**Strategic planning application stage II referral (new powers)**


**The proposal**

Renewal of outline planning permission granted 25 August 2009 for 8,600 sq.m. building for use as biomedical research laboratories, associated support/write up areas and plant space.

**The applicant**

The applicant is **Imperial College London**, and the architect is **Sheppard Robson**.

**Strategic issues**

Outstanding issues relating to climate change mitigation and transport have been resolved.

**The Council’s decision**

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

**Recommendation**

That Hammersmith & 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 15 June 2012 the Mayor of London received documents from Hammersmith & 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…more than 30 metres high and outside the City of London.”

2. On 25 July 2012 the Mayor considered planning report PDU/1687b/01, and subsequently advised Hammersmith & Fulham Council that the application did not comply with the London Plan, for the reasons set out in paragraph 35 of the above-mentioned report; but that the possible remedies set out in paragraph 37 of that report could address these deficiencies.
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. Since then, the application has been revised in response to the Mayor’s concerns (see below). On 24 August 2012 Hammersmith & Fulham Council decided that it was minded to grant planning for the revised application, and on 4 September 2012 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 Hammersmith & Fulham Council under Article 6 to refuse the application or issue a direction to Hammersmith & Fulham 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 17 September 2012 to notify the Council of his decision and to issue any direction.

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

Update

At the consultation stage Hammersmith & Fulham Council was advised that the application did not comply with the London Plan, for the reasons set out in paragraph 35 of the above-mentioned report; but that the possible remedies set out in paragraph 37 of that report could address these deficiencies:

- **Climate change mitigation**: the applicant should specify the baseline regulated CO2 emissions and the associated CO2 savings at each tier of the hierarchy so that the percentage CO2 reduction can be verified in order to ensure compliance with London Plan policy 5.2.

- **Transport**: provision of electric vehicle charging points, in accordance with the requirements of London Plan policy 6.13, should be secured by condition.

**Climate change mitigation**

At stage one, further information was sought to verify the percentage carbon dioxide savings in order to ensure compliance with London Plan policy 5.2. The applicant has responded to the issues raised to officers’ satisfaction and the application complies with the London Plan.

**Transport**

At stage one, TfL sought a condition securing electric vehicle charging points in line with the requirements of London Plan policy 6.13. The draft decision notice includes a condition securing 20% active and 20% passive provision of electric vehicle charging points. This is acceptable and complies with London Plan policy 6.13.

**Response to consultation**

The application was advertised by way of site and press notices as well as letters to neighbouring properties, statutory consultees, the Old Oak Community Association and the Old Oak Tenants and Residents Association. No responses were received from local residents.

The Environment Agency indicated that it has no objection to the proposal. The Metropolitan Police Crime Prevention Design Advisor has raised a number of matters including CCTV and security lighting. These issues would be appropriately addressed at detailed design stage.
No other representations were received.

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

11 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**

12 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.

**Financial considerations**

13 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.

14 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.

15 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**

16 Outstanding issues relating to climate change mitigation and transport have been addressed and the application complies with the London Plan.
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Hammersmith Hospital (Block J)
in the London Borough of Hammersmith & Fulham
planning application no. 2012/01410/EFUL

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
Renewal of outline planning permission granted 25 August 2009 for 8,600 sq.m. building for use as biomedical research laboratories, associated support/write up areas and plant space.

The applicant
The applicant is Imperial College London, and the architect is Sheppard Robson.

Strategic issues
The principal issue for consideration is whether the renewal of outline planning permission is acceptable in light of any significant policy changes that have occurred since the original permission was granted.

The principle of the proposed development as established by the extant consent remains acceptable. There are, however, outstanding strategic issues relating to climate change mitigation and transport.

Recommendation
That Hammersmith & 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 35 of this report; but that the possible remedies set out in paragraph 37 of this report could address these deficiencies.

Context
17 On 15 June 2012, the Mayor of London received documents from Hammersmith & 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 26 July 2012 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.

18 The application is referable under Category 1C of the Schedule to the Order 2008: “Development which comprises or includes the erection of a building…more than 30 metres high and outside the City of London.”
Once Hammersmith & 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.

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

Site description

The application site is within the east quarter of the Hammersmith Hospital campus to the north of Du Cane Road. It is currently occupied by the 4-storey Accident & Emergency block, a red brick building of late Victorian construction. Adjoining the site to the north is the existing Block L, which has outline planning permission for redevelopment for a new biomedical research centre. To the north east is the recently completed Burlington Danes Imaging Centre, with the Burlington Danes School playing fields and Wormwood Scrubs open space beyond. To the east fronting Du Cane Road is a recently completed 5-storey key worker residential development. The remainder of the hospital campus is characterised by buildings of various architectural quality, age and height.

The area to the south of the site across Du Cane Road is predominantly residential, comprising 3-storey 1960’s flatted accommodation with more traditional semi-detached suburban development beyond.

The nearest London Underground stations are East Acton and White City, 900 metres west and south east of the site respectively. Both stations offer access to Central line services. The site is well served by buses, with five routes (7, 70, 72, 272, 283) accessible from Du Cane Road and route 95 accessible from a nearby stop on the A40 Westway. The site has a public transport accessibility level (PTAL) of 2 on a scale of 1 to 6, where 6 is classed as excellent. The nearest section of Transport for London Road Network (TLRN) is the A40 Western Avenue, approximately 200 metres to the south.

Details of the proposal

The application seeks outline planning permission for a 8,600 sq.m. (gross internal area) building for use as biomedical research laboratories, associated support/write up areas and plant space. The proposed building comprises two conjoined elements of five and six storeys, designed to integrate with the recently approved Block L to the north. The maximum height to plant roof level is approximately 30 metres above ground level, with floor-to-floor heights of 4.2 metres. Matters of landscaping and external appearance are reserved for future approval.

The building has been designed to integrate with the recently approved Block L redevelopment, with a glazed atrium through the centre of the building on a north-south axis, enabling connectivity through to Block L. The accident and emergency service will be relocated elsewhere within the hospital campus.

Case history

The application site forms part of the wider Hammersmith Hospital campus. A number of buildings on the campus have been redeveloped in recent years, the most recent being the new Burlington Danes Imaging Centre which lies immediately to the east of the application site. Block L, to the north of the site, has planning permission for redevelopment for a new biomedical research centre.
The application that the applicant is seeking to renew was referred to the GLA in December 2008 (planning reports PDU/1687a/01 and PDU/1687a/02) and given permission by Hammersmith & Fulham Council in August 2009. This permission is the subject of the current application for renewal.

**Strategic planning issues and relevant policies and guidance**

The relevant issues and corresponding policies are as follows:

- **Urban design**  
  *London Plan;*
- **Transport**  
  *London Plan; the Mayor’s Transport Strategy;*
- **Crossrail**  
  *London Plan; Mayoral Community Infrastructure Levy;*
- **Parking**  
  *London Plan; the Mayor’s Transport Strategy*
- **Health**  
  *London Plan; Health Inequalities Strategy*
- **Climate change**  
  *London Plan; Sustainable Design and Construction SPG; Mayor’s Climate Change Adaptation Strategy; Mayor’s Climate Change Mitigation and Energy Strategy; Mayor’s Water Strategy*

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 Hammersmith & Fulham Core Strategy 2011, the saved policies of the Hammersmith & Fulham Unitary Development Plan 2003 and the 2011 London Plan.

The following are also relevant material considerations:

- The Hammersmith & Fulham Development Management Development Plan Document (Submission version)
- The draft Revised Early Minor Alteration to the London Plan.

**Renewal procedure and principle of development**

On 1 October 2009 a new temporary procedure was introduced to allow applicants to apply to extend a planning permission by seeking a new planning permission to replace an existing one, which is in danger of lapsing. The Department of Communities and Local Government published ‘Greater flexibility for planning permission: guidance’ in October 2010 to help planning authorities and developers use this new procedure. It states that development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date and planning authorities should, in making their decision, focus their attention on policy and other material considerations which may have changed significantly since the original permission was granted.

The previous application (Local Planning Authority reference 2009/00321/OUT) was granted by Hammersmith & Fulham Council on 25 August 2009. Since that time, there have been a number of London Plan policy changes, and a range of supplementary planning guides (SPG) have been published. This application should, therefore, be assessed against the main changes in policy and guidance within these documents.

The principle of the proposed mixed use development at this site was considered to be acceptable in the previous application and does not raise any new strategic planning policy concerns when considered against the most up to date policy context in the London Plan.
Similarly, matters of urban design and inclusive design and climate change adaptation are deemed to be acceptable, and do not need to be revisited. However, officers would expect all associated planning conditions and Section 106 contributions agreed previously, to be retained as part of this application for renewal of planning permission.

This report addresses key policy areas which need to be addressed.

**Climate change mitigation**

London Plan policies 5.2, 5.6 and 5.7 focus on mitigation of climate change and require a reduction in a development’s carbon dioxide emissions through the use of passive design, energy efficiency and renewable energy measures. The London Plan requires developments to make the fullest contribution to tackling climate change by minimising carbon dioxide emissions, adopting sustainable design and construction measures and prioritising decentralised energy, including renewables.

**Be lean**

The applicant has updated the energy strategy submitted with the original application. 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 well beyond the minimum backstop values required by current building regulations. Other features include energy efficient lighting, efficient operation of ventilation fans (reducing specific fan power) and heat recovery. Demand for cooling will be minimised through the use of external shading and facade design.

The development is estimated to achieve a reduction of 15% in regulated CO2 emissions compared to a 2010 Building Regulations compliant development. Whilst a projected saving of this size is welcomed, evidence should be provided to support the statements, i.e. output from calculations, etc.

**Be clean**

The applicant has proposed that the development is connected to the existing site wide district heating scheme serving the campus. The site heat network will be supplied from a single existing energy centre already located on the campus.

The development will be served by an existing combined heat and power unit in the energy centre already located on the campus. A reduction in regulated CO2 emissions of 8% will be achieved through this second part of the energy hierarchy.

**Be green**

The applicant is proposing to connect the development to the existing campus open loop borehole cooling system. A reduction in regulated CO2 emissions of 18 tonnes (4%) will be achieved through this third element of the energy hierarchy.

**Overall carbon savings**
The carbon dioxide savings identified by the applicant exceed the targets set out in London Plan policy 5.2. However, the applicant should specify the baseline regulated CO2 emissions and the associated CO2 savings at each tier of the hierarchy, so that the percentage CO2 reduction can be verified.

**Transport**

The proposed development is not expected to cause a significant adverse impact on the Transport for London Road Network (TLRN) and the existing site access for vehicles from Du Cane Road will be retained.

Six car parking spaces will be provided, one of which will be for Blue Badge holders. This level of parking is acceptable; however, in order to comply with London Plan policy 6.13, twenty per cent of all spaces must be fitted with electric vehicle charging points, with a further ten per cent having passive provision to allow for future expansion. This should be secured by condition. The proposed provision of sixty nine cycle parking spaces complies with London Plan policy 6.9.

In the previous submission, three bus stops on Du Cane Road were identified for improvement, with a maximum contribution of £36,000 secured in the section 106 agreement for this purpose. In addition, a number of pedestrian access improvements were identified, to be secured by condition. These requirements still apply for the application to accord with London Plan policies 6.7 and 6.10. The section 106 agreement also required the submission of a travel plan in order to comply with London Plan policy 6.3.

**Community Infrastructure Levy**

The Mayor has introduced a London-wide Community Infrastructure Levy (CIL) to help implement the London Plan, particularly policies 6.5 and 8.3. The Mayoral CIL formally came into effect on 1 April 2012, and it will be paid on commencement of most new development in Greater London that was granted planning permission on or after that date. The Mayor’s CIL will contribute towards the funding of Crossrail.

All new developments that create 100 square metres or more of additional floorspace are liable to pay the Mayoral CIL. For the avoidance of doubt, this also applies to applications which propose to extend the lifetime of existing permissions. The London boroughs are arranged into three charging bands, with rates of £50 / £35 / £20 payable per square metre of net increase in floorspace. The levy will be charged at £50 per square metre of additional floorspace in this case.

**Local planning authority’s position**

As yet unknown.

**Legal considerations**

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**

There are no financial considerations at this stage.

**Conclusion**

London Plan policies on climate change mitigation and transport are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

- **Climate change**: the carbon dioxide savings identified by the applicant exceed the targets set out in London Plan policy 5.2. However, further information is required in order to verify CO2 savings overall and at each stage of the energy hierarchy.
- **Transport**: in order to comply with London Plan policy 6.13, twenty per cent of all parking spaces must be fitted with electric vehicle charging points, with a further ten per cent having passive provision to allow for future expansion.

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

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

- **Climate change mitigation**: the applicant should specify the baseline regulated CO2 emissions and the associated CO2 savings at each tier of the hierarchy so that the percentage CO2 reduction can be verified in order to ensure compliance with London Plan policy 5.2.
- **Transport**: provision of electric vehicle charging points, in accordance with the requirements of London Plan policy 6.13, should be secured by condition.

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