

Hammersmith Palais, Shepherd's Bush Road

in the London Borough of Hammersmith and Fulham

planning application no. 2010/03497/FUL

Strategic planning application stage II referral (new powers)

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008

The proposal

Full planning permission for redevelopment of site to provide a part-five, part-ten storey building to contain a mixed-use development, comprising student accommodation (418 rooms), leisure and retail space.

The applicant

The applicant is **London and Regional (Hammersmith) Ltd**, and the architect is **MAKE**.

Strategic issues

The principle of the demolition of the **Hammersmith Palais** building is established through a previous permission. The proposed mix of leisure use and **student accommodation** is appropriate for a town centre and complies with London Plan policy 3A.25.

The proposal complies with London Plan policies relating a **high quality design and level of residential amenity**, and also in relation to inclusive design and accessibility. Outstanding issues in relation to transport and climate change matters have been fully resolved.

The Council's decision

In this instance Hammersmith and Fulham Council has resolved to grant permission.

Recommendation

That Hammersmith and Fulham Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority.

Context

1 On 18 November 2010 the Mayor of London received documents from Hammersmith and Fulham Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Category 1C of the Schedule to the Order 2008: *"Development which comprises or includes the erection of a building*

of one or more of the following descriptions— (c) the building is more than 30 metres high and is outside the City of London”.

2 On 22 December 2010 the Mayor considered planning report PDU/2451a/01, and subsequently advised Hammersmith and Fulham Council that the application did not comply with the London Plan, for the reasons set out in paragraph 64 of the above-mentioned report, but that the possible remedies set out in paragraph 66 of that report could address these deficiencies.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. On 9 February 2011 Hammersmith and Fulham Council decided that it was minded to grant planning permission and on 10 March 2011 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, direct Council under Article 6 to refuse the application or issue a direction to Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and any connected application. The Mayor has until 23 March 2011 to notify the Council of his decision and to issue any direction.

4 The decision on this case, and the reasons will be made available on the GLA’s website www.london.gov.uk.

Update

5 At the consultation stage Hammersmith and Fulham Council was advised the application complied with some London Plan policies, but not with others, and that further information was required in order for scheme to be fully compliant with the London Plan. The outstanding issues related to inclusive design, energy and transport. The applicant and the Council have subsequently provided further information on these matters. Addressing each of these points in turn, the following is noted:

Inclusive design

6 The applicant proposes a total of 23 fully adapted wheelchair units, which equates to 5.5% of the total rooms. These units would be approximately 28 sq.m. and are laid out in such a way as to enable manoeuvrability by a wheelchair user. At the initial consultation stage, whilst this provision was welcomed, in order to meet the draft replacement London Plan (which seeks 10% of all units as fully accessible or easily adaptable), further information was requested in relation to the ability to adapt a proportion of the units should the need arise.

7 The applicant has confirmed that it would be possible to adapt the units by combining two typical neighbouring units to create a wheelchair accessible unit. A plan has been submitted which illustrates how this could be achieved. A detailed condition has been secured by the Council, which requires that the scheme shall not be occupied until the 23 wheelchair accessible units have been fitted out. Further details of the adaptable units have also been secured. This further information ensures that the scheme is now in accordance with draft replacement London Plan policy 3.8.

Climate change mitigation and adaptation

8 At the initial consultation stage, it was noted that the applicant had broadly followed the Mayor’s energy hierarchy but that further information was required in relation to carbon savings relative to 2010 Building Regulations. Further information was also requested in relation to sustainable urban drainage and rainwater harvesting.

9 The applicant has provided further information in order to address the points raised, and is committed to working towards a scheme which complies with 2010 regulations through energy efficiency measures alone. The Council has imposed a condition which seeks further reassurances regarding optimising the energy efficiency, which is welcomed. A figure showing the profile of demand for hot water has been provided, together with further information in relation to the approach that is being adopted to sizing the CHP, and a description of the broad approach to be adopted on the passive cooling measures.

10 The applicant's flood risk assessment includes information relating to water conservation and sustainable urban drainage systems, and the Council has imposed a condition, which secures these details. The applicant has addressed all outstanding concerns, and on this basis the scheme is in accordance with relevant London Plan policies.

Transport

11 At the initial consultation stage, there were concerns raised in relation to the transport impact of the proposed development and further information was requested in relation to the student management plan, together with a revised disabled parking scheme. It was also requested that details of a construction logistics plan, delivery and servicing plan and revised travel plans be secured by condition.

12 The student management plan, which has been secured by condition, will be inclusive of the recommendations provided by TfL at stage 1, which is welcomed. In relation to the disabled parking bays, it was noted previously that there would be the opportunity for use of these spaces for other (temporary) uses. Following confirmation from the applicant, officers are satisfied that this arrangement will only be used in exceptional circumstances and managed within the student management plan.

13 The requested construction and logistics plan, delivery and servicing plan and travel plans have been secured by way of section 106 agreement. Students will not be eligible to apply for on street parking permits as the student accommodation would not be their permanent residential address.

14 On this basis, the application is acceptable in transport terms and is now in line with the relevant London Plan policies 3C.2, 3C.17, 3C.23, and 3C.25.

Response to consultation

15 The application was advertised by site and press notices and consultation letters, which were sent to occupiers of adjoining and surrounding properties.

16 A total of three responses were received as a result of the consultation process, with concerns raised in relation to the following:

- Noise and disturbance associated with the use.
- The existing building is an important part of the local history and it should not be turned into more retail space.
- Insufficient parking is proposed.
- The size of the building is out of scale with the surrounding area.

17 Matters relating to noise and local amenities are not in this instance strategic planning matters and have been assessed by Hammersmith and Fulham Council in the committee report. In

relation to the objections raised by local residents in relation to the principle of the use, design, and traffic impact, these matters have been dealt with in this and the previous report.

18 Other statutory consultees responded as follows:

CABE: Advises that it does not support the proposal on the basis that the frontage buildings are weak imitations of the neighbouring listed buildings and are not the right architectural approach in this context. Concerns are also raised about the quality of the student accommodation, with respect to light entry and noise from the railway. The sustainability of the building, should student accommodation no longer be viable, is also questioned, due to the parameters of the building.

London Fire and Emergency Planning Authority: No objections raised.

Environment Agency: No objections raised but have recommended several informatives in relation to water abstraction and surface water drainage, which have been imposed by the Council.

Thames Water: Reports that the existing water supply infrastructure has insufficient capacity to meet additional demands and requests that impact studies are carried out in advance of development. The Council has imposed a condition requiring the submission, assessment and approval of such an impact study.

English Heritage (Heritage): Advises that the scheme is appropriate within the streetscene, and that the amendments to the previously refused scheme ensure that the development would not dominate the adjoining listed buildings.

Metropolitan Policy Authority: As owners of the adjoining site, advises that it has no operational concern with the scheme, subject to conditions being imposed in order to address security implications. The Council has included the requested conditions in the draft decision notice.

Hammersmith and Fulham Action on Disability Group: Welcomes the number of wheelchair accessible units being proposed, and requests that the leisure facility and student accommodation are both fully accessible throughout.

Article 7: Direction that the Mayor is to be the local planning authority

19 Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. In this instance the Council has resolved to grant permission with conditions and a planning obligation, which satisfactorily addresses the matters raised at stage I, therefore there is no sound planning reason for the Mayor to take over this application.

Legal considerations

20 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic

planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction. The Mayor must also have regard to the guidance set out in GOL circular 1/2008 when deciding whether or not to issue a direction under Articles 6 or 7.

Financial considerations

21 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance in Circular 03/2009 (*Costs Awards in Appeals and Other Planning Proceedings*) emphasises that parties usually pay their own expenses arising from an appeal.

22 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

23 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the council to do so) and determining any approval of details (unless the council agrees to do so).

Conclusion

24 Having regard to the details of the application, the matters set out in Hammersmith and Fulham Council's committee report and its draft decision notice, this scheme is acceptable in strategic planning terms. Further information has been provided, which together with conditions (and planning obligations) imposed by the Council, address all the outstanding issues that were raised at Stage 1. On this basis, there are no sound reasons for the Mayor to intervene in this particular case.

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Hammersmith Palais, Shepherd's Bush Road

London Borough of Hammersmith and Fulham

Planning application no. 2009/02040/FUL

Strategic planning application stage 1 referral (new powers)

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008

The proposal

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The applicant

The applicant is **London and Regional (Hammersmith) Ltd**, and the architect is **MAKE**.

Strategic issues

The principle of the demolition of the **Hammersmith Palais** building is established through a previous permission. The proposed mix of leisure use and **student accommodation** is appropriate for a town centre and complies with London Plan policy 3A.25.

The proposal complies with London Plan policies relating a **high quality design and level of residential amenity**, and also in relation to inclusive design and accessibility.

Further work is required in relation to **transport and climate change matters** before the scheme can said to be fully compliant with the London Plan.

Recommendation

That Hammersmith and Fulham Council be advised that while the application is generally acceptable in strategic planning terms, the application does not comply with the London Plan, for the reasons set out in paragraph 64 of this report; but that the possible remedies set out in paragraph 66 of this report could address these deficiencies.

Context

1 On 18 November 2010 the Mayor of London received documents from Hammersmith and Fulham Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 29 December 2010 to provide the

Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application is referable under Category 1C of the Schedule to the Order 2008: "Development which comprises or includes the erection of a building of one or more of the following descriptions— (c) the building is more than 30 metres high and is outside the City of London".

3 Once Hammersmith and Fulham Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself.

4 The Mayor of London's statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

5 The site is located within Hammersmith town centre. It is roughly rectangular in shape with a split frontage onto the Shepherd's Bush Road, part of the Transport for London strategic road network, as it wraps around the locally listed Laurie Arms Public House. The site area is 2,950 sq.m. and sits between the Shepherd's Bush Road to the east and the railway lines of the Hammersmith and City Line to the west. Immediately south of the application site is the Grade II listed former Fire Station, which is now used as a bar/pub with residential uses above. To the north of the site is the Grade II listed Police Station and opposite the site is the Grade II listed public library. The site is located within the Hammersmith Broadway Conservation Area.

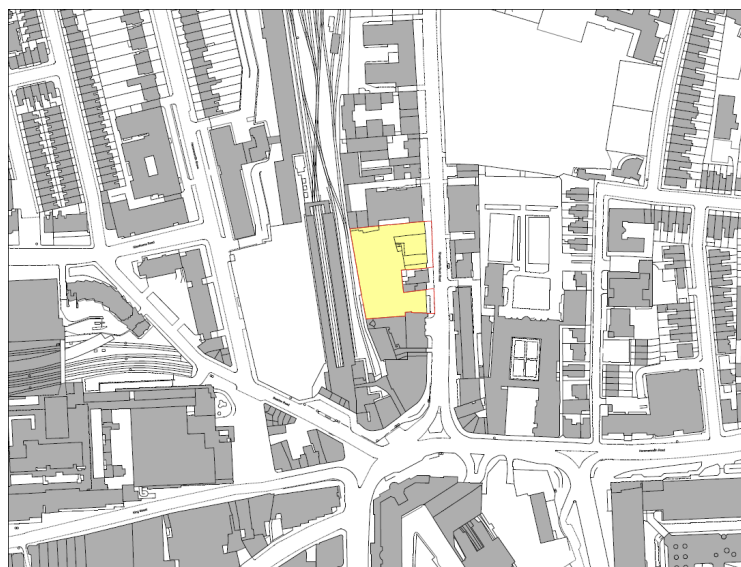


Figure 1: The proposed development site (Source: submitted Design and Access Statement)

6 The site has a history as a famous London dance hall and music performance venue. However, in recent years it predominantly operated as a night club until the operators went into administration in 2007. Following enabling works in preparation for the implementation of the previous leisure/office planning permission, the Palais building has been effectively gutted, leaving only the shell of the existing buildings. The building has been vacant since then.

7 The site is within 100 metres of the Hammersmith underground station, served by the Hammersmith and City, District and Piccadilly lines. The nearest bus stop is 120 metres away on Shepherd's Bush Road and is served by numerous services, as well as the bus station located opposite the underground station, which has 24 bus services serving all major local road corridors. The site has a public transport accessibility level of 6b, on a scale of 1-6, where 6 is the most accessible.

Details of the proposal

8 The proposals are for the redevelopment of the site to construct a part-five and part-ten storey building comprising:

- 2,802 sq.m. leisure floorspace (Class D2)
- 195 sq.m. flexible leisure/retail floorspace (Class D2/A1/A3)
- 15,065 sq.m. of student accommodation floorspace (418 units)
- 4 disabled car parking spaces
- 232 cycle parking spaces



Figure 2 and 3: View from Shepherd's Bush Road and aerial view (source: submitted Design and Access Statement)

Case history

9 The site has a complex case history. Planning permission was granted in September 2002 for the demolition of all of the existing buildings and redevelopment of the site to provide a mixed-use building comprising mainly office floorspace, with some leisure and retail uses. The section 106 agreement required the provision of a minimum of 2,765 sq.m. of leisure (Class D2) floorspace. Conservation area consent was also granted in 2001 for the demolition of all existing buildings on the site. This application was not referable to the Mayor.

10 A further planning permission was granted in August 2006 for access and parking issues in connection with the 2002 planning permission, and the September 2002 planning permission was subsequently renewed on 31 October 2006 and expired on 31 October 2009. On 20 March 2007, a further conservation area consent was granted for the demolition of all existing buildings on the site. These permissions establish the acceptability of the demolition of the existing buildings at the site, and an appropriate quantum of uses and building mass. However, while these previous permissions are a material planning consideration, the lapse of the extant permission reduces the

weight that they may be afforded, especially given the strategic and local policy changes since the original 2002 planning permission.

11 The current application follows an application that was referred to the Mayor in September 2009 (ref PDU/2451), and which was refused by the Council on amenity, transport and accessibility grounds. The Mayor, in considering this appealed scheme (November 2009), raised concerns in relation to design, the leisure use, transport, energy and inclusive design, and at Stage 2 advised the Council that he was content to allow the decision to proceed. The applicant subsequently appealed the decision. Following a public inquiry, the appeal was dismissed by the Planning Inspectorate in July 2010. In reaching his decision, the Inspector accepted the principle of the use and amenity impacts but considered that the scheme would have a harmful impact upon the character and appearance of the area. The current application seeks to address the concerns raised by the parties by proposing an alternative design.

12 Only the shell of the existing building remains, following enabling works in preparation for the implementation of the leisure/office planning permission.

Strategic planning issues and relevant policies and guidance

13 The relevant issues and corresponding policies are as follows:

- Principle of development *London Plan; PPS1*
- Mix of uses *London Plan*
- Culture/leisure *London Plan; the Mayor's Culture Strategy*
- Urban design *London Plan; PPS1*
- Access *London Plan; PPS1; Accessible London: achieving an inclusive environment SPG; Planning and Access for Disabled People: a good practice guide (ODPM)*
- Sustainable development *London Plan; PPS1, PPS1 supplement; PPS3; PPG13; PPS22; draft PPS Planning for a Low Carbon Future in a Changing Climate; the Mayor's Energy Strategy; Mayor's draft Climate Change Mitigation and Adaptation Strategies; Mayor's draft Water Strategy; Sustainable Design and Construction SPG*
- Transport *London Plan; the Mayor's Transport Strategy; PPG13;*

14 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the 2003 Hammersmith and Fulham Unitary Development Plan (saved policies 2007) and the London Plan (Consolidated with Alterations since 2004).

15 The Core Strategy has also recently been consulted on at the submission stage (the consultation ended this month) and this document therefore has increased weight as a material consideration.

Principle of development (including mix of uses/culture/leisure)

16 The site is within the Hammersmith Town Centre boundary and the current UDP and proposed LDF site designations specify leisure use with the intention that it forms a substantive part of any redevelopment. London Plan policy 3D.1 and draft replacement London Plan policy 2.15 seek to support and enhance retail, leisure and other town centre uses.

17 The scheme proposes a leisure use at basement and ground floor level, with an element of flexible commercial space fronting Shepherd's Bush Road. The land use composition proposed is the same as that which was considered at the public inquiry, with the Inspector and the Council

concluding that the land use mix complied with policy. The current application is accompanied by an updated leisure report, which sets out details of the continuing marketing of the proposed development, with interest having been generated from a range of leisure uses. Whilst it would be preferable for an end-user to have been established, it is accepted that the principle of a flexible leisure use has been established through the appeal process.

Student accommodation

18 London Plan policy 3A.25 and policy 3.19 of the draft replacement London Plan support the provision of accommodation for further and higher education institutions and student accommodation in accessible locations such as this.

19 The London Plan recognises in paragraph 3.39 that the provision of purpose-built student housing adds to the overall supply of housing and may reduce pressure on the existing supply of market and affordable housing. Paragraph 3.53 states that where a proposal for development relates solely to student housing, it will not normally be appropriate to apply a planning obligation for an element of social rent or intermediate housing. Paragraph 3.69 of the Plan states that shared accommodation or houses in multiple occupation often provide housing for people unable to gain access to social rented housing or to afford market home ownership or rents, and where such accommodation is of a reasonable standard, its provision helps contribute to meeting housing demand and should be encouraged.

20 London Plan policy 3A.25 (Higher and further education) seeks to ensure that the needs of the education sectors are addressed in Development Plan Documents, and that this will include supporting the provision of student accommodation. Draft replacement London Plan policy 3.8G states that strategic and local requirements for student housing meeting a demonstrable need are to be addressed by working closely with higher and further education agencies and without compromising capacity for conventional homes.

21 At a strategic level there has been a notable increase in applications for student accommodation in recent times. This raises concern that the impact of an increased amount of student accommodation being built in London is not being considered in a holistic way. The draft revised London Plan changes the emphasis of strategic policy on student accommodation to an approach that more carefully considers both supply and demand, together with a more dispersed distribution and different forms of provision. Whilst it is acknowledged that there is capacity for upwards of 17,000 student places, addressing these demands should not compromise capacity to meet the need for conventional dwellings, especially affordable family homes, or undermine policy to secure mixed and balanced communities. The draft replacement London Plan states there is a requirement that unless student accommodation is secured through a planning agreement for occupation by members of specified educational institutions for the predominant part of the year, it will normally be subject to the requirements of affordable housing policy.

22 The applicant has submitted a student demand assessment, which concludes that there is a lack of accommodation available for students in the borough and that the various universities in London are only able to provide accommodation for 17% of their students. The scheme has been designed in consultation with Imperial College, which has two campuses situated in the borough and has a pressing need for accommodation suitable for post-graduate students due to a 30% increase in post-graduate student numbers over the last five years.

23 In considering the previous scheme, the Mayor's response noted that Imperial College had an equity interest in the scheme, but this situation changed by the time the public inquiry was held. In considering the appeal, the principles of the proposed mix of uses, including student accommodation, were considered acceptable by the Inspector. Furthermore, the Inspector did not advise that the proposals would need to be tied to a particular end institution.

24 Since the appeal decision, revised wording to the draft replacement London Plan has been recommended at the EiP, requiring that student accommodation be secured through condition or section 106 agreement or to its occupation by members of a specified education institution. In order to comply with the draft replacement London Plan, the Council is asked to consider securing the accommodation for the use of full time higher education students only.

Urban design

25 Good design is central to all objectives of the London Plan and is specifically promoted by the policies contained in Chapter 4B. London Plan Policy 4B.1 sets out a series of overarching design principles for development in London. Other policies in Chapter 4B and elsewhere in the London Plan set out design requirements relating to specific issues. Chapter 7 of the draft replacement London Plan sets out design related policies.

26 As noted above, the previous proposal for the site was refused planning permission at appeal on design grounds. The Inspector's comments on the design of the appeal scheme, though stating that the scheme had much to commend it, raised a series of specific issues with the design that were cumulatively felt to result in significant harm to the character and setting of heritage assets in the vicinity.

27 The Inspector's comments provide very clear guidance on the merits or otherwise of various aspects of that scheme and its relationship to the local context. The applicant has duly sought to amend that scheme accordingly and the current proposal is the result.

28 The overall layout of the current scheme, points of access and egress and the internal arrangement is largely unaltered from that of the appeal scheme. That scheme addressed previous concerns raised by the Mayor regarding the design quality of the student study bedrooms, wheelchair accessible accommodation and the provision of communal amenity space. The scale and form of the western block in the scheme is as previously proposed and does not raise concern.

29 The proposed changes to the appeal scheme have focussed on the two buildings flanking the Laurie Arms Public House, on Shepherd's Bush Road. These previously presented heavily articulated undulating facades to Shepherd's Bush Road, which have now been rationalised and pulled back to the alignment of the existing Hammersmith Palais building. The strong vertical emphasis has also been diminished in favour of more typical elevation treatment reflecting those of the adjacent fire and police stations. The apparent scale of each building has been reduced, partly though enclosing the upper level of student accommodation in conventional pitch roofs. The proposed dormer windows to these rooms would be a simplified version of those found on the adjacent Fire Station building.

30 The proposal has also sought to better address the change in scale between these buildings and the Laurie Arms through the addition of lower scaled and recessed wings, comparable to those found on the Fire and Police stations. These are successful in this regard and better integrate the proposal into the street scene, particularly in oblique views.

31 The changes to the buildings fronting Shepherd's Bush Road would, in many regards, result in a proposal that achieves greater harmony with the neighbouring heritage assets and within the

street scene. The applicant has responded cautiously to the Inspector's comments on the design of the appeal scheme. As a result the proposal lacks some of the architectural expression of the previous proposal – the buildings fronting Shepherd's Bush Road being more a pastiche of the neighbouring buildings than contextually responsive contemporary buildings. Notwithstanding this the proposal would now avoid harm to the setting of these buildings and the character and setting of the conservation area.

32 In summary the proposal would be consistent with the design policies of the London Plan, including Policy 4B.1.

Inclusive design

33 London Plan policy 4B.5 and the corresponding draft replacement London Plan policy 7.2 seek to ensure that proposals achieve the highest standards of accessibility and inclusion (not just the minimum), and this and all developments should seek to better minimum access requirements. Draft replacement London Plan policy 3.8 requires all of the student flats should meet Lifetime Homes standards and ten per cent should be wheelchair accessible or easily adaptable for residents who are wheelchair users.

34 Educational establishments have a duty under the Disability Discrimination Act 2005 to ensure that their facilities and services are accessible for disabled students. There is currently a shortage of wheelchair accessible homes in London, and one of the biggest barriers to disabled students being able to live and study in London is access to suitable accommodation. In the context of ensuring equal life chances for all, meeting the needs and expanding opportunities for all Londoners and promoting social inclusion, the ability to accommodate disabled students should be fully integrated into any student housing development.

35 The application is accompanied by an access statement, which sets out the provisions made for inclusive design in the general arrangement of the building. One of the reasons for refusal relating to the previous scheme was that it failed to provide an inclusive environment for all users, with less than 5% of the scheme comprising accessible units. The Planning Inspector considered that it would be reasonable and necessary to secure a minimum 5.5% of units as fully adapted units and that this would address the concerns of the Council.

36 The current scheme proposes that 5.5% of units be wheelchair accessible, and the applicant notes that the design of the units is flexible to allow *all* units to be adapted to future wheelchair use, if required. Whilst this commitment is welcomed, the applicant should demonstrate how a proportion of the units could be adapted for use by wheelchair users, in order to ensure that at least 10% of the units would be accessible or adaptable. This is in light of the fact that since the appeal decision, the draft replacement London Plan has been the subject of an examination in public, and the weight that should be afforded to it has strengthened. These commitments should also be secured by condition.

37 The applicant has demonstrated that it is possible for all users to generally move easily through the scheme, and that the scheme exceeds minimum building regulations standards in terms of level access, door widths and lift provision. The wheelchair accessible rooms would be located close to the main pair of lifts, which minimises travel distance. There is the capability for one of the units to have an interconnecting door to the adjacent room, for use by a carer if required. The leisure use would have step-free access, with a platform lift to the basement.

38 These commitments are welcomed and ensure that the scheme is in generally in accordance in accordance with policy 3A.5 and 4B.5 of the London Plan and policy 3.8 of the draft

replacement London Plan, subject to further information being provided in relation to how the units are wheelchair accessible and adaptable.

Sustainability

39 The London Plan climate change policies as set out in chapter 4A 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 technologies with a target of 20% carbon reductions from on-site renewable energy. The policies set out ways in which developers must address mitigation of, and adaptation to, the effects of climate change. The corresponding policies within the draft replacement London Plan are set out in chapter 5.

Climate change mitigation

40 Policies 4A.2 to 4A.8 of the London Plan focus specifically on how to mitigate climate change, and the carbon dioxide emissions reduction targets that are necessary across London to achieve this. Developments are required to make the fullest contribution to tackling climate change by minimising carbon dioxide emissions (be lean), adopting sustainable design and construction measures and prioritising decentralised energy (be clean), including renewables (be green).

Energy efficiency standards

41 A range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development. Both air permeability and heat loss parameters will be improved beyond the minimum backstop values required by building regulations. Other features include mechanical ventilation with heat recovery and energy efficient lighting.

42 Based on the information provided, the proposed development does not appear to achieve any carbon savings from energy efficiency alone compared to a 2010 Building Regulations compliant development.

43 Using 2010 Building Regulations compliance software, the applicant should model, and commit to, additional measures that can be adopted to enable the development to exceed 2010 Building Regulations compliance through energy efficiency alone.

District heating

44 The applicant states that there are no district heating networks within the vicinity of the development. The applicant should however provide a commitment to ensure that the development is designed to connect to a future district heating scheme should one become available.

45 The applicant states that heat will be provided to the leisure space from a community plant room that also serves the student residences. The applicant should confirm the location and size of the energy centre. The applicant should aim to have a single heat network with all building uses connected to it.

Combined Heat and Power

46 The applicant proposes to install two CHP units (95 kWth and 45kWth) for the student residences and leisure space respectively. The CHP would act as the lead boiler backed up by gas fired boilers supported by a thermal store.

47 A reduction in carbon dioxide emissions of 123 tonnes per annum (13.6%) will be achieved through this second part of the energy hierarchy. The applicant should provide load profiles to demonstrate the proposed CHP sizing as the savings appear small.

Cooling

48 The applicant states that the cooling load will be relatively low and will be provided through direct expansion cooling units. The applicant should provide further information on the passive measures to be adopted.

Renewable energy technologies

49 The scheme proposes 70 square metres of photovoltaic array, which would generate 7,250kWh of electricity per annum. A reduction in carbon dioxide emissions of 4 tonnes per annum (0.4-0.6%) will be achieved through this third element of the energy hierarchy. The applicant should provide roof drawings showing available areas for the photovoltaic panels.

50 To summarise, the estimated carbon emissions of the development are 779 tonnes of carbon dioxide per year after the cumulative effect of energy efficiency measures, CHP and renewable energy has been taken into account. The applicant should provide an estimate of the overall carbon dioxide savings, expressed in tonnes of carbon dioxide per annum and percentages, relative to a 2010 Building Regulations compliant development.

Sustainable Design and Construction

51 The London Plan promotes five principles in Policy 4A.9 to promote and support the most effective adaptation to climate change. These are to minimise overheating and contribute to heat island effects; minimise solar gain in summer; contribute to flood risk reduction, including applying sustainable drainage; minimising water use; and protect and enhance green infrastructure (the corresponding draft replacement London Plan policy is policy 5.3). There are specific policies covering overheating, living roofs and water. Further guidance on these policies is given in the Mayor's SPG Sustainable Design and Construction.

52 Policy 4A.11 and draft London Plan policy 5.11 seek major developments to incorporate living roofs and walls where feasible. Policy 4A.14 of the London Plan and Policy 5.13 of the draft replacement plan seek to ensure that surface water run-off is managed as close to its source as possible and sets out a hierarchy of preferred measures to achieve this. Policy 4A.16 of the London Plan and policy 5.15 of the draft replacement plan seek to ensure that new development has proper regard to the impacts on water demand and existing capacity by minimising the use of treated water and maximising rainwater harvesting.

53 The applicant has submitted a BREEAM pre-assessment and intends to achieve a 'Very Good' rating under the Multi-Residential 2008 assessment. The scheme proposes a low carbon design solution, including energy efficient design, low carbon energy generation from combined heat and power technology and sub-metered monitoring. A brown roof that attenuates rainwater and increases local biodiversity is proposed, and efficient water fittings and metered consumption is proposed. It is noted that the applicant has not provided details of sustainable urban drainage system, and nor has consideration been given to rainwater harvesting, for instance. Further clarification on how the scheme would meet the essential and preferred standards within the Mayor's SPG should be provided before the application is reported back at Stage 2. These commitments should be secured by way of condition.

Transport

54 The scheme proposes four blue badge parking spaces for the student use. Existing crossovers at the site would be replaced with a single point of vehicular access from Shepherd's Bush Road. Cycle parking would be located at ground floor and in the basement. Whilst the previous scheme was refused on transport grounds, it was found to be generally acceptable by TfL, and no objections were raised, subject to certain conditions being included. The revised application proposes a reduction in units from 437 to 418 rooms and the position remains the same - that the impact can be accommodated on the local transport network.

55 The application documents include a student management plan (SMP) inclusive of traffic management, and this is welcomed. There are other aspects that require inclusion in the document, so as to ensure that a more comprehensive approach is taken and to ensure compliance with London Plan policy 3C.17 and draft replacement London Plan policy 6.11. This includes:

- That contingency plans are in place should students arriving on site later or earlier than their allotted time due to unforeseen circumstances.
- That information is available detailing nearby parking facilities for those parents who require a longer time period than their allocated slot. TfL requests that comprehensive travel information detailing the access routes to the residence (where possible avoiding Central London), parking and loading provision in the immediate locality inclusive of restrictions, length of stay and penalties and, in addition, information on congested traffic times is made available. This will ensure that users are discouraged from behaving in a manner which will cause any disruption to the local road network and encourage the use of public transport.
- That temporary signage is placed at strategic locations on approaches to the site to reinforce routes and help avoid cases of drivers becoming lost in nearby neighbourhoods.
- That the SMP is subject to annual review and if it is found that the staff provision / implemented procedures are insufficient then a larger number should be recruited and amendments made subsequently. This should be secured by condition.

56 The largely car free nature of the development is welcomed, and the Council should ensure that any planning permission secures a planning condition or section 106 obligation which excludes all occupiers of the development from eligibility for on-street parking permits. It is noted that the applicant is suggesting that if necessary and by prior appointment, temporary use could be made of the disabled parking spaces within the buildings. However, disabled parking should only be used exclusively for this purpose in order to comply with London Plan policy 3C.23 and draft replacement London Plan policy 6.13 Parking.

57 Any permission will need to be subject to a construction logistics plan (CLP) and delivery and servicing plan (DSP) being secured by condition, submitted and agreed by TfL and the Council before the development commences in order to mitigate the impacts of the development proposal and to ensure compliance with London Plan policies 3C.17 and 3C.25 and draft replacement London Plan policy 6.14.

58 It is noted that supplementary student and leisure facility travel plans have been submitted but must be developed further before they can be deemed acceptable. The travel plans have been assessed using the ATTrBuTE tool and both have failed because of insufficient details on a number of key points. The travel plan assessment, which identifies required improvements, has been forwarded to the applicant. These travel plans will need to be secured, enforced, monitored,

reviewed and funded through the section 106 agreement, subject to approval by TfL and the Council. This will ensure compliance with London Plan policy 3C.2 and draft replacement London Plan policy 6.3.

59 It is considered that the additional vehicular trips generated would not result in a significant impact to TLRN and local borough roads. The proposal is therefore compliant with London Plan policy 3C.17 and draft replacement London Plan policy 6.12.

60 The 218 cycle spaces that proposed are welcomed, noting that over half of these would be provided at grade. It is accepted that the provision of a stair case with adjacent cycle ramps on either side to access the remaining spaces in the basement will be adequate subject to an acceptable design. TfL welcomes the provision of showering and changing facilities on site. The cycling proposals are therefore compliant with London Plan policy 3C.22 and draft replacement London Plan policy 6.9.

Local planning authority's position

61 Hammersmith and Fulham Council advises that the application will be considered in January 2011, but has yet to form a view on the proposal.

Legal considerations

62 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application and any connected application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

Financial considerations

63 There are no financial considerations at this stage.

Conclusion

64 London Plan policies on education, culture/leisure, urban design, access and inclusion, transport and climate change are relevant to this application. The application with some of these policies but not with others, for the following reasons:

- **Mix of uses:** the proposed mix of leisure use and student accommodation is appropriate for a town centre and complies with London Plan policy 3A.25.
- **Urban design:** the proposal complies with London Plan policies 4B.1 and 4B.2 relating to creating a high quality design and good level of residential amenity.
- **Access and inclusion:** the scheme has generally been designed to be fully inclusive and the applicant has committed to providing 5.5% wheelchair accessible units, however further information is required in relation to the adaptability of the units.

- **Energy:** the applicant has broadly followed the energy hierarchy in accordance with London Plan policies 4A.2 to 4A.8. Sufficient information has been provided to understand the proposals as a whole, however, further information is required before the carbon savings can be verified.
- **Climate change adaptation:** the scheme includes a number of sustainable design and construction measures, with details of brown roofs, metering and attenuation however, further consideration to the Mayor's SPG, in order to comply with London Plan policies 4A.9, 4A.11, 4A.14 and 4A.16. These measures should be secured by way of condition.
- **Transport:** The scheme will only be in accordance with 3C.2, 3C.17, 3C.3C.22, 3C.23 and 3C.25 with appropriate mitigation and further information being provided.

65 Whilst the application is broadly acceptable in strategic planning terms, on balance the application does not fully comply with the London Plan.

66 The following changes might, however, remedy the above-mentioned deficiencies, and could possibly lead to the application becoming compliant with the London Plan:

- **Inclusive design:** Further information is required as to how a proportion of the units would be capable of being adapted for use by wheelchair users, in order to comply with draft replacement London Plan policy 3.8.
- **Energy:** Further information is required in relation to the overall carbon dioxide savings, expressed in tonnes of carbon dioxide per annum and percentages, relative to a 2010 Building Regulations compliant development.
- **Transport:** Further information is required in relation to the student management plan and travel plan in order to be satisfied with the proposed transport mitigation measures. A revised disabled parking scheme is required, and details of a construction management plan, delivery and servicing plan, together with exclusion from CPZ parking would need to be secured by way of condition.

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