



Appeal Decision

Site visit made on 24 July 2018

by **Andrew McGlone BSc MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 August 2018

Appeal Ref: APP/H5390/W/18/3200030

Stamford Brook Arches, Ravenscourt Place, London W6 0UQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Jeremy Wilson of The Lakeland Climbing Centre against the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref 2017/03835/FUL, is dated 29 September 2017.
 - The development proposed is the change of use of railway arches 101, 105, 106 and 107 from railway storage (sui generis use) to indoor and outdoor climbing centre and school (D2 Use Class) together with external alterations.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of railway arches 101, 105, 106 and 107 from railway storage (sui generis use) to indoor and outdoor climbing centre (D2 Use Class) together with external alterations including the erection of canopy structure on south facing elevation (revised drawings to indicate main entrance relocated to Ravenscourt Road) at Stamford Brook Arches, Ravenscourt Place, London W6 0UQ in accordance with the terms of the application, Ref 2017/03835/FUL, dated 29 September 2017, subject to the conditions in the attached schedule.

Procedural Matters

2. I have, for completeness, used the appellant's full name which is set out on the appeal form in my decision.
3. The appeal has been submitted by the appellant as the Council did not give notice of its decision on the planning application within the statutory period. The Council has set out their concerns in their Statement. I also note that interested parties have raised concerns with the proposal.
4. The description of development in the heading has been taken from the planning application form. Part E of the appeal form states that the description of development was changed. Hence, I have used the following description of development in my formal decision: "*change of use of railway arches 101, 105, 106 and 107 from railway storage (sui generis use) to indoor and outdoor climbing centre (D2 Use Class) together with external alterations including the erection of canopy structure on south facing elevation (revised drawings to indicate main entrance relocated to Ravenscourt Road).*"
5. The Hammersmith and Fulham Local Plan (Local Plan) was adopted on 28 February 2018. The Local Plan is now the development plan for the borough. The Council have also adopted the Planning Guidance Supplementary Planning

Document, February 2018 (SPD). The parties' have, in their appeal submissions, set out their respective cases having regard to the current development plan. However, given the recent publication of the revised National Planning Policy Framework (the Framework), I provided the parties with an opportunity to comment on the Framework.

Application for costs

6. An application for costs was made by Mr Jeremy Wilson of The Lakeland Climbing Centre against the London Borough of Hammersmith and Fulham. This application is the subject of a separate Decision.

Main Issues

7. The main issues are: (i) whether or not adequate arrangements would be made for parking provision, with regards to the effect on the safety of vehicular and pedestrian traffic on Ravenscourt Place and Ravenscourt Road; (ii) the effect of the proposed development on the living conditions of nearby residents, with regards to noise, disturbance and privacy; and (iii) whether the proposed development would preserve or enhance the character or appearance of the Ravenscourt and Starch Green Conservation Area (RSGCA).

Reasons

8. The appeal site comprises of four vacant railway arches (numbers 101, 105, 106 and 107) which are located beneath a railway viaduct and Ravenscourt Park underground station. An external yard to the north of the viaduct and a small forecourt fronting Ravenscourt Place form part of the site. A number of other arches are occupied by a vehicle repair use. Residential properties line the south and east sides of Ravenscourt Place, while Ravenscourt Road is characterised by a mixture of residential and community uses.
9. Arch 101 can be accessed from either the forecourt from Ravenscourt Place or from the external yard from Ravenscourt Road. This arch does not have any internal connection to arches 105, 106 and 107 which are interlinked. Entry to these arches is from the external yard which would form part of the entrance to the proposed climbing centre off Ravenscourt Road next to the railway viaduct.

Safety of vehicular and pedestrian traffic

10. The development does not propose any car parking provision. On-street car parking is available on Ravenscourt Place and Ravenscourt Road, but these are within Controlled Parking Zone L. The restrictions apply between 09:00 and 17:00 Monday to Friday. Parking within these periods is limited to permit holders or pay and display parking, with a maximum stay of eight hours. Some spaces on Ravenscourt Road are also limited to business permit holders in addition to the other restrictions. Access along the full length of Ravenscourt Road is prevented by a barrier to the south of Flora Gardens.
11. The site is accessible on foot, bicycle, bus and by the underground. Footways on both sides of Ravenscourt Road and Ravenscourt Place are lit. They link to the wider footway network. A range of regular bus services stop nearby on King Street, a short walk away. Underneath the railway viaduct is a cycle hire docking station with 26 no. bicycles and a row of Sheffield cycle stands. Ravenscourt Park underground station is on the District Line, providing regular services between Richmond, Upminster, and Ealing Broadway, with

- interchanges offering connections across the wider railway network. The site has a Public Transport Accessibility Level (PTAL) of 4/5, and Hammersmith underground station and bus station are around a 10 minute walk away.
12. London Plan (LP) Policy 6.3 explains that development should not adversely affect safety on the transport network. LP Policy 6.13 talks of an appropriate balance being struck between promoting new development and preventing excessive car parking provision that can undermine cycling, walking and public transport use. This reflects LP Policy 6.1 which seeks to encourage patterns and nodes of development that reduce the need to travel, especially by car. Local Plan Policy T1 seeks to improve and increase the opportunities for cycling and walking, and by improving connections for bus services, underground, national and regional rail. To do this, the policy seeks to ensure that traffic generated by new development is minimised so that it does not add to parking pressures on local streets or congestion; and develop and promote safe environments for cyclist and pedestrians to encourage residents and businesses to consider these modes.
 13. A Transport Assessment (TA), submitted in accordance with Local Plan Policy T2, indicates that the majority of the estimated 150 to 200 customers using the centre each day would be expected to arrive by public transport, on foot or by bicycle. The appellant's estimates are based on the 2016 yearly average weekday figures at VauxWall, which is an existing climbing centre in London. While the two sites are not directly comparable due to their respective locations and PTAL levels, they are comparable in terms of their scale and use, and I agree that the sample size which forms part of the TA is sufficient. Due to the site's location near to potential customers and staff; the proximity and frequency of each transport mode; and the ease at which customers could use them or walk to and from the proposed facility, the site would be an attractive proposition to customers and staff to access by means other than the car. The Council does not dispute the findings of the TA.
 14. Even so, there is likely to be a quantum of extra car parking in the area. The amount is disputed between the appellant and residents, who have submitted an assessment based on figures from the Office for National Statistics (ONS), which apply to England and Wales. The ONS figures used do not tally with figures for car use in London which show a decreasing trend in the share of how journeys are made compared to public transport, cycle and walking. As such, the ONS figures do not specifically represent London, and how journeys would be made to and from the site.
 15. Interested parties cite various other climbing centres as examples of the level of car use, but some of these are located in very different geographic locations where there isn't a comparable level, or range of transport modes. The Castle in Stoke Newington is also referred to. Roughly 10% of customers using this centre travel by car. This is higher than car use at VauxWall which is about 3%. However, the figures for each location will vary, which is consistent with the need to consider development proposal on their own merits.
 16. In respect of the appeal site, Technical Note 1: Parking Technical Note (TN) contains a parking beat survey which was conducted at times when the centre is anticipated to be busy, and when on-street car parking is not restricted.
 17. Most people would be likely to try to park as close to the centre as possible, but the study area used is reasonable, having regard to the Lambeth

Methodology, even if some locations would not be attractive to use, given the site's location and the parking restrictions in the area. While the findings of the TN are a snap shot in time, they show that there would be spaces available on Ravenscourt Road. I see that Ravenscourt Place was oversubscribed in both survey periods. However, there is enough capacity elsewhere in the survey area to accommodate this. Even taking into account the higher use of the car at The Castle, the proposal would, during the surveyed periods, see up to five arrivals and two departures by car between 18:00 and 19:00 hours on a typical weekday; and up to two arrivals and three departures by car between 12:00 and 13:00 hours on a typical Saturday.

18. There will be times during the day when roads near to the site are used by school related traffic, by persons attending Ravenscourt Baptist Church and by vehicles dropping off or picking up people from the underground station. A rise and fall in demand for car parking associated with schools is not an uncommon scenario, and school related traffic would use the roads and the parking provision when there would be far less demand by customers of the centre for the on-street parking provision. The parking beat surveys support residents' view that the roads are well used at weekends for parking due to the absence of restrictions. Despite this, there is adequate on-street parking provision available to support the proposed use, including blue badge parking. I note that my findings reflect those of the Council.
19. Persons arriving or departing from the proposed climbing centre would increase the use the local road network. There would also be an increase in pedestrians near to the site. Residents submit that such an increase would result in an increased risk of accidents occurring.
20. Drivers looking to park their vehicles near to the site are likely to trawl Ravenscourt Place and Ravenscourt Road in the first instance for a parking space. The parking beat surveys suggest that spaces in Ravenscourt Place would be hard to come by. However, customers would, if they are not already, become accustomed to where parking spaces are generally available.
21. The proposed entrance would mean that the focus of pedestrian activity would not be at the junction of Ravenscourt Place and Ravenscourt Road, or at the underground station entrance. While pedestrians would mix with persons entering and leaving the station, visibility is good, and based on the anticipated number and flow of customers to and from the site, this would not result in an adverse effect on their safety. There is also no substantive evidence to show that pedestrian safety has been affected by the current use of the station, or from the movement of pedestrians or vehicles along Ravenscourt Place.
22. The visibility at the junction of Ravenscourt Place and Ravenscourt Road can be affected by parked vehicles. However, vehicle speeds are unlikely to be high as both roads are no through roads, and they are used for on-street parking. Double yellow lines around the radii of the junction and on the northern side of Ravenscourt Place provide drivers and pedestrians with good visibility of one another at this junction. Thus, I consider the proposal would not adversely affect safety on the transport network. To encourage and promote the use of modes of transport other than the car, a draft Travel Plan has been submitted. Further detail is required, but a planning condition can secure this, so that the development complies with the plan and there is routine monitoring and reviews of its success, and so that actions may be taken to remedy any issues that arise to prevent the excessive use of the car.

23. For these reasons, on this issue, I conclude that the proposed development would accord with Local Plan Policies T1, T2 and T3; and LP Policies 6.1, 6.3, 6.10 and 6.13 as the scheme would strike an appropriate balance between promoting new development and preventing excessive car parking provision that can undermine cycling, walking and public transport use.

Living conditions

24. The proposed entrance would be the focus for comings and goings and not the Ravenscourt Place entrance, which would be blocked up, except for a fire escape which would be kept within the elevation of arch 101. Despite this, the anticipated footfall, and thus, the comings and goings to and from the centre, are likely in addition to the centre's operation, to be noticeable, even in an area that is characterised by comings and goings. Even so, the test of Local Plan Policy HO11 is whether the noise generating development would be liable to materially increase the noise experienced by the occupants/users of existing or proposed noise sensitive uses in the vicinity. Local Plan Policy CC13 requires that there will be no undue detriment to the general amenities enjoyed by existing surrounding occupiers of their properties.
25. Against this context the Framework in paragraphs 54 and 55 explains that considerations should be given as to whether otherwise unacceptable development could be made acceptable through the use of conditions. While they should be kept to a minimum, they should only be imposed where they meet the six tests for doing so. This approach is broadly in tune with Local Plan Policies HO11 and CC13 which require mitigation measures if noise or other affects would be likely to occur.
26. It is proposed to open between the hours of 06:00 and 22:30 on weekdays and between the hours of 09:00 and 21:00 on weekends. Every customer of the centre would be registered members. The evidence indicates that members tend to make multiple trips to a climbing centre across the year. Each member would have photo-identification and need to give full contact details. This is for health and safety. However, this would also offer security benefits and allow the centre to identify anyone causing noise and disturbance. Surveys of VauxWall show that customers tend to visit on their own or in pairs. This may depend on their ability and type of climbing that they seek to do.
27. The start and ends of the day are generally more sensitive times when people are more susceptible to the effects of noise and disturbance. The operation of the centre would, however, be against the backdrop of an active underground station which has trains arriving and departing at regular intervals. Services run between 05:00 and 01:00. Thus, there is movement of people and vehicles in the area during the day and into the night.
28. Transport for London data shows that an average there is 1,525 people enter and exit the station before 08:00 during the week. The projected number of customers coming and going from the centre between 06:00 and 08:00 would be insignificant in comparison at roughly 25 no. It is also not uncommon for some leisure uses to open during the week from 06:00, even if some of the examples cited are not directly comparable. The TA, concluded that the proposals could generate in the order of 6 additional vehicle movements by customers per day. This modest number of extra vehicle movements would be unlikely to materially increase the noise experienced by occupants/users of existing noise-sensitive uses in the vicinity. This is supported by the findings of

- the appellant's Noise Assessment (NA). A Travel Plan would assist in encouraging staff and customers to use modes of transport other than the car.
29. Comings and goings during daytime hours would be in the context of the existing noise environment. It is also a time of day when people are active and not expecting the same level of peace and quiet as they would at the start and end of the day. In response to residents' concerns, the closing time was amended from 23:00 to 22:30. Although it is anticipated that there will be a rise in the number of customers using the facility in the early evening period, comings and goings are likely to fall away towards closing time. Planning conditions could be used to control the centre's hours of use, the use of the external climbing wall, deliveries and servicing, and to prevent groups of people attending the centre, unless they are below the age of 18 and during daytime hours. Hence, the proposal would be unlikely to materially increase the noise experienced by the occupants/users of existing or proposed noise sensitive uses in the vicinity.
30. While the NA is brief, it has responded to interested parties concerns about background music being heard from the proposed centre. For safety reasons the music would not be loud so that communication can take place between climbers or members of staff. The arches would help with preventing noise breaking out. A planning condition to secure the use of self-closing door devices would also help minimise any noise break out from the centre.
31. I note the planning obligation which has been submitted by residents, but this is not complete. It would not provide a mechanism for a Management Plan or a Travel Plan. Nevertheless, the substance of the draft obligation would reinforce the planning condition suggested by the Council. This would be in the form of a Centre Management Plan (CMP) which would mitigate any effects of the proposal on residents living conditions, and provide a mechanism whereby the operator engages with residents should the need arise. Having regard to these various factors, the proposed opening hours would not be unacceptable, but I do consider that planning conditions are needed to ensure that the centre is run on the basis of the evidence that I have assessed.
32. Concerns about privacy have been addressed by the amendments that were made to the location of the proposal's main entrance, and by the use of planning conditions around the operation of the centre.
33. The appellant is clear that no alcohol will be served. I see that a planning condition is suggested to control this, and I note residents' concerns about the operation of the centre. However, such a condition would be, in practice difficult to monitor and therefore enforce. The Council also has powers under the licensing regime to prevent the sale of alcohol. The appellant has also confirmed that the proposed café use, which would be ancillary to the indoor and outdoor climbing centre, would not be run in the same way as the facility at VauxWall, and that there would be no party-style events. The CMP to be submitted could set the parameters for this.
34. As such, I conclude, on this issue, that the proposed development would accord with Local Plan Policies CC11 and CC13. Jointly these seek, among other things, to not permit noise generating development 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, so that there is no undue detriment to the general amenities enjoyed by existing surrounding occupiers.

If a nuisance from noise would be likely to occur, where appropriate, mitigation measures will be required to ensure that it will not.

Character or appearance

35. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that, in the exercise of planning powers in conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Framework paragraph 193 says 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.
36. Ravenscourt Park underground station building and the forecourt in front of the arches falls within the RSGCA. However, the majority of the site and the yard to the north are outside the RSGCA. The boundary of the RSGCA extends along the inside edge of the footway on Ravenscourt Road. The RSGCA is characterised by a range of building types and styles set among a leafy context that serve uses split between residential, commercial, non-residential institutions and assembly and leisure.
37. The proposed use would accord with the variety of uses found in the area. Alterations proposed to the arches of 105, 106 and 107 would not be visible from the public realm. Changes to arch 101 would, but they would not affect the significance of the RSGCA. The proposed tensile canopy would be set back from the road and roughly the same height as the crest of the arch entrances. The railway bridge and dense trees would mask views of the canopy from either direction. While views would be obtained from Ravenscourt Road opposite the proposed entrance, these would be limited.
38. On this issue, I conclude that the proposed development would preserve the character and appearance of the RSGCA. As such, the proposal would accord with Local Plan Policies DC1, DC4, DC8, SPD Key Principles CAG2 and CAG3 and Framework paragraph 193; which together seek development to create a high quality urban environment that conserves designated heritage assets.

Other matters

39. The courts have held that planning is concerned with land use in the public interest, so that the protection of private interests such as the impact of a scheme on the value of a neighbouring property is not a relevant consideration.
40. While concerns are raised in terms of anti-social behaviour and crime, there is no substantive evidence before me to this effect. I note reference is made to the scheme's financial viability, but there is no viability assessment before me.
41. I note the appellant's points in respect of the Council's approach and timeliness in considering the planning application, but there are routes available outside of this appeal to the appellant if they are not satisfied with the Council's actions. In any event I have considered this appeal on its planning merits.

Conclusion and conditions

42. I have had regard to the conditions that have been suggested by the Council and interested parties, together with the appellant's comments on them. Where necessary I have re-ordered and combined the conditions, and amended the suggested wording to ensure consistency with Framework paragraph 55.

43. I have imposed conditions specifying the approved plans, the hours of use, and the remit of the climbing centre, and its use by groups as they provide certainty, and in the interests of highway safety and residents living conditions. I have tailored the condition about the proposal's use to reflect the proposal that is before me. A condition controlling the use of the forecourt next to Ravenscourt Place is necessary in the interests of residents living conditions.
44. Further details are not necessary concerning the new canopy given the plans that are before me. However, I have imposed an amended version of the condition to secure details of the materials to be used before development commences, so that the development responds to it's the areas character and appearance, and conserves the RSGCA.
45. To encourage and promote travel by modes other than the car, I have imposed a condition requiring the installation of the cycle storage facilities before the centre is first brought into use. Despite the Travel Plan submitted, a pre-commencement condition for a more detailed Travel Plan is necessary to encourage and promote travel to and from the centre by means other than the car, in the interests of highway safety and to residents living conditions.
46. I have amalgamated and imposed a condition about the CMP in the interests of residents living conditions. A condition about noise emanating from the centre is reasonable and necessary so that residents are not subject to undue noise. While there are concerns raised about the Council's ability to monitor this, no such concerns are raised by the Council's Environmental Protection team. Conditions are necessary, in the interests of residents living conditions, for the use of self-closing doors and external lighting.
47. A condition limiting delivery hours is not necessary as it would duplicate the requirements of the Servicing and Delivery Management Plan condition, which is necessary for highway and living condition reasons. A condition about the sale or consumption of alcohol is not necessary given the CMP condition. A control about the sale of food for consumption off the premises is not necessary, relevant to the development to be permitted, and it would, given the type of food to be sold, be impractical to detect and monitor a breach.
48. I have not imposed a further control about the extent of the external climbing wall as the approved plans condition does this. Moreover, I have not imposed a restriction preventing the use of the external yard area as it would not be justified by the nature or impact of the development, and it would place a disproportionate burden on the appellant by preventing customers using the toilet and changing facilities which would be a legitimate and reasonable use of the development outside the suggested hours specified by the Council.
49. A condition requiring works to be carried out in accordance with approved details is not necessary as it would duplicate controls that exist within other conditions. Any additional works may in their own right require the benefit of planning permission or a variation to a condition that I have imposed, for which an application should be made to the Council to consider in the first instance.
50. For the reasons set out above, I conclude that the appeal should be allowed.

Andrew McGlone

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2000-PL2; 2001-PL3; 2003- PL1; 2100-PL1; 220-PL2; 2210-PL2; 2220-PL2; 2230-PL2; 2240-PL2; 2250-PL1; 2260-PL1; and 392-1.

Pre-commencement

- 3) The development hereby approved shall not commence until a sample (including details of colour) of the material(s) proposed for the tensile canopy structure to be erected in the rear yard have been submitted to, and approved in writing by, the local planning authority. The development shall be implemented in accordance with the approved details and thereafter permanently retained in this form.
- 4) Prior to commencement of the development, a Travel Plan shall be submitted to, and approved in writing by the local planning authority. The use hereby permitted shall not be carried out or operated other than in accordance with the approved Travel Plan.
- 5) Prior to commencement of the development, a Centre Management Plan shall be submitted to, and approved in writing by the local planning authority. The use hereby permitted shall not be carried out or operated other than in accordance with the approved Centre Management Plan.

Pre-occupancy

- 6) Before the development hereby permitted is first brought into use, details of any external artificial lighting shall have been submitted to and approved in writing by the local planning authority. Those details shall include: -
 - lighting contours 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'; and
 - measures to minimise the use of lighting and prevent glare and sky glow by correctly using, locating, aiming, and shielding luminaires.

The approved details shall be implemented prior to the development being first used and retained thereafter. No external artificial lighting shall be installed unless it is in accordance with details which have previously been approved in writing by the local planning authority.

- 7) Before the development hereby permitted is first brought into use, a Servicing and Delivery Management Plan shall have been submitted to and approved in writing by the local planning authority. 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 use hereby permitted shall thereafter be carried out and operated in accordance with the approved Servicing Management Plan.
- 8) The use of the premises hereby permitted shall not begin until provision for the storage of 54 bicycles has been installed within the curtilage of the site in the form of 11 Sheffield hoop stands and 2 scaffold pole bike racks in accordance with plan Ref: 2100 Rev PL1. The approved cycle storage as installed shall thereafter be retained.

- 9) The use of the premises hereby permitted shall not begin until all external doors to the building are fitted with self-closing devices which shall thereafter be maintained as such. Any door opening from arch 101 onto the forecourt of the premises on Ravenscourt Place shall be marked as being for use in emergency only and secured and alarmed so as to limit its use accordingly.

Post occupancy monitoring and management

- 10) The premises shall not be used other than as a recreational climbing centre and, notwithstanding the provisions of 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), shall not be used or converted for any other purpose within Class D2 (Assembly and Leisure) nor for any other use without express planning permission first being obtained. The training area shown on the approved plans shall contain free weights and equipment specific to climbing training and the extent of any such training facilities shall not exceed that area. No food shall be cooked or re-heated within the premises other than by microwave or by hot water.
- 11) The use of the premises hereby permitted shall not be carried out or operated other than in accordance with the hereby approved Noise Statement.
- 12) The use of the premises hereby permitted shall not be open to customers other than between the hours of 06:00 and 22:30 Mondays to Fridays and 09:00 and 21:00 on Saturdays, Sundays and Bank Holidays including Boxing Day and New Year's Day. The use of the premises hereby permitted shall not be open to customers at any time on Christmas Day.
- 13) No pre-booked or walk-in groups of more than four adult customers shall be accepted at any time. No pre-booked or walk in groups of more than four customers under the age of 18 shall be accepted outside of the hours of 09:00 and 16:00 Monday to Friday and at no time on Saturdays, Sundays, or Bank Holidays.
- 14) The external climbing wall shown on approved plan Ref: 2001 Rev PL3 shall only be used between 09:00 and 21:00 hours, Mondays to Sundays and Bank Holidays (including Boxing Day and New Year's Day) and not at all on Christmas Day.
- 15) No music or amplified loud voices emitted from the development hereby permitted shall be audible at its boundary with any residential, educational, or other noise sensitive premises at any time.
- 16) The forecourt in front of arch 101 on Ravenscourt Place shall not be used at any time for smoking or sitting out, and no chairs, tables or other furniture shall be placed on any part of the forecourt at any time and neither shall that forecourt be used for the parking of cars or other vehicles.

END OF SCHEDULE