitted with the application shows that the development would lead to loss of light to neighbouring residential properties in excess of accepted

standards. Without further analysis (in the form of ADF and/or radiance tests) to demonstrate that residents would not be detrimentally affected by these losses, the Council considers that the development could lead to unacceptable loss of residential amenity, contrary to Policies DM A9 and DM G1 of the Development Management Local Plan 2013.

1.10 The current proposal is for the demolition of the existing building (except for the frontage) and redevelopment to provide an 8 storey plus basement building, comprising entertainment use (D2) at basement and ground floor levels, a restaurant (A3 use) as an extension to the restaurant at the Dorsett Hotel at ground floor level, with 74 serviced apartments on the upper floors (also in connection with the Dorsett Hotel).

1.11 There is a related application (2016/04045/LBC) for Listed Building Consent for the development; which also appears on this agenda. The matters arising are considered within the body of this report.

1.12 The current scheme has responded to the reason for refusal of the earlier scheme, by:

- reducing the height, scale, and massing of the proposed development
- retaining key elements of the existing Building of Merit
- retaining an entertainment use on site
- reducing the scale of the development

1.13 In support of their application, the applicants have stated that:

- the proposal will contribute to the regeneration of the area
- a dilapidated building will be replaced with one providing economic and social benefits to the area
- the development responds to its environs
- the high quality design will enhance the Shepherd's Bush Conservation Area
- a publicly accessible entertainment space would be re-introduced
- an active frontage would be introduced to Rockwood Place

## 2.0 PUBLICITY and CONSULTATIONS

2.1 In respect of community involvement, the applicants held two exhibitions at the Dorsett Hotel (26/01/16 and 25/2/16), with 62 and 39 people attending respectively. Other meetings were held with local residents as well as presentations to the Hammersmith Society and the Hammersmith and Fulham Historic Buildings Group. It is also stated that a series of briefing and consultations took place with key local residents and amenity groups prior to the submission of the application.

2.2 The emerging proposals were presented to the Design Review Panel on 23rd March 2016.

In summary the panel made the following points:

- The Panel felt that the provision of a Cinema in the building was a great idea which was welcomed and encouraged by the Panel. The proposed use on the upper floors complemented the successful Dorsett Hotel and were considered to be appropriate.
- The proposed scale of the building at its eastern end appeared to be comfortable in its setting although this would need to be confirmed through accurate View studies.

- There was much debate with regard to the qualities of the façade of the existing building proposed for retention. The Panel concluded that a careful sensitive restoration would create a better outcome, but the chosen option should be executed with conviction to avoid appearing as a compromise. The relationship between new and old needed to be a comfortable fit.
- The Panel acknowledged that the design was still evolving but advised that the effort which had obviously been made on the development of the design for the front facade be also invested on the north, south and west elevations so that the whole development had integrity.
- There also appears to be an opportunity to insert a west facing window at the end of the internal corridor which would afford views out from this linear circulation space
- Provide a strong sense of orientation especially at the lower levels. It could also provide ready access to terraces for the maintenance of planting/landscape.
- The Panel recognised that the current scheme attempts to meet daylight and sunlight constraints and this has informed the proposed stepped massing to the rear (west). Given the nature of the proposed use, landscaping to the terraces with planting could be a positive feature
- The Panel were mindful of the need for the proposed gated courtyard to avoid avoiding antisocial behaviour and improving security. However, without supporting details, the Panel were not convinced by the proposed canopy over this space.
- The Panel were keen to ensure that the scheme gave back as much as possible to the public realm and that the relationship of the ground floor façade with Rockwood Place was fundamental to its success in this regard. The opportunity to improve Rockwood Place through dialogue with the adjoining owner was encouraged, including the use of high quality materials and finishes, signage, and lighting.

2.3 In response to the consultation exercises outlined above (and the DRP comments), the applicant made the following amendments to the proposal prior to submitting the planning application:

- The facade to Rockwood Place has been designed to be open and provide natural surveillance of this area
- Rear elevation has been designed to limit the negative impacts on residential occupiers, limited windows, small open areas well set back to reduce loss of privacy and overlooking
- Further information provided to justify the height of the development and its impact on the setting of the area
- Front elevation lower elements designed to reinstate the quality of the historic building, and complemented by the upper floors both in terms of the neighbouring buildings and the site itself.
- Forecourt designed to be open in appearance whilst allowing security for the buildings/uses involved.

The Council's Public Consultation on the Current Application:

2.4 The planning application was publicised by way of press and site notices and over 2,600 notification letters were sent to individual properties in surrounding buildings/streets.

2.5 40 individual responses were received from local residents/businesses in Pennard Road, Goldhawk Road, Pennard Mansions, Sulgrave Road, Stanlake Road, St Anns Villas, Richford Street, Bamborough Gardens, Nasmyth Street, Loftus Road, Godolphin

Road, Emlyn Road, Ellerslie Street, Armingher Road, Hammersmith Grove, Lime Grove, Grampians, Kelmscott Gardens, Frithville Gardens. The grounds for objection from the individual responses can be summarised as follows:

- Loss of privacy
- Loss of daylight
- Overshadowing
- Noise nuisance
- Harm to character and appearance of conservation area
- Out of keeping with scale, massing, and form of adjacent developments
- Loss of a heritage asset (building of merit)
- Harm to setting of listed buildings
- Proposed cinema is not needed, there are plenty of cinema facilities nearby
- Density is too high (Officers' comment: density is not a planning matter for this type of proposal)
- No parking provided
- Should refurbish the existing building, we do not want tall buildings in this location
- How will building work hours be controlled, the Dorsett development regularly breached working hours
- Noise nuisance during development (Officers' comment: this is not a ground to withhold planning permission)
- Loss of community use on the site
- Top of the development is a pastiche of a later period with no connection to architecture of the Walkabout or the Dorsett
- The proposal will 'Westfield-ise' Shepherd's Bush
- There is no community benefit
- The proposal will loom over the Green

2.6 A petition, signed by 42 residents in Pennard Road was submitted, in objection - key points are: non-compliance with the Local Plan on conservation areas, noise, impact on light, loss of privacy. A petition, signed by 29 residents of Granville Mansions, objecting to the development was also received - key points are: harmful alterations to the property/loss of significance, damage to conservation area, design, impact on residents.

2.7 70 letters of support have been received. This support takes the form of a standard letter (44) plus individual communications from Uxbridge Road, Wood Lane, White City Estate, Joslings Close, Curwen Road, Davisville Road, Sarratt House, Batson Street, Goldhawk Road, Romney Court, Ashchurch Park Villas, Yeldham Road, Notting Hill, St Helens Gardens, Askew Road, Daffodil Street, Blaxland House, Mellitus Street, Bush Theatre, HF Arts Fest, Kidzania. The grounds for support can be summarised as follows:

- The proposal will be an improvement/enhancement to the Shepherd's Bush area
- A new cinema would be welcome
- The proposal is a high quality design
- Dorsett have already improved the area, this will be another sensitive development
- This will be a great redevelopment of run down building
- The developers are great supporters of the local area
- The proposal will revitalise a dilapidated run down building

2.8 The following groups and statutory bodies were also consulted: Hammersmith Society, Hammersmith and Fulham Historic Buildings Group, Pennard Neighbourhood Watch, Greenside Residents' Action Group, Grampians Residents Association,

Granville Mansions Association; Shepherd's Bush Town Centre Manager, Crime Prevention Design Advisor, Environment Agency, Historic England; Cinema Theatre Association; Thames Water, Transport for London, London Fire and Emergency Planning Authority.

2.9 Historic England responded with the following observations:

- The former cinema building at 56 Shepherd's Bush Green is recognised as being a building of merit making a positive contribution to the special character of the conservation area
- Its significance is partly derived from the contribution of its distinctive architecture to the townscape and also embodies historic and communal values through its association with the early years of the cinema and place of leisure
- The building sits within part of an assemblage of early 20th century leisure buildings along western edge of the green and, notwithstanding the unfortunate decorative scheme currently exhibited, its massing and architectural detailing is also considered to contribute positively to the setting of the adjacent listed buildings
- In our view the proposals would cause some harm to the significance of the non-designated heritage asset, the character and appearance of the conservation area and the setting of the adjacent listed buildings. However, the building is not a statutory listed building and its contribution to the character of the area is relatively modest. As such, this harm would be considered less than substantial in terms of the policies and guidance of the NPPF and PPG. If the Council concurs that harm would arise, then it would need to determine whether the wider benefits of the scheme would clearly and convincingly outweigh that harm.

2.10 The Cinema Theatres Association have written with the following objections:

- The building has historic value as one of the earliest purpose-built cinemas in London and the most complete survivor of the first ever cinema circuit. The majority of the sixteen cinemas originally constructed by the Pyke circuit (including those at Finsbury Park, Brixton and Cambridge Circus) have either been demolished or mutilated beyond recognition; the Shepherd's Bush cinema is now the best surviving example as the complete external elevations are still intact, and this is rare.
- The building also has architectural significance (due to the remodelling of the cinema by J.Stanley Beard in 1923) and has community value as it was constructed as an entertainment venue and has remained in public use
- Proposal to demolish a registered Building of Merit is contrary to planning policy
- The building has until recently been in viable use; it is in adequate repair and there is no reason why it cannot continue to enjoy a beneficial use. Any proposed development should seek to retain the main features of historic interest. (terracotta plaque and front façade)
- Welcome the proposal to retain the plaque within the development but urges that efforts should be made to retain the original rather than incorporate a copy into the redevelopment.

- The building has substantial group value, taken with the Empire and the former Pavilion, reflecting the evolution of entertainment in Shepherd's Bush. The demolition of the building would destroy the link between the three buildings and will undermine people's ability to understand the historic development of entertainment buildings.
- Would cause harm to the significance of the conservation area. Proposed building does not have an acceptable relationship to the surrounding townscape, being out of scale with the surrounding buildings, and would detract from the setting of the adjacent Grade II listed buildings, detracting from their significance.

2.11 The Twentieth Century Society responded to object to the development stating that the application would cause substantial harm to a non-designated Heritage Asset and a positive contributor to the conservation area. They recommend refusal of the application.

2.12 The Theatres Trust wrote in to raise concerns that the proposed development would result in difficulties for the Shepherds Bush Empire in terms of noise from this premises affecting residents in the serviced apartments.

2.13 The Victorian Society write in to object to the development on the grounds that it would be detrimental to the significance of the Shepherd's Bush conservation area, and the setting of neighbouring listed buildings, and would result in the almost total loss of an unlisted building of merit.

2.14 Save Britain's Heritage have written to state that they are strongly opposed to the development and that there are clear and convincing reasons for its refusal in both, local and national policy. They object to the loss of the existing characterful building, which makes a positive contribution to the conservation area.

2.15 Heritage of London Trust Operations Ltd object to the development on the grounds of impact on the conservation area and the substantial demolition of the locally listed building of merit, and the setting of the adjacent listed buildings.

2.16 Environment Agency - No response received

2.17 Thames Water - No response received

2.18 Transport for London - no response received

2.19 London Fire and Emergency Planning Authority - no response received

2.20 Crime Prevention Design Advisor - No response received

2.21 The Hammersmith Society has responded in support of the proposal. They state:

- We are pleased to note that a cinema in the basement is still proposed which we very much welcome.
- Overall, we welcome these latest proposals. We have made the following specific suggestions, some of which appear to have been already incorporated:
- We would not wish to see the height of the main tower any higher than the shoulder of the existing Dorsett Hotel.

- We suggested that the vertical fins to the front of the main tower might better project above the roof line.
- We wish to see the external flank lettering on Rockwood Place retained or reproduced in the new scheme
- We felt that there should be some variation in colour, and or texture, between the brickwork forming the main tower and the side cheeks. We would wish to be consulted on the final choice.
- We pointed out the importance of how these large flat areas of brickwork are terminated at parapet level : We have cited the original Hammersmith Town Hall building and the former Royal Masonic Hospital as excellent examples of brickwork of this style and period.
- It is our opinion that the site in its present state diminishes the wider surroundings, and this new scheme conserves the base of the building (back to its 1920s iteration) and offers a new addition above which is broadly sympathetic to the west side of Shepherds Bush Green. The evocation of cinema style architecture is an approach which we have welcomed relative to the Dorsett and the Empire.
- We have seen the Historic England letter of 11 October and note that they do not support the latest scheme but at the same time they agree that the present scheme is an improvement on the previous scheme, but also claim the original building would be "lost", which is not the case.
- We appreciate that the building will have an impact on its neighbours in Pennard Road, but we feel considerable efforts have been made to mitigate this by the stepping back of the floors.

2.22 The Hammersmith and Fulham Historic Buildings Group has responded stating:

- We welcome the retention and restoration of the original facade, and retaining the original building line, as well as the reduction in height of the tower. We agree that the proposal appears to combine the classically inspired retained elevation of 56 Shepherds Bush Green with the Art Deco language of the Grade II former Pavilion cinema to the north. We do still have concerns and ask that the reinstatement of the advertising lettering be conditioned. If permission is granted we would like conditions on a photographic survey, lettering sign preserved and reinstated, detailed method statement for the removal and restoration of the sign, and a commemorative plaque to be erected to detail the buildings history.

2.23 The Greenside Residents Action Group have written with the following objections:

- The demolition of the 100-year-old cinema and replacement with something 4 times the height and 3 1/2 times the bulk is causing great concern in the community
- The issue will not only affect Pennard Road, but all residents and visitors to the Shepherd's Bush area
- The development will detract from the unique frontage of listed buildings and buildings of merit but will create a virtually unbroken brick wall to a height of 8 storeys enclosing one side of the Green, and reduce the feeling of light and space
- Residents of Pennard Road will suffer extreme overlooking

2.24 The Macfarlane Road Residents Association wrote in to state that they are broadly in support of the application. The Dorsett Group have taken community feedback into account, and the new plans are a huge improvement over the previous application.

2.25 Pennard Neighbourhood Watch - no response received



2.26 Shepherds Bush Town Centre Manager - no response received.

2.27 Grampians Residents' Association - no response received.

2.28 Granville Mansions Association - petition received as detailed above.

2.29 A representation has been received from the Shepherd's Bush Empire, raising concerns that the development would result in a sensitive use adjacent to the music venue, with the possibility of noise complaints, and a serious negative impact on the operation of the Empire. The representation continues stating that they are in discussions with the developers to ensure that the proposed development and the Empire co-exist. Until agreements are made the Empire objects to the development.

2.30 Planning matters raised by residents, businesses and consultees not commented on above will be discussed in the body of the report below.

### 3.0 PLANNING CONSIDERATIONS

3.1 The main issues for consideration in relation to this application are whether the development would accord with the appropriate policies in the National Planning Policy Framework (NPPF), The London Plan (2016), and the Council's Local Development Framework, comprising the Core Strategy (2011), Development Management Local Plan (DMLP) (2013) and the Planning Guidance Supplementary Planning Document (PGSPD) with regard to:

- The principle of the redevelopment, including an assessment of the impact of the loss of the public house use, the loss of the Building of Merit, including impact on heritage assets and whether the proposal is acceptable in terms of proposed land uses
- The quantum of the development in terms of its height, scale, massing, and alignment
- The design quality/external appearance including materials of the proposal
- Impact on the character and appearance of the surrounding conservation areas and the surrounding townscape
- Potential for traffic generation, and the impact on the highway network
- The impact on the amenities of neighbouring occupiers in terms of outlook, light, privacy, noise/disturbance
- Environmental matters including flooding, energy efficiency and sustainability

#### PRINCIPLE of REDEVELOPMENT

3.2 The application proposes the demolition of the existing building which is a locally listed building of merit and has a permitted / established use as a pub (Class A4). The redevelopment proposed would comprise of a mixed use development comprising Class C1 serviced apartments, as well as a café/restaurant use (Class A3) on the ground floor and the provision of an entertainment use at ground floor and basement level (cinema). The serviced apartments and the restaurant would link to the existing adjacent Dorsett hotel.

## LAND USE

### Serviced Apartments

3.3 The scheme would be primarily used as serviced apartments. These would be an expansion of the existing neighbouring hotel use, and would be managed by the hotel for short term lets only (a planning condition/S106 agreement would ensure that the letting period for each unit is limited to short periods and that the units are not used for permanent residential accommodation). Policy DM B2 of the DM Local Plan relates to hotel development. The policy states that:

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

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

3.4 The site is situated in Shepherd's Bush Town Centre, within close proximity of two underground lines and several bus routes (PTAL 6a). It is considered that the provision of 74 serviced apartments would add to the variety and quality of visitor accommodation in Shepherd's Bush. There would be no loss of priority uses, such as permanent housing; there would be adequate provision for servicing; and at least 10% of rooms would be accessible (these issues are considered further below). Accordingly, it is considered that the location is suitable for the expansion of visitor accommodation in principle, subject to suitable controls on noise mitigation, traffic, servicing, and other matters relating to environmental impact.

### Restaurant

3.5 The scheme proposes a restaurant use on the ground floor of the development, which would be an extension of the existing hotel restaurant. The restaurant would be open to public use, not limited to hotel patrons only. This use would generate active frontages to the development in Rockwood Place and Shepherd's Bush Green and would make these spaces more attractive for passers-by. Subject to suitable controls on hours of use, control of environmental nuisance such as odour, refuse collection and servicing (see paragraphs below under the residential amenity section) there would not be an objection in principle to these uses.

### Cinema

3.6 The proposed cinema is considered to be acceptable and would offset the loss of the existing public house premises. A cinema is considered appropriate to the cluster of entertainment uses and extends the entertainment offer within this part of the town centre.

3.7 The site is located within the White City Opportunity Area. The Planning Framework for this area (WCOAPF) was adopted in 2013. This supplements the Councils planning policies. The framework recognises that The town centre is the key location for arts, cultural and leisure facilities in the opportunity area (OA), as well as for related hospitality and tourism. It has a longstanding reputation for a vibrant night-time economy, with venues such as Shepherds Bush Empire, Bush Theatre, two cinemas, the Ginglik (now closed), and numerous other pubs, restaurants, and bars. It states that 'The promotion of the night-time economy must strike an appropriate balance with the residential uses in and around the town centre....' Furthermore, the framework states that 'The provision of hotel accommodation in the area is supported by both the Mayor's London Plan and LBHF's Development Plan. LBHF DMLP policy DM B2 states that permission will be granted for new visitor accommodation and other facilities in the OA subject to certain criteria being met. The London Plan seeks 40,000 additional hotel bedrooms by 2031 located primarily in town centres and opportunity areas.'

3.8 Officers do not raise objection to the principle of the land uses proposed, which are considered appropriate within this town centre location, and are consistent with relevant national, regional, and local planning policies.

## HERITAGE and DESIGN

Impact on Heritage Assets, Design, Demolition of the Building of Merit, and the Loss of the Existing Use

3.9 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 Planning (Listed Buildings and Conservation Areas) Act 1990 set out below together with the requirements set out in the NPPF. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 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.'

3.10 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.'

3.11 Section 72 of the act states in relation to conservation areas stating 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.'

3.12 Paragraph 129 of the NPPF requires planning authorities to assess the significance of any heritage assets affected by development proposal, including their

effect on their setting. 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).

3.13 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.'

3.14 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.

3.15 Policy DM G1 of the DMLP (2013) seeks to ensure that new build development is to a high standard of design and compatible with the scale and character of existing development and its setting. It states that: All proposals must be designed to respect:

- a) the historical context and townscape setting of the site, and its sense of place;
- b) the scale, mass, form, and grain of surrounding development;
- c) the relationship of the proposed development to the existing townscape, including the local street pattern, local landmarks, and the skyline;
- d) the local design context, including the prevailing rhythm and articulation of frontages, local building materials and colour, and locally distinctive architectural detailing, and thereby promote and reinforce local distinctiveness;
- e) the principles of good neighbourliness;
- f) the local landscape context and where appropriate should provide good landscaping and contribute to an improved public realm; and
- g) sustainability objectives; including adaptation to, and mitigation of, the effects of climate change;
- h) the principles of accessible and inclusive design; and
- i) the principles of Secured by Design.'

3.16 Policy DM G3 states that the council will require a high standard of design in all alterations and extensions to existing buildings. DM LP Policy DM G7 seeks to protect, restore, or enhance the quality, character, appearance and setting of the borough's heritage assets. This would include an assessment of an impact of a development on views within, into and out of the conservation area, and adjacent conservation areas. Policies within Planning Guidance SPD (2013) provide greater detail on the application of the policies set out in the Core Strategy (2011) and Development Management Local Plan (2013).

3.17 The Walkabout was not a traditional pub or a community facility serving LBHF, rather it catered for a wider catchment. The size and location of the Walkabout meant, in officers' view, that it was an 'ACE' i.e. arts, culture, entertainment type use, attracting people from near and far. It was also an important part of the night time economy of Shepherd's Bush. Paragraph 4.71 of the DMLP recognises the importance of activities

such as pubs, for the night time economy. Although the pub chain user has vacated, a large premises remains presenting an opportunity for another similar user to operate from this location. Shepherd's Bush is a metropolitan town centre; and in such centres one would expect to find a range of leisure floorspace, including drinking establishments, cultural venues etc of varied sizes.

3.18 The existing building was purpose built as a cinema, originally known as Pyke's Cinematograph Theatre, and opened in March 1910. It was the sixth cinema to be built by Montagu Pyke, an early cinema entrepreneur, who instigated the first ever cinema chain of related picture houses, all bearing the title 'Cinematograph Theatre'. In 1915, the cinema was renamed the 'Palladium' and in 1923 it was remodelled with a seating capacity of 763 by the noted cinema architect J. Stanley Beard. The cinema was closed in 1968 for a comprehensive scheme of modernisation which included gutting and updating the interior and covering the exterior with a metal cladding. The building was briefly renamed the 'Classic' in 1972. A year later it was sold to the Rank organisation and named 'Odeon 2', operating in tandem with the former Pavilion cinema adjacent which became 'Odeon 1'. The cinema finally closed on 17 October 1981 and remained vacant for several years until it was converted into a themed pub. It was subsequently taken on by the 'Walkabout' chain and continued in this use until October 2013; permission being granted for change of use in 1991.

3.19 The building has historic value as one of the earliest purpose-built cinemas in London and the most complete survivor of the first ever cinema circuit. The majority of the sixteen cinemas originally constructed by the Pyke circuit have either been demolished or altered beyond recognition. The application site is now reputed to be the best surviving example.

3.20 Today, the former Walkabout Inn is characterised by the remodelled, classical inspired 1923 façade that since has seen some minor and major alterations, the latter mostly reversed, but featuring an unsympathetic colour scheme. The façade has decorative features such as two faience lion heads set into the brickwork at high level, a stucco pediment and faience-clad tiles with moulded cornices and plinths, originally in white and blue colours. The recessed, 2-story entrance screen, the pediment and chamfered corners are much altered and in a poor state of repair.

3.21 The southern elevation is much plainer with exposed brickwork, but has some detailing of visual interest, including contrasting brickwork cornices and two gables with portholes as well as the terracotta plaque advertising the 'Cinematograph Theatre Continuous Performance Seats 1/- 6d & 3d' which runs along the south wall of the cinema. The northern and western elevations were not designed to be seen and are of plain London Stock brick.

3.22 The row of buildings forming the western edge of Shepherd's Bush Green, including the existing building, despite its much smaller scale, make a strong townscape contribution to this part of the conservation area and form a characteristic enclave of entertainment venues.

3.23 In recognition of the historic and architectural interest of the building, it was designated as a locally listed Building of Merit by the Council in 1994. This is regarded as a 'non-designated heritage asset', according to national and local planning policy.

3.24 Core Strategy paragraph 7.16 states that 'The council will maintain and encourage Shepherd's Bush's role as a centre for leisure, culture and entertainment (complementing the creative industry focus), in ways that do not lead to unacceptable impacts for residents and other town centre users.'

3.25 Policy DM D2 of the DMLP states that: 'The council will support the enhancement of arts, culture, entertainment, leisure, recreation and sport uses by

- supporting the continued presence of the borough's arts, culture, entertainment, leisure, recreation, and sports venues subject to the local impact of venues being managed without added detriment to local residents;
- requiring the retention of arts, cultural, entertainment, leisure, recreation and sports facilities in development schemes where the facility remains viable for that use or for appropriate replacement alternative arts, cultural, entertainment, leisure, recreation and sports uses;
- requiring provision of new facilities as part of major development proposals, where appropriate and viable'

3.26 Paragraph 135 of the NPPF states:

'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.'

3.27 Additionally, the Council's Design Policy 21 of the Planning Guidance SPD states

'Development will not be permitted if it would result in the demolition, loss or harmful alteration to buildings, structures and artefacts that are of local townscape, architectural or historic interest, including all buildings identified on the council's Register of Buildings of Merit unless:

1. (a) The building or structure is no longer capable of beneficial use, and its fabric is beyond repair; or
- (b) The proposed replacement would bring substantial benefits to the community and which would decisively outweigh the loss; and
- (c) The proposed development cannot practicably be adapted to retain any historic interest that the building or structure possesses; and
- (d) The existing building or structure has been fully recorded; and
2. In the case of artefacts, they cannot practicably be retained in situ or, failing that, retained for re-use elsewhere within the site.'

3.28 The Council's policy DM G7, in regard to the loss of heritage assets, states:

'b) Proposals which involve substantial harm to, or loss of, any designated heritage asset will be refused unless it can be demonstrated that they meet the criteria specified in paragraph 133 of the National Planning Policy Framework.'

3.29 The proposal seeks planning permission for demolition of the existing building with the exception of the frontage and its redevelopment. The existing frontage would be cleaned and repaired on the basis of the original 1923 design and its original features, finishes and colours would be reinstated. The chamfered returns of the existing frontage would be replaced by 45 degree returns of matching materials and design in order to create a better relationship with the new development above.

3.30 The Rockwood Place elevation would be rebuilt in red and brown brick with matching gable and cornice features and it is intended that the original linear plaque would be reinstated. The applicants have justified the approach to reconstruct the elevation by setting out the technical difficulties of propping to support the southern retained wall on such a narrow site. Most importantly, the proposed secant piling for the new development that would mitigate disturbance of the adjacent building structure and the surrounding water table would only be feasible if the existing southern wall would be rebuilt. More openings would be incorporated into the façade, at ground level to create an animated frontage in Rockwood Place, and at first floor level for the new serviced apartment use.

3.31 A gap between the Rockwood Place elevation and the frontage, that existed as a recess in the original building until it was filled for the 1923 remodelling, would be re-created and slightly enlarged for an infill with the new brick elevation design that grounds the new building and links it to the existing building.

3.32 The height of the new built element would match the height of the Dorsett as this would achieve the aesthetically most pleasing composition and relationship between the two buildings and between the retained and the new façade in views from the ground and in the important views of the western edge of Shepherd's Bush Green.

3.33 The new building would rise behind the façade of the building of merit with a strong vertical emphasis created by central vertical fins in front of a glazed screen. These would rise over and across the front flat roof of the building and form a prominent feature that would shape the form of the building, model its frontage and respond to the central pediment of the original façade. The fins would be made of light coloured, glazed masonry matching the faience finish of the restored façade to tie the new and old elements together. The fins would be framed by solid brick elements that step back and down into the side elevations. All new brickwork would be of a red type with a variety of tone and texture to achieve an individual tone that would harmonise with the existing red brick elevations of the whole group of buildings.

3.34 At the rear where the building would face the gardens of the residential terraces in Pennard Road, the building would step down to its existing height in a series of landscaped terraces with solid brick balustrades and deeply recessed glazing, designed to address issues of overlooking and outlook for the Pennard Road residents. The appearance of the elevation from the ground would be overall solid with a clear and simple horizontality.

3.35 The new southern elevation would rise behind the gables with alternating glazing and solid brick banding that would not be visible in views of the frontage. Instead, the shorter return elevations to the frontage would form prominent bookends to the side elevations and their verticality would clearly relate to the frontage design. This arrangement provides a transition between the primary elevation and the side elevation with a simplicity that reflects the characteristic relationship between frontages and side

elevations in this context while ensuring that the individual elevations are visually tied together.

3.36 The northern elevation, behind its bookend, would project out into the space between the application site and the Dorsett but otherwise would have the same horizontal design as the new southern elevation. This projection would not be prominent in views from the front due to its deeply recessed position.

3.37 At ground level, the development would be linked to the Dorsett Hotel by a new single storey side extension that would be recessed from the frontages in order to retain the visual separation of the two buildings. The single storey extension would be a replacement of the existing modern side extension and would not result in the removal of original fabric or impact on the plan form of the listed Dorsett Hotel. The setting of the listed building would be preserved as the appearance of a clear separation between the two individual buildings would be retained.

#### Heritage assets

3.38 Paragraph 129 of the NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including the setting of any asset). The assessment of significance should be taken into account when considering the impact of a proposal.

3.39 The designated heritage asset directly affected by the proposals is Shepherd's Bush Conservation Area. The undesignated heritage asset directly affected by the proposals is the building of merit, the former Walkabout Inn on the application site.

3.40 Consideration needs to be given to the settings of the following heritage assets that would be visible in the context of the application site:

- o the adjacent grade II listed Dorsett Hotel - originally the Pavilion Cinema built in 1923 to the Art Deco designs of Frank Verity, with large brick elevations, strong stone cornice and barrel roof above.
- o the grade II listed Shepherd's Bush Empire, built in 1903 by Frank Matcham, designed in a free and inventive Arts and Crafts style in brick and terracotta. It features a dominant corner tower with cupola.
- o the former Bush Hotel at 54 Shepherd's Bush Green, designated as building of merit, dating from 1890/91 and designed with red brick elevations influenced by the Flemish style with decorative brick features.

3.41 The significance of each asset has been assessed in accordance with Historic England's methodology for assessing "significance" as set out in 'Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment'.

3.42 The directly affected heritage assets - the conservation area and the building on the site - are important elements in the historic development of Hammersmith and are considered to have historical, communal, and aesthetic value by virtue of their architecture, townscape contribution, uses and location.

3.43 The site lies within sub area A - Shepherd's Bush Green of Shepherd's Bush Conservation area, which is characterised by its large open space that draws together



the surrounding cultural, commercial, and residential uses. With its mature trees, shrub planting and large grassed areas, the Common forms a pleasant setting for the surrounding built form which consists of groups of terraces, mansion blocks and the larger scale commercial buildings on its western side that form a strong edge around the Common. This evolved concentration of cultural and commercial uses alongside dense residential development forms an important characteristic of the area and provides the framework for its historical, communal, and aesthetic values.

3.44 The Walkabout Inn is designated as a building of merit and combines the same values, although the architectural aspect is less pure, due to the alterations that were carried out over time, and is of less strength in terms of its townscape contribution than that of its neighbours. While the classical composition of the front elevation is the building's 2nd frontage design (with still evident, original finishes beneath the coats of paint), better examples of the architect's cinema designs still exist, such as in Kentish Town, Forest Hill, and Ealing.

3.45 However, important historic aspects of the building's interest are its small scale that illustrates early cinema architecture, and the repeated adaptations of the exterior throughout the building's over 100-year-old history while retaining the entertainment use. This demonstrates how the significant historical and community value of a building has been able to be adapted to accommodate current uses and fashions.

3.46 The contrast between the classical detailing of the frontage and the more utilitarian design of the southern side elevation with, nevertheless, some interesting historic features such as the terracotta sign and the gables form another aspect of the special interest. However, the interior was stripped out in the 1960s and therefore is considered to be of little interest. Overall, the building contributes to the group value of its built context, and thereby contributes positively to the character and appearance of the conservation area.

3.47 When considering the impact of a proposed development on the significance of a designated heritage asset, paragraph 132 of the NPPF states that '...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...any harm or loss should require clear and convincing justification'.

3.48 In this case, the proposed development overall would not result in harm to the significance of the conservation area, however, it would result in some harm to the building of merit. The building is an undesignated heritage asset and therefore the NPPF requirements with regard to balancing harm are stated in paragraph 135: 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.' The proposed works affecting the building of merit are considered to cause less than substantial harm and would be outweighed by the public benefits of bringing the building back to a use that would facilitate the strengthening of the characteristic entertainment uses of the group of buildings.

## Impact on the heritage assets

### Character and appearance of the conservation area

3.49 The buildings facing the Green follow a uniform building line and form a strong edge around the Common. The western edge is characterised by entertainment venues of individual scales and appearances, with highly decorative facades to attract attention and reflect their uses. Throughout history, the buildings have been altered and adapted, both in design and use, which has not harmed the character and appearance of this part of the conservation area. The proposals would significantly increase the height of the building but remain within the existing townscape scale. The characteristic individuality of the sites in terms of scale and design would be preserved as there is no existing uniform building scale and style to relate to other than the visual strengths of the frontages unified by a continuous building line.

3.50 Public consultation responses are divided in the assessment of the degree of contribution of the existing building to the character and appearance of the conservation area, ranging from a modest visual contribution due to its small scale, to a considerable positive contribution based on the small scale demonstrating the early years of cinema architecture. Other comments object to the loss of openness and variety in scale and to the proposed contrast between the design of the new and the retained facades that might harm the character and appearance of the conservation area. Officers do not consider openness caused by variations in building heights to be a townscape attribute of the conservation area. However, contrasting, visually strong frontage designs are characteristic, and the proposed building design is considered to contrast with the adjacent buildings in a complementary and respectful way by displaying a similar balance of decorative, textured, and plain elevations and contrasting materiality as do its neighbours. The proposed new development would have a simple, stepped form with a strong verticality that is designed to not compete with the retained façade. The new building would provide a confident contribution to the townscape and retain the legibility of the original scale in close views. Therefore, the proposals are not considered to harm the character and appearance of the conservation area.

### The building of merit of the former Walkabout Inn

3.51 Concerns have been raised about the building's substantial demolition and the loss of contribution of the building to the history of cinema architecture as well as the impact of the new build element on its character. While any original interior associated with cinema use of the building has been lost, the identified significant façade elements of the building would be retained, relevant missing features such as the original pediment design reinstated and the south elevation reconstructed with additional openings. These elements would be stitched together with new elements in the locations of the returns of the frontage which have been altered several times in the first half of the building's history. This aspect of the building's history is considered characteristic for the type of building and demonstrates that, in this case, there is no architecturally "pure" stage in the building's history that should be preserved before others. However, the applicants' intention is to preserve and reinstate the 1923 design as this is the one most evident in the existing form and materials of the frontage.

3.52 Officers are of the view that the impact of the scale and attachment of the new development, although carefully considered and balanced in context, on the architectural and historic interest of the existing building is the most controversial aspect

of the proposals. However, the existing building is much altered with little fabric of historic significance left, and the high architectural quality of the proposals would achieve a unified composition while retaining the legibility of old and new. Therefore, the incorporation of the restored elevations into a larger building that visually and functionally would contribute to the character of the area is considered to offset the less than substantial harm inflicted on the undesignated heritage asset.

### Setting of the adjacent listed buildings

3.53 The street elevations of the buildings vary in height and expression, and juxtapositions exist between their tall, decorative, and plainer elements while the strengths of the individual façade compositions and contrasting materiality along the edge of the Green tie them together and form their setting. It is acknowledged that the existing Walkabout Inn forms part of a group that illustrates the evolution of cinema architecture, however, the existing building's contribution to the setting of the adjacent listed buildings is not considered to be visually strong. The proposed building is designed in the spirit of architecture for entertainment venues that often is neither pure nor recessive, but in its scale, materiality and design detail would be respectful of its unique townscape context. The proposals therefore are not considered to harm the setting of the adjacent buildings.

### Conclusion on Impact on Heritage Assets, Design, Demolition of the Building of Merit, and the Loss of the Existing Use

3.54 In conclusion, the resultant harm to the significance of the former Walkabout Inn would be less than substantial, and is judged to be outweighed by the benefits of the scheme strengthening entertainment use in the locality and activating the ground floor frontages of the building and thereby contributing to the character of the conservation area.

### ACCESSIBILITY

3.55 Policy 7.2 of The London Plan requires all new development to achieve the highest standards of accessible and inclusive design. Policy DM G1 and SPD Design Policies 1 and 8 require new development to be designed to be accessible and inclusive to all who may use or visit the proposed buildings. It is proposed that the serviced apartment element of the development could share the two designated car parking spaces for people with disabilities which are already provided to the east of the existing Dorsett Hotel. These would be managed in accordance with the hotel's booking system. It would be expected that a travel plan for the extended hotel would be submitted as part of the S106 agreement, and would include the requirement to monitor the use of these spaces and plan for future provision if required.

3.56 SPD Design Policy 1 states that buildings should be accessible and inclusive to all. It requires that proposals should have external access and internal circulation/facilities for different users. SPD Design Policy 2 refers to entrances into a building and states that any entrances to a building which are above or below street level, or positioned to be street level, should level or the slope should not exceed a gradient of 1 in 20 from the street.

3.57 All entrances from the street would be level and there would be level or ramped access to the lift core, providing level access to all floor levels. Ten percent of the

serviced apartments (7 units) would be wheelchair accessible. The development is considered to provide accessible facilities for all people, including people with disabilities. Detailed access matters would be covered under Building Regulations.

## CRIME PREVENTION

3.58 Policy 7.3 of The London Plan advises that new development should seek to create safe, secure, and appropriately accessible environments. Core Strategy policy BE1 advises that developments throughout the borough should be designed to enhance community safety and minimise the opportunities for crime. Policy DM A9 of the DMLP refers to a safe and secure environment whilst Policy G1 requires new development to respect the principles of Secure by Design.

3.59 Full details of how the proposed development would incorporate crime prevention measures to provide a safe and secure environment would be secured by a condition (no.14).

## HIGHWAYS MATTERS

3.60 The NPPF requires that developments which generate significant movement are located where the need to travel would be minimised, and the use of sustainable transport modes can be maximised; and that development should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people.

3.61 Policies 6.1, 6.3, 6.10, 6.11 and 6.13 of The London Plan set 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.

3.62 Core Strategy Policy T1 supports The London Plan. Policy J1 of the Development Management Local Plan states that all development proposals will be assessed for their contribution to traffic generation and their impact on congestion. Policies DM J2 and DM J3 of the with Development Management Local Plan 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 and 7.

3.63 The site is very well served by public transport and has a Public Transport Accessibility level (PTAL) of 6a, which is classified as 'excellent' in terms of its proximity to the public transport networks, service availability and walking time to public transport. There are a variety of shops and services locally, with easy access to central London and links to major transport nodes. Shepherd's Bush Green is classified as a Borough Distributor Road. There are bus lanes and bus stops immediately outside the site with no parking at any time. Rockwood Place is not a vehicular traffic route, although it is understood that emergency maintenance access for UKPN needs to be maintained within this street. To the rear, Pennard Road is a residential street within a CPZ (Zone G, operating between 9am and 10pm Monday-Sunday).

## Trip Generation

3.64 In order to assess the relative traffic impact of the development proposals, the applicant has estimated the number of trips that would be generated by the proposed development and compared this with that generated by the existing land use.

3.65 It is stated that the public house use comprised c.1,184 sqm floor area and had the capacity to accommodate up to 1,150 customers. The trip generation to assess the previous use is based on the Tramshed Bar in Highbury (which is now known as 'The Junction').

3.66 The peak of the previous use would be in the evening, and the opening hours of the use would have been until the early hours with a concentration of customers leaving at closing time (midnight to 2am). Officers accept that the existing use would have generated a significant number of person trips per day, predominantly by walking and public transport.

3.67 It is acknowledged that the new development (with appropriate controls) would reduce the amount of late night person trips; and thus disturbance associated with the proposed use. The accessible location of the site, the proposal's lack of parking facilities, and the parking controls on surrounding streets would mean that car borne traffic would be limited and could be absorbed into the operation of the existing highway without further detriment. Most trips to the site would be by walking and public transport, and pedestrian facilities on the wide main road could cope adequately with the additional impact. It is not considered that the development is likely to have an unacceptable impact on the highway.

## Car Parking

3.68 No off-street parking spaces would be provided as part of the proposed development (none exist in association with the building currently). The existing Dorsett Hotel next door has no parking on site, except for two spaces for disabled users. It is proposed that these two spaces would also be available for booking by the occupiers of the serviced apartments.

3.69 The car parking requirements for serviced apartments can be assessed in a similar way to hotel uses. The London Plan sets no maximum parking standards for hotels, but notes that in PTAL 4-6 areas, on-site parking should be limited to operational needs, parking for disabled people and the needs for servicing and coach parking (para. 6A.8) as necessary. In this instance, in this town centre location, and especially as the operation of the serviced apartments would be managed in connection with the existing hotel which has no general parking, it is considered consistent with the aim of The London Plan and the NPPF to achieve sustainable development, that no additional parking is provided.

## Deliveries, servicing and refuse collection

3.70 SPD Transport Policy 34 seeks off-street servicing for all new developments. Deliveries, servicing and refuse collection are proposed to take place within the existing service yard attached to the hotel next door.

3.71 Refuse stores would be provided at basement level within the new building, as well as sharing the existing hotel facilities. The refuse would then be brought to the refuse collection point within the service yard to the north of the existing Dorsett hotel. The draft service management plan submitted with the application states that the hotel's refuse is currently collected via LBHF waste collection service, which takes place from Shepherd's Bush Green, and it is intended that this would continue to be the case. Further information would be required as to how and when refuse would be taken out for collection and by whom, to ensure that refuse is not inappropriately placed on the highway.

3.72 In terms of service deliveries, it is proposed that all deliveries would be able to use the existing off-street service area, which could be pre-booked by time slot. It is proposed that the cinema could request booking delivery slots no less than 24 hours in advance. In this way, the use of the delivery service yard could continue to be managed to restrict hours of operation to between 6am-8pm Monday to Friday and 8am-1pm at the weekend (to avoid further disturbance of neighbouring properties) and would also seek to minimise additional impact on the highway from service vehicles.

3.73 Given the likely small number of servicing vehicles associated with the development (average 5 additional movements per day), it is not considered that deliveries from the street would cause a serious impact on the highway in any case, but the proposed sharing of the service bay would be welcomed. It is considered feasible for the servicing for the main hotel and restaurant uses to be shared with the existing hotel use. However, a detailed servicing and delivery plan would be required as part of a S106 agreement if all other matters were considered acceptable which would show how this would operate.

### Cycle Parking

3.74 Policy DM J5 and Table 5 of the Development Management Local Plan seek to ensure that satisfactory cycle parking is provided for all developments.

3.75 There is no specific standard for serviced apartments so a 'middle ground' between residential and hotel standards has been proposed. It is considered that 25 on-site spaces for the serviced apartments would be a reasonable provision in this case. Also 1 space is proposed for the cinema use, and a number of spaces was agreed for the enlarged restaurant use of 6.

3.76 The applicant's Transport Assessment (TA) states that the cycle parking is proposed to be achieved through delivery of new stands to be provided to the side of the existing covered cycle parking to the rear of the hotel, with future scope to provide up to 32 new spaces in this area if required in the future.

3.77 The TA talks about monitoring of future demand (which would be specified in the Travel Plan), but also refers to an observed spare capacity existing in the public realm and in the hotel's existing cycle parking area. However, as cycling increases in popularity, demand for existing on-street cycle parking is likely to increase. It would therefore be a requirement that the required cycle parking spaces are provided within the hotel boundary, and that the developer commits to provide additional spaces in the public realm. The applicants have agreed to make a financial contribution towards the provision of short-term visitor cycle parking in the local public realm.

## Impact on Public Transport

3.78 The TA predicts that there would be a reduction in person trips from the proposed use compared with the previous public house use. Trips by public transport to the site compared to the existing use would reduce over all modes of transport (except cycling). TfL has been consulted on the application and have not responded.

## Travel Plan

3.79 A framework Travel Plan has been submitted, alongside the Transport Assessment. As part of any S106 agreement the applicants would be required to produce a more detailed Travel Plan for the different uses which would be subject to ongoing monitoring and review, to encourage users of the development to travel by modes other than the car. It is considered that there is capacity within the existing public transport network to accommodate the trips proposed from this development. Officers welcome the provision of a Travel Plan in support of the proposal for sustainable travel for occupiers of the development.

## Demolition and Construction Logistic Plans

3.80 A framework demolition and logistics plan was submitted with the application. At this early stage the information has yet to be fully detailed, and the documents need to be developed. Officers consider this information needs to be provided in compliance with TfL guidelines. A Demolition Logistics Plan (DLP) and Construction Logistics Plan (CLP) would be required to include demolition details, contractors' construction method statements, waste classification and disposal procedures and locations, dust and noise monitoring and control, provisions within the site to ensure that all vehicles associated with the demolition/construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. The documents would need to be developed to be in accordance with Transport for London (TfL) requirements, which seeks to minimise the impact of construction traffic on nearby roads and restrict construction trips to off peak hours only. These would be secured in conditions nos. 3-6.

3.81 Rockwood Place is identified as needing general upgrading, in respect of surface treatments, drainage, lighting and security. These improvements would be of great benefit to the public realm and to residents/visitors who use the passage-way. It is considered that the developers should contribute to the upgrading of this route as part of the overall development.

## Conclusion on Highways Matters

3.82 Given the nature of the proposed uses and the highly accessible location, (and no parking) officers do not consider that it is likely that the proposals would have adverse impact on traffic generation or parking pressure. It is considered that the capacity of the existing highway network could sufficiently support the development without further detriment, and that the public transport capacity is sufficient to serve the trips that would be generated.

## IMPACT ON RESIDENTIAL AMENITY

3.83 Policies DM G1, and DM A9 of the Development Management Local Plan require all proposals to be formulated to respect the principles of good neighbourliness. SPD Housing Policy 8 seeks to protect the existing amenities of neighbouring residential properties, in terms of outlook, light, and privacy. Policy 7.6 of The London Plan states that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind, and microclimate.

3.84 The site's only immediate residential neighbours are to the rear on Pennard Road. Whilst other residential properties in the vicinity of the site would be able to see the proposed development, the residents to the rear are the only residents who have the potential to be directly affected in terms of amenity implications (i.e. light, outlook, privacy, and noise/disturbance) due to the proximity of the development to these neighbours.

### Daylight/sunlight/overshadowing

3.85 The applicants have submitted a daylight and sunlight assessment, in line with the guidance provided in the Building Research Establishment (BRE) document entitled 'Site Layout Planning for Daylight and Sunlight' (2011).

3.86 The impact of the proposed development on the nearest residential properties has been considered. The properties considered in the assessment are 12-56 Pennard Road.

3.87 The BRE guide recommends that windows and rooms within residential properties need to be assessed. Rights to light to the existing neighbouring commercial development would need to be protected in the scheme, and this would be through a process separate from Planning.

### Daylight (assessment methodology)

3.88 For all properties assessed, window maps have been produced, and an analysis of the daylight (vertical sky component (VSC) and no sky line (NSL)) that would reach an affected window and sunlight (annual probable sunlight hours - APSH), has been carried out. Figures showing the existing situation compared with the effect of the proposed development have been presented.

3.89 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. 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.

3.90 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.

3.91 The impact of the distribution of daylight in an existing building can be found by plotting the NSL in each of the main rooms. 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.

3.92 For dwellings, the NSL would be measured for 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.

3.93 When reviewing the daylight results for each property, the methods would normally be considered sequentially; VSC and NSL. In the first instance, therefore, the VSC results should be considered.

3.94 If all the windows in a building meet the VSC criteria, it can be concluded that there will be adequate daylight. If the windows in a building do not meet the VSC criteria, the NSL analysis for the room served by that window needs to be considered. If neither the VSC nor NSL criteria are met, then average daylight factor (ADF) results should be considered.

3.95 The applicants have submitted VSC and NSL assessments for all of the properties mentioned above.

3.96 The technical analysis shows that nos 12, 14, 16, 20, 22, 28 and 30 to 56 Pennard Road would achieve full compliance with the BRE guidance, i.e. all windows within these properties would maintain at least 80% of their former VSC value, and therefore any reduction in daylight would not be perceptible.

3.97 For 24 Pennard Road (this property is divided into two flats), 11 windows have been analysed, of which 9 windows comply with the VSC guidelines. Two ground floor windows in an extension to the rear show losses above VSC guidelines (37.8% and 46.2% loss). The room affected (living/dining/kitchen) is also served by a south facing window that does comply with the guidelines, however.

3.98 For 26 Pennard Road (this property is divided into two flats), of the 14 windows analysed, 2 windows show losses of VSC more than 20% - 35.8% and 36.8% of their former value - both of these affected windows serve a kitchen. The NSL analysis shows a 20% reduction in NSL, however, which is in compliance with the BRE guidance.

3.99 Residents commissioned their own analysis of the impact of the development on some of the Pennard Road properties. This analysis concludes that though they did not disagree with the figures in the applicant's assessment, they did not agree with the conclusions reached, ie that it would be of a minor impact. Officers have considered the findings of this assessment in their own assessment of the proposal.

## Conclusion on daylight matters

3.100 Officers accept that BRE guidance needs to be applied flexibly and sensibly in relation to an existing urban environment. In many cases, where numerical transgressions of the guidance have been identified, the percentage losses are disproportionate because of the low existing daylight levels at the affected windows, and the actual daylight loss may not be perceptible to the occupier. On balance, officers consider that the relatively limited losses outlined would not outweigh the benefit to the area of the proposed development and consider that, overall, the scheme is acceptable in terms of its impact on daylight to adjacent premises.

## Sunlight

3.101 To assess loss of sunlight to an existing building, the BRE guidance suggests that all main windows to dwellings 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.

3.102 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.

3.103 Where a window does not meet the first criteria, retaining at least 25% total APSH with 5% in the winter months, but the percentage reduction is less than 20% it will experience a negligible impact, as the area receiving reduced levels of sunlight is comparatively small when considering the baseline sunlight levels.

3.104 60 windows serving 48 rooms have been analysed. All rooms show compliance with the APSH guidelines apart from one: a living/kitchen/dining room at no.24 Pennard Road (this room would have a relatively minor transgression of the APSH guidelines, losing 25% of annual APSH, but experiencing no winter loss). On balance, officers consider that the relatively limited loss outlined would not outweigh the benefit to the area of the proposed development and consider that, overall, the scheme is acceptable in terms of its impact on sunlight to adjacent premises.

## Outlook

3.105 SPD Housing Policy 8 states that 'The proximity of a new building or an extension to an existing building can have an overbearing and dominating effect detrimental to the enjoyment by adjoining residential occupiers of their properties' and prescribes a method for assessment of outlook: 'Although it is dependent upon the proximity and scale of the proposed development a general standard can be adopted by reference to a line produced at an angle of 45 degrees from a point 2 metres above the adjoining ground level of the boundaries of the site where it adjoins residential properties. If any part of the proposed building extends beyond these lines then on-site judgement will be a determining factor in assessing the effect which the extension will have on the existing amenities of neighbouring properties.' Where original rear gardens

are less than 9 metres depth a measurement is taken from ground level at the boundary. Where there are existing circumstances, such as buildings which would be replaced in a redevelopment, it would be inappropriate not to have regard to these.

3.106 The properties which directly back on to the application site (nos. 20 to 24 Pennard Road) would be deemed to be most affected, as although the development would be visible from other properties, the impact on sense of enclosure decreases with greater distance. Also, other properties in the terrace back on to taller buildings at 58 Shepherd's Bush Green and the Shepherd's Bush Empire, and so already have a restricted outlook.

3.107 Nos. 20 and 22 Pennard Road currently back on to the two-storey rear wall of the Walkabout building, at approximately 8.5m. The eaves level of this existing building is equivalent to the eaves level of the residential dwellings, and the ridge of the building rises higher than the roof level of the residential terrace. These properties therefore have a somewhat curtailed outlook as a result of the existing building, albeit that this is only two storeys high. SPD Housing Policy 8 is already breached in this respect. No. 24 currently faces the gap between the Walkabout building and the adjacent Dorsett Hotel at 58 Shepherd's Bush Green.

3.108 The proposal would introduce a rear elevation facing these properties (some 10.2m high, similar to the highest point of the existing rear elevation) and the development would also be nearly 3m wider than the existing building, reducing the gap between the development site and the adjacent no.58 Shepherd's Bush Green. Whilst the upper floors of the building would then be set back from the main rear building line.

3.109 The proposed rear elevation would be in the same location as it is on the existing building. In this respect the 2m/45 line would still be breached from the end of the gardens; and a line drawn from the rear elevation of the dwellings at ground level towards the new building would trace the same angle (45 degrees) as the existing building on site. Furthermore, the increased height of the new development is angled away from the Pennard Road properties (towards Shepherds Bush Green). Based on on-site judgement, it is considered that the scale, height, and width of the proposed building in such proximity to the neighbouring properties would not have a dramatic impact on the outlook to these neighbouring properties, such that it would harmfully increase the sense of enclosure and reduce the view of sky, such as would warrant the withholding of planning permission.

3.110 On balance, then, it is considered that the proposed building would not result in a significant loss of outlook to neighbouring properties, and as such it is considered that it complies with Policies DM G1, DM A9 and SPD Housing Policy 8.

#### Privacy

3.111 SPD Housing Policy 8 (ii) states that new windows should normally be positioned so that they are a minimum of 18 metres away from existing residential windows as measured by an arc of 60 degrees taken from the centre of the proposed window.

3.112 The only openings to be proposed on the rear elevation of the building would serve corridors, and allow access to outside amenity space at third to sixth floor level. These window/doors would be set back from 6m to 23m from the site boundary.

Furthermore, the design and projection of the proposed roof (and set back of amenity areas), would further limit views from these doors/windows/areas, such that the impact on the residential properties to the rear is minimised. The flat roofs to the rear part of the building would be set back and limited in views out, so that there would be no detrimental impact on residential amenity. Officers are of the opinion that the proposal would not have an unacceptable impact on the privacy to neighbouring properties.

### Noise and disturbance

3.113 London Plan Policy 7.15 states that development proposals should seek to reduce noise by minimising the existing and potential adverse impacts of noise, separating new noise sensitive development from major noise sources through the use of distance screening, or internal layout and promoting new technologies and improved practices to prevent noise. 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. Development Management Local Plan Policies H9 and H11 relate to environmental nuisance and require all development to ensure that there is no undue detriment to the general amenities enjoyed by existing surrounding occupiers, particularly those of residential properties. Policy DM H10 relates to light pollution. 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 24 also sets out that need to protect residential and other noise sensitive amenity.

3.114 The site is located in the town centre, close to busy main roads and existing commercial activity (including late night activity associated with the Shepherd's Bush Empire), and is therefore in an area with a high level of background noise. There were significant noise implications associated with the previous use of the site as a large public house, and the proposed development has the potential to bring about permanent improvement in this respect.

3.115 However, it is acknowledged that the proposed building and land uses could have its own noise/disturbance impacts, particularly with regard to the proposed extension of active uses within Rockwood Place, and the potential for noise from new plant and equipment. Use of terraces also needs to be considered here.

3.116 A preliminary noise assessment has been submitted with the application. This has undertaken an assessment of the existing background noise, in order to understand both the requirements for limiting noise in relation to neighbouring properties and the requirement for the treatment of the building envelope to preserve good noise conditions within the proposed development. The concerns raised by the Shepherd's Bush Empire that serviced apartments near to their business could generate noise complaints and therefore affect the existing business, is noted.

3.117 The report also takes into account the noise from the sound check at the Empire. Taking into account the background noise, the report contains an outline of measures which could be adopted to control noise from new plant in particular, and concludes that

noise from new mechanical plant is capable of achieving compliance with the Council's noise standards (i.e. ensuring that the noise is at least 10dB below background noise).

3.118 There are four communal terraces to the rear of the development at 3rd, 4th, 5th and 6th floor levels (ranging in size from 28 to 80 sqm). These would allow some external space for occupants of the serviced apartments. The terraces would be set back from the building line and designed to limit overlooking and loss of privacy of residents in Pennard Road. The impact of the terraces are considered to be acceptable, subject to a limit on hours of use, given the potential for late night noise and disturbance. A condition is attached to cover this (no.45).

3.119 Officers concur that noise and vibration from mechanical plant could be adequately controlled by planning condition. Also a condition would be placed on any planning approval requiring details of the sound insulation to the building envelope to ensure that users of the development are not unduly affected by noise from the existing Empire. Noise from additional pedestrians using Rockwood Place would be more difficult to quantify, however it is considered that noise from passers-by would be limited given the size of the passage way. It is the potential for noise and disturbance from the proposed cinema and restaurant use which could have the most impact on residents and users of the serviced apartments. However, these matters could also be controlled by planning condition which could ensure, amongst other things, that windows are kept shut, tables are not placed outside and music is not audible from outside the premises. A condition (no.23) is recommended to limit the hours of use for the proposed cinema and restaurant. It is therefore considered that with suitable conditions, the development could be adequately controlled to ensure that there is no harmful impact on local amenity in terms of noise and disturbance.

3.120 In terms of other sources of noise, servicing and deliveries would take place from the existing off-street service area at ground floor level at the neighbouring hotel, which is largely covered by the upper floors of the building above. Significant noise from this area is thus unlikely. A Delivery and Service Management Plan which would be secured in the legal agreement, and would ensure that the times for servicing and deliveries are restricted to reasonable daytime hours.

3.121 The disruption of demolition and construction works and the noise and disturbance to nearby residents and businesses is acknowledged to be a key local concern. Whilst it would be unreasonable to refuse planning permission for a development scheme based on the temporary impact of demolition/construction works, it would be sensible to ensure that disruption and noise/disturbance are minimised as far as possible in the redevelopment. Demolition and construction management plans, and a Air Quality Dust Management Plan would be required to be submitted and agreed by planning conditions, and these documents would be required to take into account the impacts and logistics any existing nearby construction sites.

3.122 For the reasons given above, it is considered that the development, subject to suitably worded conditions, would not give rise to unacceptable harm from noise and disturbance to neighbouring occupiers and that the proposal therefore complies in these respects with the relevant sections of policies DM G1, DM H9, DM H10 and DM H11 of the Development Management Local Plan, London Plan 7.15, Core Strategy Policy CC4, and SPD Amenity policies 18, 24 and 25.

## Light pollution

3.123 The number of window openings proposed in the rear elevation of the building where it directly faces neighbouring properties is minimal/limited. The windows would be stepped back from the neighbouring properties in Pennard Road, further reducing their impact and it is not considered that properties would be adversely affected by light spillage from this element. As such no objections are raised in this regard.

## ENVIRONMENTAL MATTERS

### Carbon reduction

3.124 Core Strategy policy CC1 requires developments to make the fullest contribution possible to the mitigation of and adaptation to climate change. Policy DM H2 of the Development Management Local Plan is concerned with promoting sustainable design and construction and states that sustainable measures should be included in developments and sustainability statements are required for all major developments to ensure that a full range of sustainability uses are taken into account. SPD Sustainability Policy 25 requires major planning applications to provide details of how use of resources will be minimised during construction.

3.125 As required, an Energy Statement has been submitted with the application. This outlines the energy efficiency and low/zero carbon measures proposed to be implemented in the scheme. The baseline energy use of the development, if designed only to meet the minimum requirements of the Building Regulations, is calculated to produce just over 90 tonnes of CO<sub>2</sub> a year (from regulated energy use). Passive design and energy efficiency measures such as use of improved insulation, better airtightness, low energy lighting and use of energy efficient appliances etc are calculated to reduce energy use sufficiently to cut CO<sub>2</sub> emissions by just over 5 tonnes a year. Greater CO<sub>2</sub> savings would be provided by connecting the new building into the heating system in use at the neighbouring hotel complex. This is proposed to provide a proportion of the heating for the enlarged restaurant. This would reduce CO<sub>2</sub> emissions by a further 1 tonne.

3.126 The apartments would be served by Air Source Heat Pumps (ASHP) and in addition, it is also proposed to include solar photovoltaic panels. These renewable energy technologies would provide a further 8 tonnes of CO<sub>2</sub> savings.

3.127 Overall, the energy strategy is calculated to reduce annual CO<sub>2</sub> emissions by around 15 tonnes - equivalent to 16% compared to the baseline. This is a shortfall of 19% (17 tonnes) compared to The London Plan CO<sub>2</sub> reduction target of 35%. London Plan allows that if the required CO<sub>2</sub> savings cannot be made on site, the developer can make a payment in lieu to the Council. This would be used to fund the implementation of carbon reduction measures in the borough. It is estimated that if this route is taken then the contribution required would be £30,600. Conditions would cover the implementation of the carbon reduction measures, and the payment in lieu would be covered in the S106 legal agreement.

## Sustainable Design & Construction

3.128 A Sustainability Statement has been submitted, alongside the Energy Statement, which includes information on wider sustainable design and construction issues. The assessment shows that the new building would be designed to implement a range of measures such as water efficient fittings and appliances, use of environmentally friendly materials, promotion of sustainable waste behaviour and recycling, reducing pollution impacts, promoting sustainable transport etc.

3.129 A BREEAM Pre-assessment was carried out and submitted which showed that the development would achieve a 'Very Good' rating. However, the applicants have since committed to consider further sustainability measures for inclusion in the scheme, with the aim of achieving BREEAM 'Excellent' for the restaurant and the serviced apartments aspect of the development. Further design work would also be undertaken on the cinema with an investigation into the possibility of introducing photovoltaics on the western elevation to also increase the cinema BREEAM score to achieve the minimum standard of BREEAM 'Excellent'. A condition (no.35) is recommended requiring the submission of a revised BREEAM assessment to show how the scheme will meet the 'Excellent' rating.

3.130 Officers consider that these levels of performance would demonstrate compliance with the Council's sustainability requirements in DM H2. Integration of the proposed sustainable design and construction measures would be conditioned within an acceptable development.

## Flood Risk/SUDS

3.131 The site is in the Environment Agency's Flood Zone 1 which indicates a low risk to flooding from the Thames. A Flood Risk Assessment (FRA) has been submitted which refers broadly to potential SUDS measures that could help mitigate surface water run-off from the site. This would be through managing surface water run off through the implementation of a blue/green roof. The required amount of attenuation storage can be provided and a greenfield run-off rate used to discharge surface water run-off in a controlled way into the sewer system. The exact nature of the proposals are subject to further detailed design work, and as such conditions are proposed (15 and 16) for the submission of further details of the SUDS measures, including maintenance information for our approval prior to commencement of the development.

## Contamination

3.132 Policy 5.21 of The London Plan, Core Strategy Policy CC4 and Policy DM H7 and H11 of the DM LP 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. SPD Amenity Policies 2, 3, 4, 5, 7, 8, 12, 13, 14, 15 relate to contamination. Policy 16 sets out the common submission requirements for planning conditions relating to contamination and policy 17 deals with sustainable remediation.

3.133 A Preliminary Geo-Environmental Risk Assessment has been submitted as part of this application. Potentially contaminative land uses, past or present, are understood to occur at, or near to this site. A more detailed site investigation scheme together with a risk assessment, remediation and long term monitoring would all need to

be carried out during and following any redevelopment works, to ensure that no unacceptable risks would be caused to humans, controlled waters or the wider environment. Conditions to this effect (## to ##) have been attached, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan.

## Air Quality

3.134 The entire borough was designated as an Air Quality Management Area (AQMA) in 2000 for two pollutants - Nitrogen Dioxide (NO<sub>2</sub>) and Particulate Matter (PM<sub>10</sub>). The main local sources of these pollutants are road traffic and buildings (gas boiler emissions).

3.135 Policy 7.14 of The London Plan seeks that development proposals minimise pollutant emissions and promote sustainable design and construction to reduce emissions from the demolition and construction of the buildings and also to minimise exposure to poor air quality. Policy CC4 of the Core Strategy 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.

3.136 An air quality assessment has been carried out. This assesses the development's potential impacts on local air quality and also considers the issue of exposure to pollution for occupiers within the new scheme. The assessment takes account of the potential temporary impacts during the construction phase and the operational impacts caused by increase in traffic flows and emissions from the plant on the site. The air quality assessment indicates that the general sources of air pollution (construction activities, road traffic and space heating) emission arising from the proposed development would be during the construction phases and on completion of the development the assessment predicts the development to have negligible effect on air quality.

3.137 In terms of exposure of new occupiers to poor air quality, the applicants report concludes that mitigation measures would be required on the first floor serviced apartments, where pollution levels are highest. Mitigation measures to deal with this could be achieved via mechanical ventilation. It should be noted that no permanent residential accommodation is proposed within this development, and as such the development should not lead to the long-term exposure of any occupant to poor air quality. Whilst officers consider that mechanical ventilation should be provided at all levels, the principle of mechanical ventilation is judged to be acceptable. Accordingly, officers consider that subject to appropriate conditions, the development would meet policy requirements. Further details would be required, however, in an updated air quality impact assessment and the submission of a low emissions strategy in order to ensure that adequate measures are implemented (these would be conditions of any planning approval, nos. 28 and 29).

## Planning obligations

3.138 In dealing with planning proposals, 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. London Plan policy 8.2 recognises the role of planning obligations in mitigating the effects of development and provides guidance on the priorities for obligations in the context of overall scheme viability.

### Community Infrastructure Levy

3.139 Mayoral CIL (Community Infrastructure Levy) came into effect in April 2012 and is a material consideration to which regard must be had when determining this planning application. Under the London-wide Mayoral CIL the development, according to the figures provided in the applicant's mayor CIL form, is estimated to be liable for a £228,000 payment. This would contribute towards the funding of Crossrail. The GLA expect the Council, as the Collecting Authority, to secure the levy in accordance with London Plan Policy 8.3.

3.140 The borough's own community infrastructure levy came into effect on 1st September 2015. The proposed charge for this part of the borough would be £80 per sqm for other uses including class A3 uses, but a nil charge for hotel (Class C1) use. This would entail a contribution of approximately £104,640 for local CIL.

3.141 Site-specific contributions would be included in the S106 agreement and would include the following:

- Development to be 'Coach free'; including advertising this
- A carbon off-set contribution (if necessary, up to £30,600)
- Provision of a Travel Plan, plus review with monitoring fees to be met by the applicant
- Provision of a Servicing and Deliveries Management Plan
- Provision of 32 additional cycle parking spaces alongside existing cycle parking at the Dorsett hotel
- A contribution towards highways works including improving surface treatments, drainage, lighting and security on Rockwood Place and the provision of visitor cycle storage racks in the vicinity of the site
- On-site training and employment opportunities during demolition and construction, or a financial contribution towards such initiatives off-site
- Serviced apartments to be occupied for no longer than 90 nights at a time
- Serviced apartments and extended restaurant to be used in connection with the Dorsett hotel, and not as a separate use

## 4.0 CONCLUSION and RECOMMENDATION

4.1 The proposed development would achieve the partial retention and re-use of a vacant locally listed building for a use which would promote the vitality and viability of Shepherd's Bush Town Centre. The extension to the existing hotel use together with the entertainment use is considered to be an appropriate use for this town centre location, which is highly accessible by public transport. Section 1 of the NPPF (2012), London Plan (2016) Policies 4.5, and 4.7, Core Strategy Policies C and B, DMLP (2013) policy DM B2, DM C1 and DM C6.

4.2 The proposal would use innovative design principles to redevelop this locally listed building. The extensions and alterations would complement the existing character of the building and would respect the local architectural and townscape importance and qualities of this building and its setting. The visual amenities of the area would be enhanced through improved aesthetics. The proposal would use contemporary yet acceptable materials, that would preserve and enhance the appearance, character and views of the conservation area. Policies DM G1, DM G7 of the Development Management Local Plan 2013, Policy BE1 of the Core Strategy 2011 and Policies 7.4 and Policies 7.6 and 7.9 of The London Plan 2016 are thereby satisfied.

4.3 There would be no adverse impact on traffic generation and the scheme would not result in congestion of the primary road network. No car parking would be provided and the development is not considered to contribute significantly towards pressure on on-street parking, subject to satisfactory measures to discourage the use of the private car which would be contained in a Travel Plan, secured by legal agreement. Subject to the completion of a satisfactory legal agreement preventing coach party bookings, the development would not generate congestion or disturbance as a result of coach parking. Acceptable provision would be made for cycle parking. The public transport accessibility level of the site is high. Acceptable provision for servicing and the storage and collection of refuse and recyclables would be provided. The proposal is thereby in accordance with policies DM J1, DM J5 and DM J6 of the Development Management Local Plan (2013).

4.4 The application proposes a number of measures to reduce CO2 emissions from the baseline using passive design measures as well as a Combined Heat and Power (CHP) system. Any shortfall would be off-set by a developer contribution towards off-site carbon reduction measures. Renewable technologies would also be included as part of the development. The proposal would seek to reduce pollution and waste and minimise its environmental impact. Policy CC1 of the Core Strategy 2011 and Policies 5.2, 5.5, 5.6 and 5.7 of The London Plan 2016 are therefore satisfied.

4.5 On balance, the impact of the proposed development upon adjoining occupiers is not considered unacceptable. Measures would be secured by conditions to minimise noise and disturbance to nearby occupiers from the development. In this regard, the development would respect the principles of good neighbourliness, and thereby satisfy policy DM H9 and DM H11 of the Development Management Local Plan 2013.

4.6 The development would provide a safe and secure environment for all users in accordance with London Plan Policy 7.3 and DMLP Policy DM G1. The proposal would provide ease of access for all people, including disabled people, in accordance with London Plan Policy 4.5, Core Strategy Policy H4 and the Council's Adopted Supplementary Planning Document (SDP) 'Access for All'.

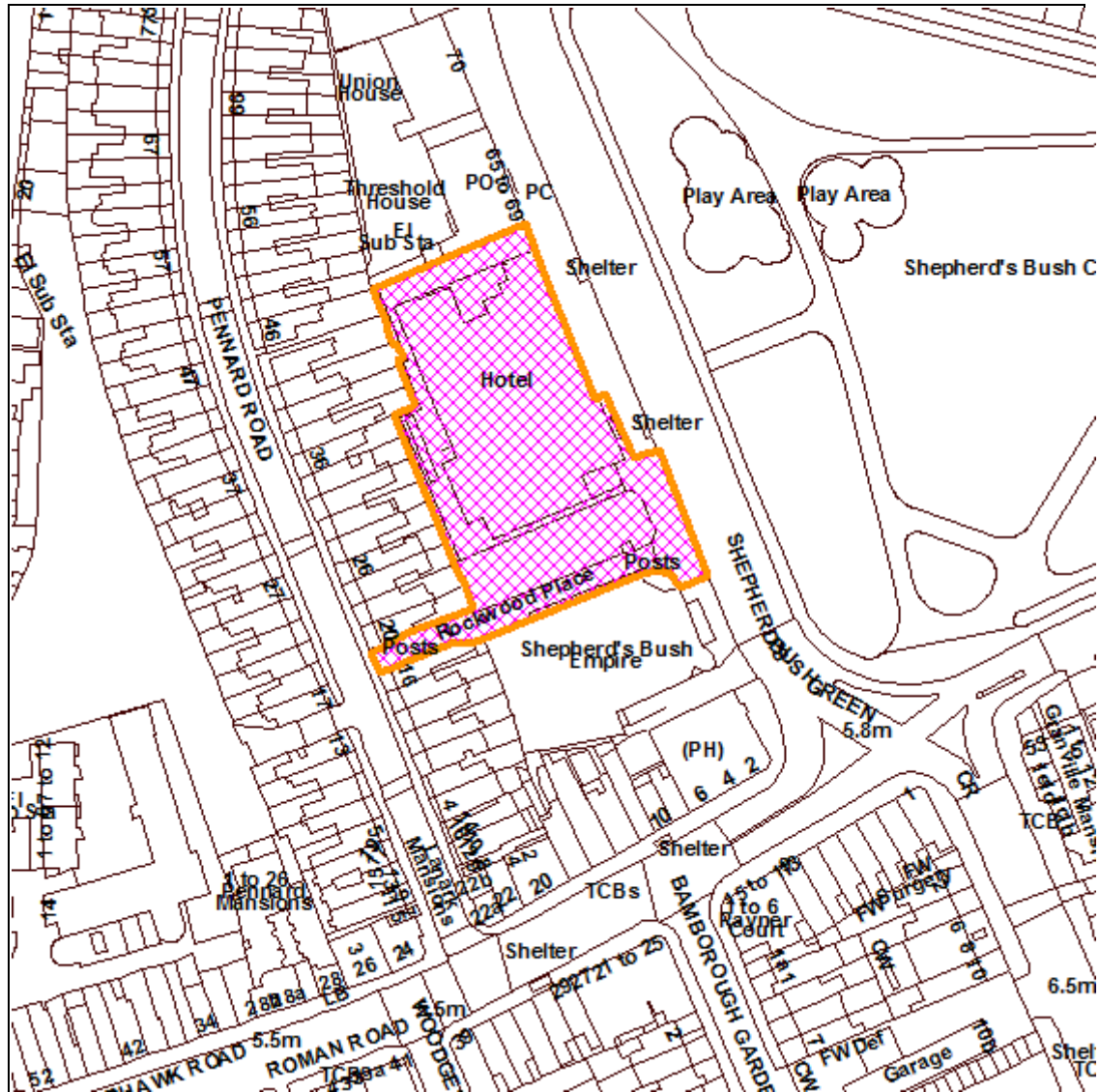
4.7 Conditions would ensure that the site would be remediated to an appropriate level. The proposed development therefore accords with policy 5.21 of The London Plan 2016, Policy CC4 of the Core Strategy and Policy DM H7 of the Development Management Local Plan 2013.

4.8 It is therefore recommended that (i) planning permission be granted, subject to conditions and a satisfactory legal agreement being entered into and (ii) listed building consent be granted, subject to conditions.

**Ward:** Shepherd's Bush Green

**Site Address:**

Walkabout Inn Including Part Of The Dorsett Hotel 56 And 58  
Shepherd's Bush Green London W12 8QE



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

**Reg. No:**  
2016/04045/LBC

**Case Officer:**  
Neil Egerton

**Date Valid:**  
16.09.2016

**Conservation Area:**  
Shepherds Bush Conservation Area - Number 21

**Committee Date:**  
14.03.2017

**Applicant:**

TBA

C/O Agent

**Description:**

Erection of a new single storey side extension (replacing existing modern extension) linking into the proposed development at 56 Shepherds Bush Green.

Drg Nos:

**Application Type:**

Listed Building Consent

**Officer Recommendation:**

That the application be approved subject to the condition(s) set out below:

- 1) The works hereby granted consent shall not commence later than the expiration of 3 years beginning with the date upon which this consent is granted.

Condition required to be imposed by Section 18(1)(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by section 91 of the Planning and Compensation Act 2004).

- 2) The works hereby approved are only those specifically stated in the written description and indicated on the approved drawing numbers:

PL-00-101G, 103G, PL-02-099G, 100G, 108G, 301G, 302G, 303G, 304G, PL-10-100L, 101K, 201M, 202L, 301I, 302I, A-LBA-001 to 004.

In order to safeguard the special architectural or historic interest of the building and its setting, in accordance with Development Management Local Plan (2013) policies DM G1, DM G3, DM G5 and DM G7, and Core Strategy (2011) policy BE1.

- 3) All new works and finishes and works of making good to the retained fabric shall match the existing adjacent work with regard to the methods used and to materials, colour, texture and profile unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

In order to safeguard the special architectural or historic interest of the building and its setting, in accordance with Development Management Local Plan (2013) policies DM G1, DM G3, DM G5 and DM G7, and Core Strategy (2011) policy BE1.

- 4) Prior to commencement of the development hereby permitted (save for demolition and site clearance), the following details of all new facades including canopies, steps and junctions with existing fabric in plan, section and elevation drawings at a scale of no less than 1:10 shall be submitted to, and approved in writing by, the Council. The development shall be carried out in accordance with the approved details.

In order to safeguard the special architectural or historic interest of the building and its setting, in accordance with Development Management Local Plan (2013) policies DM G1, DM G3, DM G5 and DM G7, and Core Strategy (2011) policy BE1.

- 5) Prior to commencement of the development hereby permitted (save for demolition and site clearance), particulars and samples of all new external materials shall be submitted to and approved in writing by the council. The development shall only be carried out in accordance with the details approved and it shall thereafter be permanently retained as such.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, to preserve the character and appearance of the conservation area; and the setting and special architectural and historic interest of the listed building and adjacent listed buildings in accordance with policies 7.1, 7.6 and 7.9 of The London Plan (2016), policy BE1 of the Core Strategy (2011), policies DM G1, DM G3 and DM G7 of the Development Management Local Plan (July 2013) and guidance contained within the Planning Guidance Supplementary Planning Document (2013).

- 6) All new works and finishes and works of making good to the retained and reinstated fabric shall match the existing adjacent work associated with the 1923 facade design with regard to the methods used and to materials, colour, texture and profile unless shown otherwise on the approved plans or other documents hereby approved or required by any condition attached to this permission.

To ensure a satisfactory external appearance and prevent harm to the street scene, and to safeguard the amenities of neighbouring residential occupiers, in accordance with policies DM G1, DM G7, DM H9 and DM H11 of the Development Management Local Plan 2013.

#### **Justification for Approving the Application:**

- 1) The scale, mass, bulk, and external appearance of the redevelopment is considered to be acceptable, and details would be secured by conditions. The new building would complement the character of the adjacent listed building, and respect the local architectural and townscape importance and qualities of the property. The resultant harm to the significance of the listed building would be less than substantial, and outweighed by the public benefits of the scheme. The proposed redevelopment is considered to preserve the character and appearance of the conservation areas, the special architectural and historic interest of the listed building, its setting, and the setting of nearby heritage assets. Duties in sections 16, 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are considered to have been met. The proposal would also meet the aims of Paragraphs 129 and 132 of the NPPF, and comply with Core Strategy Policy BE1 (2011) and Policies DM G1, DM G3 and DM G7 of the Development Management Local Plan (2013).
-

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

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

Application form received: 9th September 2016  
Drawing Nos: see above

**Policy documents:** National Planning Policy Framework (NPPF) 2012  
The London Plan 2016  
LBHF - Core Strategy Local Development Framework 2011  
LBHF - Development Management Local Plan 2013  
LBHF - Planning Guidance Supplementary Planning Document  
2013

**Consultation Comments:**

<b>Comments from:</b>	<b>Dated:</b>
The Theatres Trust	21.10.16
Twentieth Century Society	26.10.16
Victorian Society	24.11.16
Historic England London Region	08.11.16
Heritage Of London Trust	25.10.16

**Neighbour Comments:**

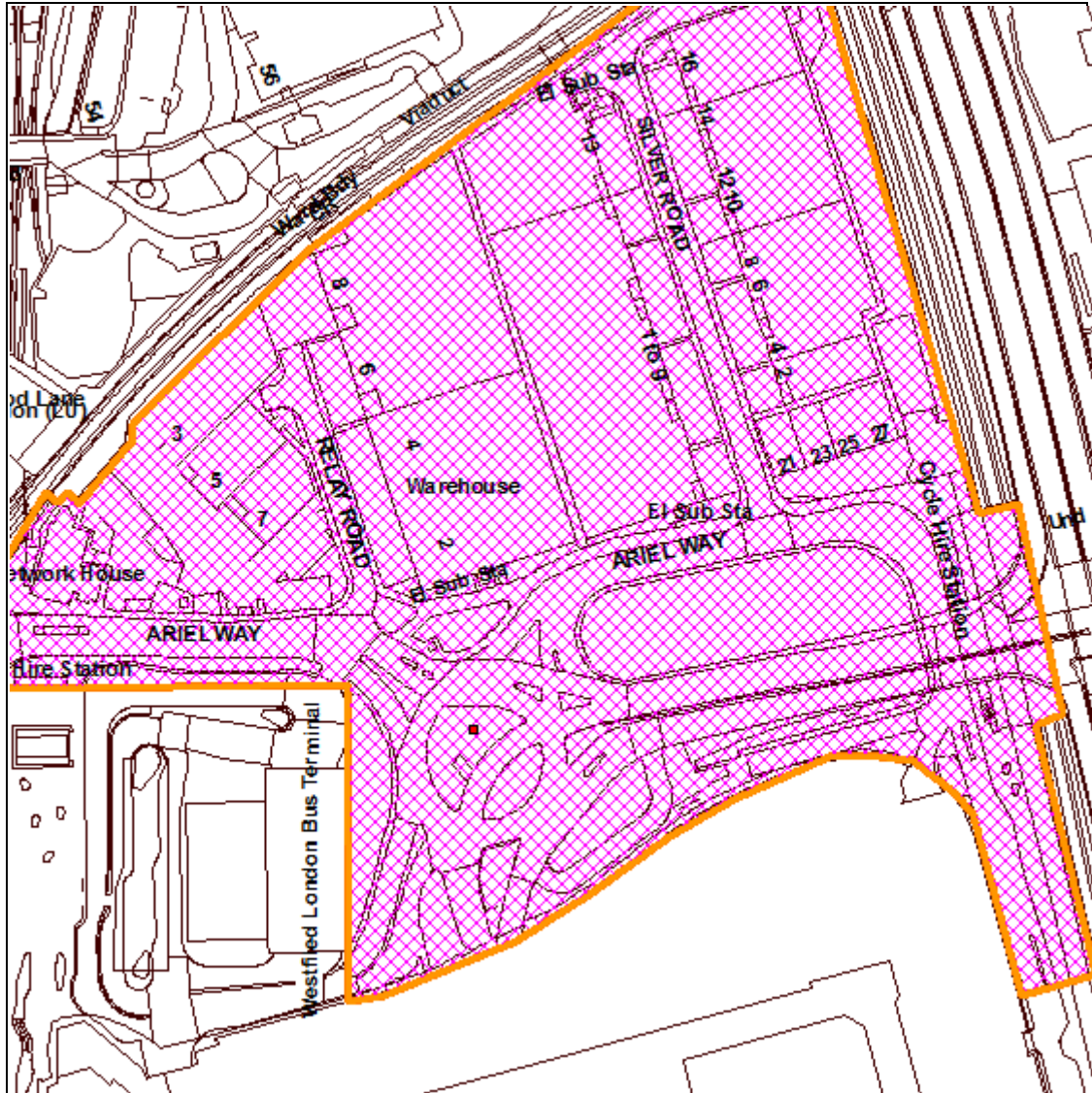
<b>Letters from:</b>	<b>Dated:</b>
12 Richford Street London W6 7HH	22.09.16
105 Emlyn Road London W12 9TG	07.10.16
Squire Patton Boggs (UK) LLP 6 Wellington Place LS1 4AP	17.10.16

See 2016/04044/FUL for joint report

**Ward:** Shepherd's Bush Green

**Site Address:**

Land North Of Westfield Shopping Centre Ariel Way London



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

**Reg. No:**  
2016/05319/RES

**Case Officer:**  
Sally Shepherd

**Date Valid:**  
09.12.2016

**Conservation Area:**

**Committee Date:**  
14.03.2017

**Applicant:**

Westfield Europe Limited  
c/o Agent

**Description:**

Submission of reserved matters relating to access, appearance, layout and scale of Phases B and C of Plot A pursuant to outline planning application 2016/03944/VAR. The proposal includes 78, 573 sqm of retail floorspace (Class A1); 2,117sqm of restaurant floorspace (Classes A3, A4, A5) and 518 non-residential car parking spaces (Class Sui Generis) and comprises the retail extension and the anchor store of the Westfield Phase 2 development.  
Drg Nos: See condition 2.

**Application Type:**

Submission of Reserved Matters

**Officer Recommendation:**

That the application be approved subject to the condition(s) set out below:

1) APPROVED DRAWINGS

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

W2-SRA-BM-EZ-DR-A-08003-P00; W2-SRA-J1-20-DR-A-08001-P00;  
W2-SRA-J1-40-DR-A-08001-P00; W2-SRA-J1-50-DR-A-08001-P00;  
W2-SRA-J1-55-DR-A-08001-P00; W2-SRA-J1-60-DR-A-08001-P00;  
W2-SRA-J1-63-DR-A-08001-P00; W2-SRA-J1-70-DR-A-08001-P00;  
W2-SRA-J1-EE-DR-A-08001-P00; W2-SRA-J1-EE-DR-A-08002-P00;  
W2-SRA-J1-EE-DR-A-08003-P00; W2-SRA-J1-EN-DR-A-08001-P00;  
W2-SRA-J1-EN-DR-A-08002-P00; W2-SRA-J1-EN-DR-A-08003-P00;  
W2-SRA-J1-ES-DR-A-08001-P00; W2-SRA-J1-EW-DR-A-08001-P00;  
W2-SRA-J1-EW-DR-A-08002-P00; W2-SRA-J1-SZ-DR-A-08001-P00;  
W2-SRA-J1-SZ-DR-A-08002-P00; W2-SRA-N2-EE-DR-A-08001-P00;  
W2-SRA-N2-EE-DR-A-08003-P00; W2-SRA-N2-EW-DR-A-08004-P00;  
W2-SRA-N3-EE-DR-A-08001-P01; W2-SRA-N3-EE-DR-A-08002-P01;  
W2-SRA-ZA-00-DR-A-08001-P00; W2-SRA-ZA-20-DR-A-08011-P01;  
W2-SRA-ZA-30-DR-A-08001-P00; W2-SRA-ZA-40-DR-A-08001-P00;  
W2-SRA-ZA-50-DR-A-08001-P00; W2-SRA-ZA-55-DR-A-08001-P00;  
W2-SRA-ZA-60-DR-A-08001-P00; W2-SRA-ZA-63-DR-A-08001-P00;  
W2-SRA-ZA-65-DR-A-08001-P00; W2-SRA-ZA-70-DR-A-08001-P00;  
W2-SRA-ZA-EE-DR-A-08001-P00; W2-SRA-ZA-EW-DR-A-08001-P00;  
W2-SRA-ZA-SZ-DR-A-08001-P00; W2-SRA-ZA-SZ-DR-A-08002-P00;  
W2-SRA-ZA-SZ-DR-A-08003-P00; W2-SRA-ZA-SZ-DR-A-08004-P01;  
W2-SRA-ZA-SZ-DR-A-08005-P00; W2-SRA-N2-00-DR-A-08009-P00;  
W2-SRA-N3-00-DR-A-08001-P00; W2-SRA-J1-20-DR-A-08002-P00.

Westfield London Phase 2 Block A Design Statement prepared by Glen Howells Architects dated October 2016; Planning and Compliance Statement prepared by



Montagu Evans dated December 2016; EIA Compliance letter prepared by Ramboll Environ dated 18/01/2017.

Reason: To ensure full compliance with the application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policy BE1 of the London Borough of Hammersmith and Fulham Core Strategy (2011) and Policies DM G1 and DM G7, of the Development Management Local Plan (2013).

## 2) VITRINES DISPLAY MANAGEMENT

Prior to the occupation of the development hereby approved, details of a strategy for the use, maintenance and management of the displays within the vitrines shall be submitted to and approved in writing by the Local Planning Authority. The management strategy shall include evidence of partnerships between the applicant and local businesses, colleges and/or community groups and examples of installations to be displayed as well as confirmation of the arrangements for selecting and managing the installations. The vitrine displays shall be carried out in accordance with the approved strategy (which shall be complied with at all times unless otherwise agreed in writing by the Local Planning Authority).

Reason: To ensure that the scheme creates a high quality environment with active frontages and allows for provision for public art as part of the urban design process in enhancing public spaces in accordance with policies 7.1, 7.3, 7.4, 7.5 and 7.6 of the London Plan (2016), policy BE1 of the Core Strategy (2011) and policies DM G1 and DM G4 of the Development Management Local Plan (2013).

## 3) VITRINES LIGHTING

Prior to the occupation of the development, details of the proposed lighting within the vitrines shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the number, exact location, height, design and appearance of the lighting within the vitrines, together with data concerning the levels of illumination and light spillage and the specific measures, having regard to the recommendations of the Institution of Lighting Engineers in the 'Guidance Notes for the Reduction of Light Pollution 2011' to ensure that any lighting proposed does not harm visual or residential amenity.

Any lighting (including light from the installations on display) within the vitrines must not exceed 300cd/m<sup>2</sup> during the hours of darkness and any external artificial lighting shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals in the 'Guidance Notes For The Reduction Of Light Pollution 2011'. Lighting should be minimized and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Notes. The lighting must be static and contain no moving features, flashing, animation, intermittent light source or exposed cold cathode tubing. No part of the development hereby approved shall be used or occupied until the lighting has been installed in full accordance with the approved details.

Reason: To ensure a satisfactory external appearance and to prevent harm to the occupiers of neighbouring properties, in accordance with policies 7.3 and 7.13 of

the London Plan (2016), policies BE1 and CC4 of the Core Strategy (2011) and policy DM G1 and DM H10 of the Development Management Local Plan (2013).

#### 4) DETAILED DRAWINGS - BLOCK A3 NORTH ELEVATION

Notwithstanding the details shown in the approved plan W2-SRA- J1-EN-DR- A-08001 P00, detailed drawings of key bays at level 20 and level 40 of the north elevation of Block A3 at a scale of not less than 1:20 in plan, section and elevation shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the relevant part of the development hereby approved (unless otherwise agreed in writing).

The drawings shall show how the level 20 north elevation will be active and transparent (in accordance with the Design Code G3.5) and composed as a front (in accordance with the Design Code G6.4). The drawings shall include details of a supermarket entrance and the kiosk with a combined width of no less than 10 metres on the level 20 north elevation. The drawings shall show clear glazing in no less than 80% of the 21m wide section of the level 20 north elevation comprising the staff entrance and the emergency exits. No part of the development shall be used prior to the completion of that part of the development in accordance with the approved details, which shall be permanently retained thereafter.

Reason: To comply with approved Design Codes G3.5 and G6.4 and to ensure a satisfactory external appearance, in accordance with policies 7.1, 7.3, 7.4, 7.5 and 7.6 of the London Plan (2016), policy BE1 of the Core Strategy (2011) and policies DM G1, DM G2 and DM G4 of the Development Management Local Plan (2013).

#### 5) DETAILS AND SAMPLES OF MATERIALS

Notwithstanding the details shown on the approved drawings, details and samples of the materials to be used on all external faces including windows, roofs and external ceiling soffits of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant part of the development hereby approved. A sample panel of the GRC panels and the roof top screening panels shall be erected on site in accordance with the submitted details for the inspection of the Local Planning Authority's Urban Design and Conservation Officer prior to the determination of the submitted details application. No part of the development shall be used or occupied prior to the completion of that relevant part of the development in accordance with the approved details, which shall be permanently retained thereafter.

Reason: To ensure a satisfactory external appearance and to prevent harm to the visual amenity of the street scene and public realm, in accordance with policies 7.1 and 7.5 of the London Plan (2016), policy BE1 of the Core Strategy (2011) and policies DM G1, DM G2, DM G6 and DM G7 of the Development Management Local Plan (2013).

#### 6) FAÇADE ACCESS AND MAINTENANCE STRATEGY

Prior to the commencement of the relevant part of the development hereby approved, a façade access and maintenance strategy including details of any building maintenance units shall be submitted and approved in writing by the Local

Planning Authority. No part of the development shall be used or occupied prior to the completion of that relevant part of the development in accordance with the approved details, which shall be permanently retained thereafter.

Reason: To ensure a satisfactory external appearance and to prevent harm to the visual amenity of the street scene and public realm, in accordance with policies 7.1 and 7.5 of the London Plan (2016), policy BE1 of the Core Strategy (2011) and policies DM G1, DM G2, DM G6 and DM G7 of the Development Management Local Plan (2013).

## 7) ADVERTISEMENTS

Notwithstanding the details shown on the approved drawings, no advertisements shall be displayed on or within any elevation of the building itself, without details of the advertisements having first been submitted to and agreed in writing by the Local Planning Authority. The display of any advertisements shall be carried out in accordance with the approved details.

Reason: In order that any advertisements displayed on the building are assessed in the context of an overall strategy, so as to ensure a satisfactory external appearance and to preserve that integrity of the design of the building, in accordance with policy BE1 of the Core Strategy (2011) and policy DM G8 of the Development Management Local Plan (2013).

## 8) EXTERNAL ALTERATIONS TO THE BUILDING

No alterations shall be carried out to the external appearance of the building, including the installation of air-conditioning units, ventilation fans and extraction equipment not shown on the approved drawings, without permission first being obtained from the Local Planning Authority. Any such changes shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policy BE1 of the Core Strategy 2011 and Policies DM G1 and G7 of the Development Management Local Plan 2013.

## 9) GPDO TELECOMMUNICATIONS

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any external part of the approved buildings, without planning permission first being obtained. Any such changes shall be carried out in accordance with the approved details.

Reason: In order to ensure that the Local Planning Authority can fully consider the effect of telecommunications equipment upon the appearance of the building in accordance with Policy BE1 of the Core Strategy (2011) and policies DM G1 and DM G7 of the Development Management Local Plan (2013).

## **Justification for Approving the Application:**

- 1) Land Use: The principle of the retail extension which forms part of a comprehensive mixed-use redevelopment has been established by the outline planning permission (as amended by planning application ref. 2016/03944/VAR). The proposed development would contribute to the regeneration of the area, improve the vitality and viability of Shepherds Bush Metropolitan Town Centre, improve employment opportunities and promote sustainable economic growth in accordance with Strategic Policy C and Strategic Policy WCOA of the Core Strategy as the implementation of the development. The proposed development is therefore considered to be acceptable and would be in accordance with policies 2.13 and 2.15 of the London Plan (2016), Strategic Policies WCOA, WCOA1, B, C and LE1 of the Core Strategy (2011) and policies DM B1, DM C1 and DM D2 of the Development Management Local Plan (2013).

Design and Heritage: The proposed development would be a high quality development which would make a positive contribution to the urban environment in this part of the Borough and is considered suitable in relation to the site's location and context and would preserve the setting of adjacent listed buildings and the setting of the Wood Lane Conservation Area. The reserved matters are considered to be in general conformity with the approved parameters plans set out in the outline planning permission and the detailed design is broadly consistent with the design codes for this parts of the development. The development would therefore be acceptable in accordance with the NPPF (2012), policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6 and 7.7 of the London Plan (2016), policy BE1 of the Core Strategy (2011), policies DM G1, DM G2, DM G4, DM G6, and DM G7 of the Development Management Local Plan (2013) and SPD Design Policies 44 and 48 which seek a high quality in design and architecture, requiring new developments to have regard to the pattern and grain of existing development.

Safety and Access: The development would provide a safe and secure environment for all users in accordance with policies 7.1, 7.2 and 7.3 of the London Plan (2016), policy DM G1 of the Development Management Local Plan (2013), as well as the Council's adopted supplementary planning document (SPD) 'Access for All'.

Transport: Satisfactory provision would be made for car and cycle parking, adequate servicing facilities and provision for storage and collection of refuse and recyclables would also be provided in accordance with the conditions and S106 obligations secured by the outline permission (as amended by planning application ref. 2016/03944/VAR). The development would therefore be acceptable in accordance with the NPPF (2012), policies 6.1, 6.3, 6.9, 6.10, 6.11, 6.13 of the London Plan (2016), policies T1 and CC3 of the Core Strategy (2011), and policies H5, J1, J2, and J5 of the Development Management Local Plan (2013).

Amenity and Impact on Neighbouring Properties: The impact of the proposed development upon adjoining occupiers is considered acceptable with no significant worsening of noise, overlooking, loss of sunlight or daylight or outlook to cause undue detriment to the amenities of neighbours. In this regard, the development would respect the principles of good neighbourliness. The development would therefore be acceptable in accordance with policy 3.5 of the London Plan (2016) and Policies G1, H9, H10 and H11 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: 8th December 2016

Drawing Nos: see above

**Policy documents:** National Planning Policy Framework (NPPF) 2012  
The London Plan 2016  
LBHF - Core Strategy Local Development Framework 2011  
LBHF - Development Management Local Plan 2013  
LBHF - Planning Guidance Supplementary Planning Document  
2013

**Consultation Comments:**

**Comments from:**

**Dated:**

**Neighbour Comments:**

**Letters from:**

**Dated:**

**1. BACKGROUND AND SITE DESCRIPTION**

**Background**

1.1 This report comprises an assessment of the proposed Second Reserved Matters Application (RMA) ("Second Plot A RMA") for the Retail Extension (Plot A) submitted pursuant to 2016 S73 Application (Ref. 2016/03944/VAR) for the comprehensive redevelopment of the Land to the North of the Westfield London Shopping Centre.

1.2 In September 2014, the applicant secured outline planning permission (Ref. 2013/05115/OUT) for the comprehensive redevelopment of the Land to the North of the Westfield London Shopping Centre to comprise a mix of uses (A1, A3, A4, A5, B1, D1, D2 and C3) across distinct building blocks ranging from 2 to 23 storeys. This permission is referred to as "the 2014 Consent".

1.3 In October 2015, planning permission was granted for a Section 73 application (Ref. 2015/02565/VAR) for minor material amendments to the 2014 Consent to allow for design development undertaken since the outline scheme was approved. This permission is referred to as "the 2015 S73 Consent".

1.4 Planning permission was granted in April 2016 for the first reserved matters application for Plot A (Ref. 2015/05217/RES) which is referred to as "the First Plot A RMA". The First Plot A RMA sought reserved matters approval for access, appearance, layout, and scale of the structure (Phase B) and envelope (Phase C) of Plot A (and part of Plot P which is the podium level plot).

1.5 On 9th November 2016, LBHF planning committee resolved to grant planning permission subject to a s106 legal agreement for a second s73 application which sought

to amend the 2015 consent (Ref. 2016/03944/VAR). The amendments included alterations to the floorspace as well as vertical and horizontal alterations to the plot parameter plans. This application is referred to as the "the 2016 S73 Application". The permission is pending determination subject to the completion of a s106 legal agreement.

1.6 The applicant submitted the 2016 S73 Application for two reasons. The first was to increase the height parameters of the residential Plot K to allow for two additional residential floors. The second reason was to amend the approved floorspace quantities and level of deviation for Plots A and D to facilitate the submission of a subsequent full planning application to extend the Retail Extension (Plot A) to create additional retail and restaurant floorspace. This subsequent full planning application (Ref. 2016/04602/FUL) was submitted in December 2016 and is referred to as "the Restaurant Block".

1.7 To facilitate the Restaurant Block, a second Reserved Matters Application for the Retail Extension (Plot A) was submitted to enable the development proposed in the Restaurant Block to be attached to Plot A.

1.8 This report considers the Second Plot A RMA (Ref: 2016/05319/RES) which seeks reserved matters approval for access, appearance, layout and scale of the structure (Phase B) and envelope (Phase C) of Plot A "the Retail Extension". The application has been submitted pursuant to the 2016 S73 Application and is referred to as "the Second Plot A RMA".

1.9 In summary, this application (the Second Plot A RMA) has been submitted to facilitate the Restaurant Block proposal and seeks permission for the following details:

- o To allow the Retail Extension to extend beyond the First Plot A RMA building line to join the Restaurant Block;
- o To amend the quantity of floorspace;
- o To amend the material to be used on the external elevations of the Mall Extension;
- o To amend the design and size of the proposed car park ramp;
- o To provide further details which were previously conditioned under the First Plot A RMA such as the details of the undercroft, the rooftop plant screening and the 'vitrines' along Silver Street.

1.10 The report should be read in conjunction with the First Plot A RMA report (Ref. 2015/05217/RES) as well as the 2016 S73 Application (Ref. 2016/03944/VAR). To avoid unnecessary repetition, the assessment within this report focuses on the revisions to the scheme when compared with the recently approved First Plot A RMA.

1.11 Officers advise that the Second Plot A RMA is considered in conjunction with the full planning application for the Restaurant Block. The details submitted in the Second Plot A RMA show that the Retail Extension will be physically connected to the proposed Restaurant Block. The upper floors of the Restaurant Block would be accessed via the Retail Extension and the Restaurant Block would not be deliverable as a self-standing building as it is reliant on the Retail Extension for access, servicing and parking. As the Retail Extension would need to be built out at the same time as the Restaurant Block, the Second Plot A RMA application and the Restaurant Block application will be heard together at the same Planning Committee.

## Site Description

1.12 The application site is located to the north of the existing Westfield London Shopping Centre and comprises an area of approximately 3.3 hectares. The application site relates to 'Plot A' as defined by parameters plan WLD 006 of the 2016 S73 Application and relates to the Retail Extension. Plot A sits within the central zone of the Westfield Phase 2 masterplan and is laid out in three blocks above the plinth level.

1.13 The north and north-western boundary of the site is formed by the Hammersmith and City railway line and viaduct, while the London Overground railway line and the West Cross Route (A3220) form the eastern boundary. To the west of the site is Wood Lane (the A219) and to the south is the existing Westfield London Shopping Centre. The Public Transport Accessibility Level (PTAL) rating of the site ranges between 5 (very good) and 6 (excellent).

1.14 The site was formerly occupied by the White City Industrial Estate which comprised several single storey industrial buildings used for a range of industrial and warehouse uses falling within Use Classes B1, B2 and B8. Vehicular access to the industrial estate was provided via Silver Road and Relay Road from Ariel Way. Network House is located to the west of the site and comprises a seven storey office block which is due to be demolished in April 2017.

1.15 The site is currently a construction site as the frame of the Retail Extension is currently being constructed in accordance with the first Plot A RMA (Ref. 2015/05217/RES) that this application seeks to amend. Details of the basement which sits below Plot A were approved under application (Ref. 2015/01447/RES) and the basement (Phase A) has been constructed in accordance with this consent.

1.16 To the south of Ariel Way and immediately to the north of Westfield London Shopping Centre are various vehicular access roads which serve the visitors car park and servicing areas of the Shopping Centre. Ariel Way has been stopped up and LBHF planning committee resolved to grant planning permission to re-align Ariel Way in April 2016. The permission is pending determination subject to the completion of a s106 legal agreement.

1.17 Immediately to the east of Wood Lane and to the south of Ariel Way is the Grade II listed DIMCO Building which houses a substation that serves London Underground. The outline planning permission development site excludes the DIMCO buildings and so the buildings do not form part of the comprehensive redevelopment.

## Surrounding Area

1.18 The site falls within a larger parcel of land sandwiched between Wood Lane (the A219) to the west, the Westway (A40) to the north, the West Cross Route (the A3220) and railway lines to the east and Shepherds Bush Green to the south. This area is occupied by buildings with a large footprint, including the existing Westfield London Shopping Centre, warehouses and office buildings.

1.19 The West Cross Route (A3220) is a dual carriage way connecting the Westway (A40) and Holland Park Roundabout. It is set at an elevated level for much of its length, therefore acting as a major physical barrier between the areas either side of it.

1.20 The area immediately to the east of the West Cross Route is occupied by office buildings including the Yellow Building occupied by Monsoon Accessorize Ltd, the White Building occupied by Talk-Talk and the Studio Building. These buildings are large in scale and define the urban context of the immediate area, which is particularly relevant to the development site. To the west of the site, Wood Lane (A219) links the Westway to the north and Uxbridge Road to the south, varying in character and scale along its length. There are a mix of commercial and residential buildings along Wood Lane including the BBC Television Centre which is Grade II Listed. The White City Estate is situated north of the BBC TV Centre and the BBC Media Village is located beyond that which contains large buildings set around pedestrian streets and a public space. The Wood Lane Conservation Area lies directly to the north and west of the site.

1.21 The existing Westfield London Shopping Centre and residential development is located to the south of the site. The western element is residential in character, dominated by terraced housing, largely Victorian in origin. The streets to the south west of the site are set on a regular and tight grid and are aligned in a north-south direction. These streets are predominantly occupied by two to three storey terraced houses.

1.22 In terms of local transport links, Wood Lane Underground Station is to the north-west of the site and is served by the Hammersmith and City Line. Shepherds Bush Underground Station is located approximately 455m to the south of the Site, and is served by the Central Line. Adjacent to Shepherds Bush Underground Station is an integrated bus station interchange and Shepherds Bush Overground station. White City Underground Station is located approximately 280m to the north of the site and served by the Central Line.

#### Development within the Surrounding Area

1.23 The following section provides a summary of the most recently approved developments which are in the immediate vicinity of the application site.

#### BBC Television centre

1.24 In July 2014, Stanhope PLC secured planning permission for the comprehensive redevelopment of the former BBC Television Centre site (Ref. 2013/02355/COMB) which was subsequently varied in February 2015 (Ref. 2014/04720/VAR) alongside the relevant accompanying listed building consents. The proposals include 943 residential units, 56,801sqm of B1 floorspace and 11,053 sqm of A1/A2/A3/A4 floorspace and includes a tall building of 25 storeys, lying directly to the west of Wood Lane. Works began on site in 2015.

#### St James, White City.

1.25 The land immediately to the north of the Westfield application site is the former M&S site which was acquired by St James in 2013. On 19th May 2015, LBHF planning committee resolved to grant part outline/detailed planning permission, subject to any subsequent direction from the Mayor of London, and subject to planning conditions and s106 for the comprehensive redevelopment of the site. The permission approved the erection of new buildings ranging from 10 to 28 storeys; up to 1,465 residential units; provision of a mix of commercial uses (A1 - A5, B1, D1 and D2); provision of new accessible open space; provision of new pedestrian and vehicle routes, accesses, and amenity areas.



## Former Dairy Crest Site

1.26 The large site immediately to the north of the St James site comprises the former Unigate Dairy Crest factory and distribution centre. On 21st November 2014, LBHF's Planning Committee resolved to grant planning permission for the comprehensive redevelopment of the former Dairy Crest site off Wood Lane. This permission approved the demolition of all existing buildings on site and the development of up to 1,150 new homes, 19,623sqm of office accommodation and 2,320 sqm of retail floorspace. The former Unigate Dairy Crest site was previously owned by Aviva Investors / Helical Bar plc. and was sold to Imperial College London in August 2013.

## Imperial West

1.27 In November 2010, LBHF granted permission (Ref. 2010/02218/FUL) for the redevelopment of part of the Imperial College Campus at Woodlands (Phase 1), comprising 608 self-contained flats for post graduate students, nine 3-bed flats for academics and 120 sqm of Class D1 floorspace. The development comprised the erection of four interconnected buildings ranging from three to ten storeys. This development has been completed and occupied since September 2012.

1.28 Permission was subsequently granted in July 2012 (Ref. 2011/04016/COMB) for Phase 2, comprising the erection of six buildings of up to 35 storeys to provide A1, A3, B1, C1, C3, D1 and D2 floorspace. In August 2013, Imperial College completed the purchase of the former Dairy Crest Site, increasing its land holdings to a total of 22.75 acres across one contiguous site. It is anticipated that a revised planning application for the site will come forward at a later date.

1.29 In March 2016, permission was granted (Ref. 2015/01329/FUL) for the erection of a Biomedical Engineering Research Hub (Block E) which would be a 13-storey building plus two levels of basement comprising research laboratories and offices (Class B1) together with a clinical facility, lecture theatre and other ancillary uses, as well as a ground floor shop / café (flexible A1 - A3 use).

## St James, White City

1.30 Berkley Group subsidiary St James submitted an application for outline planning permission to LBHF in September 2014 (Ref. 2014/04726/OUT), seeking consent for the comprehensive redevelopment of the Site comprising the:

- o Provision of up to 1,465 residential units;
- o Provision of a mix of commercial uses (A1 - A5, B1, D1 and D2);
- o Provision of a new publicly accessible open space;
- o Provision of new pedestrian and vehicle routes, accesses and amenity areas;
- o Erection of new buildings ranging from 10 to 28 storeys.

1.31 This application was considered by LBHF's Planning Committee in May 2015. The Committee resolved to grant permission for the proposals with planning permission issued on 16 December 2015. Further revisions to the plans were made in April and December 2015 to deliver 19 additional affordable housing units within Phase 2 and six additional private residential units within Phase 1.

## 2.0 RELEVANT PLANNING HISTORY

### Westfield London Shopping Centre

2.1 On 29th March 1996, planning permission (ref. 1993/01830/OUT) was granted for the Westfield London Shopping Centre. This included the land to the south of Ariel Way to provide the access and servicing roads to the shopping centre.

2.2 On 23rd December 2002, a further outline planning permission (ref. 2000/01642/OUT) was granted for the southwest corner Retail Extension which delivered additional retail floorspace, community facilities and an art gallery.

2.3 On 29th May 2013, full planning permission (ref. 2013/01074/FUL) was granted for the extension of the existing shopping centre at roof level to comprise 3,092 sqm (Gross Internal Area (GIA)) retail floorspace (A1 Use Class) and 7,249 sqm (GIA) leisure floorspace (D2 Use Class), (spilt over a full floor and mezzanine level) to be occupied by a Children's Education and Entertainment use ("the CEE Attraction") (known as Kidzania), located above the new M&S floor. The application also included identification of external signage zones, relocation of existing plant and addition of new plant and associated works.

2.4 On 31st July 2013, full planning permission (ref. 2013/01768/FUL) was granted for the extension of the existing shopping centre at roof level comprising additional office floorspace (1490.34sqm) (Class B1), relocation of existing plant and addition of new plant and associated works.

### Land to the north of the existing Westfield London shopping centre

2.5 On 29th March 2012, outline planning consent (ref. 2011/02940/OUT) was granted for the redevelopment of land to the north of Ariel Way to allow a mixed use scheme consisting of new additions and alterations to the existing Westfield London shopping centre. The permitted scheme comprises up to 50,855 sqm Class A1 (Retail), up to 5,070 sqm Classes A3, A4 and A5 (Restaurants, Cafes, Bars, Hot-food Take-away use), up to 540 sqm Class B1 (Offices), up to 1,520 sqm Class D1 (Community use) and up to 1,758 sqm Class D2 (Leisure use) floorspace, as well as up to 1,522 residential units.

2.6 On 5th September 2014, a second outline planning permission (ref. 2013/05115/OUT) was granted for the comprehensive redevelopment of the site to the north of the existing Westfield Shopping Centre including construction of new buildings (ranging from 2 - 23 storeys) and structures (including podium) up to 87.975m (AOD) to provide up to 61,840sqm (GEA) retail use (A1) including an anchor department store; up to 8,170sqm (GEA) restaurant and café use (A3 - A5); up to 2065sqm (GEA) office use (B1); up to 1,600sqm (GEA) community/health/cultural use (D1); up to 3500sqm (GEA) leisure use (D2) and up to 1,347 residential units.

2.7 On 15th July, an associated enabling works consent (ref. 2013/05350/FUL) connected to the outline application (ref. 2013/05115/OUT) was granted including demolition of existing buildings and associated structures, the closure and temporary diversion of highways, construction of temporary highways, excavation and construction of a tunnel and support structures to connect to the existing Westfield London basement, utilities diversions and other associated works.

2.8 On 1st July 2015, reserved matters application (2015/01447/RES) was granted to discharge access, scale and layout pursuant to condition 1 of the outline planning permission (ref. 2014/05515/OUT) for Phase A (engineering and construction operations comprising the formation of the basement and facilitating the future layout of the basement only) of the Westfield London development.

2.9 On 13th October 2015, a Section 73 application (2015/02565/VAR) to vary conditions 2, 3, 5 and 49 of the outline planning permission (ref. 2013/05115/OUT) was granted. The amendments included alterations to: site levels; the public realm; increase in massing affecting building footprint and building height; a 107sqm (GEA) overall reduction in total floorspace and changes to its apportionment to approved land uses including the removal of 2,065 sqm (GEA) B1 office floorspace; reduction in non-residential car parking spaces. It is this outline planning permission that this reserved matters application relates to.

2.10 On 7th October 2015, planning permission was granted for a non-material amendment application (ref: 2015/01569/NMAT) to the outline permission 2013/05115/OUT comprising amendments to the wording of the following conditions; 9 - Details of Typical Bays, 10 - Details of Hard and Soft Landscaping, 24 - Noise Assessment, 26 - Enhanced Sound Insulation Scheme, 66 - Bus Priority Measures, 67 - Vehicle Entry to Anchor Store, 69 - Wind / Microclimate, 77 - Business Relocation Plan, to require approval of details prior to commencement of the relevant phase of development, or part thereof.

2.11 On 13th October 2015, a Section 73 application (ref: 2015/02565/VAR) was granted to vary conditions 2, 3, 5 and 49 of the outline planning permission (ref: 2013/05115/OUT). The amendments included alterations to: site levels; the public realm; increase in massing affecting building footprint and building height; a 107sqm (GEA) overall reduction in total floorspace and changes to its apportionment to approved land uses including deletion of 2,065 sqm (GEA) B1 Office floorspace; reduction in non-residential car parking spaces.

2.12 On 6th April 2016, members of the planning committee resolved to grant planning permission subject to a s106 legal agreement for the realignment of Ariel Way. The s106 has not been signed yet and so the application is currently pending determination.

2.13 On 29th April 2016, reserved matters application (2015/05217/RES) was granted for the submission of reserved matters relating to appearance, scale, access and layout for Phases B and C (Plot A structure and envelope) of the outline permission 2015/02565/VAR comprising 75,019 sqm of A1 floorspace, 4,285sqm of A3-A5 floorspace; 2,456 sqm of D2 leisure floorspace and 518 non-residential car parking spaces pursuant to outline planning permission dated 13th October 2015 (ref: 2015/02565/VAR).

2.14 On 14th September 2016, non-material amendment application (Ref: 2016/03604/NMAT) was granted for amendment to planning permission 2015/02565/VAR dated 13th October 2015 for the relocation of the energy centre flue stack from Plot C to Plot K including a reduction in the height of the flue stack and amendments to the building line and building height of Plot K to allow the construction of the flue stack.

2.15 On 14th September 2014, members of the planning committee resolved to grant planning permission for the submission of reserved matters relating to layout, scale, appearance, access and landscaping for Plot K comprising the erection of a part 8, part 14 storey building to provide 74 residential units (30 x 1 bed, 35 x 2 bed, 9 x 3 bed) pursuant to condition 1 of outline planning permission 2015/02565/VAR dated 13th October 2015.

2.16 On 28th September 2016, planning permission (Ref: 2015/05685/FUL) was granted for erection of a covered bus layover facility beneath the Westfield London Phase 2 podium to provide 21 layover spaces and a drivers' facility, associated with the relocation of the existing White City bus layover facility from the East Dimco building.

2.17 On 9th November 2016, members of the planning committee resolved to grant planning permission for the 2016 S73 Scheme (Ref: 2016/03944/VAR) for the variation of conditions 2, 3, 5 and 49 of Outline Permission (as amended) 2015/02565/VAR granted on 13th October 2015. Amendments include an increase in the maximum building height for Plot K from 8 (43.05m AOD) and 14 (62.4m AOD) storeys to 10 (48.1m AOD) and 16 (70.2m AOD); an increase in the maximum height of the energy centre flue from 67.4m AOD to 75.2m AOD; a reduction in leisure (Class D2) and food/drink use (Classes A3-A5) and an increase in retail use (Class A1) resulting in an overall reduction in the total proposed floorspace by 42.4sqm; reduction to the limit of deviation of the south eastern façade of Plot D from +/- 5m to -5m; increase to the limit of deviation of the western canopy of the east-west link of Plot A from +/- 5m to +11m/-5m.

2.18 On 9th November 2016, members of the planning committee resolved to grant planning permission (Ref: 2016/04020/RES) for the submission of reserved matters relating to layout, scale, appearance, access and landscaping for Plot K comprising the erection of a part 10, part 16 storey building to provide 89 residential units (33 x 1bed, 45 x 2 bed, 11 x 3 bed) pursuant to outline planning application 2016/03944/VAR.

2.19 In November 2016, planning application ref. 2016/04602/FUL was registered for the erection of a four storey building comprising 3,783.4 sqm of retail use (Class A1) and 3,056.5sqm of restaurant/cafe use (Class A3-A5) adjacent to the Westfield Phase 2 extension (the Restaurant Block).

2.20 In November 2016, planning application ref. 2016/04664/RES was registered for the submission of reserved matters relating to layout, scale, appearance, access and landscaping for Phase E (Public Realm) pursuant to outline planning application (as amended) 2016/03944/VAR. This application is currently being assessed.

2.21 In November 2016, planning application ref. 2016/04581/RES was registered for the submission of reserved matters for layout, scale, appearance and access of the 24 hour east-west route through the Retail Extension (Phase D, Plot A) pursuant to outline planning application (as amended) 2016/03944/VAR.

2.22 Following the determination of the applications listed above, several non-material amendment and details applications have been submitted pursuant to the various outline, enabling works and reserved matters approvals.

### 3.0 THE CURRENT APPLICATION

#### Application Description

3.1 This application seeks approval of reserved matters relating to layout, scale, appearance and access for Phases B and C of the development, which, in accordance with the approved phasing plan (set out below), comprise the structure and building envelope (elevations) of Plot A - the Retail Extension. The Retail Extension also includes part of Plot P which is the ground floor 'plinth' level. Phases A, B and C have previously been approved under reserved matters applications pursuant to the 2015 S73 Consent and are currently under construction. However, if acceptable this current proposal would supersede the permission for Phases B and C. Reserved matters applications for Phases D and Plots E of the Retail Extension have been submitted and are under consideration (see planning history above).

#### Retail Extension Construction Phases:

- o Phase A: Basement/sub-structure (below ground)
- o Phase B: Structure (internal)
- o Phase C: Envelope (external)
- o Phase D: East-west covered link (internal)
- o Phase E: Public realm and landscaping (external)

3.2 This application has been submitted pursuant to the 2016 S73 Application (ref. 2016/03944/VAR). The 2016 S73 Application has a resolution from LBHF planning committee to grant planning permission. The permission is pending determination subject to the completion of a s106 legal agreement. The current application has been submitted pursuant to condition 1 of the 2016 S73 Application and the reserved matters application has been assessed on the basis that the s106 legal agreement for the 2016 S73 Scheme is completed and permission is issued.

3.3 The application seeks to revise the existing reserved matters permission for Plot A which was granted permission in April 2016. In summary, the application has been submitted for the following reasons:

- o To allow the Retail Extension to extend beyond the First Plot A RMA building line to join the Restaurant Block;
- o To amend the quantity of floorspace;
- o To amend the material to be used on the external elevations of the Mall Extension;
- o To amend the design and size of the proposed car park ramp;
- o To provide further details which were previously conditioned under the First Plot A RMA such as the details of the undercroft, the rooftop plant screening and the 'vitrines' along Silver Street.

3.4 The application seeks to draw down from the maximum floorspace set out in the 2016 S73 Application and comprises:

- o 78, 573 sqm of retail (Class A1) floorspace;
- o 2,117 sqm of restaurant/café/drinking establishment/takeaway floorspace (Classes A3, A4, A5); and
- o 518 non-residential car parking spaces at Levels 60 and 63.

3.5 This application proposes an additional 3,554sqm of retail floorspace over and above what was approved in the First Plot A RMA. The 2,456sqm of leisure floorspace approved under the First Plot A RMA has also been omitted from the current proposal.

3.6 Similarly to the First Plot A RMA, Plot A comprises three blocks: Block A1 (Mall Extension) A2 (Island Block) and A3 (Anchor Store). All three blocks surround the 24 hour covered east-west link (Plot D) (referred to as the Public Room in the application submission) which is a covered street connecting Relay Square in the west and Ariel Walk in the east. A separate reserved matters application has been submitted for the details of this link which is currently under consideration (Ref. 2016/04664/RES).

3.7 The Mall Extension (Block A1) and the Island Block (Block A2) would include retail and restaurant floor space, car parking and services yards and would be set out over the following levels:

- o Level 10: Basement (car park)
- o Level 20: Lower Ground floor (retail/restaurant)
- o Level 30: Mezzanine (retail)
- o Level 40: Ground floor or 'Podium' (retail/restaurant)
- o Level 50: First floor (retail)
- o Level 55: First floor mezzanine (retail)
- o Level 60: Car park level 1 (retail/car park)
- o Level 63: Car park mezzanine (car park)
- o Level 65: Retail
- o Level 70: Roof (plant)

3.8 The layout and access of the Mall Extension and Island Block will remain the same as the First Plot A RMA although the scale and appearance is different as plant screening has been added at roof level and Glass Reinforced Concrete (GRC) panels are proposed to be used on the elevations rather than the previously proposed folded aluminium panels.

3.9 Block A3 is the Anchor Store block which will be occupied by John Lewis department store from the podium level upwards (levels 40 - 60). The ground floor (level 20) will be occupied by restaurant units and a supermarket. The scale, access, layout and appearance of the Anchor Store are broadly the same as the details consented under the First Plot A RMA application. The Anchor Store would be six storeys high and would comprise the following levels:

- o Level 10: Basement (Car park)
- o Level 20: Lower Ground floor (Supermarket, restaurants, staff entrance, service yards)
- o Level 40: Ground floor or 'Podium' (Retail - John Lewis)
- o Level 50: First floor (Retail - John Lewis)
- o Level 55: Second floor (Retail - John Lewis)
- o Level 60: Third floor (Retail - John Lewis)
- o Level 65: Roof level (Plant)

3.10 This application has been submitted pursuant to condition 1 on the 2016 S73 Application. Conditions 2 and 3 are also relevant as they require all reserved matters applications to be submitted in accordance with the relevant drawings, design codes and parameters plans. For completeness, the relevant conditions are set out below.

3.11 Condition 1 of planning application 2016/03944/VAR reads:

#### TIME LIMITS AND SUBMISSION OF RESERVED MATTERS

i) No part of the development hereby permitted by this outline planning permission shall be commenced on Development Plots A, C, D, and K (as identified on drawing number WLD: 006 Development Plots: Plinth W2-WEL-ZA-00-DR-A-08006 Rev A) unless and until an application or applications for written approval of the matters reserved by this planning permission in respect of the relevant Development Plot have been made to and approved in writing by the Local Planning Authority. The reserved matters applications shall include detailed plans, sections and elevations showing:

Access;  
Layout;  
Scale;  
Appearance; and  
Landscaping.

ii) Application(s) for approval of the reserved matters for the relevant Development Plot referred to in paragraph (i) above must be made no later than the expiration of the following from the date of the original permission (from 5th September 2014):

Three years for Development Plot A and associated public realm;  
Ten years for Development Plots C and K and associated public realm;  
Fifteen years for Development Plot D and associated public realm

iii) Development of Development Plots A, C, D, and K and associated public realm for that plot to which this permission relates must be begun not later than the expiration of TWO YEARS from the final approval of reserved matters of the relevant Development Plot, or, in the case of approval on different dates, the approval of the last such matter to be approved.

Reason: To comply with Article 2 of the Town and Country Planning (Applications) Regulations 1988 as amended by the Planning (Applications for Planning Permission, Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2006 and Section 92 of the Town and Country Planning Act 1990 (as amended).

3.12 Condition 2 of planning application 2015/03944/VAR reads:

#### IN ACCORDANCE WITH APPROVED PLANS AND DOCUMENTS

i) The planning permission relating to the components of the development hereby permitted (i.e. those parts that are not to be subject to reserved matters) shall not be constructed unless in accordance with the following Parameter Plans, Parameters Report and schedules therein:

#### Parameter Plans

WLD 001 Existing Site: 684-07-001 Rev A;  
WLD 002 Planning Application Area: 684-07-002 Rev A;  
WLD 003 Existing Site Levels: 684-07-003 Rev B;  
WLD 004 Demolition: 684-07-004 Rev A;

WLD 005 Development Plots Ground: W2-WEL-ZA-00-DR-A-08005 Rev A;  
WLD 006 Development Plots Plinth: W2-WEL-ZA-00-DR-A-08006 Rev A;  
WLD 007 Proposed Site Levels: 684-07-007 Rev E;  
WLD 008 Building Lines: W2-WEL-ZA-00-DR-A-08008 Rev B;  
WLD 009 Maximum Building Heights: W2-WEL-ZA-00-DR-A-08009 Rev B;  
WLD 010 Minimum Elevational Height: W2-WEL-ZA-00-DR-A-08010 Rev A;  
WLD 011 Ground Floor Uses Along Public Realm: 684-07-011 Rev C;  
WLD 012 Landscaping: W2-WEL-ZA-00-DR-A-08012 Rev A;  
WLD 013 Basements: 684-07-013 Rev A;  
WLD 014 Access: 684-07-014 Rev F;  
WLD 015 Green and Brown Roofs: W2-WEL-ZA-00-DR-A-08015 Rev A;

Parameter Report with the following schedules:

Table 1 - Maximum Quantum of Floorspace by Use (GEA)

Table 2 - Unit Mix by Tenure

There shall be no changes to the amount of retail floorspace demolished, unless details are submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9 and 7.21 of the London Plan (2016) and policies BE1 of the Core Strategy (2011) and policies DMG1, DMG3, DMG6, DMG7, DMG8 of the Development Management Local Plan (2013).

3.13 Condition 3 of planning application 2015/03944/VAR reads:

All reserved matters applications shall include a statement to demonstrate compliance with the principles and parameters set out in the Design and Access Statement prepared by Allies and Morrison (dated May 2015), amended General Design Codes and amended Design Codes for Plots A, C, D and K prepared by Allies and Morrison (dated August 2015), the Design Codes for Courtyards prepared by Townshends Landscape Architects (dated November 2013), the Design Code for the Public Realm prepared by Townshends Landscape Architects (dated November 2013) and the Parameters Report by Montagu Evans (dated August 2016), or other such versions that are subsequently agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is constructed in accordance with the Design Guidelines on which this decision is based and to be consistent with the principles of good masterplanning, in accordance with policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 7.18, 7.19 and 7.21 of the London Plan (2016), policies A, BE1, WCOA and WCOA1 of the Core Strategy (2011) and policies DMG1, DMG4, DMG6 and DMG7 of the Development Management Local Plan (2013).

Application submission

3.14 To demonstrate compliance with conditions 1, 2 and 3 of the extant permission 2016/03944/VAR and the relevant approved documents, the applicant has submitted the following information in support of the application:

- o Application Forms and Certificates;



- o CIL Additional Information Form;
- o Application Covering Letter prepared by Montagu Evans dated 6th December 2016;
- o Westfield London Phase 2 Block A Design Statement prepared by Glen Howells Architects dated October 2016;
- o Planning and Compliance Statement prepared by Montagu Evans dated December 2016;
- o EIA Compliance letter prepared by Ramboll Environ dated 18/01/2017;
- o CGIs;
- o Application drawings submitted for approval:  
W2-SRA-BM-EZ-DR-A-08003-P00; W2-SRA-J1-20-DR-A-08001-P00;  
W2-SRA-J1-40-DR-A-08001-P00; W2-SRA-J1-50-DR-A-08001-P00;  
W2-SRA-J1-55-DR-A-08001-P00; W2-SRA-J1-60-DR-A-08001-P00;  
W2-SRA-J1-63-DR-A-08001-P00; W2-SRA-J1-70-DR-A-08001-P00;  
W2-SRA-J1-EE-DR-A-08001-P00; W2-SRA-J1-EE-DR-A-08002-P00;  
W2-SRA-J1-EE-DR-A-08003-P00; W2-SRA-J1-EN-DR-A-08001-P00;  
W2-SRA-J1-EN-DR-A-08002-P00; W2-SRA-J1-EN-DR-A-08003-P00;  
W2-SRA-J1-ES-DR-A-08001-P00; W2-SRA-J1-EW-DR-A-08001-P00;  
W2-SRA-J1-EW-DR-A-08002-P00; W2-SRA-J1-SZ-DR-A-08001-P00;  
W2-SRA-J1-SZ-DR-A-08002-P00; W2-SRA-N2-EE-DR-A-08001-P00;  
W2-SRA-N2-EE-DR-A-08003-P00; W2-SRA-N2-EW-DR-A-08004-P00;  
W2-SRA-N3-EE-DR-A-08001-P01; W2-SRA-N3-EE-DR-A-08002-P01;  
W2-SRA-ZA-00-DR-A-08001-P00; W2-SRA-ZA-20-DR-A-08011-P01;  
W2-SRA-ZA-30-DR-A-08001-P00; W2-SRA-ZA-40-DR-A-08001-P00;  
W2-SRA-ZA-50-DR-A-08001-P00; W2-SRA-ZA-55-DR-A-08001-P00;  
W2-SRA-ZA-60-DR-A-08001-P00; W2-SRA-ZA-63-DR-A-08001-P00;  
W2-SRA-ZA-65-DR-A-08001-P00; W2-SRA-ZA-70-DR-A-08001-P00;  
W2-SRA-ZA-EE-DR-A-08001-P00; W2-SRA-ZA-EW-DR-A-08001-P00;  
W2-SRA-ZA-SZ-DR-A-08001-P00; W2-SRA-ZA-SZ-DR-A-08002-P00;  
W2-SRA-ZA-SZ-DR-A-08003-P00; W2-SRA-ZA-SZ-DR-A-08004-P01;  
W2-SRA-ZA-SZ-DR-A-08005-P00; W2-SRA-N2-00-DR-A-08009-P00;  
W2-SRA-N3-00-DR-A-08001-P00; W2-SRA-J1-20-DR-A-08002-P00.
- o Application drawings submitted illustratively:  
W2-SRA- ZA-10-DR- A-08001-P01.

#### 4.0 PUBLICITY AND CONSULTATION

4.1 The application was advertised as a Major Development which adjoins a Conservation Area and may affect the setting, character or appearance of a Grade II listed building.

4.2 The application was advertised via the following methods:

- o Press notice published from 20/12/2016 to 10/01/2017;
- o 3 site notices displayed from 20/12/2016 to 10/01/2017;
- o 200 neighbours consulted by letter; and
- o 12 letters to external and internal consultees.

External consultation responses

4.3 Metropolitan Police: No response received.

4.4 The Hammersmith Society: No response received.

4.5 Network Rail: No response received.

4.6 Disability Forum: No objections (18/01/2017)

Internal consultation responses

4.7 Urban Design and Conservation: Comments within assessment.

4.8 Highways: No comments.

4.9 Public Protection and Safety: No objection (23/12/2016)

4.10 Policy and Spatial Planning: No response received.

4.11 Environmental Policy: The reserved matters do not appear to be significant in terms of sustainability and/or flood risk matters. No comments or objections to the proposals (20/12/2016).

4.12 Environmental Quality: No objection (22/12/2016)

4.13 Air Quality: No objection subject to conditions (09/01/2016)

Neighbours

4.14 No neighbour responses received.

4.15 All relevant material comments received in relation to appearance, scale, layout and access have been considered in the assessment of the scheme and are presented in the relevant sections below. Any new issues of concern received following the completion of this report will be reported by way of addendum.

## 5.0 RELEVANT PLANNING POLICY AND GUIDANCE

5.1 The following policies set the planning policy background which the application has been considered against.

5.2 The National Planning Policy Framework (NPPF) was adopted in 2012. It sets out the Government's approach to planning matters and is a material consideration in the determination of this planning application. A central theme running through the NPPF is a presumption in favour of sustainable development including ensuring that heritage assets are conserved.

5.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the policies of the statutory development plan, unless other material considerations indicate otherwise.

5.4 The statutory development plan for the site comprises:

- o The London Plan (2016);

- o Hammersmith and Fulham Local Development Framework Core Strategy (2011); and
- o Hammersmith and Fulham Local Development Framework Development Management Local Plan (2013).

5.5 The Council's regeneration strategy is set out within Chapter 7 of the Core Strategy. The application site forms the southern part of Strategic Site WCOA1 (White City East), designated within the Core Strategy. Strategic Site WCOA1 also comprises the BBC Television Centre, the Dairy Crest Site, M&S site and Imperial College.

5.6 The White City Opportunity Area Planning Framework (WCOAPF) was adopted in October 2013. This document builds upon the Core Strategy Regeneration policies and promotes the regeneration of the wider White City area. The WCOAPF encompasses an overarching strategy for urban design, land use, housing, transport, social and environmental and provides policy guidance for developers and landowners to ensure a comprehensive approach is taken in the redevelopment of the area.

5.7 Within the Local Development Framework, the Council adopted the Planning Guidance SPD in 2013 which provides supplementary guidance to support the policies in the Core Strategy and the Local Plan.

5.8 The development plan policies form the primary basis against which officers have assessed this application along with other material planning considerations including the Equalities Act (2010) and regional and local relevant supplementary planning guidance.

#### Equality Act

5.9 In addition, Section 149 of the Equality Act (2010) which sets a Public Sector Equality Duty (PSED) came into force in April 2011 and requires the Council to consider the equality impacts on all protected groups when exercising its functions. In the case of planning, equalities considerations are factored into the planning process at various stages. The first stage relates to the adoption of planning policies (national, strategic and local) and any relevant supplementary guidance. A further assessment of equalities impacts on protected groups is necessary for development proposals which may have equality impacts on the protected groups.

5.10 With regards to this application, all planning policies in the London Plan, Core Strategy, DM Local Plan and National Planning Policy Framework (NPPF) which have been referenced in this report have been considered with regards to equalities impacts through the statutory adoption processes, and in accordance with the Equality Act 2010 and Council's PSED. Therefore, the adopted planning framework which encompasses all planning policies which are relevant in officers' assessment of the application are considered to acknowledge protected equality groups, in accordance with the Equality Act 2010 and the Council's PSED. A summary of the equalities impacts on protected groups is set out in sections 6.77 - 6.87 of the report.

#### Planning (Listed Buildings and Conservation Areas) Act 1990

5.11 It is key to the assessment of this application that the decision making process is based on the understanding of duties in relation to listed buildings required by the relevant legislation. In particular the Section 66 duty of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66(1) 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.'

5.12 Officers acknowledge that there is a strong statutory presumption under the Planning (Listed Building and Conservation Areas) Act 1990, as reflected in recent case law, against the grant of planning permission for any development which would fail to preserve the setting or special architectural or historic character of a listed building. The desirability of preserving the special architectural or historic interest of a listed building or its setting, is therefore a matter to be given considerable importance and weight in the assessment of any development proposals.

5.13 In accordance with the NPPF and the legislation, Officers have considered the amended proposal for the Retail Extension and whether any part of the proposed development harms the setting of the Wood Lane Conservation Area or the Grade II listed DIMCO buildings and former Television Centre. Officers have concluded that no harm to the setting of heritage assets would be caused by the proposed development in reaching this conclusion. Officers' assessment is a matter of planning judgement and the following sections will address these matters in detail.

#### Environmental Impact Assessment (EIA)

5.14 The 2016 S73 Application (2016/03944/VAR) was accompanied by an Environmental Statement (ES) that forms part of the EIA. No formal screening or scoping has been undertaken for the reserved matters application but a statement of compliance has been submitted by Ramboll Environ (who produced the ES). The statement of compliance considers the potential environmental effects which were assessed under the ES and concludes that the Second Plot A RMA accords with the parameters assessed in the August 2016 ES.

5.15 Therefore, in accordance with Part 3, section 8 (2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, a further Environmental Impact Assessment is not required for the current submission.

## 6.0 PLANNING CONSIDERATIONS

6.1 The main planning considerations are:

- o Principle of the development;
- o Land use;
- o Overall conformity with the 2016 S73 Application (extant permission);
- o Design (including layout, scale, appearance) and impact on heritage assets
- o Impact on surrounding properties;
- o Transport;
- o Equality impacts; and
- o Environmental considerations.

Principle of the development

6.2 The principle of the comprehensive redevelopment on the outline site, including the provision of a Retail Extension was established by the 2014 Consent which was later amended by the 2015 S73 Consent and the 2016 S73 Application. The First RMA Application also sets a precedent for the scale, access, appearance, and layout of the scheme which this application seeks to amend. The principle of the development has therefore been established and this assessment does not revisit the principle.

#### Land use

6.3 Table 1 of the parameters report sets out the maximum quantum of permissible floorspace established under the 2016 S73 Application. Table 1 (below) sets out the quantum of floorspace proposed in the current application compared with the overall quantum and the quantum approved in the First Plot A RMA.

**Table 1: Proposed floorspace and comparison with outline parameters**

<b>Use</b>	<b>Maximum quantum set out in the 2016 S73 Application 2016/03944/VAR (GEA)</b>	<b>Quantum proposed with First Plot A RMA (2015/05217/RES) (GEA)</b>	<b>Quantum proposed with Second Plot A RMA (2016/05319/RES) (GEA)</b>
Retail (Use Class A1)	79,710 sqm	75, 019 sqm	78, 573 sqm
Demolition of Retail (Use Class A1)	11,304 sqm	11, 304 sqm	11, 304 sqm
(Net increase in Retail (Use Class A1))	68,406 sqm	63, 715 sqm	67, 270 sqm
Restaurant/Café (Use Class A3-A5)	3,462 sqm	3,000 sqm	2,117 sqm
Residential (Use Class C3)	127,216 sqm	0 sqm/0 units	0 sqm/0 units
Community/Health/Cultural (Use Class D1)	1,600sqm	0 sqm	0 sqm
Leisure (Use Class D2)	3,557.6 sqm	2, 456 sqm	0 sqm
Car Parking	1,736 space (608 residential, 1,128 non-residential)	518 non-residential spaces	518 non-residential spaces
Total floorspace (net increase)	204,241.6 sqm	69, 171 sqm	69,387 sqm

6.4 The figures in the table above demonstrate that the proposal sits within the permitted floorspace quantum (GEA) set out in the parameters report submitted with the 2016 S73 Application.

#### Overall Conformity with the 2016 S73 Application and Parameter Plans

6.5 The following section of this report assesses the details of the Second Plot A RMA against the 2016 S73 Application and the parameters plans submitted with that application.

6.6 Condition 1 requires reserved matters applications to be submitted within a certain timeframe. For Plot A, this should be within 3 years from September 5th 2014. The submission of 2016 Plot A RMA therefore complies with this condition.

6.7 Condition 3 of the of the Outline Consent requires all reserved matters applications submitted in respect of each plot to be in accordance with the Parameters Report (including parameters plans) and Design Codes approved under the Outline Consent (in this case the 2016 S73 Application). A planning and compliance statement and a design statement have been submitted with the application to explain how the proposal complies with the Parameters and Design Codes for Plot A.

6.8 A summary of the application proposals and conformity with the 2016 parameters is provided below.

#### Existing site and planning application area

6.9 Parameter Plans WLD 001 Rev A and WLD 002 Rev A set out the existing site plan and the planning application area for the outline permission. The reserved matters site plan sits comfortably within both red line plans.

#### Demolition

6.10 Parameter Plan WLD 004 Rev A sets out the area to be demolished within the existing application site. Similarly to the First RMA Application, the proposal includes the demolition of 11,304 sqm of floorspace within the existing shopping centre which sits within the area marked out on the demolition plan.

#### Plot Boundaries

6.11 Parameter Plans WLD 005 Rev A and WLD 006 Rev A set out the development plots approved under the outline consent at ground (level 20) and plinth (level 40) floor levels and confirm the area extent within which building plots can occupy (+/- 5m). The proposed development is situated entirely within Plot P at the ground floor level and within Plot A at podium level and above. The distances between the plots comply with the distances set out in parameter plans.

#### Site levels

6.12 Parameter Plan WLD 007 Rev E sets the ground levels for the development across the site. The approved site level is +4m AOD (Above Ordnance Datum) with a provision for deviation of ground levels of +/- 5m. The proposed finished ground floor level where the blocks meet the ground (not the podium) is +8.5m which is within the approved parameters.

#### Building lines

6.13 Parameters plan WLD 008 Rev B identifies the building lines at upper levels. The building line of the Mall Extension is different to the First Plot A RMA approved building line as it projects further forwards at an angle rather than in straight line. This accords with the maximum level of deviation shown on the 2016 S73 Application parameter plan. The parameter plans also state that there should be 12m from the edge of Plot D and any adjacent building. The ground floor plan shows that the distance between the edge of Plot A and Plot D is over 12m.

## Building heights

6.14 Parameters plan WLD 009 Rev B sets out the maximum height for the development plots in metres Above Ordnance Survey Datum Levels (AOD). The heights given are the maximum of the built form tested through the EIA submitted with the 2016 S73 Application.

6.15 For the Anchor Store (Block A3), the maximum building height is set at 43.05 mAOD. The submitted drawings show that the top of the parapet of the John Lewis is +39.06 mAOD. The highest point on the building is the lift run which will be +40mAOD which complies with the parameters plan.

6.16 For the Island Block (Block A2), the maximum building height is 46.15 mAOD. The submitted drawings show that the proposed height of the building the Island Block is 43.2 mAOD which complies with the height parameters. The Island Block is 3.5 mAOD higher than the First Plot A RMA as it includes the details of the plant deck above the car park.

6.17 For the Mall Extension (Block A1), the approved maximum building heights range from 43.05mAOD at the north of the block to 62.75mAOD in the south west corner. The submitted drawings show that the highest part of the Mall Extension will be 43mAOD which is where the highest plant deck is located. The height complies with the parameters plan.

## Elevational height

6.18 Parameters plan WLD 010 Rev A sets the minimum façade heights above the finished public realm levels along each of the development plot boundaries. For the west and north elevations of the whole of Plot A (except for the Public Room), the approved minimum façade height is set at 27.5m above the adjacent finished public realm level for 80% of the façade length. On the east elevation, the Anchor Store will be 25m high above the public realm and the Mall Extension/Island block will be 28m above the public realm. On the north elevation, the Anchor Store will be 30m high above the public realm. On the west elevation, the Anchor Store will be 30m high above the public realm and the Mall Extension will be 34.7m high above the public realm. All of the elevations therefore comply with the minimum façade heights.

## Access

6.19 Parameters plan WLD 014 Rev F identifies the access points to and routes through the site for pedestrians, cyclist and vehicles. This reserved matters application adopts the access arrangements applicable to Plot A.

## Green and brown roofs

6.20 Parameters plan WLD 012 sets out the locations and areas of green and brown roofs within the outline site. In accordance with the plan, no areas of green and brown roof are proposed at roof level for Plot A.

## Landscaping and basement

6.21 Parameters plans (WLD 012 Rev A) and (WLD 013 Rev A) set the limits for landscaping and the basement. Landscaping proposals do not form part of the current reserved matters application and so compliance with parameter plan WLD 012 does not form part of the assessment. The size of the basement was approved under reserved matters application Ref. 2015/01447/RES and the basement layout has only been submitted in illustrative form under the current application. Assessment of compliance with both parameters plans does not form part of this assessment.

## Parameters compliance summary

6.22 Overall, the proposals are in conformity with the development structure set out in the parameters plans and parameters report submitted under the 2016 S73 Application.

## Design

6.23 Chapter 7 of the NPPF states that good design is a key aspect of sustainable development, and should contribute positively to making places better for people.

6.24 Paragraph 129 of the NPPF requires planning authorities to assess the significance of any heritage assets affected by development proposal, including their effect on their setting. 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). 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.'

6.25 Chapter 7 of the London Plan (2016) sets out the Mayor's policies on a range of issues regarding places and space, setting out fundamental principles for design. Policy 7.1 (Lifetime neighbourhoods) states that 'the design of new buildings and the spaces they create should help reinforce or enhance the character, legibility, permeability, and accessibility of the neighbourhood.' Policy 7.2 (An Inclusive Environment) requires all new development in London to achieve the highest standards of accessible and inclusive design. Policy 7.3 (Designing out crime) seeks to ensure that developments reduce the opportunities for criminal behaviour and contribute to a sense of security, without being overbearing or intimidating.

6.26 London Plan (2016) Policies 7.4 (Local character), 7.5 (Public realm) and 7.6 (Architecture) promote the high quality design of buildings and streets. Policy 7.4 states that 'development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings' whilst policy 7.6 (Architecture) states that 'buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings'. Policy 7.8 (Heritage assets and archaeology) states that 'development affecting heritage assets and their setting should conserve their significance by being sympathetic to their form, scale, materials and architectural detail'.



6.27 The Core Strategy (2011) strategic Policy BE1 (Built environment) states that all development within the borough should create a high quality urban environment that respects and enhances its townscape context and heritage assets. The Core Strategy policy WCOA also states that the WCOA will be a 'model of high quality urban design, sustainable architecture and construction situated within a first class permeable, accessible and inclusive public realm'.

6.28 Chapter G (Design and Conservation) of the Development Management Local Plan (2013) sets out to preserve and enhance the quality, character and identity of the borough's natural and built environment. Policy DM G1 (Design of a new build) states that 'new build development will be permitted if it is of a high standard of design and compatible with the scale and character of existing development and its setting'. Policy DM G7 seeks to protect, restore or enhance the quality, character, appearance and setting of the borough's heritage assets.

6.29 The WCOAPF (2013) provides guidance on development within the White City Opportunity Area, relevant to the Westfield Site which reinforces the aspirations set out in the Core Strategy and London Plan. It sets out the Urban Design Strategy for the area and sets out the following three principal design objectives: creating areas of new public realm and open space; maximising connectivity; and quality urban design that responds to context.

6.30 The outline application (as amended by the 2016 S73 Application) was supported by six Design Codes which set out the design principles relevant to each of the plots and the public realm. The following section assesses the design of the proposal in context with the relevant planning policies and design codes.

## Layout

6.31 The application seeks to discharge the layout of Plot A reserved by condition 1 of the extant outline permission (as amended by the 2016 S73 Application). Section G3 of the Design Codes sets out the principles for the general layout of the development and Section A3 sets out the principles of the layout of Plot A.

6.32 The layout and key pedestrian routes within Plot A remain the same as the approved First RMA Application. The development comprises three blocks: Block A1 (Mall Extension), Block A2 (Island Block) and Block A3 (Anchor Store) which comply with the overall layout set out in Design Code A3.1.

6.33 Design Code A3 refers to the required entrance locations for Plot A which the proposal complies with. The main external entrance to the Anchor Store building is on the corner of the building at level 20 (ground floor) where Relay Square meets White City Green. An escalator and an elevator is proposed which would take customers up to level 40 which is the 'ground floor' of the department store. Also at level 20 is the main entrance into the 24 hour east-west route which links Relay Square with Ariel Walk.

6.34 An entrance to the supermarket is also proposed at level 20 off Relay Square and this has been moved so that it is closer to the entrance of the 24 hour east-west route.

## Scale

6.35 The application seeks to discharge the scale of Plot A as it is reserved by condition 1 of the 2016 S73 Application. Section G4 of the approved Design Codes sets out the principles for the scale of the development and Section A4 refers specifically to the scale of Plot A.

6.36 The scale of the main elevation of each building remains the same as the First Plot A RMA, however details of the plant screening has been provided with the application which add additional height to each block, above the parapet. Details of the car park bridges have also been provided with the application which increase the height of the parapet above the east-west link.

### Blocks A1 (Mall extension) and A2 (Island Block)

6.37 The height of the main building envelope on both the Island Block and the Mall Extension remains the same as the First Plot A RMA. Four areas of plant with associated screening has been added above the car park. The details of plant and associated screening were conditioned with the First RMA Application. Two plant decks are located on the western edge of the Mall Extension and one on the eastern edge, adjacent to the car park ramp. The fourth plant deck is located above the Island Block adjacent to the roof of the public room. All of the screens would result in the maximum height of this part of the site being 43.5m AOD which is within the maximum height parameters set out in the 2016 S73 Application. All of the screens would set back from the main elevation of the buildings.

6.38 The Design Codes state that all buildings within the development should have a clearly distinguishable base. With the First Plot A RMA, the base of the Mall Extension comprised clear glazed shopfronts facing Relay Square. As the Mall Extension will be connected to the Restaurant Block, the shop fronts which were previously proposed have been removed as they will be incorporated into the Restaurant Block. The Restaurant Block has a glazed base which is distinguishable from the material of the upper floors and the proposed cladding behind the DIMCO. The base of the Island Block remains the same as previously approved.

6.39 General Design Code (G4.6) states that no upper part of the elevations should project beyond the line of the lower part. Similarly to the First Plot A RMA, this only occurs along the elevation behind the DIMCO buildings to accommodate the road.

6.40 The north-western corner of the Mall Extension and the adjoining Restaurant Block is chamfered and perpendicular to the north-eastern side of Plot D in accordance with DC A6.11. In addition, the 2016 S73 Application set a minimum distance of 12m between the edge of Plot D and the adjacent building (which, subject to approval, will comprise the Restaurant Block). This is to ensure that there is an adequate amount of public realm left between the two buildings.

6.41 A car park is proposed above the Island Block and this will be accessed from the main car park above the Mall Extension via the link bridge. The size of the bridge has increased in width since the First Plot A RMA two accommodate two-way vehicular movements.

## Anchor Store (Block A3)

6.42 The scale of the Anchor Store remains the same as the First Plot A RMA. The building is designed to appear as a free-standing 'object' building which has a different appearance to the Mall Extension/Island Block. Similarly to the First Plot A RMA, the elevations are formed by horizontal banding which incorporate windows with various degrees of transparency. The building is capped by plant screening which would be flush with the top floor in accordance with DC A4.4.

## Appearance

6.43 Section G6 of the approved Design Codes sets out the principles for the appearance of the development and refers specifically to the appearance of Plot A.

6.44 The most relevant general design codes for Plot A are set out below:

- o The character of buildings should be considered alongside that of existing and proposed buildings in the surrounding context (G6.1);
- o The character and architectural quality of buildings should be consistent when viewed from the public realm (G6.2 & G6.3);
- o Visual interest should emerge from a careful selection of materials and consideration of details rather than from exaggerated formal gestures (G6.5);
- o The composition of elevations should demonstrate a balance between horizontal and vertical elements (G6.7); and
- o The design of car park and service doors should be integrated within the overall façade composition (G6.18).

6.45 The appearance of the Mall Extension has been revised since the First Plot A RMA as a result of the Restaurant Block. Along the western elevation behind the DIMCO building, green cladding is proposed to match the cladding used on the Westfield London Shopping Centre. Above the cladding would be, car park and plant screening comprising expanded aluminium mesh panels is proposed which would be set back from the main elevation by 1.5m. At the ground floor level, a copper coloured perforated screening is proposed behind the DIMCO buildings which would match the existing screening used along the ground floor of the eastern access road.

6.46 The Restaurant Block would join the Mall Extension where it extends over Ariel Way and a shadow gap is proposed (within the demise of the Plot A RMA development) between the Restaurant Block and the Mall Extension. The shadow gap would be finished in a contrasting material to provide a clear separation from the Retail Extension which it abuts at 90 degrees. Details of the join between the existing Shopping Centre and the Mall Extension have been provided which show how the two facades will meet seamlessly. Although the proposed green cladding contrasts from the muted appearance of the previously approved bronze panelling behind the DIMCO buildings, it would be consistent with the design of the original shopping centre and would simplify the material palette in view of the development of the Restaurant Block.

6.47 The submitted drawings include a greyed-out area of the elevation where the Restaurant Block is proposed and the applicant is not seeking approval of this section of the elevation. The proposed details of Plot A as set out in this RMA must be considered alongside the subsequent full planning application for the Restaurant Block, as the proposals facilitate the provision of additional retail and restaurant floorspace within the Restaurant Block which would not be acceptable if it were built out without this reserved

matters development being built out concurrently. DC A6.16 states that where possible, opportunities should be taken to animate the elevation facing the DIMCO buildings. In response to this, the elevation facing DIMCO will be animated at the upper levels. Opaque glazing is proposed at the ground level as a service corridor runs behind it. The ground floor elevation is considered to be of a functional, simple composition which addresses the road and the adjacent DIMCO building in a similar way to the external elevations of the existing shopping centre.

6.48 The appearance of the eastern elevation of the Mall Extension and the Island Block has been revised. Aluminium mesh screening has been introduced on the car park ramp so that it appears as one façade. The mesh will be finished in two contrasting colours between the different levels and the top layer would match the car park screening on the Mall Extension, providing a more seamless transition. The overall width of the ramp has increased slightly due to the technical design requirements of achieving the height of the car park deck with a compliant gradient. The size of the ramp fits within the consented mass and line of deviation and the impact on the Plot K residential block is not considered to be detrimental as the south elevation comprises opaque glazing.

6.49 The appearance of the Mall Extension along Silver Street and Ariel Walk has been revised. Glass Reinforced Concrete (GRC) panels are proposed rather than copper panelling. The panels would be constructed in three layers along Silver Street. The ground level layer (level 40) would be flat whereas the panels at levels 50, 55 and high level 55 would be orientated at 10° on the main elevations and 5° where the elevations turn into the entrance to the east/west link. The use of GRC cladding would be consistent with the Restaurant Block and would help to form part of a consistent palette of materials at the entrances to the Mall Extension from Silver Street/Ariel Walk.

6.50 Four display vitrines are proposed along the Silver Street elevation of the Island Block. The vitrines have been added to increase the amount of activity along Silver Street in accordance with the Design Codes. Details of the vitrines were previously conditioned with the First Block A RMA. Details have been provided with this application and are considered to be acceptable in terms of their size, height, depth and detailed design. The applicant has expressed their willingness to collaborate with local businesses, colleges or community groups to display different local art and information within the vitrines and condition 2 is recommended requiring evidence of this within a strategy for the display management. The vitrines will be positioned above a stone plinth which will allow for casual seating opportunities.

6.51 The revised submission proposes no changes to the appearance of the Anchor Store but it does provide further details which were previously either conditioned or submitted separately. The Anchor Store building is clad with a white precast concrete and has a granite base. Details of the main entrance doors to the department store have been provided with the application which are considered to be acceptable.

6.52 Details of the external lifts which provide access from White City Green to Silver Street have been provided. Two lifts would be provided which would be enclosed in a frameless glass box, the design of which would make a positive contribution to the public realm. The lifts would be located next to the entrance doors to the staff cycle parking area.

6.53 All four elevations of the Anchor Store block face the public realm at various levels. Parameters plan WLD 011 Rev C stipulates that predominantly A/D use classes should be located along the public realm. The following design codes build on this by setting out how the public realm facing frontages should appear:

- o All elevations facing the public realm should be composed as fronts (G6.4);
- o With reference to parameters plan WLD 011, frontages to each Plot at public realm level should be generally active and transparent (G3.5);
- o Glazing should be maximised to entrance doors and entrance foyers (G3.8);
- o For all elevations facing the public realm, 90% of all windows should be a height of at least two thirds of the storey height of the floor they occupy (G6.17);
- o The scale and relative significance of entrances should be commensurate with the scale and significance of the accommodation they serve (G3.10); and
- o Building services and grilles for ventilation should be fully integrated into the composition of the building and should not be primary elements in façade compositions (G6.28)

6.54 Along the ground floor of the western elevation to the Anchor Store, an entrance to the supermarket and two restaurant entrances are proposed with clear glazing between. In contrast, the north elevation of the Anchor Store is relatively inactive as it comprises back of house facilities, a staff entrance, emergency exits and ventilation for the basement level car park. A kiosk (Use Class A1) has been introduced near to the John Lewis entrance which provides some activity.

6.55 During the First Plot A RMA, Officers raised concerns regarding the lack of activity and transparency on this elevation and the fact that the ventilation louvres comprised a significant part of the ground floor elevation, contrary to DC G6.28. This elevation is a key façade within the masterplan as White City Green will be an important pedestrian route. The applicants submitted evidence to show due to technical requirements, the louvres could not be reduced as the ventilation intake will be natural rather than mechanical. Previously, the a condition was added which required amennmentsto be made to the design of the department store staff entrance and emergency exits to increase the level of activity. The detailed design of this element has not been revised with the current application and so condition 4 is recommended which requires clear glazing to be installed within this section of the building.

6.56 With the previous application, a condition was added which required a supermarket entrance to be included on the northern elevation to increase the footfall to White City Green and provide an attractive and meaningful pedestrian focused frontage into the building. A supermarket entrance has not been included in the plans for the current submission and no further justification has been provided why this condition should not be implemented. Condition 4 is therefore recommended which also requires details of the supermarket entrance. Securing further additional glazing on the entrance/exits and the addition of a supermarket entrance is considered to achieve an acceptable level of activity and transparency along this frontage to comply with the aspirations set out in the design codes and the parameters plans.

6.57 The applicant has submitted the reserved matters application for the public realm along White City Green and the application is currently under consideration. The details include a playspace area, seating, hard and soft landscaping and an area for a mobile kiosk. Illustrative plans of the scheme for developing the arches opposite the department store have also been provided which will increase the activity in the area.

The details provided in the concurrent public realm applications demonstrate how a combination of the above revisions put forward by the applicant augmented by the conditional requirements imposed by LBHF could ensure a vibrant public realm in this part of the emerging White City Green.

6.58 Officers acknowledge that the technical requirements for the ventilation of the basement car park places a constraint on the building facades as infrastructure and utilities provision is necessary for the building to function. As a consequence of these requirements, Officers have given appropriate weight to the applicant's case that there must be compromises on the building elevations to accommodate the basement car parking. On balance, given the broad regeneration benefits that the scheme will bring to the Borough, including increased employment provision, enhanced public realm, accessibility and connectivity and economic gains, the proposals are considered to be justified subject to further details. In summary, officers consider that, subject to conditions, the proposals are broadly compliant with the relevant design codes, planning policies and planning guidance as outlined above.

#### Impact on existing surrounding properties

6.59 Policy 7.6 of the London Plan (2016) states that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. There are no specific policies with regard to daylight, sunlight or overshadowing either within the Local Management Plan or Core Strategy. Policy DM G1 does however refer to impact generally and the principles of 'good neighbourliness'. Housing Policy 8 in the SPD requires amenity of neighbouring occupiers to be protected.

6.60 The 2016 S73 Application was accompanied by an Environmental Statement which included a comprehensive sunlight, daylight and overshadowing assessment (in line with BRE Guidelines) to consider the potential impacts of the proposed development upon adjacent residential properties and whether the proposed development would cause harm to the amenity of occupiers. The development was assessed against the very worst case scenario, where the permission would be implemented to its maximum parameters and the impacts on residential amenity were not considered to constitute any material harm.

6.61 The proposed Retail Extension is within the maximum building height parameters set out in the 2016 S73 Application and there are no immediate neighbours in proximity to this element of the masterplan scheme that could be affected. As such, officers consider that it is unlikely that harm would occur to neighbouring amenity levels.

6.62 General Design Code G3.13 states that non-residential uses should be of a type that do not affect the amenity of adjacent residential uses. Since the First Plot A RMA was approved, LBHF planning committee resolved to grant planning permission for reserved matters for the residential Plot K. The amendments are not considered to have a detrimental impact on Plot K as the residential block was designed to be north facing to account for the poor environmental quality on the southern elevation.

6.63 The majority of residential uses closest to Plot A will be located along Silver Street with the distance between the two plots ranging from 15.8m to 19m. The Island Block has no windows on the elevation and so no direct overlooking could occur. The

windows on the Anchor Store are narrow on the eastern elevation and fritted to varying degree. A balcony is proposed on the eastern elevation at level 60 which would be for staff use. Due to the separation distance, the nature of the use of the building, and the design detail, it is unlikely that the amenity of future neighbouring occupiers would be affected by the Retail Extension.

6.64 In summary, officers are of the view that the proposals will ensure that the privacy and outlook of the surrounding existing and proposed residential occupiers will not be unduly compromised.

### Highways and Access

6.65 The proposed access to and from the site has been assessed against the relevant transport policies within the London Plan (2016) including policies 6.3 (Assessing the effects of development on transport capacity), 6.9 (Cycling), 6.10 (Walking), 6.11 (Smooth traffic flow and tackling congestion) and 6.13 (Parking), alongside the National Planning Policy Framework (NPPF), the Core Strategy (2011) policy T1 (Transport) and Development Management Local Plan (DMLP) (2013) policies J1 to J6 in addition to the Planning Guidance Supplementary Planning Document (SPD).

6.66 Parameter plan WLD 014 Rev F sets out the approved vehicular, and cycle routes through the site including the existing routes which are to be maintained.

### Pedestrian Access

6.67 The application proposes no changes to the pedestrian access than previously approved. The north-south route through the Mall Extension remains as does the 24 hour east-west route. Access to the retail stores on the upper floors of the Restaurant Block would be provided from the Mall Extension. All details of the external public realm (including pedestrian routes, levels and signage) are covered in the public realm (Phase E) application.

### Cycle Access

6.68 There are no cycle routes proposed within the red line of the current application site. However, the approved parameters plan WLD 014 Rev F shows that there will be cycle routes along Relay Square, White City Green and Marathon Way. It is unlikely that the cycle route along Marathon Way will be built out before some of the residential development is occupied. It is therefore expected that cyclists would therefore use Silver Street to access Plot K via the lifts which are large enough to accommodate cycles. Details of the cycle routes are being assessed as part of the Public Realm (Phase E) reserved matters application.

### Vehicle access

6.69 The proposed car park at level 10 below the Anchor Store will be accessed via a left turn from Ariel Way for customers coming from Wood Lane and via a right turn from Ariel Way for customer driving from the H junction. Customers would drive into the car park down a ramp (gradient 1:11) and would turn left into the car park. Customers would exit the Anchor Store car park at basement level via a ramp which meets the main car park ramp on the east elevation.

6.70 Two levels of roof top car parking are proposed at levels 60 and 63 above the Mall Extension. Customers driving from the H-junction would access the roof top car parks by turning left where the road continues to the entrance of the existing car parks, they would then drive back below the H-junction and follow the road up to the circular vehicular ramp. From Wood Lane, customers would drive along Ariel Way to where it meets Marathon Way and would turn right up to the roof top car parks. To exit the roof top car park, customers would drive down the ramp and exit up the H junction or continue down the vehicular ramp and turn left onto Ariel Way to exit onto Wood Lane.

### Car Parking

6.71 Two levels of car parking (508 spaces) are proposed on the roof of the Mall Extension at levels 60 and 63 as well as a level car parking within the basement. Detailed information such as the layout and dimensions of the car parking are not being assessed as part of this application as condition 16 of the 2016 S73 Application requires details to be submitted and approved.

6.72 In addition to the details required by condition 16, section 4.3 of the outline s106 requires details of a car parking management plan and charging plan to be submitted to and approved in writing by the Council (in consultation with TfL) before any part of the retail component is occupied. No details have been submitted to discharge either the condition or the s106 clause and officers are comfortable that the requirements are sufficient to ensure the Council are satisfied with the detailed design and management of the car parks.

### Cycle Parking

6.73 Under the approved outline application (the 2016 S73 Application), 125 retail/leisure cycle parking spaces were approved although no details of the spaces were provided. Condition 56 was added to the outline permission which requires details of secure cycle storage for each phase to be submitted prior to commencement of the phase. No details have been submitted to date.

### Servicing and Deliveries

6.74 Similarly to the First Plot A RMA, two service yards are proposed for the Retail Extension. The Anchor Store service yard is located at level 20 below Silver Street and would be accessed from Wood Lane via a left turn from Ariel Way. Service vehicles would exit the service yard via a left turn only onto Ariel Way to the roundabout with Marathon Way. Following the roundabout, they would continue back down Ariel Way and have the option of a left turn up to the H junction or continuing to Wood Lane.

6.75 The second service yard is located to the east of the DIMCO buildings at level 20 and would be accessed via the bus station access road. This service yard would serve the retail and restaurant units within the Retail Extension as well as the proposed Restaurant block. A draft Delivery and Servicing Plan was submitted with the outline application. No further information on deliveries/servicing has been submitted with the current reserved matters application. However, the s106 attached to the extant outline permission (as amended by the 2016 S73 Application) requires the submission of a Delivery and Servicing Plan before any part of the retail component is open. The s106 states that the plan should include details of how each building within the Retail



Component will be serviced including levels, vehicle, size, procedures, location etc and detailed layout drawings of the service areas and access arrangements.

6.76 In summary, it is considered that the overall traffic impact of the proposed development, on its own and as part of the wider development scheme would be acceptable and in accordance with DM Local Plan Policy DM J1 subject to the submission of a travel plan and a servicing and delivery plan. It is considered that the approved car parking provisions for the Retail Extension provide an acceptable level of car parking, to accommodate the retail floorspace proposed in accordance with the DM Local Plan policies DM J2 and DM J3 and London Plan (2016) Table 6.3. The site is accessible and well served by public transport.

#### Refuse and Recycling

6.77 London Plan (2016) Policy 5.17 (Waste Capacity), CC1 of the Core Strategy (2011), and Policy DM H5 (Sustainable Waste Management) requires that all development should minimise waste and provide convenient facilities with adequate capacity to enable the occupiers to separate, store and recycle their waste. Details of the proposed refuse and recycling arrangement for Plot A have not been submitted as part of the application. However, a Waste Management Strategy is secured via condition 38 of the outline consent which requires details of refuse arrangement for each phase prior to its occupation.

#### Equalities Impact

6.78 As set out in earlier paragraphs of the report, the Council's statutory duty under the Equality Act 2010 applies to planning decision making. In the consideration of all planning applications the Council must have regard to all relevant planning policies available at the time unless material considerations indicate otherwise.

6.79 The protected characteristics to which the Public Sector Equality Duty (PSED) applies now include age as well as the characteristics covered by the previous equalities legislation applicable to public bodies (i.e. disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, sexual orientation, religion or belief and sex).

6.80 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, and does not impose a duty to achieve results.

6.81 The equality assessment undertaken under the outline scheme concluded that the scheme complied with section 149 of the Equality Act as the proposal included extensive areas of public realm, play space (with inclusive play equipment) and an internal shopping environment that would be accessible by all user groups, including those with mobility impairments such as wheelchair users or the visually impaired.

6.82 The analysis of equality impacts of the planning application on protected groups as defined by the Act has been considered in the assessment of the application. The application has been considered in light of the London Plan (2016) policy 7.2 (Access for All) as well as the Council's local planning policies including Development Management Local Plan (2013) policy DM J4 (Disabled Persons' Parking) and Planning Guidance Supplementary Planning Document (SPD) Design Policy 1 (Inclusive Design) and Transport Policies 9 (Blue Badge Parking) and 22 (Access for All).

6.83 With regards to parking provision, policy 6.13 (Parking) of the London Plan (2016) requires that sufficient provision is made for disabled people in line with Table 6.2. The indicative car park layout plans show that out of the 518 spaces proposed at roof level, 23 would be for 'blue badge' holders. This equates to 4% of the spaces which is below the London Plan standard of 6%. However, the applicant has confirmed that the car park layout has not yet been finalised and condition 16 of the extant outline permission requires details of the design and location of blue badge parking spaces within the car parks to be submitted to and approved in writing by the Council. As details for this condition have not yet been submitted, officers consider that sufficient controls are in place to ensure that the car park is designed to meet the required standards for disabled car parking spaces.

6.84 Section G7 of the approved Design Codes sets out the accessibility and inclusive design principles for the whole development and states that:

- o step free routes into buildings and around the common parts of buildings should provide an equivalent experience to stepped routes (G7.1) and
- o routes and entrances should be legible (G7.2).

6.85 With regards to inclusive access into and within the Retail Extension, the main entrance to the department store will include an accessible lift and escalators which will enable vertical movement from the plinth level at grade to the podium. Four accessible lifts are shown within the department store to enable people to move from the basement car park to the department store levels. Four accessible lifts are included within the east/west link which would enable vertical movement between the different levels within the shopping centre including the car park in the basement and levels 60 and 63. Details of the shopmobility scheme for the Retail Extension have been approved under application ref. 2016/01540/DET.

6.86 Given the phased approach to the development of the land, it was agreed under the s106 of the that an Inclusive Access Management Plan will be submitted and approved by the Council prior to the occupation of the relevant plot. The IAMP will set out full details of how the Development accords with access and inclusivity standards set by the GLA and the Council.

6.87 All details relating to levels and gradient within the public realm will be submitted with the reserved matters application for Phase E of Plot A. In addition, all entrance doors are required to comply with Part M of the Building Regulations.

6.88 In conclusion it is considered that LBHF has complied with section 149 of the Equality Act and has had due regard to provision of the Equality Impact of the proposed development in its consideration of this application.

## Other Considerations

### Wind/Microclimate

6.89 The ES submitted with the 2016 S73 Application provides a detailed assessment on Wind/Microclimate issues and it was concluded that all public thoroughfares within and around the site would be suitable for their desired use. However, the Environmental Statement stated that the entrances onto Relay Square along the western façade of Plot A would be one category windier than desired (minor adverse) and recommended that the Design Code includes a commitment to ensure there would be localised screening or recessing of the entrances. The entrance to the east/west link includes an additional set of doors to mitigate the wind impact and details have been submitted with the Reserved Matters application which is currently under consideration.

### Lighting and Security

6.90 Development Local Plan Policy DM G1 requires all development to be designed to respect the principles of secure by design. Policy 7.3 of the London Plan (2015) states that boroughs and others should seek to create safe, secure and appropriately accessible environments where crime and disorder, and the fear of crime do not undermine quality of life or community cohesion.

6.91 The Metropolitan Police have asked for the scheme to be fully Secured by Design compliant and a condition was added to the 2016 S73 Application requiring this.

6.92 Illustrative lighting details have been provided with the submission which show how the Anchor Store will be lit up. No formal details have been provided. However, all details are required to be submitted under the requirements of condition 37 (lighting) of the 2016 S73 Application.

6.93 Consideration will need to be given to lighting the vitrine displays located along the podium of Silver Street. Officers recommend condition 3 which requires details of the vitrine lighting to ensure that any lighting within the displays or external lighting does not harm neighbouring amenity.

## 7.0 CONCLUSION

7.1 The reserved matters details for appearance, layout, scale and access of Plot A have evolved since the approval of the First Plot A RMA due to the proposed addition of the Restaurant Block to the Westfield Phase 2 Extension. The amendments to the appearance of Plot A are considered to preserve the settings of the adjacent heritage assets including the setting of the Grade II listed DIMCO Buildings and the setting of the Grade II listed former Television Centre which are desirable to preserve in accordance with s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The setting of the adjacent Wood Lane Conservation Area is also considered to be preserved.

7.2 The overall quantum of development would accord with the policy requirement to optimise the use of the site by providing acceptable standards of retail and restaurant accommodation. The scheme is considered to be consistent with the parameters, principles and level of detail established and approved at the outline stage. Subject to conditions, it is considered that the proposal would provide a high quality development

which would make a positive contribution to the urban environment in this part of the Borough.

7.3 On balance, officers consider that that development is in accordance with the National Planning Policy Framework (2012) including para 132, the London Plan (2016), the London Borough of Hammersmith and Fulham's Core Strategy (2011) and the Development Management Local Plan (2013).

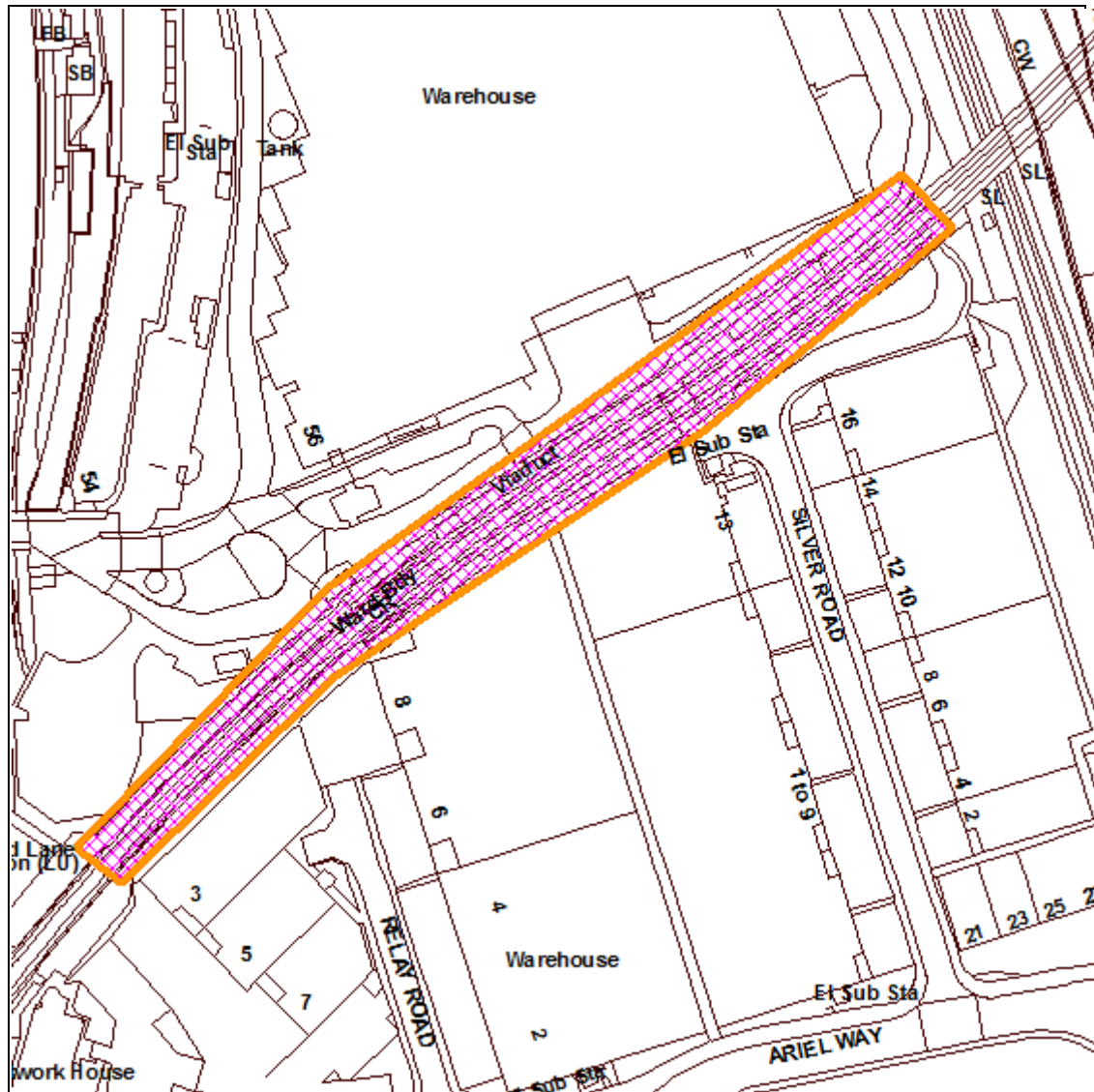
## 8.0 RECOMMENDATION

8.1 That the Committee resolve that the Director for Planning and Development be authorised to determine the application and grant permission subject to conditions.

**Ward:** College Park And Old Oak

**Site Address:**

66 To 96 Railway Arches Wood Lane London W12 7DS



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**Reg. No:**  
2016/05219/FUL

**Case Officer:**  
Neil Button

**Date Valid:**  
01.12.2016

**Conservation Area:**

**Committee Date:**  
14.03.2017

**Applicant:**

Transport For London & London Underground Limited  
C/O Agent

**Description:**

Change of use and refurbishment of railway arches 66-96 at Wood Lane relating to 1,765sqm of floor area, comprising 1,290 sqm of shops, restaurants, cafes, bars (falling under A1/A2/A3/A4 Use Class) and 213sqm of workspace (B1 Use Class); together with external alterations to create new shopfronts and erection of new supporting structures/enclosures, new pedestrian accesses, public realm improvements, landscaping, cycle parking, storage and associated works.

Drg Nos: A1334 PA 10 01, A1334 PA 10 02, A1334 PA 10 12, A1334 PA 20 01, A1334 PA 20 02, A1334 PA 20 03, A1334 PA 20 04, A1334 PA 20 05, A1334 PA 20 11, A1334 PA 20 12, A1334 PA 20 13, A1334 PA 20 14, A1334 PA 20 15, A1334 PA 21 01, A1334 PA 21 02, A1334 PA 21 03, A1334 PA 21 04, A1334 PA 21 11, A1334 PA 21 12, A1334 PA 21 13, A1334 PA 21 14, A1334 PA 22 11, A1334 PA 22 12, A 1334 PA 23 05

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

That the application be approved

- 1) The development hereby permitted shall be begun not later than the expiration of 3 years beginning with the date of this (full planning) permission

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

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

A1334 PA 10 01 , A1334 PA 10 02, A1334 PA 10 12, A1334 PA 20 01, A1334 PA 20 02, A1334 PA 20 03, A1334 PA 20 04, A1334 PA 20 05, A1334 PA 20 11, A1334 PA 20 12, A1334 PA 20 13, A1334 PA 20 14, A1334 PA 20 15, A1334 PA 21 01, A1334 PA 21 02, A1334 PA 21 03, A1334 PA 21 04, A1334 PA 21 11, A1334 PA 21 12, A1334 PA 21 13, A1334 PA 21 14, A1334 PA 22 11, A1334 PA 22 12, A 1334 PA 23 05

Reason: In order to ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policies 7.1, 7.2, 7.4, 7.5 and 7.6 of the London Plan (2016) and Policy BE1 of the London Borough of Hammersmith and Fulham Core Strategy (2011) and Policies DM G1, DM G7, DM G8 of the Development Management Local Plan (2013).

- 3) A) Prior to the commencement of works on the relevant part of the development hereby permitted, samples and/or a schedule of the materials to be used in the external elevations shall be submitted to and approved in writing by the local

planning authority. The development hereby permitted shall be thereafter built in accordance with the approved details. The following details are required:

- Details of windows and doors and other openings
- Details and samples of all materials within the elevations
- Details of roller shutters (to be open grille only) to include sections at 1:10
- Details of shopfronts to include sections at 1:10

B) No landscape works shall be undertaken until samples and/or a schedule of the materials to be used in the ground surface materials have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall be thereafter built in accordance with the approved details. The following details are required:

- Details and layout plans of all hard and soft landscape areas
- Details of street furniture including cycle stands

Reason: To ensure that the external appearance of the scheme is satisfactory and to prevent harm to the street scene and public realm in accordance with Policy BE1 of the Core Strategy (2011), policies DM G1 and DM G7 of the Development Management Local Plan (2013) and Policies 7.1, 7.4, 7.5 and 7.6 of the London Plan (2016)

- 4) The shopfront glazing (on all windows, glazing panels and doors) installed on both north and south facades of the railway arches (in the arches that comprises Use Classes A1/A2/A3/A4) shall be clear and shall be permanently retained thereafter and shall not be tinted, mirrored or otherwise fully obscured.

Reason: In order that any advertisements displayed on the building are assessed in the context of an overall strategy, so as to ensure a satisfactory external appearance and to preserve the integrity of the design of the building, in accordance with policy BE1 of the London Borough of Hammersmith and Fulham Core Strategy (2011), Policy DM G1, DM G7 and DM G8 of the Development Management Local Plan (2013) and SPD Design Policy 29 of the Planning Guidance Supplementary Planning Document (July 2013) and Policies 7.4, 7.5 and 7.6 of the London Plan (2016).

- 5) All entrance doors for the development hereby approved shall have level thresholds installed at the same level as the areas fronting the entrances and shall not be less than 1 metre wide.

Reason: In order to ensure the development provides ease of access for all users, in accordance with Policy 7.2 of the London Plan (2016), Policy BE1 of the London Borough of Hammersmith and Fulham Core Strategy (2011), Policies DM G1 and G2 of the Development Management Local Plan (July 2013) and SPD Design policies 1,2, 3, 4.6, 7.8 and 9 of the Planning Guidance Supplementary Planning Document (July 2013).

- 6) External plant and equipment, comprising air-conditioning units, ventilation fans or extraction equipment, plumbing, pipes, and rainwater pipes shall be installed in accordance with the details shown on drawings [A1334 PA 21 01, A1334 PA 21 02, A1334 PA 21 03 and A1334 PA 21 04], unless any variations to such details

have been submitted to and approved by the local planning authority. The works shall be installed in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, and to ensure that neighbouring occupiers are not unduly affected by smell, noise and disturbance, in accordance with Policies 7.1, 7.4 and 7.6 of the London Plan (2016), Policies BE1 and CC4 of the London Borough of Hammersmith and Fulham Core Strategy (2011), policies DM G1 and DM G7 of the Development Management Local Plan (July 2013) and SPD Amenity policies 18 and 22 of the Planning Guidance Supplementary Planning Document (July 2013).

- 7) No roller shutters shall be installed on any façade of the development hereby approved unless the details have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with Policy BE1 of the London Borough of Hammersmith and Fulham Core Strategy (2011), Policies DM G1 and G4 of the Development Management Local Plan (2013) and Planning Guidance Supplementary Planning Document (2013)

- 8) No below ground works shall be commenced unless and until a preliminary risk assessment report has been submitted to and approved in writing by the Council. This report shall include a desktop study which identifies all current and previous uses at the site and surrounding area as well as the potential contaminants associated with those uses; a site reconnaissance; and a conceptual model indicating potential pollutant linkages between sources, pathways, and receptors, including those in the surrounding area and those planned at the site; and a qualitative risk assessment of any potentially unacceptable risks arising from the identified pollutant linkages to human health, controlled waters and the wider environment including ecological receptors and building materials. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Reason: Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters, or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy (2011)

- 9) No below ground works shall be commenced unless and until a site investigation scheme is submitted to and approved in writing by the Council. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface, and groundwater. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.



Reason: Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters, or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy (2001) and policies DM H7 and H11 of the Development Management Local Plan (2013).

- 10) No below ground works shall be commenced unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition. Subsequent to the site investigation being carried out in compliance with the approved site investigation scheme, a quantitative risk assessment report shall be submitted to and approved in writing by the Council. This report shall: assess the degree and nature of any contamination identified on the site through the site investigation; include a revised conceptual site model from the preliminary risk assessment based on the information gathered through the site investigation to confirm the existence of any remaining pollutant linkages and determine the risks posed by any contamination to human health, controlled waters and the wider environment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Reason: Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters, or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy (2011) and Policies DM H7 and H11 of the Development Management Local Plan (2013).

- 11) No below ground works shall be commenced unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition. This scheme shall be based on a remediation method statement which is submitted to and approved in writing by the Council. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Reason: Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters, or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy (2011) and Policies DM H7 and H11 of the Development Management Local Plan (2013).

- 12) No below ground works shall be commenced unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition. Subsequent to the works being carried out in full accordance with the approved remediation method statement, a verification report confirming these works has been carried out in full shall be submitted to, and approved in writing, by the Council. This report shall include: details of the remediation works carried out;

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

Reason: Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters, or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy (2011) and Policies DM H7

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

Reason: Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters, or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy (2011) and Policies DM H7 and H11 of the Development Management Local Plan (2013).

- 14) No development shall commence until an Air Quality Dust Risk Assessment (AQDRA) that considers residential receptors on-site and off-site of the development is undertaken in compliance with the methodology contained within Chapter 4 of the Mayor's of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014 and the identified measures recommended for inclusion into a site specific Air Quality Dust Management Plan (AQDMP) that is submitted to and approved in writing by the Council. The AQDMP submitted must comply with and follow the chapter order (4-7) and appendices (5, 7-9) of the Majors SPG and should include an Inventory and Timetable of dust generating activities during demolition and construction; Dust and Emission control measures including on-road construction traffic e.g. use of Low Emission Vehicles,

and Non-Road Mobile Machinery (NRMM). Air quality monitoring of PM10 should be undertaken where appropriate and used to prevent levels exceeding predetermined Air Quality threshold trigger levels. Onsite contractors shall follow best practicable means to minimise dust and emissions at all times.

Reason: To comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2016), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

- 15) No Non-Road Mobile Machinery (NRMM) shall be used until details of such NRMM have been submitted to and approved in writing by the Council. All NRMM should meet as minimum the Stage IIIB emission criteria of Directive 97/68/EC and its subsequent amendments. This will apply to both variable and constant speed engines for both NO<sub>x</sub> and PM. An inventory of all NRMM must be registered on the NRMM register <https://nrmm.london/user-nrmm/register>. All NRMM should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment.

Reason: To comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2016), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

- 16) No development shall commence (excluding site clearance and demolition) until a Low Emission Strategy has been submitted to and approved in writing by the Local Planning Authority. The Low Emission Strategy must address the results of the approved Air Quality Assessment and detail the remedial action and mitigation measures that will be implemented to protect receptors (e.g. abatement technology for energy plant, design solutions). This Strategy must make a commitment to implement the mitigation measures (including NO<sub>x</sub> emissions standards for the chosen energy plant) that are required to reduce the exposure of future residents to poor air quality and to help mitigate the development's air pollution impacts, in particular the emissions of NO<sub>x</sub> and Particulates from on-site transport during construction and operational phases e.g use of Low Emission Vehicles, and energy generation sources. The strategy must re-assess air quality neutral as agreed in the Air Quality Assessment in accordance with the Mayor of London SPG 'Sustainable Design and Construction' (April 2014) guidance. It must also identify mitigation measures as appropriate to reduce transport and building emissions.

Reason: To comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2016), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

- 17) No external plant or equipment shall be installed until details have been submitted to and approved in writing by the Council. The details shall include the external sound level emitted from plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external sound level emitted from plant, machinery/ equipment, measures at the closest / most affect noise sensitive premises, will be lower than the lowest existing background sound level by at least 10dBA. The assessment shall be made in accordance with BS4142:2014. A post installation noise assessment shall be carried out where required to confirm

compliance with the sound criteria and additional steps to mitigate noise shall be taken, as necessary. The external plant or equipment shall be operated in accordance with the approved details.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

- 18) No development shall be brought into use until details of the installation, operation, and maintenance of the odour abatement equipment and extract system have been submitted to and approved in writing by the Council. The details shall include the height of the extract duct and vertical discharge outlet, in accordance with the 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' January 2005 by DEFRA. The Extraction and Odour Control system shall be operated in accordance with the approved details.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by cooking odour, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

- 20) The proposed development shall be implemented in accordance with the Surface Water Management plans set in the Buro Happold Drainage Strategy which confirms that surface and foulwater flows from the Wood Lane arches can be accommodated by Westfield site drainage infrastructure and be attenuated before final discharge into the Thames Water Wood Lane Sewer System.

Reason: To prevent flooding by ensuring the satisfactory management of surface water run-off from the site in accordance with Policies 5.13, 5.14 and 5.15 of the London Plan (2016) and Policy CC2 of the Core Strategy (2011) and Policies DM H3 and DM H4 of the Development Management Local Plan (2013).

- 21) The development shall not be occupied until a certificate of accreditation to Secured by Design Standards has been submitted to the local planning authority. The details shall be developed in accordance with the Metropolitan Police "Secure by Design" requirements and shall include but not be limited to, CCTV coverage (including the number and location of proposed CCTV cameras), access controls, wc/cycle storage security and other associated security measures, and means to secure the site throughout construction. The development shall be carried out in accordance with the approved details.

The approved details shall be carried out prior to occupation of the development and be permanently maintained thereafter.

Reason: To ensure that the development incorporates suitable design measures to minimise opportunities for, and the perception of crime and provide a safe and secure environment, in accordance with policies 7.3 and 7.13 of the London Plan (2016), policy BE1 of the Hammersmith and Fulham Core Strategy (2011) and policy DM G1 of the Development Management Local Plan (July 2013).

- 22) No External Lighting Strategy shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. The details submitted

shall demonstrate that the recommendations of the Institution of Lighting Professionals in the 'Guidance Notes for The Reduction of Light Pollution 2011' will be met, particularly regarding the 'Technical Report No 5, 1991 - Brightness of Illuminated Advertisements'. The lighting shall be operated in accordance with the approved details

Reason: To ensure that adequate lighting is provided within the public 'open' arches and pedestrian pathways for safety and security and that the lighting does not adversely affect the amenities of occupiers of the surrounding premises, in accordance with Policies 7.3 and 7.13 of the London Plan (2016), Policy BE1 of the London Borough of Hammersmith and Fulham Core Strategy (2011) and Policies DM G1, DM H10 and DM H11 of the Development Management Local Plan (2013) and LBHF's Supplementary Planning Document (2013).

- 23) The cycle parking shown on drawings [A 1334 PA 23 05] shall be implemented in accordance with the approved details before the use hereby permitted commences and shall thereafter be retained solely for its designated use.

Reason: To enable sufficient cycle parking for staff and visitors in accordance with Policies 6.9 and 6.13 of the London Plan (2016) and Table 6.3 of the Further Alterations to the London Plan (2015) and policy DM J5 of the Development Management Local Plan 2013.

- 24) Prior to the operation of any A1/A2/A3/A4/B1 use hereby permitted, details of waste management plan shall be submitted to and approved in writing by the local planning authority. The waste management plan shall include details of the disposal and management of customer litter, storage of waste and recycling (including the disposal of fat/oil from the cooking process) and shall be implemented in accordance with the approved details for the duration of the use.

Reason: To ensure satisfactory provision for refuse storage and recycling and to safeguard the visual amenities of the area in accordance with policy DM H5 of the Development Management Local Plan (2013), Policy CC3 of the Core Strategy (2011) and Policy 5.61 of the London Plan (2016).

- 25) The development shall not be occupied until a Delivery and Servicing Management Plan has been submitted and approved in writing by the local planning authority. The submitted details must include the following:

- a. frequency of deliveries to the site;
- b. frequency of other servicing vehicles such as refuse collections;
- c. dimensions of delivery and servicing vehicles;
- d. proposed loading and delivery locations; and
- e. a strategy to manage vehicles servicing the site.
- f. hours of deliveries, including justification as to how these will minimise impacts on residential amenity and on the surrounding road network.

The use hereby permitted shall thereafter be operated in accordance with the approved details.

Reason: In order to ensure that satisfactory provision is made for deliveries, servicing, refuse storage and collection and to ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by noise, in accordance with Policies 6.3, 6.9, 6.10, 6.11 and 7.15 of the London Plan (2016), policy CC4 of the Core Strategy 2011 policy DM H9 of the Development Management Local Plan 2013 and the Council's Supplementary Planning Document 'Storage of Refuse and Recyclables'.

- 26) Prior to occupation of the development hereby permitted, a Travel Plan compiled in accordance with TfL guidance on the requirements for travel plans shall be submitted to and approved in writing by the local planning authority. The use hereby permitted shall be operated in accordance with the approved details.

Reason: To promote sustainable forms of travel and to discourage car usage in accordance with Policy DM J5 'Increasing the Opportunities for Cycling and Walking' of the LB Hammersmith and Fulham's Development Management Local Plan (2013) and Policies 6.3, 6.4, 6.9, 6.10 and 6.12 of the London Plan (2016).

- 27) Customers are not permitted on the premises (Arches 71, 72, 73, 74, 78, 83, 87, 88, 89, 90, 91, 92, 93) other than within the following times:

07:00 Hours to 24:00 Hours - Monday to Thursday

07:00 Hours to 01:00 hours on Fridays

08:00 Hours to 01:00 Hours - Saturdays

08:00 Hours to 24:00 Hours - Sundays, Bank Holidays or Public Holidays.

Reason: To ensure that no nuisance or disturbance is caused to the detriment of the amenities of adjoining occupiers or of the area generally in accordance with Strategic Policy C and Policy CC4 of the Core Strategy (2011), policy DM C6 and DM H9 of the Development Management Local Plan (2013) and Policies 7.15 of the London Plan (2016).

- 28) No development shall commence until a Construction Logistics Management Plan (CLMP) for the Development (or relevant phase of development) has been submitted to and approved in writing by the Local Planning Authority. The CLMP should be prepared in consultation with London Underground/TfL which includes the details for all of the relevant foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent). The development shall be carried out in accordance with the approved Construction Logistics Management Plan unless otherwise agreed in writing with the Local Planning Authority. The Construction Logistics Management Plan shall cover the following minimum requirements:

- site logistics and operations;
- construction vehicle routing;
- contact details for site managers and details of management lines of reporting;
- detailed plan showing different phasing, different developers and constructors to be updated on a 6 monthly basis;
- location of site offices, ancillary buildings, plant, wheel-washing facilities, stacking bays and car parking;
- storage of any skips, oil and chemical storage etc.; and

- access and egress points;
- membership of the Considerate Contractors Scheme.

Reason: To ensure that no unacceptable adverse effect on the amenity of surrounding occupiers in accordance with policies BE1, T1 and CC4 of Core Strategy 2011 and policy DM J1, DM G1, DM H5, DM H8, DM H9 and DM H10 of the Development Management Local Plan 2013 and Policies 6.3 and 7.15 of the London Plan (2016).

- 29) The level of amplified sound from the Class A1/A2/A3/A4 Arches, measured as a 15 minute LAeq, shall be set at a level such that it is 10dBA below the concurrent background LA90(15min) level when measured at 1.0m from the facade of the nearest residential premises. The set level shall be controlled by a noise limiter or other device to ensure that the permitted set level is not exceeded.

Reason: To ensure that the amenity of occupiers of the surrounding premises is not adversely affected by noise, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

- 30) Within a month of handover of any commercial A1/A2/A3/A4 or B1 unit(s), a BREEAM (2011 or any such further current iteration as relevant at the time of submission)) assessment report shall be submitted to the BRE (with a copy of the report provided to the Local Planning Authority) demonstrating that the building(s) would achieve a 'Very Good' BREEAM rating.

Reason: In the interests of energy conservation, reduction of CO2 emissions and wider sustainability, in accordance with policies 5.1, 5.2, 5.3, 5.6 and 5.7 of the London Plan (2016) and Policy CC1 of the Core Strategy 2011 and policy DM H1 and DM H2 of the Development Management Local Plan 2013.

- 31) No Development shall commence until a Construction Phasing and Letting Strategy has been submitted to and approved in writing by the Local Planning Authority. The Phasing Strategy shall provide details of:

- The timeframe and programme for the delivery of the Phase 2 works, including a longstop date for the completion of the works;
- The construction works necessary to make the Phase 1 Arches available for use, including the coordination with construction works currently underway in connection with the development on the adjacent sites to the south and north of the Application Site;
- The expiry of existing tenants leases or agreements for the Phase 2 Arches;
- Feasibility of delivering the affordable workspace in Phase 2 in advance of the St James and Westfield construction works.

The A1/A2/A3/A4 arches within Phase 2 shall not be occupied until the affordable workspace within Phase 2 in Arches 68, 69 and 70 is occupied.

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

Reason: To ensure that accommodation is provided for all sizes of business (including affordable business workspace and small and medium sized enterprises) in the Borough in accordance with policies 4.2 of the London Plan

(2016), policy LE1 of the Core Strategy (2011) and policy DM B1 of the Development Management Local Plan (2013).

32) No unit within Phase 1 shall be occupied until an Affordable Workspace Delivery Strategy has been submitted to and approved by the Local Planning Authority. The Affordable Workspace Delivery Strategy shall include the following details:

- a programme of works and target date for the practical completion of the Affordable Workspace within Arches 68, 69 and 70 (unless it is agreed in writing between the parties that other Arches could be provided as Affordable Workspace).
- an Affordable Workspace Management Plan that shall detail;
  
- how the Affordable Workspace will be marketed and managed;
- lease terms including termination clauses
- details of any third party Affordable Workspace Organisation that intends to manage the Affordable Workspace
- the fit out specification for the Affordable Workspace Floorspace
- the rental value of the unit or units within the Affordable Workspace shall be no more than 80% of the local market rate (in LBHF) for a period of not less than [36 months] commencing from First Occupation of the Affordable Workspace Floorspace.

The Affordable Workspace Delivery Strategy shall be reviewed after one year and three years following the First Occupation of the Affordable Workspace.

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

Reason: To ensure that accommodation is provided for all sizes of business (including affordable business workspace and small and medium sized enterprises) in the Borough in accordance with policies 4.2 of the London Plan (2016), policy LE1 of the Core Strategy (2011) and policy DM B1 of the Development Management Local Plan (2013).

### **Justification for Approving the Application:**

- 1) Principle of Development: The principle of the proposed reuse and refurbishment of the railway arches to provide additional town centre uses (with associated uses) and employment generating uses in addition to opening up specified arches to allow pedestrian north-south movement between the adjacent major development sites would contribute towards the regeneration of the White City Opportunity Area by supporting connections and linkages, creating a sense of place and adding to a vibrant mix of uses in the area which will stimulate the local economy in accordance with the adopted strategic planning policies A, LE1, WCOA and WCOA1 of the Core Strategy (2011), policies DM B1, DM B3 and DM C1 of the Development Management Local Plan (2013), London Plan (2016) policies 2.13, 2.14, 4.1, 4.2 and 4.8, and the White City Opportunity Area Planning Framework.

Design and Heritage and Amenity: The proposed development would improve connectivity across the regeneration area, and would contribute active edges to both sides of the railway viaduct enlivening the new public spaces on either side within an attractive townscape feature which would achieve a high quality



appearance, subject to conditions. It follows that the proposals enhance the character of the Wood Lane conservation area and would respect the principles of good neighbourliness in accordance with Policy BE1 'Built Environment' and Policy CC4 'Protecting and Enhancing Environmental Quality' of the adopted Core Strategy as well as Policy DM G1 (Design), DM G3 'Alternations and Extensions (Including Outbuildings)', Policy DM G4 'Shopfronts' and Policy DM G7 (Heritage) in the Development Management Local Plan (2013) , Policies 7.1, 7.2, 7.3, 7.4, 7.5 and 7.6 of the London Plan (2016).

Flood Risk: In terms of flood risk and SuDS issues, the site is in the Environment Agency's Flood Zone 1 so flood risk from the Thames is low and no Flood Risk Assessment is required in support of the development. The proposed impacts of the development can be mitigated by way of drainage solutions implemented as part of the drainage strategy set out in the approved plans for the adjacent development site to the south (Westfield) to demonstrate compliance with Development Management Local Plan policy DM H3 and London Plan (2016) policies 5.13, 5.14 and 5.15.

Energy/Sustainability: The BREEAM pre-assessment has confirmed that credits have been deemed achievable at this stage for a total score of 60.70% which corresponds to 'Very Good'. The proposed Energy strategy includes high insulation standards, very efficient building services, an efficient air conditioning system providing heating and cooling and low energy lighting. It has been confirmed that a 74.3% improvement on the baseline emissions will be achieved and 32.48% of the total CO2 emissions reduction of this development will be achieved by the incorporation of a low or zero carbon technology onsite. The proposals therefore comply with Policy DM H1 'Reducing Carbon Dioxide Emissions' and Core Strategy Policy CC1'Reduce Carbon Emissions and Resource Use and Adapt to Climate Change Impacts' of the LB Hammersmith and Fulham adopted Core Strategy and Development Management Polices Document and London Plan policies 5.1, 5.2, 5.3, 5.8, 5.9, 5.11, 5.12, 5.13, 5.14 and 5.15 of the London Plan (2015) .

Transport and Parking: Subject to conditions securing details of the Servicing and Delivery Plan, Travel Plan compliance, Cycle provisions and refuse collection, the proposals are considered to comply with Policy DM J5 'Increasing the Opportunities for Cycling and Walking' of the LB Hammersmith and Fulham's Development Management Local Plan (2013) and Policies 6.3, 6.9, 6.10 and 6.13 of the London Plan (2016), with regards to transportation and highways impacts.

Access: Subject to compliance with conditions requiring level access thresholds and detailed design of the shopfronts, the development would be fully inclusive and accessible for all users, in accordance with Policy 7.2 of the London Plan (2016), Policy BE1 of the London Borough of Hammersmith and Fulham Core Strategy (2011), Policies DM G1 and G2 of the Development Management Local Plan (July 2013) and SPD Design policies 1,2, 3, 4.6, 7.8 and 9 of the Planning Guidance Supplementary Planning Document (July 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: 30th November 2016  
Drawing Nos: see above

**Policy documents:** National Planning Policy Framework (NPPF) 2012  
The London Plan 2016  
LBHF - Core Strategy Local Development Framework 2011  
LBHF - Development Management Local Plan 2013  
LBHF - Planning Guidance Supplementary Planning Document  
2013

**Consultation Comments:**

**Comments from:**

**Dated:**

**Neighbour Comments:**

**Letters from:**

50 macfarlane road flat b LONDON W12 7JZ  
Flat B First Floor 50 Macfarlane Road London W12 7JZ

**Dated:**  
14.12.16  
20.12.16

**1.0 BACKGROUND**

1.1 This report relates to a full planning application submitted by Transport for London (TfL) for the re-use and refurbishment of the Hammersmith and City Line Arches between Wood Lane and the West Cross Route in White City. The proposals comprise opening key arches to permit public access between the strategic development sites on south and north sides of the railway viaduct and the re-use/refurbishment of arches for flexible retail/restaurant/bar/office uses.

1.2 The site is located within the White City Opportunity Area which is planned for comprehensive redevelopment and regeneration in the Council's Core Strategy (adopted 2011). TfL (The Applicant) is one of the key land owners in the White City Opportunity Area and the (TfL-owned) Arches between Wood Lane and the West Cross Route sits within the Strategic Development Site WCOA1 (alongside Land North of Westfield, the former BBC Television Centre and Media Village, former M&S Warehouse, former Dairy Crest and Imperial College development sites).

1.3 The site itself bisect the planned east-west publicly accessible open space (envisaged in the WCOAPF Masterplan) with the viaduct separating the north and south parts of the proposed open space. The developers to the south (Westfield) and to the north (St James) have committed to delivering public spaces on both sides of the railway viaduct, which is secured in their respective planning permissions. The 'White

City Green' as it is known in the Council's adopted Supplementary Planning Document (WCOAPF) would provide a setting for the re-used and refurbished arches.

1.4 The application has been submitted following pre-application engagement between TfL and LBHF, and the GLA. An opportunity has arisen for TfL to assist the comprehensive development of the area by responding to the emerging development schemes on both sides of the railway arches with these proposals.

## 2.0 SITE AND SURROUNDINGS

### Site & Surrounding Area

2.1 The Site comprises 0.62 hectares (1.5 acres) and is currently used for operational railway purposes including a range of plant and operational rail line equipment. The Site is approximately 285 metres in length, containing 31 railway arches (Arches 66 to 96) running southwest to northeast, crossing Wood Lane to the west and a railway line to the east.

2.2 The Site is located in the White City Opportunity Area (WCOA). The Site is also located on the southern periphery of the Wood Lane Conservation Area.

2.3 The Site is located in a highly accessible location with a PTAL rating of 6a (Excellent) due to the various forms of public transport within a couple of minutes' walk.. Wood Lane tube station (serving the Hammersmith & City and Circle lines) is located immediately to the west of the Site, and White City tube station (serving the Central line) is located less than five minutes' walk northwest of the Site. Wood Lane itself is a busy north-south vehicular thoroughfare which connects to the A-roads Scrubs Lane (A219) in the north and Uxbridge Road (A4020) in the south. Wood Lane is served by five bus routes. South of the Site is the Ariel Way/White City Bus Station which is served by ten bus routes. The Site is considered to be located in a highly sustainable location.

### Surrounding Context

2.4 The area around the Site is undergoing substantial redevelopment, with a high level of development activity currently underway. This is being facilitated through the White City Opportunity Area Planning Framework. In considering the emerging context of the immediate area, the Arches development will form a key component of the regeneration of this part of White City which is recognised in the WCOAPF adopted by LBHF in 2013.

2.5 The location of the Site is between two brownfield redevelopment schemes (Westfield to the south and St James/M&S site to the north) and currently acts as a barrier to movement between proposed redevelopment north and south of the Site. The WCOAPF requires the proposals to deliver greater north-south permeability between Westfield and the St James developments along with additional uses to create a setting for the proposed White City Green which intersects the Arches site.

### Relevant Planning History

2.6 An application for works to the Hammersmith and City Line Bridge (ref: 97/1407/FUL) was approved in January 1997. Outline planning permission for a new station on the south side of the bridge was approved in March 2002 (ref. 2000/1643/P). Following the grant of this application a number of amendments to the permission were

sought, with a planning application permitted in 2005 to erect a new Hammersmith and City Line Station at Wood Lane (2005/01175/FUL). This permission for a new station was implemented and subsequently opened to the public in 2008.

### Current Applications/Emerging Proposals

2.7 Westfield have applied for reserved matters (scale, access, appearance, landscaping, and layout) for Phase E (Public Realm) pursuant to outline planning application (as amended) 2016/03944/VAR [APPLICATION REF: 2016/04664/RES). The proposals comprise details relating to the implementation of landscaping/public realm works in part of the open space adjacent to Arches 78-96. Subject to approval, Westfield has informed the council of its intention to carry out these works this year in anticipation of completion by Q1 in 2018.

2.8 To the north of the arches, St James has discharged conditions and reserved matters for the first phases of the approved development scheme for the former M&S Site. The approved phases relate to the new Bridge (Phase 1A - Discharge of Condition 82 Ref: 2016/00936/DET) and Deck (Phase 1B Reserved Matters. Ref: 2016/03650/RES). St James has also obtained permission for a marketing suite that would be positioned in the north part of the proposed open space (within the main development) via condition 20. The following applications are of note:

- Submission of details of drawings in section, plan and elevation showing the details of any proposed cladding and integral lighting pursuant to condition 82a of planning permission 2014/04726/OUT granted 16th December 2015. APPROVED 09/11/2016
- Submission of reserved matters (access, appearance, landscaping, layout, and scale) for the Decking over the Central Line cutting (Phase 1B) in connection with planning permission ref: 2014/04726/OUT for the redevelopment of the former M&S Warehouse Site granted 16th December 2015; APPROVED 09/11/2016
- Submission of details to partially discharge condition 20 (temporary land use and structure) of planning permission 2014/04726/OUT granted 16th December 2015, for marketing suite for temporary period of 10 years (to December 2026). APPROVED 16/12/2016

2.9 St James is in the process of commencing the above works on the M&S site, whilst at the same time preparing an application for Phase 1C of the development which will comprise part of the east-west open space (known as Exhibition Green). It is anticipated works will commence on the delivery of Exhibition Green, subject to approval, following on from the completion of the Bridge and Deck works.

2.10 St James has liaised with TfL and Westfield to enable the area to the north of the viaduct (within Phases 1A, 1B and part of 1C of the M&S site development) to be built out and made ready for public use by Q1 2018. Subject to the arches development being approved, it is intended that Arches 94, 95 and 96 would be opened by the time the various public realm works have taken place on the sites to the north and south which would ensure access through the arches at this location.

### 3.0 CONSULTATION

3.1 The application has been advertised as development that could affect the setting of the Wood Lane Conservation Area with Site Notices being posted on 20/12/2016. A

Press Release was published in the Gazette on 20/12/2016. 13 Neighbour Notification Letters were posted to the closest properties on MacFarlane Road, Ariel Way and Wood Lane, including letters to the landowners to the south (Westfield) and north (St James) of the site.

3.2 3 Letters of support have been received.

3.3 In addition, officers have received correspondence from the landowners of the adjoining development sites (Westfield, Stanhope and St James) raising support for the proposals. The following comments are noted:

St James (Developer of the M&S Site): Plans for the Opportunity Area are rapidly evolving and the regeneration of the arches will form an integral part of the public realm and place-making strategy for White City. We are working closely with TfL to ensure that the opening up of a series of arches coincides with the delivery, by St James, of a new Pedestrian Deck Structure over the Central Line.

Stanhope (Developer of the former BBC Television Centre Site and former BBC Media Village site (White City Place): Stanhope are delighted to see the proposals for the railway arches from TfL come forward which in terms of both design and use will add to the rich mix of this rapidly evolving regeneration zone in West London. There is obviously a great opportunity to bring a new style of retail and commerce as a great addition to the Westfield complex and the arrival of John Lewis in late 2017.

Westfield (formerly industrial land to the south of the Arches): Westfield very much welcomes TfL's project to activate the Hammersmith and City Line arches with new and exciting uses which will complement our expansion at Westfield London. We are looking forward to working closely with TfL in order to ensure their successful and timely delivery in 2018.

3.4 The following external consultees have been notified of the proposals:

3.5 Hammersmith Society: No objections. HS welcome TfL's decision to refurbish the viaduct arches and develop new uses for them including the opening of 7 arches as pedestrian through routes. The arches are close to and visible from the Listed Dimco building, and therefore their appearance will affect the presence of a Listed Building. Signage and lighting are therefore material considerations. Lighting should be sufficient to emphasise the routes through between the public areas on either side but generally discreet, particularly on the shopfronts and should not contribute unnecessarily to light pollution. There is no reference to quantity of lighting, so this too should be secured in detail. We would also like to see conditions as regards materials : Where possible the existing brick arches should be respected and materials used for repairs either suitable salvaged and pointing to style of pointing to match etc. Is it the intention to clean the brickwork? Painting should be avoided unless absolutely necessary. New materials should be sympathetic. Overall style of signage is commendable and should be conditioned including the size, style, and whether sign illumination will be allowed. We note that para 8.2 says that proposals within the White City Opportunity Area are not liable for LBHF CIL (although liable for Mayoral CIL). This seems like a missed opportunity and it would be helpful to know why this is the case. We hope that it will be possible to extend this style of treatment to the arches on the west side of Wood Lane in due course.

3.6 Transport for London: No objections. Proposals unlikely to generate significant new trips from outside the local area. Supports provision of cycle parking for staff/long term spaces. Final Delivery Service Plan (DSP) to be conditioned. Ensure that Westfield agree to the DSP prior to first occupation.

3.7 Disability Forum: No objections. Require step free access to premises, accessible toilets, minimal conflict between pedestrians and service vehicles, delineation provided in the footway where tables and chairs are proposed.

3.8 LBHF Crime Prevention Officer: No response

3.9 Fulham Society: No response

Internal Consultees:

3.10 Conservation and Design: No objections - Comments set out in the Planning Considerations

3.11 Environmental Health: No objections subject to conditions relating to kitchen ducting and plant machinery to be secured, and informatives.

3.12 Air Quality: No objections but recommends conditions relating to Low Emissions Strategy, Air Quality Dust Management Plan.

3.13 Environmental Policy: More information on the Sustainable Urban Drainage Strategy (SUDS) has been requested.

3.14 Contamination Officer: No objections subject to standard contamination conditions

3.15 Transport and Highways: No objections subject to Construction Logistics Plan, Delivery and Servicing Plan, cycle parking and Travel Plans being conditioned.

3.16 Building Control: No response

3.17 Street Lighting Officer: No response

3.18 Waste and Recycling: No response

#### 4.0 PROPOSED DEVELOPMENT

4.1 The proposed development relates to the change of use and refurbishment of railway arches 66-96 at Wood Lane to create up to 1,765 square metres of new floorspace providing shops, restaurants, cafes, bars, and workspace (falling under A1/A3/A4 and B1 uses). External alterations to create new shopfronts, public realm improvements, landscaping, cycle parking, along with the creation of new pedestrian accesses through the arches are also proposed.

#### Phasing

4.2 The applicant intends to deliver the arches in two phases to reflect the projected delivery times of the Westfield and St James developments. The two phases of the arches are outlined on the proposed site plan.

## Phase 1

4.3 Phase 1 of the development comprises arches 78 - 96, which is intended to be implemented alongside Phase 2 of the Westfield development, which the applicant states is due for completion in March 2018. This includes 3 arches closest to Wood Lane Station that will be used for pedestrian access. In addition, 13 arches are included in Phase 1 providing retail uses (Class A1, A3 and A4), along with the bin stores, switch room and cycle parking.

4.4 The public realm proposed forms part of the Westfield and St James scheme. It will be delivered as part of those schemes and in line with the development phasing on both sites.

## Phase 2

4.5 The second phase of the arches development will include the remaining arches (66-77) closest to the A3320 West Cross Route and will deliver a further 7 retail and commercial arches (Class A1, A2, A3 and B1) along with 4 new public access arches. It is intended complete this phase when the adjacent residential developments to the north and south are complete in 2022. Until this time, the arches will not be accessible to the public.

4.6 The following provides a more detailed overview of the uses of each arch:

- o Arches 94-96, 75-77 and 67: Publicly open arches;
- o Arches 68 to 70: workspace (B1);
- o Arches 71 to 74, 78 to 83 and 87 to 93: Mix of food & beverage and retail shops (A1, A3, A4 use)
- o Arches 84-86 and 66: back of house units (i.e. cycle storage, bin store);

4.7 The following Table provides a breakdown of the floorspace associated with the arches (starting east-west):

Table 1. Floorspace Breakdown

<b>Arch No.</b>	<b>Use:</b>	<b>Floorspace (Where Applicable)</b>
Arch 66	Bin Store	71 sqm
Arch 67	Public Access Arch	N/A
Arches 68-70	Workspaces: Class B1	213 sqm
Arches 71-74	Retail/Restaurant/Bar Class A1/A2/A3/A4	284 sqm
Arches 75-77	Public Access Arch	N/A
Arches 78-83	Retail/Restaurant/Bar Class A1/A2/A3/A4	426 sqm
Arches 84-86	Back of House	202 sqm
Arches 87-93	Retail/Restaurant/Bar Class A1/A2/A3/A4	570 sqm
Arches 94-96	Public Access Arch	N/A
	Total	1,766 sqm

4.8 The expected opening hours for the restaurants and bars would be subject to the future tenants and separate licensing applications, but the general opening hours are currently anticipated to be as follows:

Monday - Thursday: 07:30 - 00:00

Friday: 07:30 - 01:00

Saturday: 08:00 - 01:00

Sunday: 08:00 - 00:00

4.9 The applicant has proposed these hours of operation as they consider they would be appropriate for the Site's location. Future tenants may seek different hours of operation with individual licensing applications to be submitted.

#### Appearance

4.10 Limited alterations to the appearance of the arches are proposed. The proposals comprise glass shop fronts that will be integrated into the existing arches. Metal ventilation panels would be provided at high level on units where necessary above the proposed entrance points, above head level. The applicant confirms that details of the treatment of the signage will be developed by the future tenants before occupation commences and will follow the design principles set out in the Design and Access Statement, to ensure design coherence across the scheme.

#### Access

4.11 Due to the excellent public transport accessibility of the site, no on-site visitor car parking will be provided.

4.12 A total of 7 of the arches will be opened up to allow public through access that will connect the wider opportunity area together. This will also result in improved pedestrian flows from Wood Lane Station through to Westfield and beyond. The provision of improved connectivity through and around Wood Lane arches is supported by LB Hammersmith and Fulham, and the Mayor.

4.13 66 cycle spaces are proposed. 16 cycle spaces will be used for long stay and will be located within arch 87. 16 short stay spaces will be located adjacent to Arch 66 (on the north side) and 34 short stay spaces will be located adjacent to Arch 97 and Wood Lane Station (north side).

#### Servicing & Delivery

4.14 The applicant has reviewed the servicing and delivery options with St James and Westfield. The primary delivery, servicing and refuse routes will be via Westfield's land (to the south) and a secondary route will be provided via St James site to the north.

4.15 The Draft Delivery and Servicing Management that accompanies this application provides further details on the proposed delivery and serving arrangements.



## Public Realm

4.16 The public realm under the open arches and on the land in TfL's ownership to the north and south (as shown in the red line plan) will connect to the public realm masterplans for the Westfield and St James developments and will be delivered as part of those schemes.

4.17 The applicant confirms that the lighting scheme within the public realm will provide a safe and attractive environment even during late hours and will enhance the architectural qualities of the arches. Feature lighting is proposed for the shopfronts and will highlight the arch form as well as illuminate the stretch of arches along the viaduct.

### Application Content.

4.18 The applicant has submitted the following documents are part of the planning application:

- Application forms and ownership certificates;
- Planning drawings (Listed in Condition 2);
- Planning Statement;
- Design and Access Statement;
- Transport Statement;
- Draft Delivery and Servicing Management Plan;
- Air Quality Assessments (comprising an Odour Assessment and Air Quality Neutral Calculation);
- Energy Statement;
- BREEAM Assessment;
- Noise Assessment; and
- Statement of Community Involvement.

## 5.0 PLANNING CONSIDERATIONS

5.1 The following policies set the planning policy background which the application has been considered against.

### National Guidance

5.2 The National Planning Policy Framework (NPPF) was adopted in 2012. It sets out the Government's approach to planning matters and is a material consideration in the determination of this planning application. Paragraph 14 of the NPPF states that, 'at the heart of the document' is a 'presumption in favour of sustainable development' which, for decision taking, this means:

"Approving development proposals that accord with development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

5.3 Paragraph 17 sets out 12 core land-use planning principles that should underpin both plan-making and decision-taking. The following principles are of particular relevance to the current proposals:

"Proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the Country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in that area, taking account of the needs of residential and business communities;

"Encourage the effective use of land by reusing land that have been previously developed (brownfield land), provided that it is not of high environmental value; Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable".

5.4 The core planning principles are followed by the section entitled 'Delivering sustainable development' and the first sub-section deals with 'Building a strong, competitive economy'. Paragraph 18 begins by advising that the Government is committed to securing economic growth in order to create jobs and prosperity. Significantly, paragraph 19 states:

"The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system". (our emphasis)

5.5 Additionally, paragraph 21 states that local planning authorities should:

"Support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area.

#### Statutory Framework

5.6 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the policies of the statutory development plan, unless other material considerations indicate otherwise.

5.7 The statutory development plan for the site comprises:

- o The London Plan (2016)
- o Hammersmith and Fulham Local Development Framework Core Strategy (2011)
- o Hammersmith and Fulham Local Development Framework Development Management Local Plan (2013).

5.8 The Council's regeneration strategy is set out within Chapter 7 of the Core Strategy. The application site is within the southern part of Strategic Site WCOA1 (White City East), designated within the Core Strategy. Strategic Site WCOA1 also comprises the BBC Television Centre, the Dairy Crest Site, former M&S Warehouse Site, and Imperial College.

5.9 LBHF, the GLA and TfL adopted The White City Opportunity Area Planning Framework (WCOAPF) in October 2013. This document builds upon the Core Strategy Regeneration policies and promotes the regeneration of the wider White City area. The WCOAPF encompasses an overarching strategy for urban design, land use, housing, transport, social and environmental and provides policy guidance for developers and landowners in order to ensure a comprehensive approach is taken in the redevelopment of the area.

5.10 Within the Local Development Framework, the Council adopted the Planning Guidance SPD in 2013 which provides supplementary guidance to support the policies in the Core Strategy and the Local Plan.

5.11 The development plan policies form the primary basis against which officers have assessed this application along with other material planning considerations including the Equalities Act (2010) and regional and local relevant supplementary planning guidance.

#### Planning (Listed Buildings and Conservation Areas) Act 1990

5.12 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 66 and Section 72 duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 set out below together with the requirements set out in the NPPF. Section 66(1) 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.' Section 72 of the above Act states in relation to Conservation Areas 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.'

5.13 Officers acknowledge that there is a strong statutory presumption under the Planning (Listed Building and Conservation Areas) Act 1990 and as reflected in recent case law against the grant of planning permission for any development which would either (1) fail to preserve the setting or special architectural or historic character of a listed building or (2) fail to preserve the character or appearance of a conservation area. The desirability of preserving the special architectural or historic interest of a listed building or its setting, or the character or appearance of a Conservation Area or its setting are therefore matters to be given considerable importance and weight in the assessment of any development proposals. Officers have considered the proposed external alterations to the railway arches and their re-use (in the context of the wider development proposals) and whether the works/uses harm the setting of the Wood Lane Conservation Area. Officers have concluded that no harm to the setting of heritage assets would be caused by the proposed development. Officers' assessment of the level of harm to the character and appearance of the conservation area and its setting is a matter of planning judgement and the following sections will address these matters in detail.

5.14 The following issues comprise the main planning considerations which have been taken into account in the planning assessment:

- Principle of Development
- Land Uses
- Design and Heritage
- Landscaping/Public Realm
- Transport and Highways
- Noise/Amenity
- Air Quality
- Sustainability and Energy
- Ground Contamination
- Flood Risk and Drainage
- Accessibility

#### Principle of Development - Policy

5.15 Strategic Policy A 'Planning for Regeneration and Growth' sets out the Council's desire to focus and encourage major regeneration and growth in five key regeneration areas. The Site is located within the White City Opportunity Area. The policy notes:

"The regeneration areas could provide at least 13,200 additional dwellings and 25,000 jobs during the period 2012-2031'.

5.16 The Regeneration Area Strategy of relevance to The Site is the Strategic Policy WCOA, which is focused on the White City Opportunity Area, within which The Site is located. The policy states:

"The council will work with the GLA, other strategic partners, the local community and landowners to secure the comprehensive regeneration of the White City Opportunity Area (WCOA); and, to create a vibrant and creative place with a stimulating and high quality environment where people will want to live, work, shop and spend their leisure time. The existing estates community must be able to benefit from regeneration of the area through access to jobs, better local facilities, better and more suitable housing, and improved environmental conditions.

5.17 Policy WCOA notes that:

'the regeneration of the WCOA will be focused on the development of White City East, partial development of the BBC TV Centre and encouraging the regeneration of the White City and adjacent estates. It will also involve improvements to, and developments within, the historic Shepherds Bush town centre, including a regenerated Market area that provides an enhanced focus and destination in the western part of the town centre. Major leisure activities and major retail that cannot be located within the town centre may be appropriate north of Westfield on the edge of the existing town centre boundary; and there is potential to consider a northwards extension of the town centre'.

5.18 The WCOA policy subtext also requires new development to contribute directly to regeneration of the whole of the north of the opportunity area (that also includes the Council and Registered Provider housing estates); and, in particular, to achieving a mixed and balanced community across the whole of that area. The policy notes that this should happen through measures that include:

- provision of, or contributions, to programmes that enable local people to access new job opportunities through training, local apprenticeships, or targeted recruitment;
- environmental improvement and measures to enhance environmental sustainability, such as decentralised energy and heat networks;
- provision of land, buildings, and funding for new or improved publicly available social infrastructure that benefits the area as a whole;
- provision of, or contributions to, transport infrastructure or improvements that are necessary to secure the regeneration of the whole area.

5.19 The WCOA strategic policy also states that development must be permeable and well connected both within and outside the area, especially for pedestrians. Policy WCOA identifies three 'Strategic Sites' including White City East (WCOA1) which the application site falls within. The policy requires:

"There must be a comprehensive approach to the development of the area which provides high quality places for living and working that are well integrated with, and respect the setting of, the surrounding area. Planning applications should illustrate how proposals sit within the context of a detailed masterplan for each major landholding (or group of closely related landholdings), and in line with the White City Opportunity Area Planning Framework, its indicative masterplan, and its transport study to provide the basis for detailed planning applications. All development must contribute to achieving the strategic policy for the opportunity area, especially in terms of directly contributing to the regeneration of the north of the opportunity area.

The area should be redeveloped for a mix of housing, employment and community uses, establishing a creative industries hub, primary school, major leisure facilities, and a local centre with supporting uses (e.g. local shopping, restaurants, and community facilities). Within the overall mix of uses there could be scope to accommodate major educational, cultural and health facilities. Development must be well related to a pattern of public and private open spaces set within a high quality public realm.

All separate sites must individually contribute proportionally to achievement of the objectives and policies for the area; and, to the overall provision of social and physical infrastructure, affordable housing, and any necessary improvements to the transport infrastructure that are together necessary to enable the area to be developed to its potential. There must be a permeable pattern of streets, pedestrian and cycle routes that knits the area together and connects it with the surrounding area.

White City Opportunity Area Planning Framework (October 2013)

5.20 Core Strategy Policy WCOA requires that all developments must have regard to, and will be considered against, the White City Opportunity Area Planning Framework".

5.21 The White City Opportunity Area Planning Framework was prepared by the GLA and LB Hammersmith and Fulham in partnership with TfL in 2013, supplementing and applying the London Plan and the borough's Core Strategy policies which apply within the Opportunity Area. The framework sets out the preferred approach towards achieving 10,000 jobs and 5,000 homes in the area.

5.22 The 'Hammersmith and City Line viaduct arches' are considered one of several locations which can support the creation of 'new north-south connections through

Westfield'. The OAPF allocates the site within the 'White City East' area and makes reference to the opportunity for improving access and linkages across the area:

"3.56 The railway viaduct arches that sit centrally in the Green will need to be partially opened up to provide for multiple north-south routes between the two sections of open space, some to be used as cafes and or other activities that could be integrated with the Green. Similar to the viaduct arches in Ravenscourt Park, many of the arches should remain open to pedestrians and cyclists to encourage north-south movement. Particular archways which visually link up to streets running north of the green and from Wood Lane Station should be left open for passage. Areas of hard landscaping could provide a high quality setting for uses such as local cafes, restaurants, shops and community spaces that integrate well with the open space.

Improving north-south connections includes providing a northern entrance to Westfield so that it connects with the area north of the existing shopping centre and encourages movement through White City Green. Provision for the railway viaduct arches to be opened for passage will provide the opportunity to join up to one of two new key routes through the area to the site north of the Westway. New development will be required to create a high quality transition between the town centre and new development areas.

The railway viaduct arches in the Green will need to be opened up to provide for multiple north-south openings between the two sections of open space."

Draft LBHF Local Plan

5.23 Public consultation for the Proposed Submission Consultation of the draft Hammersmith and Fulham Local Plan closed on 28 October 2016. Adoption of the new Local Plan is due in summer 2017, and will set out the vision, objectives, and detailed spatial strategy for future development in borough to 2035.

5.24 Of relevance to the proposals is the emerging Strategic Site Policy WCRA1 'White City East; identifies that there should be improved permeability and access between Westfield and areas north in the WCRA, particularly through areas of public open space including opening up arches underneath the Hammersmith and City Line railway viaduct. It goes on to note at supporting paragraph 5.28 that:

"The railway arches situated between the Westfield and Marks and Spencer site are key to delivering the north-south pedestrian flows and should be opened up for circulation and other active uses."

Principle of Development - Land Use Assessment:

5.25 Strategic Policy WCOA of the Core Strategy states that White City East (WCOA1) should be redeveloped for a mix of housing, employment and community uses, establishing a creative industries hub, primary school, major leisure facilities, and a local centre with supporting uses (e.g. local shopping, restaurants, and community facilities). The policy further states that the overall aim is to regenerate the area to create a vibrant and creative place with a stimulating and high quality environment where people will want to live, work, shop and spend their leisure time.

5.26 Retail Uses (Classes A1-A4): The proposed A Class land uses specified above would be considered to fall within the list of uses deemed acceptable as set out in the

adopted Core Strategy and WCOAPF policies. Officers acknowledge that they would contribute positively to meet the above objective to create a stimulating and vibrant environment. It is also considered that the additional uses would complement the existing retail uses in the Westfield Shopping Centre and mix of employment uses within the area.

5.27 The proposed A Classes (A1/A2/A3/A4) could result in the provision of up to 1,493 sqm floorspace across the site (in Phases 1 and 2). The proposed quantum of new floorspace would fall under the threshold within the NPPF which requires a retail impact assessment to demonstrate if the development would have any adverse impact on the vitality or viability of nearby town centres.

5.28 Officers note that the scale of the town centre uses needs to be considered with regard to the impact on the area. Officers consider that the strength of offer for retail in Shepherds Bush Metropolitan Centre and Westfield London mean that they well placed to withstand any competition from the localised small scale retail units.

5.29 It is considered that the refurbishment of the arches will encourage the creation of inclusive and accessible places and will contribute to creating a vibrant and creative place with a stimulating and high quality environment where people will want to live, work, shop and spend their leisure time. Officers consider that the proposals fully comply with the strategic ambitions set out within Strategic Policy A 'Planning for Regeneration and Growth' as well as Strategic Policy WCOA.

5.30 Workshops/Studios (Class B1): The council's Core Strategy and White City Opportunity Area SPD indicate that the priority for development in this area should be to maximise the provision of jobs in a high mix of employment generating activities. The provision of commercial uses and workshop/studio spaces for SME and start-up business (as proposed) would help contribute to the mix of employment generating activities in this regeneration area.

5.31 The relevant policies for the consideration of the office space include: NPPF, Core Strategy Policy WCOA, Strategic Site Policy WCOA1, Strategic Policy B, Policy LE1, London Plan Policy 4.2 and DM LP Policy B1. There are established office/business uses in close proximity to the site in the former BBC Television Centre and Westfield sites and the proposed studio/workshop floorspace is considered to be in accordance with the Core Strategy Policies with regard to employment generation in the area (e.g. Strategic Policy B seeks office based development in the WCOA).

5.32 Class B1 (Business/Workshops/Studios): As part of TfL's pre-application consultation engagement, LBHF recommended provision should be made for workspace for SME's to be included to reflect emerging policy objectives in accordance with Policy E1 'Providing for a Range of Employment Uses' which encourages:

"...proposals including mixed use schemes for new employment uses, especially those that recognise the existing strengths in the borough in creative industries, health services, bio-medical and other research based industries, such as those at Imperial College in Shepherd's Bush."

It is noted that the Class B1 (business) floorspace will come forward in Phase 2 alongside other retail/cafes and restaurants (Class A1/A3/A4). Officers consider that the principle of the Class B1 floorspace is acceptable and the Council welcome the further

opportunities to secure this floorspace for smaller localised start-up companies. Notwithstanding this, there is a significant shortfall in new 'affordable' workspace in LBHF for start-up business, particularly for Small and Medium Enterprises (SMEs). Therefore, it is recommended that the Class B1 workspace in Arches 68, 69 and 70 is secured as affordable workspace at 80% (or less) of market rents (within LBHF) for at least 36 months following first occupation and that this is delivered earlier than the suggested date in the supporting Design and Access Statement/Planning Statement included with this planning application.

The applicant has agreed to submit an Affordable Workspace Delivery Strategy which includes a Management Strategy which will detail:

- how the Affordable Workspace will be marketed and managed;
- lease terms including termination clauses;
- details of any third party Affordable Workspace Organisation that intends to manage the Affordable Workspace;
- the fit out specification for the Affordable Workspace Floorspace;
- the rental value of the unit or units within the Affordable Workspace shall be no more than 80% of the local market rate (in LBHF) for a period of not less than [36 months] commencing from First Occupation of the Affordable Workspace Floorspace.

The Affordable Workspace Delivery Strategy shall be reviewed after one year and three years following the First Occupation of the Affordable Workspace.

The applicant has also agreed to target early delivery of the affordable workspaces (in Phase 2) by providing details of a phasing strategy which sets the timeframe and programme for the delivery of the phase 2 works and the construction works necessary to make the Phase 1 Arches available for use and includes a feasibility study of delivering Phase 2 in advance of the St James and Westfield construction works.

Officers consider that the details are secured by conditions 31 and 32 in order to secure compliance with in accordance with policies 4.2 of the London Plan (2016), policy LE1 of the Core Strategy (2011) and policy DM B1 of the Development Management Local Plan (2013) which seek to ensure that accommodation is provided for all sizes of business (including affordable business workspace and small and medium sized enterprises) in the Borough.

## Conclusions

5.33 The existing arches do not provide any jobs or contribute to the local or wider economy. Looking at the overall benefits that the proposed scheme could bring, the proposed change in use is considered to be consistent with the Site's location within the WCOA. In addition, the proposed A1, A3, A4 and B1 units are expected to provide approximately 1,493 square metres and are estimated to generate approximately 100 FTE jobs. These economic benefits arising from the development have been afforded significant weight in the assessment of the merits of the application.

5.34 Officers are satisfied that the provision of affordable workspace will be delivered subject to conditions.

5.35 The refurbishment of the arches provides the opportunity to contribute to and deliver the Council's aspirations to improve important linkages in the area. It is therefore



considered that the change in use is be acceptable and that the principle of development is considered to be entirely acceptable, having demonstrated compliance with the development plan and the NPPF.

## Design and Heritage

5.36 The proposals have been considered in line in accordance with Policy BE1 'Built Environment' and Policy CC4 'Protecting and Enhancing Environmental Quality' of the adopted Core Strategy as well as Policy DM G1 (Design), DM G3 'Alternations and Extensions (Including Outbuildings)', Policy DM G4 'Shopfronts' and Policy DM G7 (Heritage) in the Development Management Local Plan (2013), Policies 7.1, 7.2, 7.4, 7.5 and 7.6 of the London Plan (2016). In addition, the WCOAPF also includes additional design guidance specific to the arches.

5.37 There are 4 types of railway arch treatment proposed in this application. Seven arches will be opened to allow pedestrian connectivity and clear sight lines between the St. James site to the north of the viaduct and the Westfield site to the south. These arches will feature exposed brick with uplighters in the ground, lighting up the inner walls of the arches. The brick arch forms are inherently attractive and the lighting will provide a simple but very effective way of accentuating the form and natural beauty of the brick.

5.38 There are 2 types of arches to be occupied by the retail and commercial units. Those arches to be occupied by individual units will have simple arch form, powder coated grey metal linings that project on both sides to form a shallow canopy and reveal. These metal elements will partially extend inside each unit to line the inner walls and ceilings. The external canopies will also benefit from uplighters to highlight the arch form. Signage for each unit will be integrated vertically within the reveals. Simple clear glazed shopfronts on both sides have been cleverly designed so that any ventilation units can be integrated discreetly behind a small flush panel of louvres above the double entrance doors.

5.39 Arches 88-93 have been designed so that multiple units can be linked together. This requires a further forward projection of the canopy to allow an internal corridor to run behind the external face. This is achieved by extending the arch form further beyond the viaduct on the south side.

5.40 Service units for bins and plant etc are contained within units with matching powder coated metal surrounds with metal panelled facades. These provisions are located in less visible parts of the viaduct behind the emergency staircases from the platform (within Arches 66, 84, 85 and 86).

5.41 This proposal is considered to be a well-conceived enhancement of the railway viaduct. The simple arch formed infills will accentuate the rhythm of repetitive openings along the length of this notable and prominent townscape feature. The units themselves are of high quality design with elegant proportions, good quality materials and integrated external lighting. The proposal is compliant with Policy DM G3 as it compatible with the scale and character of existing development.

5.42 In addition to improving connectivity across the regeneration area, the proposal will contribute active edges to both sides of the viaduct and help to enliven the new public spaces on either side. An attractive but currently inaccessible townscape feature will be

revealed and opened up to public access and the quality of its appearance will be substantially upgraded. It will enhance the character of the conservation area and is compliant with Policy DM G7.

### Public Realm & Landscaping

5.43 The proposals will open up the arches 67, 75, 76, 77, 94, 95 and 96 to the public which are currently inaccessible. The proposals would result in the creation of active frontages facing the spaces to the south and north of the viaduct. The public realm adjacent to the arches will consist of a paved pedestrian area directly leading into the shop fronts of the retail units (on both sides). Discussions with both adjacent landowners have taken place to ensure that the arches feed directly into the surrounding landscaping strategies. A condition is recommended that requires details of the external ground surface materials to be approved, prior to above ground works being commenced.

5.44 The details on the proposed drawings provide active frontages on both sides of the Arches. The WCOAPF guidance is clear that the re-used arches needs to face onto both north and south aspects and the proposals are consistent in this respect. Officers recommend that a condition is imposed that requires the retail units to include clear glazing on both the north and south facades for all windows, glazing panels and doors.

### Heritage

5.45 It is considered that there will be no harm to the character or appearance to the Wood Lane Conservation Area, or to the setting of the listed DIMCO building. The view of the arches from the surrounding conservation areas will not differ. As such, the proposals are consistent with the requirements of Hammersmith and Fulham's Development Management Policy DM G7 'Heritage and Conservation'.

### Design Summary

5.46 The proposed development would improve connectivity across the regeneration area, and would contribute active edges to both sides of the railway viaduct enlivening the new public spaces on either side within an attractive townscape feature which would achieve a high quality appearance, subject to conditions. It follows that the proposals enhance the character of the Wood Lane conservation area and would respect the principles of good neighbourliness in accordance with Policy BE1 'Built Environment' and Policy CC4 'Protecting and Enhancing Environmental Quality' of the adopted Core Strategy as well as Policy DM G1 (Design), DM G3 'Alternations and Extensions (Including Outbuildings)', Policy DM G4 'Shopfronts' and Policy DM G7 (Heritage) in the Development Management Local Plan (2013) and Policies 7.1, 7.2, 7.4, 7.5 and 7.6 of the London Plan (2016).

### Transport, Access, and Servicing

5.49 The accompanying Transport Statement and Design and Access Statement provides a detailed explanation of the rationale and technical data surrounding the highway issues. The Transport Statement concludes that the proposals will not result in an impact on pedestrian safety. The Borough's Highways officer has reviewed these documents and advises there are no objections to the proposals subject to conditions.

5.50 The applicant has developed a servicing/delivery solution that allows servicing vehicles to access the arches within the public realm area, which will be built out shortly subject to reserved matters approvals being secured for the Westfield and St James public realm schemes. The service vehicle route from the south will be through Westfield's site, in an anticlockwise direction eastbound along Ariel Way, around the rear of the Westfield site, and then westbound along the front of the railway arches where servicing will take place. To exit the site vehicles will travel westbound along the arches and exit onto Ariel Way via a new dropped/splay kerb to the east of the existing pedestrian crossing.

## Access

5.51 The Site has excellent public transport accessibility, with a PTAL rating of 6a. Wood Lane Underground Station is located immediately to the eastern end of the site, with White City Underground Station located some 160 metres to the north. There are numerous bus services that run along Wood Lane Road (A219). Due to the excellent public transport accessibility of the site, no on-site visitor car parking will be provided.

5.52 A total of 7 of the arches will be opened up to allow public through access that will connect the wider opportunity area together. This will also result in improved pedestrian flows from Wood Lane Station through to Westfield and beyond. The provision of improved connectivity through and around Wood Lane arches is supported in the Core Strategy Policies WCOA and WCOA alongside the WCOAPF.

5.53 All re-used and refurbished arches shall have level threshold entrances and door widths shall be designed to enable wheelchair access. The applicant has demonstrated how due consideration has been given to minimising potential for conflict between servicing vehicles and pedestrians. It is considered that the proposed servicing, delivery, and access arrangements have been designed to minimise congestion on the surrounding highway network and to minimise the possibility of conflicts with pedestrians in the vicinity of the site whilst providing acceptable access for all users.

5.54 It is considered that the proposals fully meet the requirements set out in Policy T1 'Transport' and CC3 'Waste Management' of the LB Hammersmith and Fulham Core Strategy.

## Delivery and Servicing Management Plan

5.55 Following pre-application discussions with LBHF, a Delivery and Servicing Management Plan (DSMP) was requested to support the application. The accompanying DSMP has been prepared in accordance with TfL best practice guidance. The DSMP has been designed in order to manage deliveries and servicing to the arches to ensure the successful operation of the servicing (including refuse storage and collection) for all elements of the scheme. The applicant states that the draft DSMP would ensure effective management to reduce the potential for vehicle conflicts and result in a minimum impact on both the surrounding highway and pedestrian network. The DSMP outlines how careful consideration has been given to how the potential for conflict between pedestrians and service vehicles can be minimised. The proposed servicing areas within the White City Green (south side) have been designed to be an area of quality public realm that can accommodate service and delivery vehicles. The Delivery and Servicing Plan has been prepared in the context of the proposed landscape layout proposed as part of the Westfield Phase 2 development. This will

ensure that the access arrangements and pedestrian movements for both developments have been fully coordinated. The applicant confirms that the company responsible for managing servicing of the proposed development would be required to co-ordinate with Westfield to avoid potential conflict with HGV's or refuse/recycling collection vehicles.

## Deliveries

5.56 The applicant proposed that deliveries to the arches would be controlled by a delivery schedule. This will ensure the scheduling of goods and guarantee that no conflicts arise in terms of servicing.

## Management of Servicing

5.57 The DSMP provides details on how all servicing operations will be overseen by the management team employed to oversee the Arches operations. The applicant confirms that this will be set out within the tenant's handbook which will form part of the agreement for lease with each occupier. Occupiers of the proposed units will be allocated delivery time slots by the company responsible for managing the site. This will be managed by a computerised system which will allow each occupier to book slots for a delivery to avoid conflict and ease any potential congestion. The draft DSMP goes on to state that each delivery slot will be provided for each unit and all deliveries will need to arrive and depart within that delivery slot. The management company will perform checks to ensure that occupiers comply. The Borough's Highways Officer raises no objections to the servicing and deliveries strategy subject to the detailed DSMP being conditioned.

## Refuse

5.58 The applicant notes that a separate Waste Management Strategy will be submitted to LB Hammersmith and Fulham which will outline how all refuse/recycling collection will take place from within the internal bin arch. At all times refuse will be stored within the dedicated refuse store. The provisions for waste and recycling storage and collections will be secured by way of a planning condition.

## Cycle Parking Provision

5.59 The proposals will include some 66 cycle parking spaces for future employees of the arches. Provision will be provided within arch 87 which will be secure. 16 Long stay cycle spaces are provided. An additional 50 visitor spaces outside the arches are also proposed and these will need to be secured by way of planning condition.

5.60 The Borough's Highways Officer has reviewed the planning application documents including the proposed Transport Statement, Draft Servicing and Delivery Strategy and confirms that the proposals are acceptable subject to the detailed provisions (secured by way of conditions).

5.61 The proposals are considered to comply with Policy DM J5 'Increasing the Opportunities for Cycling and Walking' of the LB Hammersmith and Fulham's Development Management Local Plan, and Policies 6.3, 6.9, 6.10 and 6.13 of the London Plan (2016) with regards to transportation and highways impacts.

## Noise

5.62 NPPF paragraphs 109 and 123 are the primary source of planning guidance with respect to noise. Paragraph 109 states 'The planning system should contribute to and enhance the natural and local environment by inter alia preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise.'

5.63 The Noise Policy Statement for England sets out the government's noise policy, which is to 'promote good health and a good quality of life through the effective management of noise.' Policies within the London Plan (7.5) and the London Ambient Noise Strategy aim to minimise the adverse impacts of noise on people living, working in, and visiting London by using the best available practices and technologies. A key aim is to work towards more compact city development, while minimising noise. At the local level, the LBHF's Core Strategy Policy CC4 requires the suitability of a site for residential use to be assessed in accordance with the procedures set out in PPG24 'Planning and Noise'. Policy DM H9 in the DM Local Plan state that 'Housing and other noise-sensitive development will not normally be permitted where the occupants/ users would be affected adversely by noise from existing or proposed noise generating uses. The policy states that exceptions will only be made if it can be demonstrated that adequate mitigation measures will be taken. Noise generating development will not be permitted if it would be liable to materially increase the noise experienced by the occupants/users of existing or proposed noise sensitive uses in the vicinity'.

5.64 A Noise Assessment supports the application that was undertaken by RPS to support the proposals within the Arches. This was undertaken to examine the effects of noise from the proposed development on surrounding noise-sensitive receptors. The closest existing residential properties are located to the east of the West Cross Route and on Wood Lane to the south, which are a considerable distance from the arches and will not be affected by the proposals. The proposed Westfield and St James planning permissions permit residential accommodation with the northern edge of Plot C (Westfield), south facing façade of Plot E2 and A1 (St James) that are approx 25-30m away from the viaduct. The north facing aspects from the Westfield development and south facing aspects of the St James development would overlook the railway arches although they are approx 25-30m away. Most of the residential units (within both developments are in the upper floors with the lower levels containing retail/restaurant uses.

5.65 In light of British Standard 4142: 2014, an assessment of noise from the arches has suggested that the development would have a 'low impact' on nearby receptors during the day, considering the nature of the noise and the context of the local noise climate. The assessment concludes that the mechanical plant associated with the proposed development will be controlled via condition. Noise transfer between the proposed units will be controlled through appropriate building design and Premises Licences, where appropriate. Noise from vehicular movements will be minimal as there is no associated parking provision. However, there will be some vehicle movements for servicing but the immediately surrounding area is not considered sensitive in its current condition as a construction site or in the future with the developments completed.

5.66 Noise transfer between the proposed units will be controlled through appropriate building design to ensure that neighbouring tenants and other users are not unduly disturbed. If tenants wish to play amplified music, then this could be subject to a

separate Premises Licence from the LB Hammersmith and Fulham which will also cover other aspects of licensing. Given the proximity of residential units within the development sites to the south and north, it would be necessary to secure controls over the levels of any amplified music which is audible from the nearest units. Officers recommend that a condition is imposed which deals with maximum noise levels (from any amplified music).

5.67 In summary, any potential noise problems have therefore been overcome and the proposals meet the requirements of Policy DM H9 'Noise' of the LB Hammersmith and Fulham's Development Management Local Plan (2013) and Policy CC4 of the Core Strategy (2011).

#### Air Quality

5.68 The proposed development has been considered against London Plan policy 7.14, Core Strategy Policy CC4 and DM Local Plan policy DM H8 and the WCOAPF with regards to air quality issues. The whole Borough is designated as an Air Quality Management Area (AQMA) for Nitrogen Dioxide (NO<sub>2</sub>) and Particulate Matter (PM<sub>10</sub>).

5.69 The supporting Air Quality Assessments (comprising an Odour Assessment and Air Quality Neutral Calculation) confirm that the overall air quality effects of the proposals are not significant. The total transport emissions for the three different scenarios have been assessed and have been confirmed as falling within the relevant benchmarks during the operational phase of the proposed development. RPS note that TfL has already committed to providing cycle storage facilities as part of the proposed development which would help reduce the number of vehicular bound trips.

5.70 Furthermore, an Odour Risk Assessment of the kitchen exhausts was carried out in accordance with the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2005). The report notes that the Defra risk assessment categorises the kitchen exhaust as "high" odour impact risk, and a 'high level' of odour control is recommended. As such, appropriate controls relating to kitchen abatement can be secured as a condition.

5.71 Notwithstanding the above, the site is located within an Air Quality Management Area and the site itself is in an area with the NO<sub>2</sub> levels are particularly high. As such, it is recommended (in accordance with the technical advice from the Air Quality Officer) that details of a Low Emissions Strategy and an Air Quality Dust Management Strategy are secured as planning conditions to control any polluting sources from the development. The applicant has agreed not to use any Non-Road Mobile Machinery (NRMM) until details of such NRMM have been submitted to and approved in writing by the Council (by condition).

5.72 In summary, the Arches development will not, in air quality terms, conflict with national or local policies. There are no constraints to the development in the context of air quality.

## Sustainability and Energy

### Energy

5.73 The Energy Statement outlines how the proposed development meets the relevant energy and carbon reduction targets set by LB Hammersmith and Fulham's and the GLA. It concludes that by using the lean, clean, green energy hierarchy, appropriate steps have been taken to provide significant energy and carbon savings for the proposed refurbishment of the arches.

5.74 The modelling undertaken to support the Energy Statement report shows that Building Regulations 2013, London Plan 2016, a BREEAM Very Good Rating, and local authority planning requirements can be met with respect to energy and CO2 reduction.

5.75 The proposed strategy includes high insulation standards, very efficient building services, an efficient air conditioning system providing heating and cooling and low energy lighting. It has been confirmed that a 74.3% improvement on the baseline emissions will be achieved and 32.48% of the total CO2 emissions reduction of this development will be achieved by the incorporation of a low or zero carbon technology onsite.

5.76 The proposed development appears to incorporate as many measures as reasonably possible for a proposal of this nature, therein complying with Policy DM H1 'Reducing Carbon Dioxide Emissions' and Core Strategy Policy CC1 'Reduce Carbon Emissions and Resource Use and Adapt to Climate Change Impacts' of the LB Hammersmith and Fulham adopted Core Strategy and Development Management Policies Document and with policies 5.1, 5.2, 5.3, 5.8, 5.9, 5.11, 5.12, 5.13, 5.14 and 5.15 of the London Plan (2016).

### BREEAM

5.77 A BREEAM assessment has been undertaken by RPS in order to examine the potential for ensuring a sustainable design, construction, and management of the arches. The applicant has confirmed that they will construct the proposals to shell and core, with the fit out completed by the tenants. The applicant confirms that the tenant's will be required to Fit-Out the units to achieve a BREEAM 'Very Good' rating, with an overall score of at least 55%.

5.78 The pre-assessment has confirmed that credits have been deemed achievable at this stage for a total score of 60.70% which corresponds to 'Very Good'. The proposals therefore comply with Policy DM H1 'Reducing Carbon Dioxide Emissions' and Core Strategy Policy CC1 'Reduce Carbon Emissions and Resource Use and Adapt to Climate Change Impacts' of the LB Hammersmith and Fulham adopted Core Strategy and Development Management Policies Document and with policies 5.1, 5.2, 5.3, 5.8, 5.9, 5.11, 5.12, 5.13, 5.14 and 5.15 of the London Plan (2015).

### Ground Conditions:

5.79 Policy 5.21 of the London Plan (2016) 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. Policy CC4 of the Core Strategy (2011) 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. Policies H4, H6 and H7 of the Development Management Local Plan (2013) also confirm that the Council will ensure the protection of new and existing residents and will seek to abate development which poses a risk to human health with regards to Water Quality (DM H4), Hazardous Substances (DM H6) and Contaminated Land (DM H7).

5.80 Subject to conditions 8-13 which require approval of site investigations, followed by any remediation and onward monitoring/verifications necessary, the proposals are not considered to result in harmful impacts on human health by reason of disturbance of ground conditions. The Council's Ground Contamination officer recommends the above planning conditions as potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The conditions are required to ensure that no unacceptable risks are caused to humans, controlled waters, or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy (2011) and Policies DM H7 and H11 of the Development Management Local Plan (2013).

#### Flood Risk and Drainage

5.81 In terms of flood risk and SuDS issues, the site is in the Environment Agency's Flood Zone 1 so flood risk from the Thames is low. The proposals relate to ground level arches being converted into commercial use with no basement levels. Therefore, sewer and groundwater flood risks are also considered to be low. LBHF's surface Water Management Plan also shows that the arches are not in any surface water flooding hotspots.

5.82 As such it is reasonable to regard the site as low risk in terms of all potential sources of flooding and Flood Risk Assessment is not considered to be necessary. However, the applicant has been advised that the submission of supporting information is provided to show compliance with the requirements of DM Local Plan Policy DM H3 on sustainable drainage and London Plan policies 5.13, 5.14 and 5.15.

5.83 The applicant has confirmed that the proposed Wood Lane arches drainage solution will feed directly into the Westfield drainage proposals to the south. This has been agreed with Westfield and the applicant has provided correspondence from Westfield to demonstrate this. The applicant confirms that the agreement ensures that the arches will be managed through the measures being implemented as part of the Westfield development to the south of the arches which is in the process of being built out. These proposals include provision for attenuation storage under the ground, from which run-off from the arches development can utilise.

5.84 The LBHF Environmental Policy Officer has requested for further evidence to be produced to demonstrate the drainage solution. The applicant has submitted an updated Drainage Strategy which includes details of the proposed Surface Water Management plans including Sustainable Urban Drainage (SUDS). The Drainage Strategy confirms that surface water from the platform and track drainage has been estimated based 800m<sup>2</sup> of platform area (1.0 run-off factor) and 700m<sup>2</sup> of track area (0.5 run-off factor) into the Westfield Network. Flow water discharge rates from the newly commercialised Wood Lane arches were estimated based on 28no. arches (1540 sqm) being commercialised in single storey use at 0.0713 litres per second (peak rates 0.427l per second). The report confirms that the flows have been successfully



incorporated into the surface and foul water networks and will discharge in the same way as these networks, into the Thames Water Wood Lane Sewer System.

5.85 Subject to a condition requiring compliance with the proposed flow rates in the submitted Drainage Report, the proposed impacts of the development can be mitigated by way of drainage solutions implemented as part of the drainage strategy set out in the approved plans for the adjacent development site to the south (Westfield) to demonstrate compliance with Development Management Local Plan policy DM H3 and London Plan (2016) policies 5.13, 5.14 and 5.15.

#### Accessibility

5.86 The proposed development has been designed to be fully inclusive and accessible, with level thresholds to the units and sufficiently wide entrances. The applicant confirms that each arch/unit has enough space for toilets, and these would be installed where a tenant needed one. The installation of accessible toilets for non-residential uses is a requirement of Building Regulations (Part M, Volume 2, M3) and the design has allowed for this provision. It is considered that the proposals are in accordance with Policy 7.2 of the London Plan (2016), Policy BE1 of the London Borough of Hammersmith and Fulham Core Strategy (2011), Policies DM G1 and G2 of the Development Management Local Plan (July 2013) and SPD Design policies 1,2, 3, 4.6, 7.8 and 9 of the Planning Guidance Supplementary Planning Document (July 2013).

#### Secure by Design

5.87 The proposed development would introduce new uses to a publicly accessible area adjacent to the Westfield and St James developments. Given the proposed uses would bring in additional visitors to this part of the area, it is considered that the development would need to be designed to minimise opportunities for crime and ensure that a safe and secure environment is provided for that fits into the wider town centre management strategy.

5.88 The Council's Crime Prevention Officer has not provided a response to the consultation letter sent as part of the planning application notification process. Notwithstanding this, it is recommended that a condition is attached which requires the scheme to be designed to Secured by Design Standards. It is recommended that the details shall be developed in accordance with the Metropolitan Police "Secure by Design" requirements and shall include but not be limited to, CCTV coverage (including the number and location of proposed CCTV cameras), access controls, wc/cycle storage security and other associated security measures, and means to secure the site throughout construction. Subject to this condition, the proposals would provide a safe and secure environment, in accordance with policies 7.3 and 7.13 of the London Plan (2016), policy BE1 of the Hammersmith and Fulham Core Strategy (2011) and policy DM G1 of the Development Management Local Plan (July 2013).

#### CIL:

5.89 The proposed development will be liable for the Community Infrastructure Levy (CIL). In the London Borough of Hammersmith and Fulham there are two charging authorities, the Mayor of London (MCIL) and LB Hammersmith and Fulham (LBHF CIL). Proposals located within the White City Opportunity Area are not liable for

Hammersmith and Fulham CIL. The proposals are liable for Mayoral CIL which is set at £50 per sqm at present.

5.90 A CIL Additional Information Form has been submitted with this application which sets out the relevant information on proposed and current floorspace. This allows an indicative calculation to be made of the CIL liability. Officers estimate this to be approx £88,250 (based on the new floorspace being 1,765 sqm) However, this will increase to £113,842 if permission is granted today.

## 6.0 CONCLUSION AND RECOMMENDATION

6.1 The principle of the proposed reuse and refurbishment of the railway arches to provide additional town centre uses (with associated uses) and employment generating uses in addition to opening up specified arches to allow pedestrian north-south movement between the adjacent major development sites would contribute towards the regeneration of the White City Opportunity Area by supporting connections and linkages, creating a sense of place and adding to a vibrant mix of uses in the area which will stimulate the local economy in accordance with the adopted strategic planning policies A, LE1, WCOA and WCOA1 of the Core Strategy (2011), policies DM B1, DM B3 and DM C1 of the Development Management Local Plan (2013), London Plan (2016) policies 2.13, 2.14, 4.1, 4.2 and 4.8, and the White City Opportunity Area Planning Framework.

6.2 The proposed development would improve connectivity across the regeneration area, and would contribute active edges to both sides of the railway viaduct enlivening the new public spaces on either side within an attractive townscape feature which would achieve a high quality appearance, subject to conditions. It follows that the proposals enhance the character of the Wood Lane conservation area and would respect the principles of good neighbourliness in accordance with Policy BE1 'Built Environment' and Policy CC4 'Protecting and Enhancing Environmental Quality' of the adopted Core Strategy as well as Policy DM G1 (Design), DM G3 'Alternations and Extensions (Including Outbuildings)', Policy DM G4 'Shopfronts' and Policy DM G7 (Heritage) in the Development Management Local Plan (2013) , Policies 7.1, 7.4 and 7.5 of the London Plan (2016).

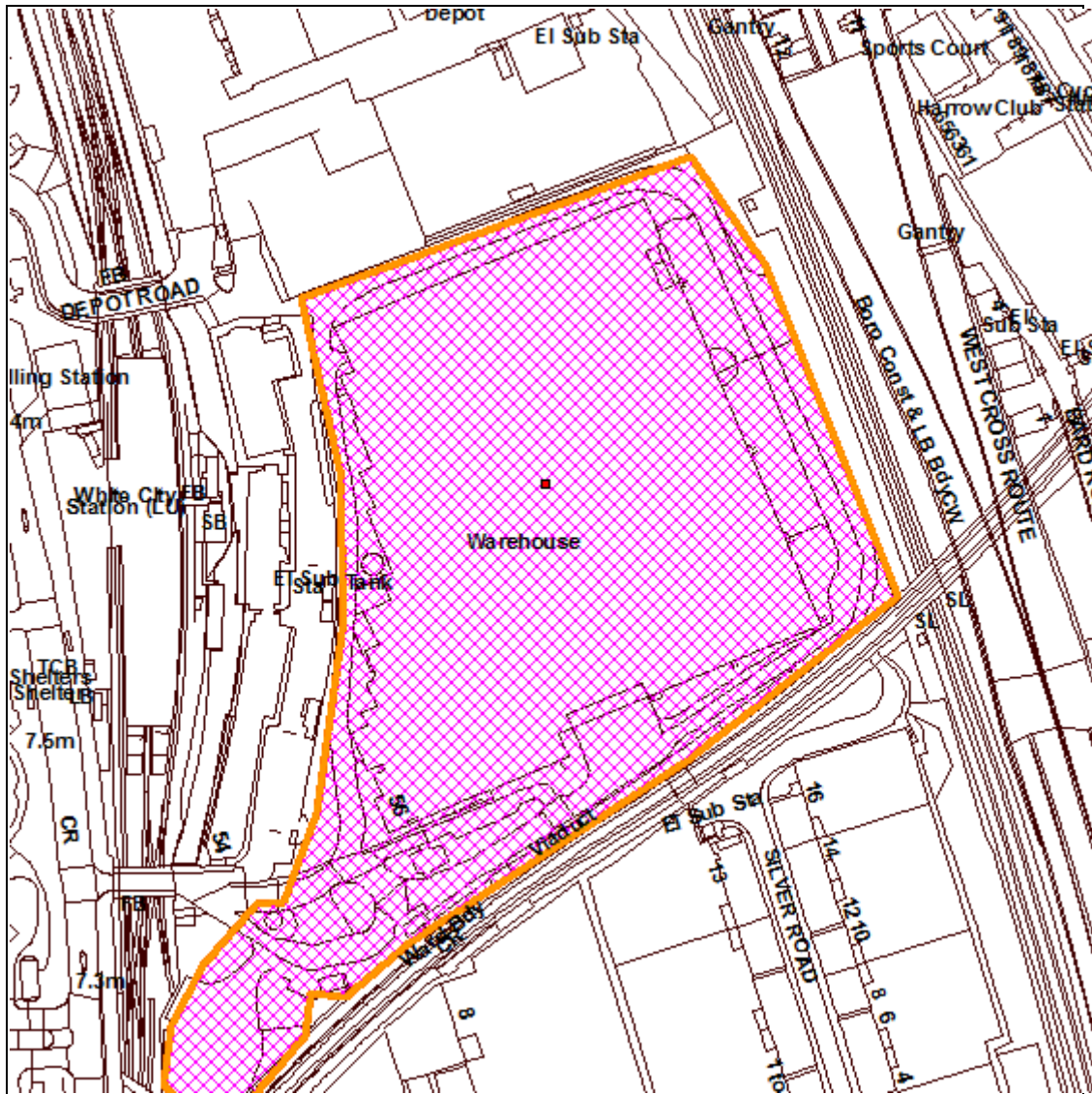
6.3 Subject to conditions, the proposed development is considered to be acceptable in all other respects with regards to environmental impact, sustainability/energy and transport and parking in accordance with the relevant Core Strategy, Development Management Local Plan and London Plan policies as mentioned in this report.

6.4 It is recommended that the application is approved subject to conditions.

**Ward:** College Park And Old Oak

**Site Address:**

M&S White City Site 54 Wood Lane London W12 7RQ



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**Reg. No:**  
2016/03907/VAR

**Case Officer:**  
Natalie Cox

**Date Valid:**  
06.09.2016

**Conservation Area:**  
Wood Lane Conservation Area - Number 42

**Committee Date:**  
14.03.2017

**Applicant:**

St James Group  
C/O Agent

**Description:**

Variation of Conditions 3, 4&7 of planning permission ref: 2014/04726/OUT (dated 16.12.2015), to amend the approved drawings to allow optimisation of & additional residential floorspace within Phase 1D resulting in the creation of an additional 12 units, design alterations to building facades, including rationalisation of balconies & internal alterations to Buildings A1, A2&A3, resulting in the following development: Outline & Detailed permission is sought for demolition of all existing buildings & structures & redevelopment of the site for residential & mixed uses comprising the erection of new buildings ranging from 11-30 storeys to provide up to 1,477 residential units (Class C3) & use classes (A1-A5, B1, D1 & D2), the provision of a new publicly accessible open space, new pedestrian & vehicle routes, accesses & amenity areas, basement level car park with integral servicing areas & other associated works: (1) Detailed planning application for up to 38,968sqm. (GEA) new residential floorspace with ancillary residential facilities (C3) (excluding basement floorspace); up to 1,995sqm. (GEA) flexible commercial floorspace (A1-A5), community (D1) & leisure (D2) (excluding basement floorspace); provision of a new basement level; provision of a new bridge over the central line cutting; means of access; & associated amenity space, landscaping, car parking & cycle parking, energy centre, & other associated infrastructure works. (2) Outline planning application (with all matters reserved) for up to 112,295sqm. (GEA) residential floorspace & ancillary residential facilities (C3) (excluding basement area), flexible commercial (A1-A5), office (B1) use, community (D1) & leisure (D2) floorspace provision of a new basement level; new & altered pedestrian & vehicular access including decked area over the central line cutting at the south west corner of the site & associated amenity space, open space, landscaping, car parking & motorcycle parking & other associated works

Drg Nos: PTA-425-A-PL-B1 Rev PL4, PTA-425-A-PL-AP-L00 Rev PL3, PTA-425-A-PL-AP-L01 Rev PL5, PTA-425-A-PL-AP-L02 Rev PL5, PTA-425-A-PL-AP-L03 Rev PL5, PTA-425-A-PL-AP-L04 Rev PL5, PTA-425-A-PL-AP-L05 Rev PL5, PTA-425-A-PL-AP-L06 Rev PL5, PTA-425-A-PL-AP-L07 Rev PL5, PTA-425-A-PL-AP-L08 Rev PL5, PTA-425-A-PL-AP-L09 Rev PL5, PTA-425-A-PL-AP-L10 Rev PL5, PTA-425-A-PL-AP-L11 Rev PL5, PTA-425-A-PL-AP-L12 Rev PL3, PTA-425-A-PL-AP-L13 Rev PL3, PTA-425-A-PL-AP-L14 Rev PL3, PTA-425-A-PL-AP-L15 Rev PL4, PTA-425-A-PL-AP-L16 Rev PL4, PTA-425-A-PL-AP-L17 Rev PL4, PTA-425-A-PL-AP-L18 Rev PL4, PTA-425-A-PL-AP-L19 Rev PL4, PTA-425-A-PL-AP-L20 Rev PL4, PTA-425-A-PL-AP-L21 Rev PL2, PTA-425-A-PL-L22 Rev PL5, PTA-425-A-PL-L23 Rev PL2, PTA-425-A-PL-RF Rev PL4, PTA-425-A-PL-ELE-N Rev PL5, PTA-425-A-PL-ELE-E Rev PL5, PTA-425-A-PL-ELE-S Rev PL5, PTA-425-A-PL-ELE-W2 Rev PL5, PTA-425-A-PL-SEC-CC Rev PL6, PTA-425-A-PL-SEC-DD Rev PL5, PTA-425-A-PL-SEC-GG Rev PL6, PTA-425-A-PL-SEC-MM Rev PL5, PTA-425-A-PL-SEC-NN Rev PL5, PTA-425-A-PL-SEC-PQ Rev PL5, PTA-425-A-PL-SEC-RR Rev PL6, PTA-425-A-PL-SEC-UU Rev PL5, PTA-425-LA-LP-PL-00 Rev PL5, PTA-425-LA-LP-PL-01 PL4, PTA-425-LA-LP-PL-P1-SEC-01 PL1, PTA-425-LA-LP-PL-P1-SEC-02 PL1, PTA-425-LA-LP-PL-P1-SEC-03 PL1, PTA-425-LA-LP-PL-P1-E-01 PL1, PTA\_425-PP-1000 PL4, PTA\_425-PP-1001 PL4, PTA\_425-PP-1002 PL4, PTA\_425-PP-1003 PL4, PTA\_425-PP-1004 PL4, PTA\_425-PP-1005 PL4, PTA\_425-PP-1006 PL4, PTA\_425-PP-1007 PL4, PTA\_425-PP-1008 PL4, PTA\_425-PP-1009 PL4, PTA\_425-PP-1010 PL4, PTA\_425-PP-1011 PL4.

**Application Type:**

Vary or Delete Conditions Full/Outline

**Officer Recommendation:**

That the Committee resolve that the Lead Director of Planning and Development be authorised to determine the application and grant permission up on the completion of a satisfactory legal agreement and subject to the condition(s) set out below

- 1) In respect of Development Plots B1, C1, D1, D2, D3, E1 and E2, the deck over the Central Line cutting, Exhibition Green, Central Green, Kiralfy Square, and the Counters Quay, approval of the proposed access, appearance, landscaping, layout and scale of development shall be obtained from the Council in writing before the relevant development works (excluding any demolition) are commenced.

Reason: To comply with the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

- 2) i) Development Plots A1, A2 and A3 shall be begun not later than 5 years from the date of the original permission 2014/04726/OUT (16 December 2015);

ii) Application(s) for the approval of Reserved Matters in respect of Development Plot B1, the deck over the Central Line cutting, and Exhibition Green specified by condition 1 shall be made to the Council before the expiration of 6 years from the date of the original permission 2014/04726/OUT (16 December 2015). Development within Development Plot B1, related to the deck and Exhibition Green shall be begun before the expiration of 2 years from the date of the approval of the last of the relevant Reserved Matters (in respect of Plot B1, the deck or Exhibition Green) to be approved pursuant to condition 1.

iii) Application(s) for the approval of the Reserved Matters in respect of Development Plot C1, specified by condition 1 shall be made to the Council before the expiration of 7 years from the date of the original permission 2014/04726/OUT (16 December 2015). Development within Development Plot C1 shall be begun before the expiration of 2 years from the date of the approval of the last of the relevant Reserved Matters (in respect of Plot C1) to be approved pursuant to condition 1.

(iv) Application(s) for the approval of the Reserved Matters in respect of Development Plots D1, D2, and D3 specified by condition 1 shall be made to the Council before the expiration of 10 years from the date of the original permission for 2014/04726/OUT (16 December 2015). Development within Development Plots D1, D2 and D3 shall be begun before the expiration of 2 years from the date of approval of the last of the relevant Reserved Matters (in respect of Plot D1, D2 or D3) to be approved pursuant to condition 1.

(v) Application(s) for the approval of the Reserved Matters in respect of Development Plots E1, E2, the Central Green, Kiralfy Square and Counters Quay specified by condition 1 shall be made to the Council before the expiration of 12 years from the date of the original permission for 2014/04726/OUT (16 December 2015). Development within Development Plot E1, E2, the Central Green, Kiralfy

Square or Counters Quay shall be begun before the expiration of 2 years from the date of approval of the last of the relevant Reserved Matters (in respect of Plot E1, E2, the Central Green, Kiralfy Square or Counters Quay) to be approved pursuant to condition 1.

Reason: To comply with section 92 of the Town and Country Planning Act 1990 (as amended). Extended time periods for which the planning permission can be implemented is given in light of the exceptional circumstances relevant to the ownership of the site and to the development.

- 3) The planning permission relating to the detailed components of the development hereby permitted (ie: those parts that are not to be subject to reserved matters) shall not be constructed unless in accordance with the approved drawings marked.

PTA-425-A-PL-B1 Rev PL4  
PTA-425-A-PL-AP-L00 Rev PL3  
PTA-425-A-PL-AP-L01 Rev PL5  
PTA-425-A-PL-AP-L02 Rev PL5  
PTA-425-A-PL-AP-L03 Rev PL5  
PTA-425-A-PL-AP-L04 Rev PL5  
PTA-425-A-PL-AP-L05 Rev PL5  
PTA-425-A-PL-AP-L06 Rev PL5  
PTA-425-A-PL-AP-L07 Rev PL5  
PTA-425-A-PL-AP-L08 Rev PL5  
PTA-425-A-PL-AP-L09 Rev PL5  
PTA-425-A-PL-AP-L10 Rev PL5  
PTA-425-A-PL-AP-L11 Rev PL5  
PTA-425-A-PL-AP-L12 Rev PL3  
PTA-425-A-PL-AP-L13 Rev PL3  
PTA-425-A-PL-AP-L14 Rev PL3  
PTA-425-A-PL-AP-L15 Rev PL4  
PTA-425-A-PL-AP-L16 Rev PL4  
PTA-425-A-PL-AP-L17 Rev PL4  
PTA-425-A-PL-AP-L18 Rev PL4  
PTA-425-A-PL-AP-L19 Rev PL4  
PTA-425-A-PL-AP-L20 Rev PL4  
PTA-425-A-PL-AP-L21 Rev PL2  
PTA-425-A-PL-L22 Rev PL5  
PTA-425-A-PL-L23 Rev PL2  
PTA-425-A-PL-RF Rev PL4  
PTA-425-A-PL-ELE-N Rev PL5  
PTA-425-A-PL-ELE-E Rev PL5  
PTA-425-A-PL-ELE-S Rev PL5  
PTA-425-A-PL-ELE-W2 Rev PL5  
PTA-425-A-PL-SEC-CC Rev PL6  
PTA-425-A-PL-SEC-DD Rev PL5  
PTA-425-A-PL-SEC-GG Rev PL6  
PTA-425-A-PL-SEC-MM Rev PL5  
PTA-425-A-PL-SEC-NN Rev PL5  
PTA-425-A-PL-SEC-PQ Rev PL5  
PTA-425-A-PL-SEC-RR Rev PL6  
PTA-425-A-PL-SEC-UU Rev PL5

PTA-425-LA-LP-PL-00 Rev PL5  
PTA-425-LA-LP-PL-01 PL4  
PTA-425-LA-LP-PL-P1-SEC-01 PL1  
PTA-425-LA-LP-PL-P1-SEC-02 PL1  
PTA-425-LA-LP-PL-P1-SEC-03 PL1  
PTA-425-LA-LP-PL-P1-E-01 PL1

Reason: In order to ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9 and 7.21 of the London Plan (2016) and policy BE1 of the Core Strategy 2011 and policies DM G1, DM G2, DM G3, DM G6, DM G7 of the Development Management Local Plan 2013 and White City Opportunity Area Planning Framework (2013).

- 4) All reserved matters applications shall include a statement to demonstrate how the reserved matters have been prepared in accordance with the principles and parameter plans set out in the Amended Development Specification & Parameters Report prepared by Boyer (dated February 2017) and the Mandatory Design Codes prepared by Patel Taylor Architects (dated March and April 2015) or other such versions that are subsequently agreed in writing with the Local Planning Authority.

To ensure that the development is constructed in accordance with the Design Guidelines on which this decision is based and to be consistent with the principles of good masterplanning, in accordance with policies 7.1, 7.2, 7.3, 7.47.5, 7.6, 7.7, 7.8, 7.9, 7.18, 7.19 and 7.21 of the London Plan (2016) , policies A, BE1, WCOA and WCOA1 of the Core Strategy and policies DM G1, DM G2, DM G6 and DM G7 of the Development Management Local Plan 2013 and White City Opportunity Area Planning Framework (2013).

- 5) The development of each phase shall be carried out in accordance with the approved Phasing Plan (Drawing No. PTA-425-MP-PH-00 Rev P04) and the sequence of development set out below (approved pursuant to 2016/2029/DET), unless otherwise agreed in writing by the local planning authority:

Phase 1A - bridge

Phase 1B - pedestrian deck

Phase 1C - Exhibition Green

Phase 1D - construction of Development Plots A1, A2, and A3, associated basement, access roads and communal open space/landscaping

Phase 1E - southern part of the Central Gardens

Phase 1F - Kiralfy Square

Phase 2 - construction of Development Plots B1; associated basement, access roads and communal open space/landscaping

Phase 3A- construction of superstructure of Development Plot E1; part of Counters Quay; associated basement, access roads and communal open space/landscaping

Phase 3B - construction of superstructure of Development Plot E2; part of Counters Quay; associated basement, access roads and communal open space/landscaping

Phase 4A - construction of superstructure of Development Plot D1; part of Counters Quay; associated basement, access roads and communal open space/landscaping

Phase 4B - construction of superstructure of Development Plot D2; part of Counters Quay; associated basement, access roads and communal open space/landscaping

Phase 4C - construction of superstructure of Development Plot D3; part of Counters Quay; associated basement, access roads and communal open space/landscaping

Phase 5A - construction of superstructure of Development Plot C1; associated basement, access roads and communal open space/landscaping

Phase 5B - northern part of Central Garden

Reason: To assist with the identification of each chargeable development (being the Phase) and the calculation of the amount of CIL payable in respect of each chargeable development in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

- 6) Notwithstanding the information in the approved parameter plans and development specification report and subject to the provisions within the relevant conditions set out in this planning permission, the following land uses are permitted within all or part of the specified floorspace on the ground floors in the outline plots (subject to the specified range of uses within each plot) providing the total floorspace (within the combined development) does not exceed the maximum floorspace as approved for that use subject to condition 8 of this planning permission:

Class A1 (retail)

Class A2 (Financial and Professional Institution)

Class A3 (restaurant)

Class A4 (Bar)

Class A5 (Hot food Take-away)

Class B1 (Business)

Class D1 (Non-Residential Institution)

Class D2 (Leisure)

As set out in Class E, Part 3, schedule 2 of the General Permitted Development Order 2015 or the provisions of the relevant Class/Part upon implementation, this permission benefits from a period during which changes of use of the above specified floorspace between uses A1, A2, A3, A4, A5, (B1 within plots B1, D1, D2, D3, E1 and E2), D1 and D2 as set out in the description of development may take place without the need for further planning permissions, subsequent to the approval of the reserved matters applications. This flexibility is for a period of ten years from the date of the approval of the last reserved matters application, for that part of the development.

Reason: To ensure the uses are compatible with the adjoining land uses, within the White City Opportunity Area and to ensure that the amenity of occupiers residing in surrounding residential properties would be safeguarded in accordance with policies WCOA, WCOA1 and BE1 of the Core Strategy (2011) and policies DM B1, DM C4, DM C6, DM D2 and DM A9 of the DM Local Plan (2013) and the White City Opportunity Area Planning Framework (2013).



- 7) The total number of residential units (Class C3) hereby approved shall not exceed 1,477 units.

Reason: To ensure the development carried out does not exceed the cumulative maximum approved and to ensure the quantum of floor space keeps within the parameters assessed pursuant to the EIA in relation to the development in accordance with policies 3.3, 3.4, 3.7, 3.8, 3.9, 3.10, 3.11, 3.12, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8 and 7.9 of the London Plan (2016), policies BE1, WCOA and WCOA 1 of the London Borough of Hammersmith and Fulham Core Strategy (2011) and policies DM G1, DM G2, DM G3, DM G6, DM G7, DM A1, DM A2 and DM A3 of the Development Management Local Plan 2013 and White City Opportunity Area Planning Framework (2013).

- 8) The total gross external floorspace (GEA) areas of the development comprising the land uses hereby approved shall not exceed the following:

(a) An overall gross maximum floor space of all the development, including parking, servicing, energy centre and plant and storage that shall not exceed 151,425 square metres GEA; and

(b) Overall gross maximum floor space (excluding car park and energy centre) by land use, notwithstanding the provisions of the Town and Country Planning (Use Classes Order 1987) (as amended) or (General Permitted development) Order 1995 (as amended) or any subsequent act, shall not exceed the following:

- Residential (C3): 147,410 sq m
- Business (B1): 1,000 sq m
- Retail/Café/Restaurant (A1 - A5): 3,450 sq m
- Health and Community (D1): 1,910sqm
- Leisure (D2): 1,910 sq m;
- Residential Facilities (Ancillary to C3): 5,980 sqm

(c) or such breakdown by Plot of the overall gross maximum floor space specified in (a) and (b) above as may be submitted to and approved by the Local Planning Authority

Reason: To ensure the development carried out does not exceed the cumulative maximum floor space, in accordance with the approved plans and to ensure a suitable mix and distribution of land uses within the development and to ensure the quantum of floor space keeps within the Parameters assessed pursuant to the EIA in relation to the development, in accordance with policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8 and 7.9 of the London Plan (2016), policies BE1, WCOA, WCOA 1 of the London Borough of Hammersmith and Fulham Core Strategy (2011) and policies DM G1, DM G2, DM G3, DM G6, DM G7, DM H9, DM D1, DM D2, DM C3, DM B1, DM B2 and DM B3 of the Development Management Local Plan 2013 and White City Opportunity Area Planning Framework (2013).

- 9) Demolition works shall be undertaken in accordance with the details approved under 2016/02813/DET, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that occupiers of surrounding premises are not adversely affected by noise, vibration, dust, lighting or other emissions from the building site in accordance with policies 5.18, 5.19, 5.20, 5.21, 5.22 and 7.14 of the London Plan (2015), policy CC4 of the London Borough of Hammersmith and Fulham Core Strategy (2011) and policies DM G1, DM H5, DM H8, DM H9, DM H10 of the Development Management Local Plan 2013.

- 10) No development shall commence within each Phase until the implementation of a programme of archaeological investigation for that Phase in accordance with a written scheme of investigation which has been submitted to and approved by the Council. No development or demolition shall take place other than in accordance with the written scheme of investigation, for the relevant phase or part thereof. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the written scheme of investigation, and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Details for the site have been approved under application ref: 2016/00728/DET.

Reason: Heritage assets of archaeological interest may survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with recommendations given by the borough and in NPPF, Chapter 12 in accordance with Policy 7.8 of the London Plan (2016), Policy BE1 of the London Borough of Hammersmith and Fulham Core Strategy (2011) and policy DM G7 of the DM Local Plan (2013).

- 11) No Phase of development shall commence, save for any approved Enabling Works, until a preliminary risk assessment report in connection with land contamination, is submitted to and approved in writing by the Council, unless otherwise agreed in writing by the local planning authority. This report shall comprise: a desktop study which identifies all current and previous uses at the site and surrounding area as well as the potential contaminants associated with those uses; a site reconnaissance; and a conceptual model indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and those planned at the site; and a qualitative risk assessment of any potentially unacceptable risks arising from the identified pollutant linkages to human health, controlled waters and the wider environment including ecological receptors and building materials. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Details for this condition have been approved under 2016/01689/DET.

Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policy 5.21 of The London Plan 2016, policy CC4 of the Core Strategy 2011 and policy DM H4, DM H6 and DM H7 of the Development Management Local Plan 2013.

- 12) No Phase of development shall commence, save for any approved Enabling Works until a site investigation scheme, in connection with condition 11, is submitted to and approved in writing by the Council unless otherwise agreed in writing with the local planning authority. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater . All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling

Details for this condition have been approved under 2016/01689/DET.

Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policy 5.21 of The London Plan 2016, policy CC4 of the Core Strategy 2011 and policy DM H4, DM H6 and DM H7 of the Development Management Local Plan 2013.

- 13) No Phase of development shall commence, save for any approved Enabling Works or (unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition) until, following a site investigation undertaken in compliance with the approved site investigation scheme as part of condition 12, a quantitative risk assessment report is submitted to and approved in writing by the Council. This report shall assess the degree and nature of any contamination identified on the site through the site investigation; include a revised conceptual site model from the preliminary risk assessment based on the information gathered through the site investigation to confirm the existence of any remaining pollutant linkages and determine the risks posed by any contamination to human health, controlled waters and the wider environment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policy 5.21 of The London Plan 2016, policy CC4 of the Core Strategy 2011 and policy DM H4, DM H6 and DM H7 of the Development Management Local Plan 2013.

- 14) No Phase of development shall commence, save for any approved Enabling Works or (unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition) until, a remediation method statement, in connection with condition 13, is submitted to and approved in writing by the Council. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policy 5.21 of The London Plan 2016, policy CC4 of the Core Strategy 2011 and policy DM H4, DM H6 and DM H7 of the Development Management Local Plan 2013.

- 15) No Phase of development shall commence, save for any approved Enabling Works or (unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition) until the approved remediation method statement in connection with condition 14 has been carried out in full and a verification report confirming these works has been submitted to, and approved in writing, by the Council. This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement. If, during development, contamination not previously identified is found to be present at the site, the Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. Any required remediation shall be detailed in an amendment to the remediation statement and verification of these works included in the verification report. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policy 5.21 of The London Plan 2016, policy CC4 of the Core Strategy 2011 and policy DM H4, DM H6 and DM H7 of the Development Management Local Plan 2013.

- 16) No Phase of development shall commence, save for any approved Enabling Works or (unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition) until an onward long-term monitoring methodology report, in connection with condition 15, is submitted to and approved in writing by the Council where further monitoring is required past the completion of development works to verify the success of the remediation undertaken. A verification report of these monitoring works shall then be submitted to and approved in writing by the Council when it may be demonstrated that no residual adverse risks exist. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policy 5.21 of the London Plan (2016), policy CC4 of the Core Strategy 2011 and policy DM H4, DM H6 and DM H7 of the Development Management Local Plan 2013.

- 17) No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out within each Development Plot (where relevant), including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with the relevant water or sewerage undertaker. Any piling must be undertaken in accordance with the terms of the approved piling method statement, for each relevant Development Plot.

In the case of the bridge and/or deck, piling must be undertaken in accordance with the details approved pursuant to 2016/00995/DET. In the case of Phase 1D (Development Plots A1, A2 and A3) piling must be undertaken in accordance with the details approved pursuant to 2017/00018/DET.

Reason: To prevent any potential to impact on local underground water and sewerage utility infrastructure, in accordance with Policies 5.14 and 5.15 of the London Plan (2016), policy CC2 of the Core Strategy 2011 and policy DM H4 of the Development Management Local Plan 2013. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.

- 18) Prior to the commencement of development within the relevant Development Plot, a Construction Management Plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800-1300hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. The construction management plan should be prepared in consultation with London Underground which includes the details for all of the relevant foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent). Approved details for each relevant plot, or part thereof shall be implemented throughout the project period.

Details for Phase 1D (Development Plots A1, A2 and A3) have been approved pursuant to 2016/02816/DET.

Reason: To ensure that occupiers of surrounding premises are not adversely affected by noise, vibration, dust, lighting or other emissions from the building site in accordance with policies 5.18, 5.19, 5.20, 5.21 and 5.22 of the London Plan (2016), policy CC4 of the London Borough of Hammersmith and Fulham Core Strategy (2011) and policies DM G1, DM H5, DM H8, DM H9, DM H10 of the Development Management Local Plan 2013.

- 19) Prior to the commencement of development within the relevant Development Plot shall commence until a Construction Logistics Management Plan for that Development Plot has been submitted to and approved in writing by the Council. The method statement /construction management plan should be prepared in consultation with London Underground which includes the details for all of the

relevant foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent). The development of the relevant Plot shall be carried out in accordance with the relevant approved Construction Logistics Management Plan unless otherwise agreed in writing with the Local Planning Authority. Each Construction Logistics Management Plan shall cover the following minimum requirements:

- site logistics and operations;
- construction vehicle routing;
- contact details for site managers and details of management lines of reporting;
- detailed plan showing different phasing, different developers and constructors to be updated on a 6 monthly basis;
- location of site offices, ancillary buildings, plant, wheel-washing facilities, stacking bays and car parking;
- storage of any skips, oil and chemical storage etc.; and
- access and egress points;
- membership of the Considerate Contractors Scheme.

Reason: To ensure that no unacceptable adverse effect on the amenity of surrounding occupiers in accordance with policies BE1, T1 and CC4 of Core Strategy 2011 and policy DM J1, DM G1, DM H5, DM H8, DM H9 and DM H10 of the Development Management Local Plan 2013.

- 20) Details of any temporary land uses, fencing, enclosures or structures including sales/marketing suites within the site shall be submitted to and approved in writing by the Local Planning Authority prior to implementing works for any temporary uses, fences, enclosures or structures. Any interim structures, uses and buildings shall be implemented in accordance with the approved details, for a specified time period set out in the details and shall be discontinued/removed once the temporary period has been expired.

Reason: To ensure that the site remains in a tidy condition during the construction phase and to ensure that any temporary uses/structures do not create un-neighbourly impacts and to prevent harm to the street scene and character and appearance of the adjoining conservation area, in accordance with policy BE1 of the Core Strategy 2011 and policy DM G7 of the Development Management Local Plan 2013.

- 21) Prior to the construction of the relevant part of the development, a scheme detailing the play equipment, boundary treatments and ground surface treatment of the outdoor play spaces, for that part of the development shall be submitted to the local planning authority and approved in writing. Any play equipment will be designed to be fully inclusive to ensure the play areas are accessible to all and will be implemented in accordance with the approved plans, to be permanently retained thereafter.

Reasons: In order to ensure equal life chances for all, and to prevent groups such as blind people and disabled children being excluded from use of public realm and other amenities by designs failing in detail to take specific needs into account, in accordance with policy 3.1 of the London Plan (2016), policy OS1 of the Core Strategy and policy DM E2 of the Development Management Local Plan 2013, the Council's "Planning Guidance" Supplementary Planning Document, and any other

relevant best practice guidance (including the Councils We Want to Play Too 2012).

- 22) Prior to the commencement of works details of the road, footway, footpath and cycleway layout for each Development Plot, or relevant part thereof, shall be submitted to and approved in writing by the Council. The submitted details shall show the alignment, widths, surfacing arrangements, kerbs, access ramps (including the car park ramps with confirmation of vertical clearance), forward visibility sight lines and vision splays, speed restraint measures, turning heads, gradients, street lighting and drainage in respect of the relevant part of the development. Development shall be implemented in accordance with the relevant approved details and no residential building within the relevant part of the development shall be occupied until the approved ramps, roads, accesses, footways, footpaths and cycleways have been constructed and been made available for use.

Details for Phase 1D (Development Plots A1, A2 and A3) have been approved pursuant to 2016/03118/DET.

Reason: To ensure that the detailed design of the access ramps provides sufficient vertical clearance and capacity for vehicle manoeuvring in the interest of public safety and to ensure that the detailed design of the roads, footways and cycleways would avoid vehicle/pedestrian conflict in accordance with policy T1 of the London Borough of Hammersmith and Fulham Core Strategy (2011), and policies DM J2 and DM J4 of the Development Management Local Plan 2013 and the Council's Planning Guidance Supplementary Planning Document.

- 23) Prior to the commencement of works within the relevant Development Plot, the detailed design, phasing plan, access, layout and location of the car parking provided for the relevant Development Plot shall be submitted to and approved in writing by the Council. The proposed car parking shall accord with the details as approved and shall be retained permanently thereafter unless otherwise agreed in writing with the Local Planning Authority.

Details for Phase 1D (Development Plots A1, A2 and A3) have been approved pursuant to 2016/03119/DET.

Reason: To ensure that the detailed design of the access ramps provides sufficient vertical clearance and capacity for vehicle manoeuvring in the interest of public safety and to ensure that the detailed design of the roads, footways and cycleways would avoid vehicle/pedestrian conflict in accordance with policy T1 of the London Borough of Hammersmith and Fulham Core Strategy (2011), and policies DM J2 and DM J4 of the Development Management Local Plan 2013 and the Council's Planning Guidance Supplementary Planning Document.

- 24) The development shall be implemented in strict adherence with the recommendations contained within the TWUL modelling report, as approved by application 2016/00739/DET.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand in accordance with policies 5.14 and 5.15 of the

London Plan (2016) and policy CC2 of The Core Strategy 2011 and policy DM H3 of the Development Management Local Plan 2013.

- 25) The surface water drainage scheme shall be implemented in accordance with the approved details pursuant to 2016/00889/DET before the development is completed.

Reason: To prevent flooding by ensuring the satisfactory management of surface water run-off from the site in accordance with policy 5.13 of the London Plan 2016, policy CC2 of the Core Strategy 2011 and policy DM H3 and DM H4 of the Development Management Local Plan 2013.

- 26) Prior to the commencement of the relevant part of each Development Plot, details and samples of materials, paint colours, stonework, brickwork and ceramic tiles including details of bond, colour, mortar mix and mortar colour to be used for that Development Plot or relevant part thereof on all external faces and roofs of the buildings shall be submitted to and approved in writing by the Local Planning Authority and no part of that Development Plot or relevant part thereof shall be used or occupied prior to the implementation of the approved details. Each Plot or part thereof, of the development shall be carried out in accordance with such details as have been approved.

Reason: To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with policy BE1 of the Core Strategy 2011 and policies DM G1, DM G2, DM G6 and DM G7 of the Development Management Local Plan 2013.

- 27) Prior to the commencement of the relevant part of each Development Plot the details including detailed drawings in section and elevation at 1:20 and samples for that Development Plot, or relevant part thereof to show details of any proposed cladding, fenestration, glazing, balconies and winter gardens have been submitted and approved in writing by the Local Planning Authority. The development of each Development Plot, or part thereof shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory external appearance, in accordance with policy BE1 of the Core Strategy 2011 and policy DM G1 and DM G7 of the Development Management Local Plan 2013.

- 28) Prior to the commencement of the relevant part of the development, details including detailed drawings in plan, section and elevation at 1:20 and samples, where appropriate, of all paving and external hard surfaces, boundary walls, railings, gates, fences and other means of enclosure for that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out within each plot, or relevant part thereof, in accordance with the approved details and thereafter permanently retained as such.

Reason: To ensure a satisfactory external appearance, in accordance with policy BE1 of the Core Strategy 2011 and policies DM G1 and DM G7 of the Development Management Local Plan 2013.



- 29) Prior to the commencement of the relevant part of each Development Plot details of the proposed hard and soft landscaping, associated with each Development Plot, including planting schedules and details of the species, height and maturity of any trees and shrubs and proposed landscape maintenance and management shall be submitted to the local planning authority and approved in writing. The approved scheme(s) shall be implemented in the next winter planting season following completion of the building works, or before the occupation and use of any part of the buildings within the relevant development plot, whichever is the earlier. The landscaping shall thereafter be retained and maintained in accordance with the approved details.

Reason: To ensure a satisfactory external appearance in accordance with policies BE1 and OS1 of the Core Strategy 2011 and policies DM G1, DM E3 and DM E4 of the Development Management Local Plan 2013.

- 30) Prior to the commencement of work on the relevant part of each Development Plot, details of green/brown roofs, including planting and maintenance schedules, and ecological enhancement measures for that Development Plot shall be submitted to and approved in writing by the Local Planning Authority. Development shall accord with the details as approved.

Reason: To ensure the provision of green and brown roofs in the interests of sustainable urban drainage and habitat provision, in accordance with policies 5.11, 5.13 and 7.19 of the London Plan 2016 and policies OS1, CC1, CC4 and H4 of the Core Strategy 2011 and policy DM E3, DM E4, DM H2, and DM H4 of the Development Management Local Plan 2013.

- 31) Prior to commencement of work within the relevant Development Plot, details of a sustainable urban drainage system (SUDS) for each Development Plot shall be submitted to and approved in writing by the council. SUDS schemes shall be implemented in accordance with the approved details prior to first occupation of the relevant part of the development hereby permitted, and thereafter permanently retained and maintained unless otherwise agreed in writing with the Local Planning Authority.

Details for Phase 1D (Development Plots A1, A2 and A3) have been approved pursuant to 2016/02508/DET.

Reason: To ensure that surface water run-off is managed in a sustainable manner, in accordance with policy 5.13 of the London Plan (2016) and policy CC2 of the Core Strategy 2011.

- 32) Prior to the commencement of work within the relevant Development Plot details of the refuse arrangements including storage, collection and recycling for all uses within each Development Plot shall be submitted to and approved in writing by the Council. The approved details shall be implemented prior to the use or occupation of any part of the relevant Development Plot and shall be maintained permanently thereafter unless otherwise agreed in writing with the Local Planning Authority.

Details for Phase 1D (Development Plots A1, A2 and A3) have been approved pursuant to 2016/02905/DET.

Reason: To ensure the satisfactory provision for refuse storage and recycling in accordance with policy CC3 of the Core Strategy and policy DM H5 of the Development Management Local Plan 2013 and the Council's Planning Guidance Supplementary Planning Document.

- 33) Prior to the commencement of works on each Development Plot, an Inclusive Access Management Plan (IAMP) shall be submitted to the LPA and approved in writing which sets out a strategy for ongoing consultation with specific interests groups with regard to accessibility of the relevant part of the site. On-going consultation must then be carried out in accordance with the approved IAMP.

Details for Phase 1D (Development Plots A1, A2 and A3) have been approved pursuant to 2016/03291/DET.

Reason: To ensure that the proposal provides an inclusive and accessible environment in accordance with the Policy 7.2 of the London Plan (2016) and policy DM B2 of the Development Management Local Plan 2013 and the Council's Planning Guidance Supplementary Planning Document.

- 34) Prior to commencement of the relevant works within a Development Plot, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/ walls separating the [basement plant room] [basement car park] [communal facilities] [specify other] from [dwellings] [noise sensitive premises]. Details shall demonstrate that the sound insulation value  $D_{nT,w}$  [and  $L'_{nT,w}$ ] is enhanced by at least 10-15dB above the Building Regulations value and where necessary, additional mitigation measures are implemented to contain noise from communal areas and machinery so as not to exceed the criteria of BS8233:2014 within dwellings/ noise sensitive premises. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ adjacent dwellings/ noise sensitive premises is not adversely affected by noise, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

- 35) Prior to commencement of each phase of the development, unless otherwise agreed in writing with the Local Planning Authority, a noise assessment for the relevant phase of development, shall be submitted to the Council for approval of external noise levels and details of the sound insulation of the building envelope, orientation of habitable rooms away from major noise sources and of acoustically attenuated mechanical ventilation as necessary to achieve 'Good' internal room- and (if provided) external amenity noise standards in accordance with the criteria of BS8233:2014. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Details for Phase 1D have been approved pursuant to 2016/02885/DET.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise from transport or industrial/ commercial noise sources, in accordance with policy CC4 of the Core Strategy 2011 and policies DM H9 and DM H11 of the Development Management Local Plan 2013.

- 36) Prior to commencement of the relevant work within a Development Plot, unless otherwise agreed in writing with the Local Planning Authority, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/walls separating noise sensitive premises from non-residential uses (including plant, car park and communal facilities). Details shall demonstrate that the sound insulation value  $D_{nT,w}$  [and  $L'_{nT,w}$ ] is enhanced by at least 10-20dB above the Building Regulations value and, where necessary, additional mitigation measures implemented to contain commercial noise within the commercial premises and to achieve the 'Good' criteria of BS8233:2014 within new-build dwellings/ noise sensitive premises. Approved details shall be implemented prior to any occupation of the residential development within the part(s) of the site covered by this condition and shall be permanently retained thereafter .

Reason: To ensure that the amenity of occupiers of the development site within the new-build residential parts of the site will not be adversely affected by noise from transport or industrial/ commercial noise sources, in accordance with policy CC4 of the Core Strategy 2011 and policy DM H9 of the Development Management Local Plan 2013

- 37) Prior to commencement of the relevant work within a Development Plot or relevant part thereof, unless otherwise agreed in writing with the Local Planning Authority, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value  $D_{nT,w}$  and  $L'_{nT,w}$  for the floor/ceiling/ wall structures separating different types of rooms/ uses in adjoining dwellings, namely living room and kitchen adjoining bedroom of separate dwelling. The enhanced values shall be 5dB more stringent than the requirements of Approved Document E of the Building Regulations. Approved details shall be implemented prior to occupation of the relevant phase of development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise, in accordance with policy CC4 of the Core Strategy 2011 and policy DM H9 of the Development Management Local Plan 2013.

- 38) Prior to commencement of works on the relevant part of each Development Plot, details shall be submitted to and approved in writing by the Council, of building vibration levels (generated by the railway), together with appropriate mitigation measures where necessary. The criteria to be met and the assessment method shall be as specified in BS 6472:2008. No part of the relevant development plot shall be occupied until the approved details have been implemented. Approved details shall thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by ground- or airborne vibration, in accordance with policy CC4 of the Core Strategy 2011 and policy DM H9 of the Development Management Local Plan 2013.

- 39) Prior to commencement of the relevant work within a development Plot or part thereof, unless otherwise agreed in writing with the Local Planning Authority, details shall be submitted to and approved in writing by the Council, of the external noise level emitted from plant/ machinery/ equipment. The measures shall ensure

that the external noise level emitted from plant, machinery/ equipment will be lower than the lowest existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. A post installation noise assessment shall be carried out where required to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/surrounding premises is not adversely affected by noise from plant/mechanical installations/equipment, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

- 40) Prior to the commencement of works on the relevant part of each Development Plot, details of the mitigation measures (e.g. mechanical ventilation or NOx filters) to be installed within the residential component shall be submitted to the local planning authority in writing, for approval. The details shall include the method by which clean air will be supplied to residential areas which exceed national air quality objectives. Chimney/boiler flues and ventilation extracts must be positioned a suitable distance away from ventilation intakes, balconies, roof gardens, terraces and receptors to reduce exposure of occupants to acceptable levels. The measures will be implemented in accordance with the approved plans and retained until no longer required to supply clean air. The maintenance of the system implemented shall be undertaken regularly in accordance with the manufacturer specifications and shall be the responsibility of the primary owner of the relevant building.

Reason: To ensure that the residential buildings have access to satisfactory air quality levels and are not unduly affected by odour and disturbance in accordance with policy CC4 of the Core Strategy 2011 and policy DM H8 of the Development Management Local Plan 2013.

- 41) Prior to commencement of works on the relevant part of each Development Plot, details of the installation, operation, and maintenance of the best practicable odour abatement equipment and extract system shall be submitted to and approved in writing by the Local Planning Authority, including the height of the extract duct and vertical discharge outlet, in accordance with the 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' January 2005 by DEFRA. Approved details shall be implemented prior to occupation of the relevant development plot or part thereof and thereafter be permanently retained, unless subsequently otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that nearby premises are not unduly affected by odour and disturbance in accordance with policy CC4 of the Core Strategy 2011 and policy DM H8 of the Development Management Local Plan 2013.

- 42) Prior to the completion of the basement slab within each Development Plot, or relevant part thereof, a Low Emission Strategy shall be submitted to and approved in writing by the Council in respect of the relevant Development Plot within the specified area or part thereof. The low emission strategy must undertake a

calculation based on the total NOx and PM10 emissions from the baseline situation as established in the Environmental Statement and shall compare them with the proposed uses within the relevant plots, building, or phase. This shall include transport sources and all major combustion plant including, boilers, energy plant and emergency generators for the relevant Plot. The strategy shall detail all calculations and assumptions used in full. The strategy should detail the measures that will be taken to reduce the development's air quality impacts and minimising exposure of future site users.

Any natural gas boiler proposed on the relevant Development Plot should meet a NOx emissions standard of 40mg/kWh (at 0% O2). Where any installations do not meet this emissions standard it should not be operated without the fitting of suitable NOx abatement equipment or technology as determined by a specialist to ensure comparable emissions. Following installation, emissions certificates will need to be provided to the council to verify boiler emissions. Any such boiler emission abatement measures approved by the Council shall be implemented in accordance with the relevant approved strategy.

Reason - To ensure the development's air pollution impacts are mitigated in accordance with the requirements of Policy 7.14 of the London Plan (2016), policy CC1 of the London Borough of Hammersmith Core Strategy (2011) and policy DM H8 of the Development Management Local Plan 2013.

- 43) The approved remediation measures for television interference (approved pursuant to 2016/02812/DET) shall be implemented for each phase immediately after any television interference is identified in accordance with details approved pursuant to 2016/02812/DET unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that television interference caused by the development is remediated, in accordance with Policy 7.7 of the London Plan (2016) and policy BE1 CC4 of the Core Strategy 2011 and policy DM G1 and DM G2 of the Development Management Local Plan 2013.

- 44) Prior to commencement of works above ground level within any Development Plot, details of micro climate mitigation measures necessary to provide an appropriate wind environment throughout and surrounding the development shall be submitted to and approved in writing by the Council. Approved details shall be implemented, and permanently retained thereafter.

To ensure that suitable measures are incorporated to mitigate potential adverse wind environments arising from the development, in accordance with policies 7.6 and 7.7 of the London Plan (2016).

- 45) Prior to first occupation of each development plot, a Sustainable Design and Construction Statement shall be submitted to the Local Planning Authority for approval.

(i) The Sustainable Design and Construction Statement shall confirm the details of the measures, in accordance with the approved (relevant) Energy Strategy, Sustainability Statement and Approved Drawings which accompany the planning application and any subsequent reserved matters, that have been implemented on

the site, within the relevant phase, that ensures high standards of sustainable design and construction have been achieved in compliance with the Mayor's Supplementary Planning Guidance.

(ii) Where necessary, evidence (e.g. photographs, copies of installation contracts and as-built worksheets prepared under SAP or the National Calculation Method), including evidence that the internal water consumption of the development will not exceed 105l/p/day must be submitted to the Local Planning Authority to demonstrate that the development has been carried out in accordance with the approved energy strategy, and to reduce the consumption of potable water through the use of water efficiency and recycling systems, unless otherwise agreed in writing by the local planning authority.

All measures integrated shall be retained for the lifetime of the development.

Reason: In the interests of sustainability, in accordance with policies 5.15 of the London Plan (2016), policy DM H3 of the Development Management Local Plan 2013 and the Mayor's Supplementary Planning Guidance on Sustainable Design and Construction.

- 46) Within a month of handover of any non-residential component of the development, a BREEAM (2011 or any such further current iteration as relevant at the time of submission)) assessment report shall be submitted to the BRE (with a copy of the report provided to the Local Planning Authority) demonstrating that the building(s) would achieve a 'Very Good' BREEAM rating.

Reason: In the interests of energy conservation, reduction of CO2 emissions and wider sustainability, in accordance with policies 5.1, 5.2, 5.3, 5.6 and 5.7 of the London Plan (2016) and Policy CC1 of the Core Strategy 2011 and policy DM H1 and DM H2 of the Development Management Local Plan 2013.

- 47) Details including the locations of the benches, litter bins and signage shall be submitted to and approved in writing by the local planning authority, prior to occupation of the relevant Development Plot. The street furniture listed above shall be designed and sited to be fully inclusive and accessible for all users and will not provide any obstruction to disabled persons or people of impaired mobility and/or sight. The relevant development plot shall not be open to users until the benches, litter bins and signage as approved have been provided, and must be permanently retained thereafter.

Reason: To ensure the satisfactory provision of facilities, in accordance with policy OS1 of the Core Strategy 2011 and policies DM E1 and DM E2 of the Development Management Local Plan 2013 and to ensure the development is fully inclusive and accessible for all users, in accordance with Policy 3.1 and 7.2 of the London Plan 2016, policy T1 of the Core Strategy 2011 and the Council's "Planning Guidance" Supplementary Planning Document.

- 48) Prior to first occupation of each Development Plot, details of the facilities to be provided for the secure storage of residents' and other users' bicycles for that Development Plot shall be submitted to and approved in writing by the Council. Such details shall include the number, location and access arrangements to cycle parking in the relevant Plot. No residential or commercial units shall be occupied in

the relevant Plot until the relevant approved facilities have been provided. The cycle parking facilities shall thereafter be retained and not used for any other purpose without the prior written consent of the Council.

Reason: To ensure the suitable provision of cycle parking within the Development to meet the needs of future site occupiers and users and in the interest of the appearance of the development, in accordance with Policies 6.9 and 6.13 of the London Plan (2016) and Table 6.3 of the London Plan (2016) and policy DM J5 of the Development Management Local Plan 2013.

- 49) Prior to first occupation of any residential or commercial use within each Development Plot a site servicing strategy or Delivery and Servicing Plan(DSP), including vehicle tracking, for the relevant Development Plot shall be submitted to and approved in writing by the Council. The DSP shall detail the management of deliveries, emergency access, collection of waste and recyclables, times and frequencies of deliveries and collections/ silent reversing methods/ location of loading bays and vehicle movement in respect of the relevant Plot. The approved measures shall be implemented and thereafter retained for the lifetime of the residential or commercial uses in the relevant part of the site.

Reason: In order to ensure that satisfactory provision is made for refuse storage and collection and to ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by noise, in accordance with Policy 6.11 of the London Plan (2016), policy CC4 of the Core Strategy 2011 policy DM H9 of the Development Management Local Plan 2013 and the Council's Supplementary Planning Document 'Storage of Refuse and Recyclables'.

- 50) Prior to first occupation of each Development Plot, details of the installation including location and type of active electric vehicle charging points within the car parking areas for the relevant Plot must be submitted to and approved in writing by the Council. The electric vehicle charging points comprising at least 20% of the total number of residential car parking spaces provided on each Plot shall be active electric vehicle charging points; a further 20% of the total number of residential car parking spaces provided on each Plot shall be passive. The approved electric vehicle charging points shall be installed and retained in working order for the lifetime of the relevant development on each Plot. The use of the electric vehicle charging points will be regularly monitored via the Travel Plan and if required the further 20% passive provision will be made available.

Reason: To encourage sustainable travel in accordance with policies 5.8, 6.13 and 7.2 of the London Plan (2016), policies CC1 and T1 of the London Borough of Hammersmith and Fulham Core Strategy (2011) and policy DM J2 of the Development Management Local Plan 2013.

- 51) Prior to first occupation of each relevant Development Plot, a scheme which demonstrates how daytime deliveries and stopping by Blue Badge Holder vehicles and taxis outside buildings on the site will be managed, in the absence of kerbs and vehicular entries into the envelopes of individual buildings pull-ins, in such a way as to avert the risk of blind people colliding with stopped vehicles shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to first occupation of the relevant part of the development.

Reason: To ensure that deliveries and dropping off can occur without compromising highway safety or the safety of pedestrians on the footway, in accordance with policy 7.2 of the London Plan (2016), policy T1 of the Core Strategy 2011 and policy DM J4 of the Development Management Local Plan 2013 and the Council's "Planning Guidance" Supplementary Planning Document.

- 52) Prior to occupation of the relevant Development Plot, details of all proposed external artificial lighting for the Development Plot, including security lights, shall be submitted to and approved in writing by the Council. The relevant Development Plot shall not be occupied until the lighting has been installed in accordance with the relevant approved details. Such details shall include the number, exact location, height, design and appearance of the lights, together with data concerning the levels of illumination at the nearest facade and light spillage and the specific measures, having regard to the recommendations of the Institution of Lighting Engineers in the 'Guidance Notes For The Reduction Of Light Pollution 2011' (or other relevant guidance).

Reason: To ensure that adequate lighting is provided to the pedestrian pathways for safety and security and that the lighting does not adversely affect the amenities of occupiers of the surrounding premises, in accordance with Policies 7.3 and 7.13 of the London Plan (2016), policy BE1 of the Core Strategy (2011) and policy DM G1 of the Development Management Local Plan (2013) and the Council's Supplementary Planning Document (2013).

- 53) Prior to first occupation of each Development Plot, a statement of how "Secured by Design" requirements are to be adequately achieved for that part of development, shall be submitted to and approved in writing by the Local Planning Authority. The approved secure by design measures shall be implemented in accordance with the approved statement prior to occupation of the relevant part of the development hereby approved.

Reason: To ensure a safe and secure environment in accordance with policy 7.3 of the London Plan (2016), policy BE1 of the Core Strategy and policy DM G1 of the Development Management Local Plan 2013.

- 54) Any tree or shrub planted pursuant to approved landscape details that is removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a new tree or shrub of similar size and species to that originally required to be planted.

Reason: To ensure a satisfactory provision for planting, in accordance with policy 7.21 of the London Plan (2016), policy OS1 of the Core Strategy 2011 and policy DM E4 of the Development Management Local Plan 2013.

- 55) Any works to tree(s) on the site shall be carried out only in the following manner, in accordance with British Standard 3998:1989 - Recommendations for Tree Work:

Reason: To ensure that the Council is able to properly assess the impact of the development on any trees and to prevent their unnecessary loss, in accordance with policy 7.21 of the London Plan (2016), policy OS1 of the Core Strategy 2011



and policies DM E3 and DM E4 of the Development Management Local Plan 2013.

- 56) The development shall be carried out in accordance with the approved Energy Strategy (Dated September 2014) prepared by Hodkinson Consultancy which would result in a 41% reduction in regulated carbon dioxide emissions unless otherwise agreed under the terms of this condition. Any revised energy strategy for the development site shall be submitted to the Local Planning Authority for approval, in writing and shall result in regulated carbon dioxide reductions which would not be less than 41%. The development shall be implemented and operated in accordance with any subsequent approved revised energy strategy.

Reason: To ensure that the development is consistent with the Mayor's carbon emissions objectives in accordance with Policies 5.5, 5.6, 5.7, 5.8 and 5.9 of the London Plan (2016) and in accordance with policy CC1 of the Core Strategy 2011 and policy DM H1 and DM H2 of the Development Management Local Plan 2013.

- 57) Prior to use, machinery, plant or equipment, extract/ventilation systems and ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration, in accordance with Policy CC4 of the Core Strategy 2011 and policy DM H9 of the Development Management Local Plan 2013.

- 58) The residential car parking provision for the development shall not exceed 586 car parking spaces or as spaces per residential unit ratio of 0.4 on the whole site, unless otherwise agreed in writing by the Council.

Reason: To avoid creating unacceptable traffic congestion on the surrounding road network and to ensure there would be adequate parking for the development, in accordance with policies 6.13 and 7.2 of the London Plan (2016) and policy DM J2 of the Development Management Local Plan 2013 and the Council's Planning Guidance Supplementary Planning Document.

- 59) A minimum of 10% of the residential car parking spaces approved shall be provided and maintained for use of wheelchair users.

Reason: To ensure the suitable provision of car parking within the development to meet sustainable transport objectives, in accordance with policies 6.13 and 7.2 of the London Plan (2016) and policy DM J4 of the Development Management Local Plan 2013 and the Council's "Planning Guidance" Supplementary Planning Document.

- 60) (a) The units shown on Wheelchair Accessible Flat Plan Layouts (Drawing No's D398-A-STO-B2-SK-XX-7002 Rev P03, D398-A-STO-B2-SK-XX-7003 Rev P03, D398-A-STO-B2-SK-XX-7004 rev P03, D398-A-STO-B2-SK-XX-7005 Rev P03, D398-A-STO-B2-SK-XX-7006 Rev P02, D398-A-STO-B3-SK-XX-7060 Rev P03) within Buildings A1, A2 and A3 (detailed component) hereby approved shall be provided to meet Building Regulation requirement M4(3) as depicted in the

following Drawing Nos. and retained as such, unless otherwise agreed in writing by the Local Planning Authority:

PTA-425-A-PL-AP-L01 Rev PL5  
PTA-425-A-PL-AP-L02 Rev PL5  
PTA-425-A-PL-AP-L03 Rev PL5  
PTA-425-A-PL-AP-L04 Rev PL5  
PTA-425-A-PL-AP-L05 Rev PL5  
PTA-425-A-PL-AP-L06 Rev PL5  
PTA-425-A-PL-AP-L07 Rev PL5  
PTA-425-A-PL-AP-L08 Rev PL5  
PTA-425-A-PL-AP-L09 Rev PL5  
PTA-425-A-PL-AP-L10 Rev PL5  
PTA-425-A-PL-AP-L11 Rev PL5

(b) All other remaining units shown on the plans hereby approved for buildings A1, A2 and A3 (detailed component) shall be built to be broadly in compliance with the requirements of Building Regulation M4(2) as demonstrated in the information submitted (White City Part M Review Phase 01 - Buildings 1, 2 and 3 received 24 November 2016), unless otherwise agreed in writing by the Local Planning Authority.

c) 10% of the total residential units hereby approved for the remainder of the site shall be provided to meet Building Regulation requirement M4(3) or adaptable to this standard and retained as such, unless otherwise agreed in writing by the Local Planning Authority.

d) All other remaining residential units hereby approved for the remainder of the site shall be provided to meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings', unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development provides for the changing circumstances of occupiers and responds to the needs of people with disabilities, in accordance with policy 3.8 of the London Plan (2016), policy H4 of the London Borough of Hammersmith and Fulham Core Strategy (2011) and policy DM B2 of the Development Management Local Plan (2013) and the Council's Planning Guidance Supplementary Planning Document (2013).

- 61) The window glass of any shopfront hereby approved shall be clear and shall not be mirrored, tinted or otherwise obscured and shall be permanently retained as such.

To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with policy BE1 of the Core Strategy 2011, policy DM G4 and DM C1 of the Development Management Local Plan 2013 and "Planning Guidance" Supplementary Planning Document 2013.

- 62) The ground floor entrance doors to all publicly accessible buildings on each Development Plot and integral lift/stair cores shall not be less than 1 metre wide and the threshold shall be at the same level to the path fronting the entrance to ensure level access.

Reason: In order to ensure the development provides ease of access for all users, in accordance with Policy 3.1 and 7.2 of the London Plan (2016), and the Council's adopted supplementary planning document.

- 63) No roller shutters shall be installed on any shopfront, commercial entrance or display facade hereby approved.

Reason: To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with policy BE1 of the Core Strategy 2011, policy DM G4 and DM C1 of the Development Management Local Plan 2013 and "Planning Guidance" Supplementary Planning Document 2013.

- 64) No advertisements shall be displayed on or within any elevation of the buildings, forecourt or public spaces without details of the advertisements having first been submitted to and agreed in writing by the Council.

Reason: In order that any advertisements displayed on the building are assessed in the context of an overall strategy, so as to ensure a satisfactory external appearance and to preserve the integrity of the design of the building, in accordance with policy BE1 of the Core Strategy 2011 and policy DM G8 of the Development Management Local Plan 2013.

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

Reason: To ensure that the visual impact of telecommunication equipment can be considered in accordance with policy BE1 of the Core Strategy (2011) and SPD Design Policy 39 of the Planning Guidance Supplementary Planning Document 2013.

- 66) No alterations shall be carried out to the external appearance of the development hereby approved, including the installation of air conditioning units, water tanks, ventilation fans or extraction equipment, not shown on the approved drawings.

Reason: To ensure a satisfactory external appearance and prevent harm to the street scene, and to safeguard the amenities of neighbouring residential occupiers, in accordance with policy BE1 of the Core Strategy 2011 and policy DM G3 of the Development Management Local Plan 2013 and "Planning Guidance" Supplementary Planning Document 2013.

- 67) With the exception of the Class A4 use, the Class A uses hereby permitted shall operate only between 0700 hours and 2400 hours, on weekdays and on Saturdays and on 0700 hours to 2300 hours on Sundays and Bank Holidays.

Reason: To ensure that the amenities of surrounding occupiers are not unduly affected by noise and other disturbance, in accordance with policy CC4 of the Core Strategy 2011 and policy DM H9 of the Development Management Local Plan 2013.

- 68) The number of non-residential car parking spaces shall not exceed 5 car parking spaces.

Reason: To avoid creating unacceptable traffic congestion on the surrounding road network and to ensure there would be adequate parking for the development, in accordance with in accordance with policies 6.13 and 7.2 of the London Plan (2016), policy T1 of the Core Strategy (2011) and policy DM J1, DM J2 and DM J3 of the Development Management Local Plan (2013).

- 69) Any outdoor seating areas in connection with the Class A3 floorspace hereby approved shall operate within the following hours only:

Monday to Saturday: 0700 to 2200 hours  
Sunday and Public Holidays 0700 to 2200 hours

The outdoor seating areas will be closed outside of these hours and any temporary seats/tables shall be removed and stored internally within the A3 unit(s).

Reason: To ensure that the development does not result in conditions prejudicial to the amenities of local residents by reason of noise and disturbance in accordance with Strategic Policy C and policy CC4 of the Core Strategy 2011 and policy DM C6 and DM H9 of the Development Management Local Plan 2013.

- 70) Neither music nor loud voices emitted from the development shall be audible/measurable above the lowest background noise level at the nearest or most affected external residential noise sensitive facade and should be at least 10 dB below the quiet background inside any dwelling.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

- 71) There shall be no construction above the first floor to any Development Plot until the following information has been submitted to the Local Planning Authority:

i) the completion of a Base-Line Airwaves Interference Study (the Base-Line Study) to assess airwave reception within/ adjacent to the site.

ii) the implementation of the Scheme of Mitigation Works for the purposes of ensuring no material impact during the construction of the development identified by the Base-Line Study.

Such Scheme of Mitigation Works shall be first submitted to and approved in writing by the Council.

Reason: To ensure that the existing airwaves reception at the adjacent sites is not adversely affected by the proposed development, in accordance with policy 7.13 of the London Plan (2016).

- 72) There shall be no occupation of any Development Plot until the following information has been submitted to the Local Planning Authority:
- i) the completion of a Post-Construction Airwaves Study (the Post-Construction Study) to minimise detrimental impacts to airwaves reception attributable to the development
  - ii) the implementation of a Scheme of Mitigation Works for the purpose of ensuring no material impact to the airwave reception attributable to the development identified by the Post-Construction Study, shall take place within 3 months of the submission of the Post Construction Study.

Such Scheme of Mitigation Works shall be first submitted to and approved in writing by the Council.

Reason: To ensure that the existing airwaves reception within/adjacent to the development site is not adversely affected by the proposed development, in accordance with policy 7.13 of the London Plan (2016).

- 73) An Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority, prior to the completion of each Development Phase. The EMP shall comprise a habitat management plan and monitoring report which shall set out objectives and prescriptions for the management of new areas of vegetation and public open spaces within the development, for a minimum period of 5 years, unless otherwise agreed in writing with the Local Planning Authority.

Reason. To ensure the biodiversity of the site is protected and enhanced where possible, in accordance with policy 7.19 of the London Plan (2016) and policies OS1 and CC4 of the Core Strategy 2011 and policy DM E3 and DM H2 of the Development Management Local Plan 2013.

- 74) Notwithstanding the information in the landscape drawings hereby approved, an urban realm strategy which includes detailed drawings of the shared surfaces, methods of delineation of the vehicular and pedestrian areas and samples of materials shall be submitted to the local planning authority and approved in writing prior to the commencement of the relevant work within each Development Plot, or relevant part thereof. The urban realm strategy for the relevant Development Plot shall demonstrate how the shared surfaces would adhere to the guidance set out in Department of Transport Note LTN1/11 "Shared Space" October 2011 (or any other relevant guidelines). Such details shall be implemented in accordance with the approved plans and permanently retained thereafter.

Reason: To ensure that the proposal provides an inclusive and accessible environment in accordance with Policy 7.2 of the London Plan (2016), policy T1 of the Core Strategy 2011, and the Council's Supplementary Planning Document.

- 75) No development (except for the approved Enabling Works and demolition) shall commence within each Development Plot until full details of the internal roads and the vehicle/pedestrian access points, including details of any street level car parking arrangements, in respect of the relevant Development Plot have been submitted and shall be implemented in accordance and thereafter retained in accordance with the approved details.

Details for Phase 1D (Development Plots A1, A2 and A3) have been approved pursuant to 2016/03120/DET.

Reason: To ensure there is sufficient circulation space for pedestrians, servicing and other vehicles and provide the surface level car parking to meet the needs of future site occupiers and users, in accordance with policies 6.13 and 7.2 of the London Plan (2016) and policies DM J2 and DM J4 of the Development Management Local Plan 2013 and the Council's Planning Guidance Supplementary Planning Document.

- 76) Notwithstanding the glazing details specified in the approved plans for plots A1, A2 and A3 detailed specification of the external glazing including samples, where relevant alongside a technical report (prepared by a qualified Structural Blast Engineer (SBE)) detailing the required standard of blast resistant external and internal glazing as well as any non glazed facades shall be submitted to the local authority prior to commencement of works on that relevant part that demonstrates that the glazing will be blast resistant, relevant to these plots. The SBE report will include the standard of floor slabs and supporting structures columns above and below proposed internal/undercroft parking areas, including loading areas, to help mitigate a progressive structural collapse. Such details shall be implemented, as approved and shall be permanently retained thereafter.

Reason: In order to ensure that the proposals deliver a high standard of design in accordance with policies BE1 of the Core Strategy (2011), Policies 7.4 and 7.13 of the London Plan (2016), policies DM G4 and DM C1 of the Development Management Local Plan 2013 and "Planning Guidance" Supplementary Planning Document 2013.

- 77) Details of a revised Road Safety Audit shall be submitted to the local planning authority for approval, prior to commencement of works on the bridge and/or vehicular access to the site (whatever the earlier). The Revised Road Safety Audit would need to consider the ornamental gap enclosure between the two bridges and the impacts this has on highway safety

Details for this condition have been approved under 2016/00977/DET.

Reason: In order to ensure the bridge does not compromise highway safety or the safety of pedestrians on the footway, in accordance with policy 7.2 of the London Plan (2016), policy T1 of the Core Strategy 2011 and policy DM J4 of the Development Management Local Plan 2013 and the Council's "Planning Guidance" Supplementary Planning Document.

- 78) At the reserved matters stage, the northern non-principal elevations of Blocks B1 and D1 must be designed so that the number of habitable room windows is minimised. In addition, where habitable and non-principal windows are formed within these elevations, the details these shall be submitted to the local planning authority for approval in writing. '

Reason: 'To ensure that the proposed location of Blocks B1 and D1 does not prejudice the redevelopment of the land to the north and to enable an acceptable residential environment to be achieved for future residents in accordance with

Strategic Policies WCOA and C and policy BE1 of the Core Strategy 2011 and policies DM A2, DM A9 and DM H9 of the Development Management Local Plan 2013 and Supplementary Planning Guidance.

- 79) The following non-principal elevations of the outline components shall be designed in such a way as to minimise direct overlooking between the plot and the directly adjacent development (where the details are known).

South elevation of B1  
South elevation of D1  
North elevation of E1

Where the details of the opposing Development Plot are unknown, the plot (relevant to the submitted details) shall be designed to include a combination of bay windows, obscure glazing or oriel style windows to any habitable or non-habitable room. No balconies or winter gardens will be permitted on these elevations.

Reason: To prevent direct overlooking between windows within the non-principal elevations between development plots in order to ensure the proposed residential units will have good levels of privacy, in accordance with Strategic Policy C and policy CC4 of the Core Strategy 2011 and policies DM A2, DM A9 and DM H9 of the Development Management Local Plan 2013.

- 80) Prior to the commencement of the relevant part of the development, a revised Air Quality Assessment of the impacts from the chosen energy plant must be submitted to and approved in writing by the Council. The air quality assessment must include a combined dispersion modelling exercise that takes into account the emissions from the proposed plant, transport and local concentrations of NO<sub>x</sub> and PM<sub>10</sub> in order to inform the mitigation strategy. The air quality assessment must show the impacts on concentrations of these pollutants at the different heights where receptors are located (including windows that can be opened, balconies, terraces and roof gardens). The assessment must address whether the development is air quality neutral according to GLA guidance and identify mitigation measures as appropriate.

Reason: to comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2016) and Policy DM H8 of the Development Management Local Plan (2013).

- 81) Prior to occupation evidence must be submitted and approved in writing by the Council, that show that the CHP units, abatement technologies and boilers installed comply with the Air Quality Assessment submitted as part of the planning application 2014/04726/OUT and the emissions standards set out within the agreed Low Emission Strategy, (CHP and boiler NO<sub>x</sub> emissions). The CHP plant shall meet a minimum Band 'B' emissions standard of 95g/Nm<sup>2</sup> (at 5% O<sub>2</sub>). The submitted evidence must comply with the Mayor of London SPG 'Sustainable design and Construction' April 2014 guidance and include the results of NO<sub>x</sub> emissions testing of the CHP unit by an accredited laboratory. Where any combustion plant does not meet the relevant standard it should not be operated without the fitting of suitable NO<sub>x</sub> abatement equipment or technology (evidence of installation shall be required).

Reason: to comply with the requirements of the NPPF, Policies 7.14a-c of the London Plan (2016) and Policy DM H8 of the Development Management Local Plan (2013).

- 82) Notwithstanding the elevational/external facade details illustrated in the drawings PTA-425-LA-LP-PL-P1-SEC01 P1, PTA-425-LA-LP-PL-P1-SEC -02 P1, PTA-425-LA-LP-PL-P1-SEC-03 PL1 and PTA-425-LA-LP-PL-E-01 PL1;

(a) The bridge, as approved within the detailed design shall be carried out in accordance with the details approved under 2016/00936/DET

(b) Prior to the commencement of works to the relevant part of the bridge, samples of materials and details of the execution of lighting shall be submitted and approved in writing by the Local Planning Authority. The bridge construction shall be carried out in accordance with the approved details.

(c) Prior to the completion of the bridge details of the advertisement zones and any public art shall be submitted and approved in writing by the Local Planning Authority. Future advertisements and public art shall be positioned in accordance with the approved details.

Reason: To ensure a satisfactory external appearance of the bridge in order to emphasise the important gateway to the site in accordance with policy WCOA, WCOA1 and BE1 of the Core Strategy 2011 and policy DM G1 and DM G7 of the Development Management Local Plan 2013.

- 83) Prior to the commencement of the works on Plots C1 and E1 (the towers), in addition to the samples of all external materials (required in condition 26), a supporting statement shall be submitted to the local planning authority for approval in writing setting out the detailed specifications of each material indicating performance, sustainability rating, impacts from weathering and exposure to pollution sources in order to demonstrate that the materials are of the highest quality. The development shall be carried out in accordance with such details as have been approved.

Reason: To ensure the external appearance and environmental performance of the tall building is of the highest quality and to prevent harm to the street scene and public realm, in accordance with policies 5.3, 7.6 and 7.7 of the London Plan (2016), policy BE1 of the Core Strategy 2011 and policies DM G1 and DM G2 of the Development Management Local Plan 2013 and White City Opportunity Area Planning Framework (2013).

- 84) Prior to first occupation of any part of the residential buildings, a car parking management plan for the relevant Development Plot(s) shall be submitted to and approved in writing by the Council detailing allocation of car parking spaces to residents, visitors and location of electric charging points (at least 20% of car parking spaces and 10% for non-residential car parking spaces). The development shall be carried out in accordance with the approved details.

Reason: To ensure the appropriate distribution of specialist parking in the development and that all spaces can be readily accessed by vehicles, in



accordance with policies 6.13 and 7.2 of the London Plan (2016) and policy T1 of the Core Strategy 2011 and policy DM J2 of the Development Management Local Plan 2013.

- 85) (i) In respect of Phase 1D, prior to commencement of the relevant works on that phase or relevant part thereof, an overheating assessment which demonstrates that all dwellings in that phase would pass Criterion 3 of Part L 2013 with no more than a 'slight' risk of overheating shall be submitted to the local planning authority and approved in writing. The assumptions used in the assessment in relation to openable windows and ventilation rates shall be clearly stated within the submission.
- (ii) In respect of Phases 2, 3A,4A, 4B, 4C, 5A and 5B, prior to commencement of any phase or relevant part thereof, a dynamic overheating assessment which is in line with CIBSE Guides TM52 and TM49 shall be submitted to the local planning authority and approved in writing .The assumptions used in the assessment in relation to openable windows and ventilation rates shall be clearly stated within the submission.

All measures integrated shall be retained for the lifetime of the development.

Reason: In order to demonstrate that the dwellings are not at risk of overheating in accordance with policies 5.15 of the London Plan (2016), policy DM H3 of the Development Management Local Plan 2013 and the Mayor's Supplementary Planning Guidance on Sustainable Design and Construction.

- 86) Prior to the commencement of the relevant part of the development, details shall be submitted to and approved in writing by the Council of all Non-Road Mobile Machinery (NRMM) to be used on the development plot. All NRMM should meet as minimum the Stage IIIB emission criteria of Directive 97/68/EC and its subsequent amendments. This will apply to both variable and constant speed engines for both NOx and PM. An inventory of all NRMM must be registered on the NRMM register <https://nrmm.london/user-nrmm/register>. All NRMM should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment.

To comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2016), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

- 87) No development (with the exception of the approved works relating to Phases 1A and 1B) shall commence until an Air Quality Dust Management Plan (AQDMP) is submitted to and approved in writing by the Council. The AQDMP must include a Air Quality Dust Risk Assessment (AQDRA) that considers residential receptors on-site and off-site of the development and is undertaken in compliance with the methodology contained within Chapter 4 of the Mayor's of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014 and the identified measures recommended for inclusion into the site specific AQDMP. The AQDMP submitted must comply with and follow the chapter order (4-7) and appendices (5,7,8,9) of the Majors SPG and should include an Inventory and Timetable of dust generating activities during demolition and construction; Dust and Emission control measures including on-road construction traffic e.g. use of

Low Emission Vehicles; Non-Road Mobile Machinery (NRMM). Air quality monitoring of PM10 should be undertaken where appropriate and used to prevent levels exceeding predetermined Air Quality threshold trigger levels. Developers must ensure that on-site contractors follow best practicable means to minimise dust and emissions at all times.

Reason: To comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2016) (including 2013 alterations), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

### **Justification for Approving the Application:**

- 1) The proposed changes would constitute a material change within the context of the extant planning permission scheme and they therefore meet the requirements to be processed under Section 73 of the Town and Country Planning Act 1990.

Principle of Development/Regeneration: The principle of a comprehensive residential led mixed use redevelopment of the site including residential, retail, restaurant, café, office, community and leisure uses is considered to be acceptable and in accordance with national, strategic and local planning policies, which advocate making the most efficient use of brownfield land in sustainable locations. The proposals are considered to make an important contribution towards meeting local and strategic housing needs and would also create a vibrant and creative place with a stimulating and high quality environment where people will want to live, work, shop and spend their leisure time. The proposed development would contribute to the regeneration of the area by providing significant areas of new public realm which serve the needs of the wider area as well as those in the development, improving linkages, movement through and connections within the area. The relatively small size and location of the proposed retail and leisure uses would not compromise the vitality or viability of surrounding centres. The proposed development would contain appropriate land uses that are compatible with the White City Opportunity Area which is well served and accessible by public transport. The proposed development is therefore considered acceptable, on balance, and in accordance with policies 2.13, 2.15, 3.3, 3.4 of the London Plan (2016) and Strategic Policies WCOA, WCOA1, A, B, C and H1 of the Core Strategy (2011) and White City Opportunity Area Planning Framework (2013).

Housing: The proposed development (as revised by this application) is considered to make a significant contribution towards providing much needed additional housing in accordance with London Plan Policies 3.3B, 3.3D and 3.3E and would help the borough meet and exceed its housing targets in accordance with Table 3.1 of the London Plan. It is considered that the development would contribute towards the indicative housing targets set out in Strategic Policy H1 of the Core Strategy which promotes the development of new housing within the Strategic Sites and Core Strategy Policy WCOA and WCOA1 for developments within the White City Opportunity Area which set an indicative housing target of 5,000 homes is proposed across the plan period. The principle and density of residential development proposed is considered acceptable and would be in accordance with London Plan Policies 3.3 and 3.4 and Core Strategy Strategic Policies H1, H3, A and WCOA1. The proposed development would comprise an appropriate mix of dwelling sizes that would meet local and London-wide housing needs and is

therefore considered to be in accordance with policy 3.8 of the London Plan (2016) and policy H4 of the Core Strategy. In the context of these policies and having regard to the Viability Assessment, the individual circumstances of the site and the planning and regeneration benefits arising from the development, it is considered that the provision of affordable housing is acceptable, subject to a legal agreement which secures a significant contribution towards affordable housing within LBHF in lieu of a review mechanism, and would be in accordance with Policies 3.8, 3.10, 3.11 and 3.12 of the London Plan (2016) , and policies H1, H2, H3 and H4 of the Core Strategy 2011 and policies DM A1, DM A2, DM A3, DM A4, DMA9 of the Development Management Local Plan 2013 and the Council's Planning Guidance Supplementary Planning Document and White City Opportunity Area Planning Framework (2013).

**Design:** The proposed number of tall buildings (in both the detailed and outline elements) exceeds the limited number envisaged in Core Strategy Policy WCOA for the Opportunity Area, and the general height and mass of the scheme is greater than what is set out in the indicative WCOAPF masterplan. Notwithstanding this, it is considered that the proposed development provides a satisfactory design response, in terms of having no adverse impacts on the surrounding built environment which includes the Wood Lane Conservation Area and Grade II listed Television Centre building and adjoining sites which are subject to redevelopment and regeneration. The scale and massing of the detailed components of the proposed development are considered on balance to meet the policy requirements in delivering buildings with good quality architecture which optimises the residential capacity of the site and provides a significant level of public open spaces around the building plots. The proposed outline component, as is set out in the broad parameters plans is considered acceptable. The proposed development is not considered to prejudice the development potential of the adjoining development sites, subject to conditions and detailed design (of the outline components). Specifically, the distribution of scale, massing and height of the taller elements (within the outline component) has been demonstrated to have minimal townscape, heritage and visual amenity impacts on the local and wider context. When considered alongside the significant planning benefits in terms of housing provision and public open space included as part of the development, the proposals are considered, on balance, to be in general accordance with Core Strategy Strategic Policy WCOA and WCOA1. Although the proposed development will be visible and will have an impact on views from within LBHF and from RBKC it is considered that the impact is not one of significant harm to conservation areas or local townscape and the proposed development would have a neutral impact on the skyline of this part of White City. The proposed development is therefore considered acceptable in accordance with policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8 and 7.21 of the London Plan (2016) and policies WCOA, WCOA1 and BE1 of the Core Strategy 2011 and policies DM G1, DM G2, DM G6 of the Development Management Local Plan 2013, and the Council's Planning Guidance Supplementary Planning Document and White City Opportunity Area Planning Framework (2013).

**Built Heritage:** It is considered that the proposed development would cause less than substantial harm to the character or appearance of the conservation area and setting of the nearby listed buildings. The limited extent of harm that is caused would be outweighed by the significant townscape, urban design and regeneration benefits of the proposals. The proposed development would be visible from within

LBHF and from isolated instances in the Royal Borough of Kensington and Chelsea. The impact of the proposal on the historic significance, visual amenity, character and appearance of these areas, in particular Wood Lane Conservation Area and setting of the Grade II listed buildings in the area, is considered on balance acceptable. The proposed development is therefore considered to be acceptable and would be in accordance with policies 7.4, 7.7 and 7.8 of the London Plan (2016), policies BE1 and WCOA 1 of the Core Strategy 2011 and policies DM G1, DM G2 and DM G7 of the Development Management Local Plan 2013 and the Council's Planning Guidance Supplementary Planning Document and White City Opportunity Area Planning Framework (2013).

**Residential Amenity:** It is considered that the proposed development would not result in significant harm to the amenities of adjoining occupiers in terms of daylight/sunlight, over-shadowing, and privacy. It is considered that the proposals have been designed so that they do not unduly prejudice the development potential of the adjoining sites which have the capacity to contribute towards the comprehensive regeneration of the Opportunity Area, by virtue of the extent of the daylight, sunlight, overshadowing and privacy impacts. Potential impacts (both of the scheme and its cumulative effects) in terms of air quality, light pollution, solar glare, wind tunnelling, noise or TV/radio reception would be acceptable, subject to the various mitigation methods proposed which are secured by conditions and reserved matters. In this regard, the development would respect the principles of good neighbourliness. The proposed development is therefore considered to be acceptable and would be in accordance with policies 3.5, 3.6, 3.8, 7.3, 7.6, 7.7, 7.14 and 7.15 of the London Plan (2016) and policies BE1, H3 and CC4 of the Core Strategy (2011) and policy DM A9 and DM G1 of the Development Management Local Plan 2013 and the Council's Planning Guidance Supplementary Planning Document and White City Opportunity Area Planning Framework (2013).

**Access:** Subject to conditions, and continued consultation with local access groups, it is considered that the development would provide a safe and secure environment for all users. The development is therefore considered to be acceptable in accordance with Policies 3.8, 6.12 and 7.2 of the London Plan (2016), policy H3 of the Core Strategy 2011 and policy DM H4 of the Development Management Local Plan 2013 and the Council's "Planning Guidance" Supplementary Planning Document.

**Quality of Residential Accommodation:** Notwithstanding the instances whereby the residential accommodation falls short of standards set out in the planning guidance in terms of ensuring high quality residential units, the proposal is considered, on balance to provide an acceptable standard of accommodation for future occupiers of the residential accommodation (private and affordable) in respect of the living space, aspect and amenity, for a scheme which is located within a high density urban context that is envisaged to optimise development capacity. The assessment for the detailed element (where known) and outline elements (where forecasted) confirms that the majority of the proposed units would benefit from acceptable levels of daylight/sunlight, outlook and privacy. The development is therefore considered, on balance, to be acceptable in accordance with Policies 3.5 and 3.8 of the London Plan (2016), Policy H3 of the Core Strategy (2011), Policies DM A2, DM A9 of the Development Management Local

Plan 2013 and the Council's "Planning Guidance" Supplementary Planning Document and White City Opportunity Area Planning Framework (2013).

Highways: It is considered that the overall traffic impact of the proposed development would be less than anticipated in the forecasts undertaken by Transport for London in relation to the Transport Study undertaken for the White City Opportunity Area Planning Framework and as such, the traffic impact would be acceptable and in accordance with Core Strategy Policy T1 and DM Local Plan policy DM J1. The level of car, motorcycle and cycle parking is assessed as being acceptable in accordance with the policies DM J2, DM J3, DM J4 and DM J5 of the Development Management Local Plan 2013 and the Council's "Planning Guidance" Supplementary Planning Document. The site is accessible and well served by public transport. The proposed development would enhance pedestrian and cycle linkages to the development sites to the north and south and to the Wood Lane from the proposed new bridges and decked area over the central line. Such improvements would be the benefit of the wider White City Opportunity Area. It is considered that any impacts arising from the development would be mitigated by conditions and s106 provision to contribute towards sustainable transport infrastructure measures within the White City Opportunity Area and prevent significant increase in on-street parking pressures in surrounding roads. A car park management, servicing, road safety and travel planning initiatives would be implemented in and around the site to mitigate against potential adverse impacts. The proposed development is therefore considered acceptable in accordance with policies 6.1, 6.3, 6.9, 6.10, 6.11, 6.13 and Table 6.3 of the London Plan (2016) and policy T1 of the Core Strategy (2011) and policy DM J1, DM J2, DM J3, DM J4, DM J5 and DM J6 of the Development Management Local Plan 2013 and the Council's "Planning Guidance" Supplementary Planning Document and White City Opportunity Area Planning Framework (2013).

Sustainability: The proposed development has been designed to meet, and where possible exceed Level 4 of the former Code for Sustainable Homes and a BREEAM rating of Very Good or Excellent subject to detailed design. The proposed energy strategy includes provision for a decentralised energy centre within phase 1, which incrementally becomes active as the development is constructed. The proposed energy centre would provide the heating and hot water requirements for the development through Gas fired CHP units. Each building (within the detailed and outline elements) will contribute towards further CO2 reductions through their façade design and the incorporation of green and brown roofs to supplement the provision of gas fired CHP units as appropriate to their carbon reduction target and energy profile. This will result in a significant reduction of CO2 emissions beyond the Building Regulations 2010 compliant level. Subject to conditions, the proposed development is therefore considered to be acceptable and would be in accordance with 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 (2016) and policies CC1, CC2 and H3 of the Core Strategy (2011) and policy DM H1, DM H2, DM H3, DM H4, DM H5, DM H6, DM H7, DM H8, DM H9, DM H10, DM A2 and MD A9 of the Development Management Local Plan 2013 and the Council's Planning Guidance Supplementary Planning Document and White City Opportunity Area Planning Framework (2013).

Flood Risk: The site is located in flood zone 1 (low risk). A Flood Risk Assessment (FRA) has been submitted which advises standard construction practices in order

to ensure the risk of flooding at the site remains low. The development would therefore be acceptable and in accordance with Policies 5.12 and 5.13 of the London Plan (2016) and policy CC2 of the Core Strategy 2011 and policy DM H3 of the Development Management Local Plan 2013 and the Council's Planning Guidance Supplementary Planning Document.

**Environmental Impacts:** All Environmental Impacts have been assessed with regards to construction, demolition, proposed development and alternatives, Noise, Air Quality, Ecology, Transport, Socio-economics, Archaeology, Sunlight, Daylight, Overshadowing, Solar Glare, Water Resources and Flood, Waste, Ground Contamination, Microclimate, Electronic Interference, Townscape and Heritage, Cumulative and Residual Impacts, set out in the Environmental Statement and Addendums and the Environmental Impact Assessment (EIA) Statement of Conformity letter dated 21 November 2016, in accordance with the EIA Regulations 2011. The Environmental Statement which comprises the original ES (and appendices), the ES addendum and revised appendices, the Environmental Impact Assessment (EIA) Statement of Conformity letter dated 21 November 2016, together with the consultation responses received from statutory consultees and other stakeholders and parties, enable the Council to determine this application with knowledge of the likely significant environmental impacts of the proposed development.

**Legal Agreement:** The application proposes that its impacts are mitigated by way of a comprehensive package of planning obligations to fund improvements that are necessary as a consequence of the increased use arising from the population yield from the development and additional new land uses. The financial contributions will go towards affordable housing in LBHF, the enhanced provision of education, health, employment, community facilities, accessibility and sustainable transport, highways (including pedestrian and cycle routes) and the public realm. The proposed development would therefore mitigate external impacts and would accord with London Plan (2016) policy 8.2, Core Strategy Policies CF1, WCOA and WCOA1 and the White City Opportunity Area Planning Framework (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: 31st August 2016  
Drawing Nos: see above

**Policy documents:** National Planning Policy Framework (NPPF) 2012  
The London Plan 2016  
LBHF - Core Strategy Local Development Framework 2011  
LBHF - Development Management Local Plan 2013  
LBHF - Planning Guidance Supplementary Planning Document  
2013

## **Consultation Comments:**

### **Comments from:**

Historic England London Region  
Fulham Society

### **Dated:**

04.10.16  
23.01.17

## **Neighbour Comments:**

### **Letters from:**

### **Dated:**

## 1.0 Background

1.1 This planning report relates to an application to vary planning permission 2014/0476/OUT relating to Phase 1D of the comprehensive redevelopment of the M&S Warehouse site in White City. The application has been made to vary Conditions 3, 4 and 7 to vary the approved drawings, design specifications and parameters report in order to allow optimisation of residential units, design alterations to the building facades, including rationalisation of balconies, and internal alterations to each of Buildings A1, A2 and A3 in the detailed component (Phase 1D) only of the planning permission (dated 16th December 2015). The application is made under Section 73 of the Town and Country Planning Act 1990 (as amended) as the proposed changes are considered to comprise a Minor Material Amendment to the permitted development scheme. The new proposals result in 12 additional residential units being created in Phase 1D which results in the overall approved maximum unit no.s across the scheme rising to 1477 (from 1465).

1.2 The M&S application site was previously occupied by a 21,807 square metre warehouse that Marks and Spencer plc (M&S) used as a mock layout store with associated car parking and service yard. The site was purchased by the St James Group in 2014 and the warehouse has recently been demolished.

1.3 The site is accessed off the A219 Wood Lane via a site access road in the south-west corner which bridges over the Central Line track. In addition to the site, the access road also serves the Ugli Campus building. The applicant is in possession of a long term lease allowing access over the bridge providing access from the A219 across the Central Line cutting. There is a secondary access point to the site from the south through one of the arches beneath the Hammersmith and City Line viaduct for emergencies. All vehicle access, aside from emergency vehicles, enters and exits the site from the existing bridge across the Central Line cutting.

## Planning Designations

1.4 The London Plan (as altered 2016) designates the site within the White City Opportunity Area; which is expected to deliver a substantial number of new homes and jobs through comprehensive regeneration. The White City Opportunity Area Planning Framework (WCOAPF, October 2013) identifies the site within the White City East Area and within a proposed housing area as part of mixed use schemes.

1.5 The LBHF Proposals Map (October 2011) identifies the site as being located within the Wood Lane Conservation Area; which was designated by LBHF in 1991 to principally protect the Grade II Listed BBC Television Centre which is located 100m west of the site. It is also designated within a regeneration area and the White City Opportunity Area, and within Strategic Site WCOA 1 'White City East'. The site is affected by Aerodrome safeguarding of Heathrow 150m and Northolt 91.4m and is also located in close proximity to listed buildings most notably the BBC Television Centre and the Dimco Building off Ariel Way (on the Westfield site). The site is located within Flood Risk Zone 1 and is also located within an Air Quality Management Area (as is the whole Borough). The site does not contain any listed buildings or any nationally designated heritage assets such as scheduled monuments or registered parks and gardens and is not within an Archaeological Priority Area nor is it affected by any strategic views.

### Surrounding Area

1.6 The surrounding area currently comprises predominantly of commercial, residential and retail uses. Immediately to the north of the site is the former Dairy Crest site, which currently comprises industrial and storage companies. Although the site currently benefits from outline planning permission for a residential led mixed use development comprising up to 1,150 residential units (Ref: 2012/02454/OUT), the site was acquired by Imperial College London (ICL) in 2014, which has indicated an intention to redevelop the site for mixed uses but predominantly educational use.

1.7 ICL also owns a strip of land immediately to the west of the Site which comprises 5-6 storey UGLI buildings and is occupied in part by the BBC. Access to this site from Wood Lane is shared with the site. Further west is the former BBC Television Centre and beyond lies Hammersmith Park which is owned by Stanhope Plc. The owner has obtained planning permission for a hybrid application (Ref. 2015/02646/VAR) for a comprehensive mixed use development of the site comprising up to 943 residential units and the provision of new offices, leisure, retail and restaurant uses and the retention of Studios 1-3. The applicant is in the process of implementing this permission.

1.8 Approximately 300m to the south of the site is Westfield Shopping Centre. Westfield Ltd has received resolution to grant outline planning permission for a retail/leisure extension and residential dwellings on land to the north of the existing shopping centre (Ref. 2013/05115/OUT). This application has subsequently been modified and the applicant is in the process of implementing the amended consent.

1.9 To the south is the Hammersmith and City/Circle Line viaduct, the arches of which are subject to their own design proposals with investigations being undertaken into opening several arches to provide connectivity between the M&S site and the Westfield site to the south.

1.10 The Westway Travellers' Site is located approximately 250m to the northeast underneath the A3320 flyover. To the east is the West London Line Railway, the railway embankment is designated as a Green Corridor and area of Nature Conservation and the A3320 lies beyond this. The A3320 is a major multi-lane highway and is set at an elevated level for much of its length, therefore acting as a major physical barrier between the areas either side of it. The area immediately to the east of the West Cross Route is largely occupied by commercial buildings and lies within the Royal Borough of Kensington and Chelsea.



1.11 The site is highly accessible, which is reflected in its Public Transport Accessibility Level (PTAL) of 6b. White City Bus Station with numerous bus services is located to the south of the Site and White City and Wood Lane London Underground Stations are a short walk to the north and south of the site respectively, providing access to the central, circle and Hammersmith and City Lines. Shepherd's Bush Station is also located approximately 800m to the south of the Site and provides links to destinations such as Milton Keynes Central and Willesden Junction to the north and Clapham Junction and Croydon South to the south and Stratford to the east. A Barclay's Cycle Hire Docking Station is located approximately 200m to the south of the site. The site is also in close proximity to a wide range of amenities including Westfield Shopping Centre and Shepherds Bush to the south. A number of schools and places of worship are within the vicinity of the site and Hammersmith Hospital is situated approximately 900m to the north-west of the Site across the A40.

## 2.0 Planning History:

2.1 Planning History records indicate that the former warehouse (Units 1-7) was erected in the early 1980s, although there are several planning permissions issued between 1978 and 1986 for various extensions and alterations to the building and site. The authorised use class appears to be Class B8 (storage and distribution) which was permitted in the original planning permission dated 19/10/1977 (Ref: RN/H/401/77) for the whole building. Marks and Spencer is listed as the applicant in all applications in this period.

2.3 The current application has been submitted for approval of vary condition 3 (approved drawings) of the following planning permission which relates to the comprehensive redevelopment of the M&S warehouse site (The Extant Scheme).

Ref: 2014/04726/OUT: Planning application (part detailed/part outline) for the demolition of all existing buildings and structures and the redevelopment of the site for residential and mixed uses comprising the erection of new buildings ranging from 11 to 30 storeys to provide up to 1,465 residential units (Class C3) and use classes (A1-A5, B1, D1 & D2), the provision of a new publicly accessible open space, new pedestrian and vehicle routes, accesses and amenity areas, basement level car park with integral servicing areas and other associated works:

(1) Detailed planning application for up to 37,935 sqm. (GEA) new residential floorspace with ancillary residential facilities (C3) (excluding basement floorspace); up to 1,995 sqm. (GEA) flexible commercial floorspace (A1-A5), community (D1) and leisure (D2) (excluding basement floorspace); provision of a new basement level; provision of a new bridge over the central line cutting; means of access; and associated amenity space, landscaping, car parking and cycle parking, energy centre, and other associated infrastructure works.

(2) Outline planning application (with all matters reserved) for up to 112,295 sqm. (GEA) residential floorspace and ancillary residential facilities (C3) (excluding basement area), flexible commercial (A1-A5), office (B1) use, community (D1) and leisure (D2) floorspace; provision of a new basement level; new and altered pedestrian and vehicular access including decked area over the central line cutting at the south west corner of the site; and associated amenity space, open space, landscaping, car parking

and motorcycle parking, and other associated infrastructure works. APPROVED  
16/12/2015

2.4 The planning permission will be implemented in phases, although the approved development comprises a series of Development Plots and Public Spaces, which shall be referred to as the following for the purposes of this report:

- Development Plots A1, A2 and A3 (Detailed Component)
- Development Plot B1 (Affordable Housing Block)
- Development Plot C1 (Central Gardens North Tower)
- Development Plots D1, D2 and D3 (Counters Quay Pavilion Buildings)
- Development Plot E1 (Central Gardens North East Block)
- Development Plot E2 (Central Gardens South East Block)
- Bridge (New Vehicular Bridge over central line)
- Pedestrian Deck (New decked structure over central line)
- Exhibition Gardens (east-west green space)
- Kiralfy Square (central square)
- Central Gardens (central north-south open space)
- Counters Quay (eastern waterside area)

2.5 The approved development is subject to a phasing plan (approved through discharge of Condition 5 of 2014/04726/OUT on 12 August 2016) which is set out below:

Phase 1A - bridge

Phase 1B - pedestrian deck

Phase 1C - Exhibition Green

Phase 1D - construction of Development Plots A1, A2, and A3, associated basement, access roads and communal open space/landscaping

Phase 1E - southern part of the Central Gardens

Phase 1F - Kiralfy Square

Phase 2 - construction of Development Plots B1; associated basement, access roads and communal open space/landscaping

Phase 3A- construction of superstructure of Development Plot E1; part of Counters Quay; associated basement, access roads and communal open space/landscaping

Phase 3B - construction of superstructure of Development Plot E2; part of Counters Quay; associated basement, access roads and communal open space/landscaping

Phase 4A - construction of superstructure of Development Plot D1; part of Counters Quay; associated basement, access roads and communal open space/landscaping

Phase 4B - construction of superstructure of Development Plot D2; part of Counters Quay; associated basement, access roads and communal open space/landscaping

Phase 4C - construction of superstructure of Development Plot D3; part of Counters Quay; associated basement, access roads and communal open space/landscaping

Phase 5A - construction of superstructure of Development Plot C1; associated basement, access roads and communal open space/landscaping

Phase 5B - northern part of Central Garden

2.6 The applicant is currently preparing to commence works on Phases 1A and 1B which relates to the bridge and deck and has recently received approval for reserved matters for the deck (2016/03650/RES approved 9 November 2016). The subject application proposes changes to the approved scheme for Phase 1D.

## Planning Conditions

2.7 Following the determination of the application listed above, a number of non-material amendment and details applications have been submitted and are summarised below.

2.8 The applicant has discharged, or partially discharged, the following pre-commencement conditions in respect of 2014/04726/OUT (the extant scheme):

- Condition 5 (Phasing Plan). Ref: 2016/02029/DET approved 12.8.2016.
- Condition 9(i) and (ii) (Demolition Management Plan). Ref: 2016/02813/DET approved 12.8.2016.
- Condition 10 (Details of Archaeological Investigation). Ref: 2016/00728/DET approved 13.4.2016.
- Conditions 11 and 12 (Preliminary Risk Assessment and Site Investigation scheme). Ref: 2016/01689/DET approved 26.9.2016.
- Condition 17 (Piling Method Statement for bridge and deck). Ref: 2016/00995/DET approved 25.10.2016.
- Condition 17 (Piling Method Statement for Phase 1D). Ref: 2017/00018/DET approved 13.02.2017.
- Condition 18 (Construction Method Statement). Ref: 2016/02816/DET approved 30.01.2016.
- Condition 20 (approval of sales and marketing office). Ref: 2016/04629/DET approved 16.12.2016.
- Condition 22 (Detailed design of access ramps). Ref: 2016/03118/DET approved 3.02.2017.
- Condition 23 (Car Parking Provision). Ref: 2016/03119/DET approved 10.02.2017.
- Condition 24 (Details of Water Supply Infrastructure). Ref: 2016/00739/DET approved 13.4.2016.
- Condition 25 (Details of surface water drainage scheme). Ref: 2016/00889/DET approved 13.4.2016.
- Condition 31 (Sustainable Urban Drainage System). Ref: 2016/02508/DET approved 30.11.2016.
- Condition 32 (Refuse arrangements). Ref: 2016/02905/DET approved 25.8.2016.
- Condition 33 (Inclusive Access Management Plan). Ref: 2016/03291/DET approved 21.12.2016.
- Condition 35 (Noise assessment- partial discharge for Phase 1D). Ref: 2016/02885/DET approved 21.7.2016.
- Condition 43 (Television interference). Ref: 2016/02812/DET approved 23.8.2016.
- Condition 75 (Vehicle/pedestrian access points). Ref: 2016/03120/DET approved 13.02.2017.
- Condition 77 (Details of Road Safety Audit). Ref: 2016/00977/DET approved 13.4.2016.
- Condition 82(a) (Detailed design of Bridge - Public Art). Ref: 2016/00936/DET approved 9.11.2016.

2.9 The applicant has applied to discharge the following planning conditions (which are pending a decision):

- Condition 13 (Quantitative risk assessment). Ref: 2017/00514/DET.
- Condition 19 (Construction Management Logistics Plan). Ref: 2016/02817/DET.

2.10 The applicant has received approval for non-material amendments to the wording of the following conditions (2016/02063/NMAT Approved 1 August 2016):

- Condition 36 (Sound Insulation - between non-residential uses)
- Condition 37 (Sound Insulation - between residential uses)
- Condition 39 (External Noise Levels)
- Condition 74 (Urban Realm Strategy)
- Condition 85 (Overheating)

2.11 The applicant has also received approval for a non-material minor amendment to planning permission 2014/04726/OUT to amend the wording of Condition 42 (low emission strategy) (2016/03806/NMAT approved 20 October 2016).

### 3.0 Consultation Responses

3.1 The application has been advertised as a Major Development, which is within a conservation area and may affect its character or appearance. The application has been advertised by way of a Site Notice (11/10/2016) and a Press Release (11/10/2016) with an expiry date for comments of 1/11/2016.

3.2 Consultation letters were sent to adjoining occupiers in surrounding properties.

3.3 No objections have been received

External Consultation:

3.4 The following external consultations were undertaken:

- a) Transport for London: No objections.
- b) Network Rail: No response.
- c) Royal Borough of Kensington and Chelsea: No response.
- d) London Underground: No response
- e) Historic England: Response received, no comments provided.
- f) Greater London Archaeology Advisory Service: No response.
- g) Greater London Authority: Assessed the details of the application and advises that given the scale and nature of proposals, concludes that the amendments do not give rise to any new strategic planning issues. Advises that Council may proceed to determine the application without further reference to the GLA.
- h) Environment Agency: No objections provided the application does not impact on the developer's ability to meet the requirements of the surface water drainage condition.

Case officer comment: A condition will be imposed requiring works to be in accordance with details of surface water drainage scheme previously approved.

- i) London Fire and Emergency planning Authority: No response.
- j) Metropolitan Police: No response.

- k) Counter Terrorism Advisor: No response.
- l) Crime Prevention Design Advisor: No response.
- m) Civil Aviation Authority: No response.
- n) Commission for Architecture and the Built Environment: No response.
- o) Health and Safety Executive: No response.
- p) Highways Agency: No response.
- q) Natural England: No response.
- r) Thames Water: No response.
- s) White City Neighbourhood Forum: No response.
- t) White City Residents Association: No response.
- u) The Hammersmith Society: No response.
- v) Fulham Society: No response.
- w) Hammersmith Historic Buildings Group: No response.
- x) Brickfields Area Residents Association: No response.
- y) Frithville Gardens Residents Group: No response.
- z) St Helens Residents Association: No response.
- Za) Action on Disability Forum: Detailed comments provided advising of need to ensure compliance with Building Regulations M4(2) and M4(3).

Case officer comment: This matter is discussed in sections 5.33 to 5.44 below.

- Zb) Edward Woods Tenants and Residents Association: No response.
- Zc) Stable Way Residents Association: No response.

Internal Consultation:

3.5 The following internal consultation was undertaken.

- a) Urban Design and Conservation: Raises no objections and provides comments which are summarised in sections 5.50, 5.52 and 5.57 below.
- b) Air Quality- Environmental Quality: The EQ Team have reviewed the Environmental Impact Assessment (EIA) Statement of Conformity and Request for EIA Screening Opinion - Former M&S Site, White City Proposed Minor Material

Amendments Application letter dated 26/08/2016 by AECOM. No objection to the application subject to 7 conditions to provide mitigation to make the application acceptable in accordance with policies CC4 and DM H8.

Case officer comment: Conditions will be imposed to address these matters similar to conditions imposed on original approval.

- c) Environmental Policy: The letter from AECOM covers a number of environmental matters in terms of assessing potential impacts of the proposed changes. In terms of flood risk issues, including surface water management, the proposed minor alterations are not considered to be significantly different to the previously consented scheme. Therefore, no objections to the amendments.
- d) Parks Development and Management: No response.
- e) Highways and Engineering: Verbally advised of no objections.
- f) Public Protection and Safety: No objections. Note that a number of conditions of planning permission 2014/04726/OUT have been discharged which relate to noise. Recommend an assessment is made into the impact on conditions 34, 35, 36, 37 and 39 of planning permission 2014/04726/OUT from the proposed variations in order to determine whether the development still achieves the requirements of these conditions.

Case officer comment- It is noted that only Condition 35 has been discharged with respect to Phase 1D and a condition will be imposed requiring the scheme to be in accordance with details previously approved.

- g) Director of Children's Services: No response.
- h) Building Control: No response.
- i) Arboricultural Officer: No objections.
- j) Recycling team: No response.
- k) Bi-Borough Legal Services: On going liaison ins occurring with respect to the deed of variation.
- l) Hammersmith and Fulham Primary Care: No response.
- m) Land Contamination Team: No objections.
- n) Private Housing and Health Services: No response.
- o) Adult Social Care: No response.

#### 4.0 The Proposals:

##### Minor Amendment Application (Section 73) Procedure

4.1 This report relates to a Minor Material Amendment (MMA) application for the variation of condition 3 (approved drawings) for Phase 1D, condition 4 (Design codes

and parameters) and condition 7 (maximum number of dwellings), pursuant to the approved 2014/04726/OUT that was granted 16th December 2015.

4.2 The applicant is entitled to apply for an amendment to the extant scheme permission, under S73 of the Town and Country Planning Act (As Amended). Section 73 of the Act can be used, amongst other things, to approve minor material amendments to an existing planning permission by amending a condition (or conditions) upon which the permission was granted. In law, a section 73 application results in the grant of a new planning permission affecting the same site that is subject to the relevant amended conditions.

4.3 This minor material amendment procedure was confirmed by the Government as appropriate in 2009 when it streamlined the procedure for section 73 applications and issued accompanying guidance on how best to achieve flexibility with planning permissions by allowing minor material amendments to planning permissions without the need for the submission of entirely new planning applications. The overriding purpose of the streamlined procedure and guidance was to avoid the burden that would fall on both planning authorities and developers if a fresh planning application had to be submitted every time that a development is materially amended.

4.4 The guidance is now contained in the Department for Communities and Local Government's National Planning Practice Guidance. Amongst other things the guidance states that a minor material amendment is likely to include any amendment whose scale and/or nature results in a development which is not substantially different from the one which has been approved.

4.5 The applicant contends that the proposed amendments to the development are minor in nature, particularly given the scale of the development and remain in accordance with national, regional and local plan policy.

4.6 In accordance with the S73 procedure, the variation of conditions 3, 4 and 7 pursuant to the extant planning permission would necessitate the need to issue a new planning permission. The new planning permission would take the same hybrid form as the extant scheme, although it would have a new reference no. (Ref: 2016/03907/VAR).

Planning Conditions to be amended by way of the Section 73 (Minor Material Amendment) application:

4.7 Condition 3 requires the proposed development to be carried out in compliance with the submitted drawings. The applicant has submitted the following revised drawings which replace the former plans in the previous consent.

PTA-425-A-PL-B1 Rev PL4	Plot A Basement Level
PTA-425-A-PL-AP-L00 Rev PL3	Plot A Ground floor GA + Internal Layout
PTA-425-A-PL-AP-L01 Rev PL5	Plot A Level 01 Apartment Mix + Internal Layout
PTA-425-A-PL-AP-L02 Rev PL5	Plot A Level 02 Apartment Mix + Internal Layout
PTA-425-A-PL-AP-L03 Rev PL5	Plot A Level 03 Apartment Mix + Internal Layout
PTA-425-A-PL-AP-L04 Rev PL5	Plot A Level 04 Apartment Mix + Internal Layout
PTA-425-A-PL-AP-L05 Rev PL5	Plot A Level 05 Apartment Mix + Internal Layout
PTA-425-A-PL-AP-L06 Rev PL5	Plot A Level 06 Apartment Mix + Internal Layout
PTA-425-A-PL-AP-L07 Rev PL5	Plot A Level 07 Apartment Mix + Internal Layout
PTA-425-A-PL-AP-L08 Rev PL5	Plot A Level 08 Apartment Mix + Internal Layout

PTA-425-A-PL-AP-L09 Rev PL5	Plot A Level 09 Apartment Mix + Internal Layout
PTA-425-A-PL-AP-L10 Rev PL5	Plot A Level 10 Apartment Mix + Internal Layout
PTA-425-A-PL-AP-L11 Rev PL5	Plot A Level 11 Apartment Mix + Internal Layout
PTA-425-A-PL-AP-L12 Rev PL3	Plot A Level 12 Apartment Mix + Internal Layout
PTA-425-A-PL-AP-L13 Rev PL3	Plot A Level 13 Apartment Mix + Internal Layout
PTA-425-A-PL-AP-L14 Rev PL3	Plot A Level 14 Apartment Mix + Internal Layout
PTA-425-A-PL-AP-L15 Rev PL4	Plot A Level 15 Apartment Mix + Internal Layout
PTA-425-A-PL-AP-L16 Rev PL4	Plot A Level 16 Apartment Mix + Internal Layout
PTA-425-A-PL-AP-L17 Rev PL4	Plot A Level 17 Apartment Mix + Internal Layout
PTA-425-A-PL-AP-L18 Rev PL4	Plot A Level 18 Apartment Mix + Internal Layout
PTA-425-A-PL-AP-L19 Rev PL4	Plot A Level 19 Apartment Mix + Internal Layout
PTA-425-A-PL-AP-L20 Rev PL4	Plot A Level 20 Apartment Mix + Internal Layout
PTA-425-A-PL-AP-L21 Rev PL2	Plot A Level 21 Apartment Mix + Internal Layout
PTA-425-A-PL-L22 Rev PL5	Plot A Level 22 General Arrangement Plan
PTA-425-A-PL-L23 Rev PL2	Plot A Level 23 General Arrangement Plan
PTA-425-A-PL-RF Rev PL4	Plot A Combined Roof General Arrangement Plan
PTA-425-A-PL-ELE-N Rev PL5	Plot A General Arrangement North Elevation
PTA-425-A-PL-ELE-E Rev PL5	Plot A General Arrangement East Elevation
PTA-425-A-PL-ELE-S Rev PL5	Plot A General Arrangement South Elevation
PTA-425-A-PL-ELE-W2 Rev PL5	Plot A General Arrangement West Elevation
PTA-425-A-PL-SEC-CC Rev PL6	Plot A General Arrangement Section CC- West Elevation Building A3
PTA-425-A-PL-SEC-DD Rev PL5	Plot A General Arrangement Section DD- East Elevation Buildings A1.2/A2
PTA-425-A-PL-SEC-GG Rev PL6	Plot A General Arrangement Section GG- East Elevation Building A1.2
PTA-425-A-PL-SEC-MM Rev PL5	Plot A General Arrangement Section MM- East Elevation Building A3.4
PTA-425-A-PL-SEC-NN Rev PL5	Plot A General Arrangement Section NN- North Elevation Building A1
PTA-425-A-PL-SEC-PQ Rev PL5	Plot A General Arrangement Section PP- North Elevation Building A3.4
PTA-425-A-PL-SEC-QQ Rev PL5	Plot A General Arrangement Section QQ- South Elevation Building A3.2
PTA-425-A-PL-SEC-RR Rev PL6	Plot A General Arrangement Section RR- South Elevation Building A2
PTA-425-A-PL-SEC-UU Rev PL5	Plot A General Arrangement Section UU- North Elevation Building A3.2

PTA-425-LA-LP-PL-00 Rev PL5 Phase 1 Landscape General Arrangements Plan 1 of 2  
4.8 All other approved plans are to remain unchanged.

4.9 The application also seeks to amend the wording of a number of pre-commencement conditions to reflect that they have either been partially or fully discharged. Condition 4 is also proposed to be modified to update reference to the amended Development Specification document.

4.10 Condition 7 states that the total number of residential units (Class C3) approved shall not exceed 1,465 units. The application proposes to modify the wording of this condition to increase the total number of dwellings to 1,477.



## Detailed Component:

4.11 The proposed amendments are to the approved detailed component. The detailed element relates to the first phase of the development and comprises a mixed use block providing residential units with ground floor commercial uses, above a basement car park and servicing/plant storage area.

4.12 Plots A1, A2 and A3 in combination, form a C-shaped block with a central raised courtyard. The individual Development Plots and central courtyard are built above a basement level car park which extends nearly the full extent of the wider site. The approved development is described below:

4.13 Plot A1 comprises the southern linear block within Phase 1. The block is split into two elements which both have primarily southern and north aspects. The western element (A1.1) comprises a 12 storey structure with the top floor set back at the western flank. The eastern element (A1.2) comprises a narrower 12 storey structure. Floors 1-11 contain residential units, which are served by a centrally located entrance at ground level providing access to eastern and western lift/stair cores. The central entrance carries on through the building up a flight of steps to the private communal courtyard in the centre of the block. At either side of the central entrance hall are the commercial ground floor units (Class A1-A5) which contain shop fronts on the southern elevation. A total of 1,066sqm (GEA) commercial floorspace and 10,710sqm (GEA) residential floorspace was approved within Plot A1.

4.14 The Western façade comprises a more secondary elevation which is located 9.0m from the adjoining property boundary which contains the two southernmost Ugli Buildings. The northern elevation contains a pre-cast concrete ground floor facade which fronts onto the amenity area in the centre of this part of the development. All residential apartments have access to private balcony space. The roof level apartments contain access to private roof terraces.

4.15 Plot A2 comprises the northern linear block within Phase 1. The block comprises a singular 12 storey structure with the ground and first floors containing a residents' gym/health centre with residential apartments on floors 2-11. The residential access is provided at the northern elevation at ground level which also provides access to the gym. A total of 6,250sqm (GEA) of residential floorspace is proposed (which includes the gym and internal circulation spaces). The southern, western and northern ground floor facades contain a mixture of glazing and solid materials. The eastern elevation is fully solid (on all floors) apart from a small window to the central corridor in the middle of the building. The roof level includes integral lift and plant structures screened within an enclosure which forms part of the building. Projecting balconies are provided to all units.

4.16 Plot A3 comprises the largest of the three buildings within Phase 1 which constitutes a linear block with the primary frontage being east-facing. The building contains 5 individually articulated elements (A3.1, A3.2, A3.3, A3.4 and A3.5), with join together to form one mass. The ground floor comprises an unspecified mix of commercial floorspace (Use Classes A1-A5) and residents facilities (ancillary Class C3). Floors 1-21 comprise residential units with the top floors including plant space and lift overruns). The residential units are served by two centrally located cores which are accessed via two entrances at ground floor level. The residential floors are arranged efficiently in order that the central corridor serves the apartments on both east and west

sides. A total of 21,500sqm (GEA) of residential floorspace and 929sqm (GEA) of commercial/non- residential floorspace is proposed within Plot A3.

4.17 The 5 key elements of Plot A3 are explained further. A3.1 comprises the southernmost element which is 13 storeys with a commercial unit (A1-A5) on the ground floor with residential on floors 1-12 above. The elevations are defined by an irregular reconstituted stone grid with the main facades behind. The setback facades create space for private terraces which wrap around the building on the south and eastern sides.

4.18 A3.2 comprises a 23 storey structure (including the roof plant enclosure) located in between A3.1 (to the south) and A3.3 (to the north) - the tallest element of Phase 1. The principal elevation faces to the east. However, the upper floors contain primary aspects on all four sides where they extend above the other parts of the building. The double height storey roof structure is located at floor 21 and is to be constructed in bronze metal frame part of the two lower floors (to form a clearly defined building top) set back from the white reconstituted concrete frame of the main structure which frames this element. A variety of projecting balconies and enclosed bays form integral parts of the architectural composition of this part of the building on both east and western elevations.

4.19 A3.3 comprises the central element which links the two taller elements (A3.2) to the south and (A3.4) to the north. This element is 15 storeys which is set within a Portland smooth pre-cast concrete clad frame and acts as a counterpoint for the two taller buildings on either side. Projecting balconies are incorporated into the elevational design.

4.20 A3.4 comprises the second taller element within Plot A3 which is 21 storeys (including the roof plant enclosure) and is located to the north of A3.3. This element comprises an alternative elevational composition to the taller element in A3.2 with variation of projecting and integral balconies. Projecting balconies are incorporated into the design on both principal elevations and the north/south facing elements which extend above the lower parts of A3. The top four floors are framed in a bronze metal framing system which articulates the upper floors in the same way as A3.2.

4.21 A3.5 comprises the northern-most corner element within Plot A3, to the north of A3.4. This part of the building is 12 storeys and is framed within a roach coloured pre-cast concrete cladding framing system as alternative to the white and Portland smooth framing in the other elements within A3. A roof terrace is incorporated on the top floor and balconies are located on the east and western principal elevations. The northern-most elevation comprises a secondary façade which contains some bedroom windows.

4.22 The current application proposes to vary the detailed component as follows:

#### Building A1

- o Reduction in provision of balconies to improve internal plan layouts.;
- o Party and structural wall alterations to improve stacking and structural and services efficiency;
- o Development of façade design to improve buildability and refine façade appearance;
- o Reduction in internal height of ground floor commercial unit in response to request from potential tenants;

- o Rationalisation of internal floor heights to provide additional storey within consented building height;
- o Internal alterations to optimise apartment mix and layouts.
- o The provision of an additional 13 residential units in this building.

#### Building A2

- o Reduction in provision of balconies to improve internal plan layouts;
- o Creation of new dedicated residential entrances from the northern and southern elevations;
- o Creation of new open frontage onto residents' courtyard;
- o Increased internal height to residential gym through efficient structural and services design;
- o Ground floor design alterations to improve activation of the building's frontage;
- o There is no change to the quantum or mix of residential units.

#### Building A3

- o Reduction in provision of balconies to improve internal plan layouts;
- o Length of internal corridors reduced and circulation area now included within apartments;
- o Improved stacking of units for greater building efficiency;
- o Facades regularised to improve design clarity, increase buildability, improve internal layouts and reflect simplified stacking of units;
- o Ground floor design alterations to improve activation of the building's frontage;
- o Internal alterations to optimise apartment mix and layouts.
- o The reduction in total number of units within the building by 1.

4.23 The additional storey added to building block A1 is within the consented height of the building, by the means of reduction in floor to roof space and does not cause a change in building height.

4.24 The internal reconfiguration and inclusion of the additional floor in building A1 results in 12 additional residential units within the detailed component compared to the 2015 consented scheme and 18 additional units compared to the March 2015 Environmental Statement Addendum. The housing mix in Phase 1D, the part of the site that has detailed approval, has increased to 406 new homes, and the overall maximum for the site (outline and detailed components) will increase to 1,477 residential units. The submitted application proposed that while the number of units within Phase 1D would increase by 12, there would be no change to the overall number of units across the site. Amendments were later submitted which propose that the total number of dwellings across the site would also increase.

4.25 The scheme results in an additional 1033sqm of residential floorspace (to total 38,968sq) within the detailed component. There are no changes to the non-residential floorspace within the detailed component (1,995sqm), the overall maximum residential floorspace for the development (147,410sqm) or the overall maximum floorspace for the development (151,425sqm).

4.26 It is noted that the overall gross maximum floorspace and maximums per land use are set out in Condition 8 of the original approval and will be carried over into a condition of this approval.

4.27 The consented scheme was supported by a Revised Development Specification and Parameters Report (March 2015) which sets out detail and a description and explanation of the constituent parts of the development for which permission is sought, including the parameters that will apply to and inform subsequent applications for reserved matters and other reserved approvals required under the planning permission.

4.28 Condition 4 of the planning permission requires that all reserved matters applications shall include a statement addressing how they have been prepared in accordance with this document.

4.29 An amended Development Specification and Parameters Document (January 2017) has been submitted with this application. The document has been updated to reflect the proposed amendments to the approved detailed scheme. The minor amendments do not alter the Parameter Plans or any of the phases of development contained in the outline component.

Format of the Section 73 MMA Application:

4.30 The following documentation has been provided in support of the current application to vary the extant planning permission:

- o Completed S73 planning application forms;
- o CIL Form
- o A set of drawings listed above.
- o White City Planning Drawing Issue Set
- o Design and Access Statement by Patel Taylor architects dated February 2017.
- o Amended Development Specification and Parameters Report Document by Boyer dated February 2017
- o Environmental Impact Assessment (EIA) Statement of Conformity letter dated 21 November 2016 REVISED February 2017 (prepared by Aecom).
- o Report on Daylight and Sunlight within the Proposed Development at M&S Site by Anstey Horne dated 25 July 2016
- o M&S White City Planning Statement REVISED February 2017
- o Draft deed of variation to Section 106 legal agreement
- o Wheelchair Accessible Flat Plan Layouts
- o White City Part M Review Phase 01- Buildings 1, 2 and 3
- o White City Phase 1 Accommodation Schedule

## 5.0 Planning Considerations

### Minor Material Amendment

5.1 The first issue which needs to be addressed is to determine whether the proposed amended buildings within Phase 1 D (the detailed component) would constitute a material amendment to the approved development subject to the extant scheme.

5.2 As is set out earlier in this report, Section 73 of the Act can be used, amongst other things, to approve minor material amendments to an existing planning permission by amending a condition (or conditions) upon which the permission was granted. In law, a section 73 application results in the grant of a new planning permission affecting the same site that is subject to the relevant amended conditions.

5.3 The minor material amendment procedure was confirmed by the Government as appropriate in 2009 when it streamlined the procedure for section 73 applications and issued accompanying guidance on how best to achieve flexibility with planning permissions by allowing minor material amendments to planning permissions without the need for the submission of entirely new planning applications. The overriding purpose of the streamlined procedure and guidance was to avoid the burden that would fall on both planning authorities and developers if a fresh planning application had to be submitted every time that a development is materially amended.

5.4 The guidance is now contained in the Department for Communities and Local Government's National Planning Practice Guidance. Amongst other things the guidance states that a minor material amendment is likely to include any amendment whose scale and/or nature results in a development which is not substantially different from the one which has been approved.

5.5 Officers are of the view that the proposed changes to the detailed component of the scheme would not cumulatively result in a scheme which is substantially different from that which is the subject of the extant permission. Officers therefore consider that the proposed changes can appropriately be dealt with as a minor material amendment to the extant permission using section 73 of the Act.

#### Principle of Development

5.6 The former planning permission established the principle of a comprehensive mixed use redevelopment of the site and assessment concluded it would be in accordance with national, strategic and local planning policies, which advocate making the most efficient use of brownfield land in sustainable locations and would help meet local and strategic housing needs. The proposed development, as revised, would continue to contain appropriate land uses that are compatible with the White City Opportunity Area which is well served and accessible by public transport. The principle of the proposed development is therefore considered acceptable in accordance with policies 2.13, 2.15, 3.3, 3.4 of the London Plan (2016) and Strategic Policies WCOA, WCOA1, A, B, and H1 of the Core Strategy (2011) and White City Opportunity Area Planning Framework (2013).

#### Dwelling number and mix changes

5.7 The consented scheme provides for 394 dwellings in the detailed component comprising the following:

Unit type	No.
studio	25
1 bedroom apartments	129
2 bedroom apartments	193
3 bedroom apartments	40
penthouse apartments	7
Total	394

5.8 The proposed scheme provides for 406 dwellings in the detailed component comprising:

Unit type	No.
studio	20 (-5)
1 bedroom apartments	127 (-1)
2 bedroom apartments	223 (+30)
3 bedroom apartments	29 (-11)
penthouse apartments	7 (no change)
Total	406 (+12)

5.9 The applicant advises that the mix has evolved to reflect internal changes to improve buildability and residential quality. Additional units have been within the same massing.

5.10 With respect to the dwelling mix, in considering the hybrid outline/detailed application, officers formed a view that the mix in the detailed component was acceptable and the indicative mix for the outline component was also acceptable and in accordance with relevant planning policies. The overall residential dwelling mix for the site was indicated as follows:

	studio	1-bed	2-bed	3-bed	4-bed
Percentage of unit type	5-15%	25-40%	35-60%	3-15%	1-5%

5.11 The proposed changes to the dwelling mix in the detailed component (reduction in number of studios, one bedroom and three bedroom apartments and increase in two bedrooms) will still result in the offer of a range of housing choices and is generally in line with proportion of each dwelling typology proposed for the remainder of the site. It is considered that with the changes, the scheme would continue be in accordance with the current-day planning policies set out in the London Plan (Policies 3.3 and 3.8), Core Strategy (Policies H1 and H4) and Local Plan (Policies DM A1 and DM A3).

#### Plan changes

5.12 Policy 3.5 of the London Plan requires new residential development to provide a high quality and design of internal living environment, as well as externally and in relation to the wider context. Part C and Table 3.3 of this policy specify the minimum unit sizes for new development. Part D includes a caveat stating that development that does not accord fully with the policy can be permitted if it exhibits exemplary design and contributes to the achievement of other policy objectives. Paragraphs 3.37-3.39 of the London Plan provide further guidance on indicators of quality, as does the London Housing Design Guide ('LHDG'). The LHDG provides detailed guidance on housing design matters, in addition to the Mayor's new Housing SPG (2016) which draws on the LHDG. Policy 7.2 of the London Plan seeks to ensure all new development achieves the highest standards of accessibility and inclusive design. Policy 3.8 requires all new housing to be built to the lifetime homes standards, with 10% of all the units designed to be wheelchair accessible or easily adaptable to this standard.

5.13 The Core Strategy Borough Wide Strategic Policy H3: Housing quality and density and Borough Wide Strategic Policy BE1: Built Environment are particularly relevant to housing quality. Policy H4 requires all new dwellings to be built to 'Lifetime Homes' standards with 10% to be wheelchair accessible or easily adaptable for residents that

are wheelchair users. These policies are supported and expanded upon in the Development Management Local Plan. In particular, Policy DM A2: Housing quality and density states that all new housing must be of high quality design and take account of the amenity of neighbours, and must be designed to have adequate internal space..". Other policies include Policy DM A9 which sets out criteria which will be taken into account.

5.14 Consideration has been given the whether the proposed changes would result in the units delivering a high quality supply of housing on an important strategic site within the borough.

5.15 The proposed plan changes include changes to the layouts of individual units, changes to location of unit typologies within the buildings (mostly changes to Building A3) and other changes discussed below

5.16 The detailed elements of the scheme continue to broadly meet the relevant space requirements for all the residential units, with all the minimum size categories generally being met and exceeding those standards as set out in the London Plan below.

Minimum Space Standards for New Development (London Plan)	
Unit Type	Net Internal Area (sq m)
Studio	37
One Bed	50
Two Bed (3 person)	61
Two Bed (4 person)	70
Three Bed (5 person)	86
Three bed (6 person)	95

5.17 The approved residential units were considered to provide the occupiers with an appropriate level of outlook and privacy to avoid un-neighbourly conditions between residential units and between different development plots. The proposed changes do not alter this assessment.

#### Buiding A1

5.18 The revised application proposes to modify the balconies for Building A1. For Building A1, the approved scheme provides a generous provision of balconies, with some individual properties benefitting from up to three balconies, including balconies which linked the two sections of the building at an upper level. The number of balconies has been reduced under the proposed changes and balconies linking the two sections of the building have been removed. Each unit will retain access to at least one balcony with the exception of the studio units. The agent contends this is acceptable as these studio units benefit from a dual aspect sleeping area, are located within easy access to the residents courtyard as well as being in close proximity to the central gardens.

5.19 The removal of the balconies from the 9 studio apartments in Building A1 is considered acceptable in this instance. The proposed balconies were small, approximately 1.2m<sup>2</sup> which is below the required area (5m<sup>2</sup> for 1-2 persons dwellings), and below the minimum depth and width for balconies (1.5m x 1.5m) specified by the Mayor's Housing SPG (2016) and arguably of limited practical use. The studios, as with all units, will have access to large areas of communal open space throughout the redevelopment site.

5.20 Every other unit within Building A1 is provided with at least one balcony. The majority of units within the building are provided with a private outdoor amenity space of at least 5m<sup>2</sup>, with the exception of a one bedroom unit on each of floors 1 to 9 in Building A1.1 which falls just short at 4.7m<sup>2</sup>. A number of the other units within Building A1 also fall marginally below standards (an extra 1m<sup>2</sup> is required above 5m<sup>2</sup> for each additional occupant). However, the shortfall in outdoor space is mitigated by the units exceeding the overall minimum floorspace requirements. On balance, the private amenity space provision is considered to be acceptable having regard to the access to communal open space within the site.

5.21 Within Building A1, an additional floor has been created resulting in an additional 1,033m<sup>2</sup> (GEA) of floor area which does not increase the building envelope and is considered acceptable. Internally, some party walls and structural walls have been altered to improve stacking as well as structural and services efficiency. These changes are considered acceptable.

### Building A2

5.22 For Building A2, layout changes include creating new dedicated ground floor residential entrances lobby between building A2 and A3. Areas at ground floor level to the north of the building which originally provided electrical substations, switch rooms and a gym plant room are to be relocated to the basement level. This area is now shown as treatment rooms, changing rooms and office/reception area for the gym. These changes are considered acceptable and provide for an improved, more active frontage to street to the north of Building A2.

5.23 Balcony changes are proposed within Building A2 with the width of the balconies being reduced. The reductions are not considered significant and each unit will continue to have access to a private balcony. The majority of balconies meet the minimum 5m<sup>2</sup> of outdoor amenity space (for units for 1-2 persons). 10 of the 60 units in the building fall just short at 4.1m<sup>2</sup>. It is also noted that the two bedroom four person units do not meet the requirement for an extra 1m<sup>2</sup> for each additional occupant (over the 5m<sup>2</sup> minimum). The shortfall in outdoor space considered marginal and is mitigated by all the units exceeding the overall minimum floorspace requirements. On balance, the private amenity space provision is considered to be acceptable having regard to the access to communal open space within the site.

5.24 The position of the stairs and lifts within the core has also been flipped to improve internal planning. This change raises no planning concerns.

### Building A3

5.25 For Building A3, proposed changes include the total number of units being reduced by one.

5.26 The consented scheme included more than one balcony for a number of units. Under the changes, the number of balconies on western elevation of each floor has been reduced and the dimensions of a number of balconies have been reduced.

5.27 Each unit will retain access to a balcony. It is noted that many of the units in this building fall short of the private amenity space standard of 5m<sup>2</sup> for 1-2 person units and



an extra 1m<sup>2</sup> per additional occupant. The shortfall in private outdoor space is marginal in most instances and is mitigated by all the units exceeding the overall minimum floorspace requirements. On balance, the private amenity space provision is considered to be acceptable having regard to the access to communal open space within the site.

5.28 The length of corridors on residential floors are reduced and the circulation areas are now included within apartments. The new layouts improve stacking of the units to allow for greater building efficiency.

5.29 At ground floor level the buildings concierge and coffee bar facility is relocated to a central position. The residential lobbies are enlarged. The access to the basement area associated with the retail unit at ground floor level within Building A1 is to be located to Building A3 and will reduce the distance for commercial waste to be transported for collection.

5.30 Overall, the layout changes for Building A3 are considered acceptable.

### Space standards

5.31 Whilst the additional and the previously approved units meet the overall minimum floorspace standards set out in the Department for Communities and Local Government 'Technical housing standards- nationally described space standard' for their respective typologies, a number of the double bedrooms fall below the minimum standard set out in this document. In most instances these rooms are second (or third) bedrooms, the shortfalls are nominal and in all cases the rooms exceed the standard for a single bedroom. Whilst marginally below the minimum standard, the shortfalls are considered acceptable in this instance as the rooms meet the minimum width requirements, maintain a functional and useable layout and the overall unit sizes meet or exceed the required minimum.

### Accessibility

5.32 As noted above, in addition to creating 12 extra units, the modified scheme changes the typology and the layout of many of the previously approved units. Therefore, an assessment is required as to compliance of the new units and modified units with accessibility standards.

5.33 At the time the current approval for the detailed component was granted there was a policy requirement (Core Strategy PolicyH4) for all new dwellings to be built to 'Lifetime Homes' standards with 10% to be wheelchair accessible or easily adaptable for residents that are wheelchair users. The information submitted with the previous application noted that homes would be designed to Lifetime Homes Standards. The officers report also noted that 10% of the overall development (as well as 10% of the detailed component) would be designed to wheelchair accessible housing standard or easily capable of being adapted to wheelchair units. A condition was imposed on the original approval requiring 10% of the total residential units to be provided to wheelchair housing standard or adaptable to this standard.

5.34 Under current requirements (London Plan (2016) policies 3.5 and 3.8) 10% of all new dwellings are required to be built to Building Regulation M4(3) 'Wheelchair User Dwellings' and 90% of all new dwellings to be built to Building Regulation M4(2) 'Accessible and Adaptable Dwellings'.

5.35 Conditions will be imposed requiring the outline component of the development to meet the above current requirements to ensure that current policy is adhered to.

5.36 With respect to the detailed component, it is recognised that approval has been granted previously and that the building was designed at a time when different standards applied. The agent argues that new standards did not exist at the time original application was granted and that additional alterations to layouts to meet new standards are likely to require a complete re-design of the proposal.

5.37 The agent has provided an assessment of the scheme against the requirements of Building Regulation M4(2) 'Accessible and Adaptable Dwellings' which demonstrates that the units in the detailed component would meet the majority of requirements. However, there were some areas of non-compliance. For example, approximately half the dwellings do not meet the requirement for a 300mm nib to be provided to the leading edge of the door and the extra width created by the nib to be maintained for a minimum distance of 1200mm beyond it. Another example is that 13% of dwellings do not meet the requirement for each bedroom to provide a clear access route a minimum of 750mm wide from the doorway to the window.

5.38 The agent has provided additional layouts identifying 10% of units within the detailed component as wheelchair user dwellings (i.e. 41 units).

5.39 The Disability Access forum has reviewed the submitted information and provided comments which, in summary, emphasise the need for 90% of the units to comply with M4(2) and 10% with M4(3). The forum's comments requested greater compliance with these standards than currently proposed. The forum also requested a condition that M4(3) wheelchair adaptable dwellings will be identified and marked out in perpetuity on drawings for prospective occupiers or purchasers.

5.40 With respect to M4(2) units in the detailed component (Buildings A1, A2 and A3), in this situation it is considered reasonable and appropriate to allow some flexibility in the application of the current standards to the detailed component of the scheme. Whilst not all requirements of the building regulations are met, the scheme demonstrates a good degree of compliance and is considered acceptable having regard to the fact that the buildings were originally designed when different standards applied. A condition will be imposed requiring 90% of units within the detailed component to be broadly in compliance with the requirements of Building Regulation M4(2) as demonstrated in outlined in information submitted 24 November 2016 unless otherwise agreed in writing.

5.41 With respect to the requirement for 10% of units within detailed component to be compliant with Building Regulation M4(3), The agent has since provided additional information confirming that the Building Regulation requirements for M4(3) 'Wheelchair User' units can be met within the Phase 1 development (detailed component). Revised drawings have been provided which incorporate the wheelchair accessible layouts. Accordingly, it is recommended that a condition be imposed requiring 10% of units within the detailed component to comply with Building Regulation M4(3).

5.42 The Disability Access Forum's request that a condition be imposed that M4(3) dwellings are identified and marked out in perpetuity on drawings for prospective occupiers or purchasers relates to the marketing material that is made available to

prospective occupiers/purchasers of these units is considered to be more appropriately dealt with in the s106 agreement via a Deed of Variation (to remove current clause 6.2 of Schedule 6 of the s106 agreement). The obligation is not intended to restrict occupancy of the units to wheelchair users, rather will ensure that it is evident to prospective purchasers/occupiers (who may or may not be wheelchair users) that they are wheelchair user units. The Deed of Variation is being progressed.

5.43 The proposed layout changes will maintain the level of accessibility and inclusivity established by the consented development with respect to the public realm. Therefore, subject to conditions, it is considered that the development (as amended) would provide a safe and secure environment for all users consistent with policy.

## Summary

5.44 In summary, it is considered that this application will result in a scheme that would provide an acceptable standard of accommodation for future occupiers of the residential accommodation in respect of the living space, aspect and amenity. The assessment is that the majority of the proposed units would benefit from acceptable levels of daylight/sunlight, outlook and privacy. The development is therefore considered to be acceptable in accordance with Policies 3.5 and 3.8 of the London Plan (2016) , Policy H3 of the Core Strategy (2011), Policies DM A2, DM A9 of the Development Management Local Plan 2013 and the Council's "Planning Guidance" Supplementary Planning Document and White City Opportunity Area Planning Framework (2013).

## Façade Changes

5.45 The proposed façade changes have been assessed against London Plan (2016) policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8 and 7.12 and the White City Opportunity Area Planning Framework; policies BE1, WCOA, WCOA1 of the Core Strategy (October 2011); and policies DM E1, DM E2, E4, DM G1, DM G2 and DM G7 of the Development Management Local Plan (July 2013). The proposals have also been assessed against the Planning Guidance SPD. Consideration has also been given to the following design and conservation based supporting documents:

- o Wood Lane Conservation Area Character Profile
- o Shepherds Bush Conservation Area Character Profile
- o The English Heritage / CABE guidance on Tall Buildings

5.46 National, regional and local planning policies have been considered when assessing the design, heritage and tall buildings aspects of the development proposals.

5.47 For Building A1, façade changes are:

- o At ground floor level the internal floor heights of the commercial units have been reduced in response to comments from potential tenants. As such the nominal retail ceiling heights are 3.9m in Building A1.1 and 3.7m in Building A1.2.
- o The reduction on ground floor heights has allowed rationalisation of internal floor heights throughout the building to allow the provision of an additional storey without increasing the overall height. Floor to floor heights for residential stories are 3m (previously 3.15m for floors 1 to 9 and 3.3m for floor 10, 3.31m for floor 11 and 4.2m for floor 12 (the top three floor were previously 3.55m, 3.75m and 3.95m). The floor build-up between the ceiling and the ground floor levels has been compressed but residential

floor to ceiling heights remain unchanged and exceed 2.5m required by the nationally prescribed space standards.

- o Removal of proposed ground floor glazing on the western elevation.
- o Rationalisation of balconies as discussed above.
- o Refinement of framing.

5.48 At ground floor level the height of the retail units has been reduced to 3.7m and 3.9 m. The retail units will still be substantially taller than the floor to ceiling heights of the floors above and the ground floor will therefore continue to provide a substantial visual base for the floors above.

5.49 The inclusion of one extra residential floor is within the previously permitted height of the building. Council's Urban Design Officer advises that while upper floors will all be reduced in height, and thus proportions of upper floors changed, this will not have an adverse effect on the well composed elevations. Likewise, the proposed rationalisation of balconies will have an insignificant impact on the well articulated elevations. The south façade is broken into vertical bays by delineating them within white concrete frames. These have been refined by slimming them down in width which will improve the elegant proportions.

5.50 For Building A2 façade changes are:

- o Introduction of new entrance lobby between buildings A2 and A3.
- o Increased areas of glazing at ground and first floor of the northern elevation resulting from relocation of plant and change in layout to gym facilities.
- o Increase in height of first two floors from 3.1m and 3.15m to 3.55m and 3.75m, reduction in height of residential floors 2 to 10 from 3.15m to 3m , increase in height of floor 1 from 3.55m to 3,6m and decrease in height of roof parapet from 2.05m to 1.8m. The overall height of the building is reduced from 50.55ADD to 49.5ADD.
- o New open frontage to the residents courtyard.
- o Rationalisation of balconies as discussed above.
- o Refinement of the framing within the façade.

5.51 Refinements to the elevations include the rationalisation of balconies and associated changes in the fenestration pattern and change to floor heights. Council's Urban Design officer advises that these changes will not result in a substantial change of appearance and will provide well articulated and composed elevations similar to the previously approved scheme.

5.52 At ground floor level the previously approved plant room which had inactive frontage will be relocated to the basement. This has provided the opportunity to improve the activity along the street frontage. A new a gymnasium with some clear glazed frontage will improve activity and the visual connectivity with the street. The new residents' entrance linking Block A2 to Block A3 also improves activity along the frontage.

5.53 Building A3 façade changes include:

- o Alterations to ground floor retail facades to refine and reinforce the expression the building as five individual blocks within a cluster. Use of retractable canopies and use of varying framing and window surrounds to distinguish the different ground floor uses. The proposals include an increase in ground floor height.
- o The eastern façade of the building is defined by its set-back glazing and 'skeleton' framing of white precast elements. The proposed alterations seek to reinforce the

language of a set-back glazing line and framing by recessing the facades glazing to the back face of the precast elements.

- o Within the central areas of the secondary north/west and south façades of the penthouses, two storey 'bay' elements have been brought out to meet the main façade line.
- o Rationalisation of balconies as discussed above.
- o Refinement of framing within the façade.

5.54 As with the other blocks, there has been some refinement of the elevations including some changes to balconies, fenestration and glazing line. These are all considered to maintain and enhance the appearance of the elevations which will retain glazing lines set to the back face of the precast concrete elements on the eastern facade.

5.55 At the top of the two tallest elements of the block (A3.2 And A3.4) there have been some small changes to the design of the recessed "lanterns" that are set within concrete frames. The alignment of the facades behind the concrete frames has been changed so that in places they are set closer to the back edge of the frame and in some places they are set further back. Overall, the apartment facades within the frames will retain their recessive character so that glimpses of sky can be seen at the corners between the frame and the facades.

5.56 At the ground floor the level of activity on to the Central Gardens has been improved by relocating the building's concierge and coffee bar facility to a central location. Residential entrances have been widened and emphasised with canopies. Shopfront designs and canopies have also had further enhancements to differentiate them from other ground floor uses. On its north side the amount of active frontage will also increase as another previously applied plant room will be relocated and residents reception facilities increased with clear glazed frontage. The Council's Urban Design officer advises that in combination, these changes will enhance the interface with the public realm.

#### Proposed amendments to Development Specification and Parameters Document

5.57 The proposed updates to the Development Specification and Parameters documents reflect the changes to the detailed component where applicable. It is considered that the proposed amendments to the detailed component do not have any implications to the remaining outline components in the wider development.

5.58 Overall, all it is considered that the changes proposed façade changes above will maintain or refine the high quality of design of the previous approval and are compliant with Policy DM G1 of the DM Local Plan, Policy BE1 of the Core Strategy and Policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8 and 7.12 of the London Plan and the White City Opportunity Area Planning Framework; . The proposals will also ensure that the character of the conservation area and its setting will be enhanced as required by Policy DM G7.

#### Amenity Considerations

5.59 The approved development was considered not to result in significant harm to the amenities of adjoining occupiers in terms of daylight/sunlight, over-shadowing, and privacy. It was considered that the proposals were designed so that they do not unduly

prejudice the development potential of the adjoining sites which have the capacity to contribute towards the comprehensive regeneration of the Opportunity Area, by virtue of the extent of the daylight, sunlight, overshadowing and privacy impacts.

5.60 The proposed changes do not give rise to additional impacts to amenity beyond that of the consented scheme. In this regard, the development is considered to respect the principles of good neighbourliness. Potential impacts (both of the scheme and its cumulative effects) in terms of air quality, light pollution, solar glare, wind tunnelling, noise or TV/radio reception would be acceptable, subject to the various mitigation methods proposed which are secured by conditions and reserved matters.

5.61 The application is supported by a daylight report which includes that given that the proposal provides high density development within an inner London location, and that some of the light levels are hampered by the projecting balconies which are necessary to provide essential outdoor amenity space it is considered that the layout of the development provides reasonable internal light levels. The report therefore concludes that the proposals comply with Development Management Local Plan policy DMA9. The proposed development is therefore considered to be acceptable and would be in accordance with policies 3.5, 3.6, 3.8, 7.3, 7.6, 7.7, 7.14 and 7.15 of the London Plan (2016) and policies BE1, H3 and CC4 of the Core Strategy (2011) and policy DM A9 and DM G1 of the Development Management Local Plan 2013 and the Council's Planning Guidance Supplementary Planning Document and White City Opportunity Area Planning Framework (2013)

#### Transport and Highways:

5.62 The approved planning application was assessed against Transport policies including the National Planning Policy Framework, London Plan policies 6.1, 6.3, 6.9, 6.12 and 6.3, Core Strategy policies T1, WCOA and WCOA1 and Development Management Local Plan policies DM J2, DMJ3, DM J1, DM J4 and DM J5. In determining the application, access and parking arrangements were considered to be acceptable subject to conditions and s106 obligations.

. Access arrangements for the site and the detailed component are not proposed to change as part of this application. As there is no change to the overall maximum number of units (detailed and combined components together), there are no changes to the trip generation assessment which was undertaken for the whole development. Accordingly, these aspects of the development have not been re-assessed as part of consideration of this application.

. Although there are minor increases in the level of non-car mode trips resulting from the detailed component, there are no changes to the assessment of effects of the proposed developments trips on each of the different transport modes presented in the 2014 ES and 2015 ES Addendum and previously considered acceptable.

. The approved scheme was for a total of 595 car parking spaces at a 0.4 ratio, plus four car club bays across the site, with the detailed component comprising 180 bays (179 plus 1 car club bay). Whilst the number of units is increasing within the detailed component, no changes are proposed to the proposed parking levels. This is considered acceptable.

. Policy DM J5 of the Development Management Local Plan relates to increasing opportunities for cycling and walking, and including cycle parking standards of 1 space for dwellings with 1 to 2 bedrooms and 2 spaces for dwellings with more than 2 bedrooms.

. The revised specification document shows an increase in residential cycle parking for the detailed phase from 468 to 492 (+24) and decrease in non-residential spaces from 27 to 17 (-10). The cycle parking levels for the outline component remains the same.

. The level of car, motorcycle and cycle parking is assessed as being acceptable in accordance with the policies DM J2, DM J3, DM J4 and DM J5 of the Development Management Local Plan 2013 and the Council's "Planning Guidance" Supplementary Planning Document. The site is accessible and well served by public transport, the proposed development would enhance pedestrian and cycle linkages to the north-south and east-west of the site to the benefit of the wider White City Opportunity Area. It is considered that the proposed development (as amended) would not result in impacts above the approved development. Any impacts arising from the development would be mitigated by conditions and s106 provision to contribute towards sustainable transport infrastructure measures within the White City Opportunity Area and prevent significant increase in on-street parking pressures in surrounding roads. A car park management, servicing, road safety and travel planning initiatives would be implemented in and around the site to mitigate against potential issues. The proposed development is therefore considered acceptable in accordance with policies 6.1, 6.3, 6.9, 6.10, 6.11, 6.13 and Table 6.3 of the London Plan (2016) and policy T1 of the Core Strategy (2011) and policy DM J1, DM J2, DM J3, DM J4, DM J5 and DM J6 of the Development Management Local Plan 2013 and the Council's "Planning Guidance" Supplementary Planning Document and White City Opportunity Area Planning Framework (2013).

#### Section 106 Obligations

. The extant planning permission was approved subject to a section 106 legal agreement. It was considered that the s106 obligations were required in order to make the development acceptable in planning terms.

. It is considered that the extent of the potential impacts to arise from the current proposed development (as amended) would be broadly similar to those attributed to former scheme. As such, the planning obligations set out in the s106 would still apply in the event of approving this minor amendment application, which would create a new planning permission to supersede the previous one.

. In light of the above, it is considered that a Deed of Variation of the former Legal Agreement is necessary in order to secure the necessary infrastructure to mitigate the impacts of the proposed development (as amended) and ensure the proposal (as amended by way of S73) is in accordance with the statutory development plan.

. The applicant has agreed to enter into an updated Deed of Variation which carries over the provisions of the previous legal agreement (ref: 2014/04726/OUT) under Section 106 of the Town and Country Planning Act 1990 (As Amended) and S278 of the Highways Act 1980 that will relate to the new planning permission (subject to the new ref: 2016/03907/VAR). The new Legal Agreement will include the same financial contributions towards improvements to local highways, improvements to public

transport, improvements to cycle facilities, contributions to health and education and new community facilities and employment and training initiatives. The contribution would be secured to enable any necessary infrastructure to be delivered within the vicinity of the site which is needed to accommodate the level of growth sought within the White City regeneration area, one of the five Regeneration Areas in the Borough. Non-financial contributions are sought to mitigate the impacts of the development (as amended) and to make the modified scheme acceptable in planning terms.

. The draft Deed of Variation provided by the agent includes an additional clauses acknowledging that that first instalments have been paid towards the WCOAPF contribution and the Affordable Housing Contribution. In addition, as discussed above the deed is to include a clause deleting an existing clause of the s106 agreement which will have the effect of requiring marketing materials made available to prospective purchasers to identify the units as wheelchair units.

. It is also recommended that the Deed of Variation include an additional monetary contribution towards affordable housing and to bring forward the payment of the second installation of the affordable housing contribution.

. In determining the original application it was agreed that the affordable housing for the M&S site would be delivered in subsequent phases of development. A total of 298 affordable homes will be provided on site to be delivered within Phase 2 of the development. A commuted sum payment was also agreed towards the provision of additional affordable housing in the Borough. The overall affordable housing provision was just over 30% (442 homes) based on 1,465 homes being created.

. Officers are of the view that allowing an additional 12 dwellings warrants an additional contribution towards affordable housing.

The applicant has agreed to an additional £1 million contribution to be paid within 6 weeks of a decision to approve this application. Further, the applicant has agreed to bring forward the second affordable housing contribution (£2,250,000) set out in the existing s106 agreement from following discharge of the final pre-commencement condition to within 6 weeks of a decision to approve this application. This agreement will need to be reflected in the draft Deed of Variation to the existing s106 agreement.

. Aside from the additional affordable housing contribution, it is considered that there are no other additional obligations necessary and related to the revised development scheme as amended by way of this minor amendment application.

. In conclusion, the use of planning obligations, as set out in the provisions of the extant scheme s106 agreement, subject to the changes discussed above (i.e. to acknowledge previous payments, to remove current clause 6.2 of Schedule 6 of the s106 agreement, and to introduce the requirement for the additional contribution and bringing forward payment of the second contribution) are considered to be in accordance with the London Plan (2016) policy 8.2, Core Strategy Policies CF1, WCOA and WCOA1 and the White City Opportunity Area Planning Framework (2013).

. The proposed s106 payments will be staggered in accordance with the extant scheme payment plan set out in the signed s106.



. As is standard practice within LBHF, officers will recover the costs involved with the preparation and signing of the Deed of Variation of the section 106 legal agreement.

## Mayoral CIL

. The CIL regulations came into effect on 1 April 2012. The proposed development (as amended) will be liable for payment for Mayoral CIL (to go towards Cross rail) in accordance with policies 6.5 and 8.2 of the London Plan (2016).

## 6.0 Environmental Impact Assessment

6.1 Due to the scale, size and form of the approved development, the environmental effects of the extant outline planning permission scheme (Ref: 2014/04726/OUT) were assessed through an Environmental Impact Assessment (EIA) the results of which were contained within an Environmental Statement (2014 Environmental Statement as amended by the 2015 Environmental Statement Addendum).

6.2 The variation of conditions 3, 4 and 7 would result in amendments to the approved EIA development (subject to the extant planning permission). As such, the applicant has submitted an EIA Statement of Conformity (Revised February 2017) to consider the environmental effects associated with the proposed minor changes.

6.3 For the purposes of the current application for a minor material amendment to conditions pursuant to the extant planning permission, the resulting EIA is comprised of the following documents which have been considered by LBHF in the assessment of the planning application:

- o Environmental Impact Assessment (EIA) Statement of Conformity letter from AECOM dated February 2017
- o Anstey Horne Report on Daylight and Sunlight within the Proposed Development at M&S dated 25 July 2016
- o March 2014 Environmental Statement and Non-Technical Summary
- o September 2015 Environmental Statement Addendum and Non-Technical Summary Addendum

6.4 The residual environmental effects identified within the Environmental Statement (ES) submitted with the original application have been reviewed based on their potential to be effected by the proposed changes. These considerations and conclusions of the Statement of Conformity (SOC) are outlined below:

## Waste and Recycling

6.5 The maximum number of residential units for the revised scheme is 1477. Taking into account the proposed 406 units within the detailed component, it can be concluded that the maximum number of residential units for the outline component is 1,061.

6.6 There are no changes to the commercial floor areas therefore waste arisings and waste storage requirements remain consistent with the March 2015 ES Addendum. Due to the reduction in the total number of residential units within the 2015 ES Addendum, when compared to the 2014 ES, there was an overall reduction in the estimated waste arisings for the development. The proposed changes will result in an overall reduction in the number of residential units when compared to the 2014 ES, and it can therefore be

assumed that there will be an overall reduction in waste arisings and that the 2014 ES provides a worst case assessment with regards to waste and recycling.

6.7 The conclusions of the submitted 2014 ES as amended by the 2015 ES Addendum in relation to waste management remain valid.

#### Socio-Economics

6.8 There is an increase in the total number of units in the detailed component from 394 (as consented) to 406. There has been a reduction in studio, 1 bedroom and 3 bedroom units and an increase in 2 bedroom units, The increase in units from the 2015 ES Addendum does not change the significant of the overall effect of the scheme towards housing targets.

6.9 Using the same methodology as in the 2014 ES, the review has assessed that the 2014 scheme remains the worst case scenario in terms of population numbers and consequently demand for social infrastructure and open space. In terms of numbers of children and associated demand for play space, the proposed changes to the scheme result in a small increase in the amount of play space required from the detailed component assessed as part of the 2014 scheme (20sqm). Given the quantum of play space included within the proposals for the detailed component, this increase in demand can be met by the scheme and no additional/alternative mitigation is required.

6.10 The proposed changes result in no change in the quantum of employment generating floorspace and therefore, the conclusions contained within the 2014 ES in respect of the number of jobs and spending remain valid.

#### Traffic and Transport

6.11 The overall maximum number of units (detailed and combined components together) is lower than the level tested in the 2014 ES. There are no changes to the trip generation assessment which was undertaken for the whole development. In addition, there are no changes to the number of car parking spaces within the detailed component as set out in the 2015 ES Addendum. Although there are minor increases in the level of non-car mode trips resulting from the detailed component, there are no changes to the assessment of effects of the proposed developments trips on each of the different transport modes presented in the 2014 ES and 2015 ES Addendum. The proposed cycle parking numbers have been revised to take account of the additional number of units within Phase 1. Overall, the conclusions of the 2014 ES and the 2015 ES Addendum remain valid.

#### Wind Microclimate

6.12 The additional storey added to Blocks A1 is within the consented height of the building, by the means of reduction in floor to roof space and does not cause a change in building height. As the wind flow around the building is dependent on external features, the wind microclimate around Blocks A1 is expected to stay the same as reported in the 2015 ES Addendum.

6.13 Changes in layout and configuration of individual balconies is not expected to alter the wind conditions on these balconies, as all balconies were reported to experience conditions acceptable for required usage and change in configuration of balconies is not

likely to significantly alter the wind microclimate. No mitigation measures are required in the balconies, as such the 2015 ES Addendum remains valid.

#### Daylight, Sunlight and Overshadowing

6.14 Given there are no material changes to height or massing the conclusions presented in relation to daylight, sunlight and overshadowing assessment of the consented scheme remain valid.

6.15 To take account of the revised height, an updated analysis of internal daylight and sunlight has been prepared by Anstey Horne and submitted with this application. It concludes that the layout of the development follows the BRE guidelines to provide good daylight and sunlight conditions within the proposed accommodation. It concludes that the urban location makes it inevitable that some results will fall short of the BRE recommendations, particularly in an area like this where modern high-rise buildings are proposed- but the scheme has been carefully thought out and in overall terms, the results are considered satisfactory in this context.

#### Heritage, Townscape and Visual Impacts

6.16 There are minor changes to the ground floor, which include a number of the entrances being relocated and added, and the plant zone changed. Also the façade fenestration has changed as a result of the internal reconfiguration on Building Blocks A1, A2 and A3 and additional storey on Building Block A1. This has led to the moving and resizing of window and balcony door openings on all of the facades. The changes continue to provide a strong regular, vertical rhythm and grid pattern, which is subtly varied with the horizontal rhythm of the balconies.

6.17 Overall the revised scheme uses the same type of materials used originally creating, broadly the same appearance externally. The additional storeys and façade treatments are all accommodated within the consented footprint and height. Through reviewing these amendments, the EIA SOC concludes that there are no changes to the findings of the Heritage, Townscape and Visual Impact Assessment 2014 ES as amended by the 2015 ES Addendum.

#### Effect Interactions and Cumulative Effects Assessment

6.18 There have been a number of variations and reserved matters applications to those developments previously considered in the cumulative impact assessment as follows:

- o Former BBC Television Centre (2015/02646/VAR);
- o Land north of Westfield Shopping Centre (2015/02565/VAR; (2015/01447/RES); (2015/02643/SCREIA); (2015/02642/RES); (2015/05217/RES); and
- o Shepherd's Bush Market (2015/01462/RES).

6.19 The EIA Statement of Conformity considers that there will not be any material changes such that would change the cumulative effects assessed previously in the 2014 ES as amended by the 2015 ES Addendum. The effect interactions and cumulative effects assessment presented in the 2014 ES as amended by the 2015 ES Addendum remain valid.

6.20 The following technical topics and their previously identified environmental effects are not affected by the proposed minor design changes:

- Demolition and construction: the indicative demolition, construction and methodology programme remains as detailed in the September 2015 Environmental Statement. Therefore Chapter 5: Demolition and Construction of the September 2014 ES remains valid.
- Noise and Vibration, Air Quality and Electronic Interference: The window locations of some of the buildings have been altered since submission of the 2014 ES Addendum, however this does not alter glazing requirements, air quality or electrical interference and as such the 2014 ES Addendum remains valid.
- Ground conditions and Water Resources and Flood Risk: There are no changes proposed to the basements or excavation as detailed in the 2014 ES. Therefore the conclusions outlined within Chapters 11 and 12 respectively remain valid.
- Ecology: There are no proposed changes to the site locality, use or landscaping therefore no alterations to the conclusions or mitigation outlined within Chapter 13 of the 2014 ES and the 2015 ES Addendum which remain valid.

6.21 Overall, the Statement of Conformity concludes that the minor design and landscaping changes will not result in any changes to the residual environmental effects previously identified and no further environmental assessment work is required to support the s73 application.

6.22 The amended application has been reviewed by the Council's Environmental Policy, Land Contamination, Environmental Quality and Transport Officers who all raise no objections subject to the range of mitigation measures being secured by way of conditions and s106 obligations.

6.23 At the time of writing this report, responses had not been received from a number of other consultees including Thames Water and London Underground. However, it is considered that the revised plans would not result in there being new planning or environmental issues that would go beyond the extent of impacts of the previous planning applications, which could not be mitigated by way of the planning conditions specified. As such, it is considered that all Environmental Impacts have been assessed. The Environmental Statement, the subsequent Environmental Statement Addendums and the submitted further information to the Environmental Statement and their various technical assessments together with the consultation responses received from statutory consultees and other stakeholders and parties, enable the Council to determine this application with knowledge of the likely significant environmental impacts of the proposed development.

## 7.0 Conclusion:

7.1 This S73 application has been assessed in terms of potential environmental impacts and having regard to design / amenity related impacts and the proposed changes to the detailed component of the scheme are acceptable in all respects.

7.2 It is recommended that the proposed development is approved subject to conditions and a Deed of Variation of the previous Section 106 Agreement.