



Appeal Decision

Site Visit made on 9 August 2021

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2021

Appeal Ref: APP/H5390/W/21/3272166

5-7 Hammersmith Grove, 1-11 Glenthorne Road, 3 and 3A Hammersmith Grove, and 12 - 18 Beadon Road, London W6 0LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Romulus Construction Limited against the decision of the London Borough of Hammersmith and Fulham.
 - The application Ref 2020/03324/VAR, dated 14 December 2020, was refused by notice dated 17 March 2021.
 - The application sought planning permission for the demolition of all existing buildings on the site and redevelopment to provide a building of between 8 and 14 storeys in height plus two basement levels, comprising of 466 sqm GEA retail/commercial space (Class A1, A2 or A3) at ground floor level to the south and west of the building; office entrance, reception and ancillary office/gallery space to the east and north of the building at ground floor level fronting Hammersmith Grove and Glenthorne Road; service area to west accessed from Beadon Road including 1 accessible parking space; Class B1 office space from first to thirteenth floors (23,878 sqm GEA); plant enclosure at roof level; 15 car parking spaces, gym, plant, cycle storage and ancillary retail/office space in the two basement levels without complying with a condition attached to planning permission Ref 2017/02717/FUL, dated 2 February 2018.
 - The condition in dispute is No 2 which states that: the building development shall not be erected otherwise in accordance with the following approved plans: 699_02_07_098 Rev.P4, 099 Rev.P4, 100 Rev.P5, 699_07_101 Rev.P3, 102 Rev.P3, 103 Rev.P3, 104 Rev.P3, 105 Rev.P3, 699_02_07_106 Rev.P3, 107 Rev.P3, 108 Rev.P3, 109 Rev.P5, 120 Rev.P1, 699_07_210 Rev.P3, 699_02_07_211 Rev.P3, 212 Rev.P3, 699_07_213 Rev.P3, 300 Rev.P3, 301 Rev.P3, 699_02_07_501 Rev.P2 and 503 Rev.P2.
 - The reason given for the condition is: in order to ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with policies DM G1 and DM G7 of the Development Management Local Plan 2013, and policy BE1 of the Core Strategy 2011.
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Decision

1. The appeal is allowed and planning permission is granted for the variation of condition 2 to allow amendments to the approved drawings of planning permission 2017/02717/FUL, granted 2 February 2018, for the demolition of all existing buildings on the site and redevelopment to provide a building of between 8 and 14 storeys in height plus two basement levels, comprising of 466 sqm GEA retail/commercial space (Class A1, A2 or A3) at ground floor level to the south and west of the building; office entrance, reception and ancillary office/gallery space to the east and north of the building at ground floor level fronting Hammersmith Grove and Glenthorne Road; service area to west accessed from Beadon Road including 1 accessible parking space; Class

B1 office space from first to thirteenth floors (23,878 sqm GEA); plant enclosure at roof level; 15 car parking spaces, gym, plant, cycle storage and ancillary retail/office space in the two basement levels at 5-7 Hammersmith Grove, 1-11 Glenthorne Road, 3 and 3A Hammersmith Grove, and 12-18 Beadon Road, London W6 0LH in accordance with the terms of the application, Ref 2020/03324/VAR, dated 14 December 2020, and subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Romulus Construction Limited against the London Borough of Hammersmith and Fulham. This application is the subject of a separate Decision.

Preliminary Matters

3. Planning permission was granted in February 2018 for the redevelopment of the site, including with a building of between 8 and 14 storeys. The permission was subject to a range of conditions and a planning agreement under s106 of the Town and Country Planning Act 1990 (the Act).
4. The appellant applied to vary this approval and sought a new planning permission that would allow the development to take place in two phases, with Phase 1 being part of the landscaping scheme, including hard landscaping, to the frontage with Hammersmith Grove and Phase 2 being the rest of the development.
5. The application was made under s73 of the Act. The effect of any approval under s73 would be to grant a new and separate planning permission. A Unilateral Undertaking (UU) has been submitted to seek to apply similar obligations to the present proposal as was incorporated in the original planning agreement. I will consider the UU later.
6. A revised National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties have been given the opportunity to make any comments on the implications of the revised Framework to this appeal and I have taken any comments into account in my considerations.

Main Issues

7. The application was refused for three reasons and I will consider each as a main issue in this appeal. Consequently, the main issues are:
 - whether or not the proposal can be considered under s73 of the Act, having particular regard to whether the proposed Phase 1 landscaping would be materially different and/or temporary compared with the long-term landscaping proposed to be delivered as part of the Phase 2 works,
 - whether or not the proposal to phase the works would be acceptable having regard to the case made that it may delay the delivery of the office element beyond the 4 year period set out in the planning permission and thereby would undermine the Council's regeneration objectives for Hammersmith Town Centre, and
 - whether or not the proposal to phase the works would be acceptable having regard to the potential risk caused to humans, controlled waters or the wider environment during and following development works.

Reasons

Whether or not the proposal can be considered under s73 of the Act, having particular regard to whether the proposed Phase 1 landscaping would be materially different and/or temporary compared with the long-term landscaping proposed to be delivered as part of the Phase 2 works.

8. The site is triangular in shape and includes two office buildings, Britannia House and The Triangle, retail units and a surface level car park. The site is located in a very accessible, urban location with a nearby underground station and bus routes. Although the car park is not visually attractive, the buildings on the site appear to be in generally reasonable repair although they are more modest in size and have a less contemporary appearance than some other adjoining buildings.
9. The site adjoins Hammersmith Grove which is a tree lined street that extends to the north from the appeal site and includes the characteristic London Plane trees that bound the footways. On the opposite side of Hammersmith Grove from the appeal site, the hard surfaced areas available for the public are quite wide and have some areas of integrated soft landscaping. These areas allow a wider public realm that complements the adjoining buildings.
10. With the appeal site, the buildings that face Hammersmith Grove, The Triangle in particular, appear quite close to the street boundary. The railings in front of The Triangle give the impression that there is a limited public realm and a clear dividing line with the private land associated with the office building. The landscaped areas behind the railings are clearly visible, however, the hedging and ornamental-like trees do not integrate successfully with the public realm and, as a result, the footway and the wider street scene is not especially enhanced by their presence.
11. The approved plans show more extensive areas that would be available for the public to access and these would be located around most sides of the proposed building. In relation to the issues in this appeal, the replacement building would be set back in the north east corner to provide an additional open space and the existing space alongside the building fronting Hammersmith Grove would be combined with the footway to create a wider public area.
12. The proposed elements of Phase 1 would include the removal of the railings and the associated planting and their replacement with hard surfacing that would join with the existing footway to create a wider public realm along the frontage of most of The Triangle. The complete provision of the hard landscaping scheme in this area would not be possible until the existing buildings were demolished and the new building set back, particularly in the north east corner.
13. The soft landscaping proposed at this Phase 1 stage would be in planters and therefore unlikely to be permanent. The case is made by the Council that the hard surfacing elements of Phase 1 would be unlikely to be permanent because of the nature and extent of the subsequent main building works. Access to the public realm areas of Phase 1 may be difficult during construction of the office development. Some smaller areas of the hard standing works at Phase 1 are also shown to be replaced by soft planting at the Phase 2 stage. The Phase 2 works would include the excavation and provision of a double height basement with the side supporting wall proposed adjoining the edge of the proposed hard

landscaping area in places. This does all provide some logic to the Council's case that the hard landscaping could be difficult to retain in these adjoining areas, that they may not be permanent and, therefore, different from the long term landscaping scheme.

14. However, on the other hand, there is fairly detailed evidence from the appellant which explains how the proposed Phase 1 hard landscaping works would be able to be retained while the Phase 2 construction took place. I consider that there is not convincing and detailed evidence from the Council that addresses these submissions in a persuasive way, although on the issue of the soft landscaping I agree with the Council. On the balance of all the information before me, I am satisfied that the majority of the Phase 1 hard landscaping would form an initial and permanent part of the overall development which would not be materially different to that previously approved for that part of the site. This is sufficient for me to find in favour of the appellant on this matter.
15. I accept that these landscaping works are not detailed in the description of the development, but the hard surfacing would be reasonably extensive, is shown on the original plans and would constitute development within the meaning of the Act. The precise materials and planting for each phase could be made the subject of suitably worded conditions in any revised approval in the same way they were conditioned in the original permission.
16. Furthermore, the provision of the widened area of public realm would enhance this area in terms of its function and would be visually acceptable such that its provision would outweigh any loss of the railings and planting along this frontage of the building. Consequently, there would be an improvement to the use and appearance of this area by the delivery of the Phase 1 works, albeit small, even if the main building works were not to take place in the future. I therefore consider that the scheme would comply with the requirements of Policy DC1 of the Hammersmith and Fulham Local Plan 2018 as Phase 1 of the development would help to create a high-quality urban environment that respects and enhances its townscape context.
17. In terms of the Council's argument that the approach to phase the development in the way envisaged is beyond the scope of s73 of the Act, I agree that if the landscaping was not to be permanent then the proposed phasing would, in all likelihood, fall beyond the scope of s73. However, I have found in favour of the appellant on the issue of the permanency of the landscaping. The Council has not addressed the scenario that the majority of the landscaping could be considered permanent and therefore it has made few detailed submissions to seek to explain whether the wording of any statute, planning guidance or case law should render the appeal invalid in such a case.
18. On the other hand, the appellant has submitted a legal opinion which sets out the background to s73, assesses the proposal against the legislation based on the permanency of the Phase 1 works and advises that the proposed phasing as intended can fall to be considered under s73. While this determination would ultimately be a matter for the courts, I consider that the requested amendments to the planning permission are within the scope of s73 because the majority of the hard landscaping in this first phase would be permanent and the proposed phasing would relate to the conditions attached to the original planning permission.

19. The description of development would not need to alter and as far as I am concerned there would be no material difference to the resulting development of the overall site if it was to be developed in two phases.
20. If this appeal succeeded and the development was to commence under Phase 1, the evidence indicates that the charges under the Community Infrastructure Levy would not be paid until the commencement of Phase 2. However, the overall amount to be paid would not differ, only the timing, and this would not be an appropriate planning reason to withhold the phasing of the development. Furthermore, The Community Infrastructure Levy Regulations 2010 allows for a phased planning permission. While the main element of the development would be the single office building, I can see no substantive reason under these Regulations why the works to deliver a landscaping scheme, including physical works and which would provide a public benefit, could not be incorporated as a first phase.
21. I am conscious that the effect of an approval under s73 is to grant a new and separate planning permission. It is necessary to determine this latest application in accordance with the development plan unless material considerations indicate otherwise. In this case, since the original decision, the Council has adopted the Hammersmith and Fulham Local Plan (adopted February 2018) (the Local Plan) and the replacement London Plan 2021 was adopted in March 2021.
22. The appeal proposal was determined by the Council under the latest Local Plan and no issue was raised in the planning report to indicate a policy conflict with the principle of the redevelopment scheme. Indeed the Council make the case that it wishes the development to go ahead in its entirety to help fulfil policy requirements to accord with the Strategic Policy HRA of the Local Plan concerning the Hammersmith Regeneration Area, in which the appeal site is located. No substantive issue has been raised in respect of any conflict with the London Plan 2021. Consequently, I have no clear evidence to demonstrate that the scheme as a whole, or the provision of the scheme in two phases, would conflict with any development plan policy.
23. Drawing all these matters together, I conclude that the proposal to phase the development can be considered under s73 of the Act for the reasons explained and that Phase 1 of the proposed scheme would not result in a materially different development to the long term landscaping and other elements of the development as a whole. A substantial part of the Phase 1 works would be permanent. Furthermore, I am satisfied that Phase 1 would deliver a small but worthwhile benefit that would help to justify the phasing of the scheme. The proposal as a whole, and in its phased form, would comply with the development plan when considered as a whole. Accordingly, I find in favour of the appellant on this first main issue.

Whether or not the proposal to phase the works would be acceptable having regard to the case made that it may delay the delivery of the office element beyond the 4 year period set out in the planning permission and thereby would undermine the Council's regeneration objectives for Hammersmith Town Centre.

24. The original planning permission provided a 4 year period for the commencement of the development. It is of note that the condition did not require that, once commenced, the development should be completed within a

specified period of time. To have done so would be contrary to the advice in the Planning Practice Guidance (the Guidance).

25. The information indicates that the 4 year commencement period on the original permission was specified taking into account the economic situation at the time of the decision. Subsequently, the Covid-19 pandemic has generally made the delivery and letting of office accommodation more arduous.
26. The Guidance confirms that a s73 application cannot be used to vary the time limit for implementation and that this condition, in any approval, must remain unchanged from the original permission. Consequently, were permission to be granted for the development to be split into two phases it would not, in itself, extend the commencement date of the permission nor should it introduce a requirement that the development be completed once implemented. The proposed phasing, therefore, if the permission was implemented, would have no adverse effect on the potential start date for the works and, in turn, the ultimate timing for the delivery of the office element in the future.
27. In any event, if the phasing was allowed, and the Phase 1 works commenced within the originally specified 4 year period, then this would allow the construction of Phase 2 at some later date. Whereas, if the phasing was not to be agreed, and the permission was allowed to lapse, the ability to construct the development under the original permission would be lost. Consequently, it seems to me that there is a greater possibility that the development of the office element would go ahead if the phasing was to be agreed.
28. It follows that I conclude that I am not persuaded by the argument that the intended phasing of the development as proposed should necessarily delay the delivery of the office element of the scheme and thereby would undermine the Council's regeneration objectives for Hammersmith Town Centre. Consequently, if the phasing was allowed as sought, there would be no conflict with Policies GG2, SD1 and SD10 of the London Plan 2021 and Strategic Policy HRA of the Local Plan.

Whether or not the proposal to phase the works would be acceptable having regard to the potential risk caused to humans, controlled waters or the wider environment during and following development works.

29. The original planning permission is subject to conditions 24-29 that included a requirement for the submission of a site investigation scheme, related undertakings to remediate any contamination and the verification that any contamination had been addressed. The reasons for these conditions was explained that potentially contaminated land uses (past and present) were understood to occur at, or near to, the site. The conditions were required to ensure that no unacceptable risks would be caused to humans, controlled waters or the wider environment during and following development works.
30. It is understood that the appellant considered that these conditions should not apply to the proposed Phase 1 because of the nature of the works and that they concern the provision of an open area. When considering the present proposal in this respect, the Planning Report explains that the Council's Land Contamination Team raised no objection subject to the transfer of all the contaminated land conditions from the original permission and for them to be reworded to apply to each phase.

31. The advice was that, notwithstanding the views of the appellant, any potential contamination of the areas the subject of Phase 1 should be examined and, if necessary, addressed. However, there was very little analysis in the Planning Report to explain why the suggested approach of the Land Contamination Team could not be followed.
32. At the appeal stage, the appellant again indicates that such conditions are not required in terms of Phase 1. Nevertheless, the appellant has set out draft conditions for consideration which would allow the investigation and any required remediation to take place in association with each Phase, were I minded to consider that this was appropriate.
33. Given the advice of the Council's Land Contamination Team, and that the land for Phase 1 would be public realm, I consider it is necessary to take a precautionary approach and that examination and remediation of any contamination on the Phase 1 section of the site is required, in addition to the Phase 2 land. I see no convincing reason why this matter cannot be addressed by suitably worded planning conditions in any approval. This approach would be consistent with how this matter was addressed by the Council in the original permission and would also comply with the advice of the Council's Land Contamination Team.
34. In the light of the above analysis, I conclude that the proposal would be acceptable, subject to suitably worded conditions attached to any approval that would address any potential risk to humans, controlled waters and the wider environment during and following development works associated with each phase of the scheme. Accordingly, with the attachment of suitably worded conditions in any approval, the development would comply with Policies CC9 and CC13 of the Local Plan which seek, amongst other things, that development will not be permitted unless practicable and effective measures are taken to treat, contain or control any contamination.

Other Matters

35. I have taken into account all the letters of objection to the scheme including from local residents and the Hammersmith Grove Residents Association.
36. Some of these objections raise concern with the principle of the development and these include detailed comments regarding the size of the building, its effect on the light to adjoining properties, the resulting increase in traffic, pollution, loss of historic buildings, wind tunnel issues, and the provision of more office space which it is argued is not required. While I note all these and related issues, the principle of the development has been accepted with the original permission, which is extant. As a consequence, these objections are not matters which carry such weight that they materially influence whether the phasing of the development should be considered acceptable.
37. Other objections include the arguments that the phasing is effectively a mechanism to artificially extend the commencement period and thereby circumvent condition 1 of the original permission. However, I have concluded that the changes to the plans to phase the development fall to be considered under s73 of the Act and that the Phase 1 works are beneficial in themselves, even taking into account the loss of the railings and greenery. These Phase 1 works may be minor in comparison with the development as a whole but that does not exclude their consideration in the way envisaged.

38. It is questioned why the appellant is proceeding with trying to phase the development when it is argued they have conceded that they are unable to fund the scheme and that if such uses as a pre-let hotel are being considered the development as a whole should be re-appraised and subject of a fresh application.
39. The appellant has responded and explained that while they have actively pursued an office pre-let without success the building is in a very sustainable location and earmarked for redevelopment for many years. It is argued that the development will be fundable as the building as designed lends itself to the changes in working practices for offices as the floorspaces provide adaptable spaces that could provide satellite/hub and bespoke workspaces. The funding and potential delivery of the office development are not directly related to the planning issues to be considered at this appeal and the Council is, in any case, concerned that the proposed phasing would delay the development. Consequently, I attach these matters limited weight in the overall considerations.
40. The boundary of the Hammersmith Grove Conservation Area lies to the north of the appeal site, the boundary of the Hammersmith Broadway Conservation Area is located to the broadly south-east of the site and the boundary of the Bradmore Conservation Area is broadly to the north-west. However, the changes proposed as part of this phasing to the approved scheme would be minor and would not adversely affect the setting of these Conservation Areas.

Planning Agreement

41. The original permission was accompanied by a planning agreement under s106 of the Act, dated 2 February 2018. This included obligations related to public realm areas, travel plans, environmental, social and economic contributions, gallery space, employment training and local procurement, and highways.
42. The appellant has submitted various draft Unilateral Undertakings which the Council has commented on and which has led to subsequent revisions. A signed UU, dated 9 August 2021, has now been submitted. The Council was consulted on this UU before it was dated and raised concerns with the wording of a limited number of clauses. However, I accept the appellant's explanation that these are clear and follow the normal meaning of words in these cases. The wording of the UU in this and all other respects is therefore fit for purpose.
43. The UU includes the obligations as before. I am satisfied that each individual obligation is supported by the development plan and accompanying guidance and is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. As a consequence the obligations all meet with the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010. They are matters which I attribute full weight.

Conditions

44. S73 is drafted widely and so, in addition to considering the disputed condition, it does provide the power to attach new conditions, to not attach conditions which were previously imposed or to attach modified versions of them. In this case, with the proposed phasing of the development, it is necessary to update many of the conditions so that they reflect this aspect of the revised proposal.

45. I have had regard to the draft conditions suggested by the Council and the appellant. I intend to restate those conditions imposed on the earlier permission where they are still applicable in their original form and update the other conditions to reflect the phasing of the development, having regard to the nature and extent of the works which would take place in Phase 1. I have amended the wording where necessary in the interests of clarity and precision or to meet the six tests in the Guidance.
46. The time period for the commencement is required to stay the same as the original period. I have added the three extra conditions recommended by the Council concerning the provision of zero emission pumps and pump generators, aerobic food digesters and the green vegetation barrier alongside Beadon Road. I am satisfied that they are necessary to address air quality and other environmental issues. For the reasons explained above, it is necessary that land contamination investigations, and any required mitigation, takes place for each phase of the development and the updated conditions (24-29) reflect this requirement.
47. Conditions 4, 24, 25, 26, 27, 28, 29, 40 and 57 are necessary to be pre-commencement conditions as this information and related compliance with the agreed details needs to be implemented from the outset.

Conclusion

48. For the reasons given above, the variation of the plans to allow the phasing of the development as proposed would be acceptable. The scheme as phased and as a whole would comply with the development plan when considered as a whole and other material considerations do not indicate that a decision should be made other than in accordance with the development plan. Accordingly, and taking all other matters into account, I conclude that subject to the specified conditions and the UU, the appeal should be allowed and a new planning permission granted.

David Wyborn

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than the expiration of 4 years from 2 February 2018.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Phasing Plan	699_04_07_150 Rev P1
Existing - Landscape Plan	699_04_07_151 Rev P1
Phase 1 - Landscape Plan	699_04_07_152 Rev P1
Phase 2 - Landscape Plan	699_04_07_153 Rev P1
Phase 1 – Landscape Plan	699_04_07_155 Rev P1
Phase 1 – Landscape Plan	699_04_07_156 Rev P1
Phase 1 – Landscape Plan	699_04_07_157 Rev P1
Phase 2 – Landscape Plan	699_04_07_158 Rev P1
Phase 2 – Landscape Plan	699_04_07_159 Rev P1
Phase 2 – Landscape Plan	699_04_07_160 Rev P1
Phase 1 _ Landscape Sections	699_04_07_310 Rev P1
Site Location	699_02_07_002 Rev P3
Basement Plan 2	699_02_07_098 Rev P4
Basement Plan 1	699_02_07_099 Rev P4
Ground Floor Plan	699_02_07_100 Rev P5
First Floor Plan	699_07_101 Rev P3
2 nd – 4 th Floor Plan	699_07_102 Rev P3
5th Floor Plan	699_07_103 Rev P3
6 th to 7 th Floor Plan	699_07_104 Rev P3
8 th Floor Plan	699_07_105 Rev P3
9 th -10 th Floor Plan	699_02_07_106 Rev P3
11 th Floor Plan	699_02_07_107 Rev P3
12 th – 13 th Floor Plan	699_02_07_108 Rev P3
Roof Floor Plan	699_02_07_109 Rev P5
Proposed East Elevation	699_07_210 Rev P3
Proposed South Elevation	699_02_07_211 Rev P3
Proposed West Elevation	699_02_07_212 Rev P3
Proposed North Elevation	699_07_213 Rev P3
Proposed Section AA	699_07_300 Rev P3
Proposed Section BB	699_07_301 Rev P3
Bay Study – Office - South Elevation	699_02_07_501 Rev P2
Bay Study – Office – North Elevation	699_02_07_503 Rev P2

- 3) Prior to any demolition works hereby permitted taking place the following shall be submitted to, and approved in writing by, the Council:
 - a) Demolition Logistics Plan (DLP) with details including the numbers, size and routes of demolition vehicles, provisions within the site to ensure that all vehicles associated with the demolition works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. Approved details shall be implemented throughout the demolition period.

b) Demolition Management Plan (DMP) with details including all dust and emissions monitoring and control measures, any external illumination of the site during demolition, contractors' method statements, waste classification and disposal procedures and locations, suitable site hoarding/enclosure (including detailed plan, section and elevation drawings at a scale of not less than 1:20 and details of material and colour), noise monitoring and control measures for noise, vibration, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works.

The details, as approved, shall be implemented throughout the demolition period.

- 4) Prior to Commencement of each Phase of Development hereby permitted taking place the following shall be submitted to, and approved in writing by, the Council:

a) Construction Logistics Plan (CLP) with details including the numbers, size and routes of construction vehicles, provisions within the site to ensure that all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. The CLP shall identify efficiency and sustainability measures to be undertaken while the development is being built.

b) Construction Management Plan (CMP) with details including, all dust and emissions monitoring and control measures, any external illumination of the site during construction, contractors' method statements, waste classification and disposal procedures and locations, timber site hoarding/enclosure (including detailed plan, section and elevation drawings at a scale of not less than 1:20 and details of material and colour), noise monitoring and control measures for noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 - 1300hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the siteworks for the duration of the work.

The details, as approved, shall be implemented throughout the construction period.

- 5) Phase 2 development shall not commence until a scheme for temporary fencing and/or enclosure of the site where necessary has been submitted to, and approved in writing by, the Council, and such enclosure has been erected in accordance with the approved details and retained for the duration of the building works. No part of the temporary fencing and/or enclosure of the site shall be used for the display of advertisement hoardings.
- 6) Prior to the commencement of above ground works of Phase 2 of the Development, samples of materials to be used in all external faces of the

building, including glass samples, have been submitted to, and approved in writing by, the Council. The development shall be carried out in accordance with such details as have been approved.

- 7) Prior to the commencement of above ground works of Phase 2 of the Development, details and samples of the proposed fenestration, including opening style, have been submitted to, and approved in writing by, the Council. The development shall be carried out in accordance with such details as have been approved.
- 8) Prior to the commencement of above ground works of Phase 2 of the Development, drawings of a scale not less than 1:20 in plan, section and elevation of typical bays of the building on each elevation shall be submitted to and approved in writing by the Council. The development shall be carried out in accordance with such details as have been approved.
- 9) Prior to the commencement of above ground works of Phase 2 of the Development, detailed plans, sections and elevations at a scale of 1:20 of the rooftop plant and plant screening shall be submitted to, and approved in writing by, the Council. The development shall be carried out in accordance with the details as approved.
- 10) Prior to the installation, details shall be submitted to, and approved in writing by, the Council of the positioning, number and angle to the surface of the roof of the proposed PV panels to be provided. The development shall be carried out in accordance with the details as approved and shall not be occupied until such agreed details have been carried out.
- 11) Prior to the commencement of above ground works (other than works of site preparation, excavation and demolition of existing buildings) of each Phase of development hereby permitted, a statement setting out detailed measures of how 'Secured by Design' requirements are to be adequately achieved shall be submitted to and approved in writing by the Council. Such details shall include, but not be limited to, CCTV coverage, access controls, basement security measures, the approved details shall be carried out prior to occupation of the development hereby approved and permanently retained thereafter.
- 12) The development hereby approved shall not be occupied before a Refuse Management Plan, including full details of refuse storage (including provision for the storage of recyclable materials) have been submitted to, and approved in writing by, the Council. The approved details shall be implemented prior to the occupation of the development and shall thereafter be permanently retained. All refuse/recycling generated by the development hereby approved shall be stored within the agreed areas. These areas shall be permanently retained for this use. Refuse and recyclables shall be stored only within the curtilage of the application site except on collection days.
- 13) Prior to use of the development, details shall be submitted to and approved in writing by the Council, of the external sound level emitted from all external mechanical plant and building services equipment, and from any ventilation exhaust or intake, and mitigation measures as appropriate. The measures shall ensure that the external sound level emitted from plant,

machinery and building services equipment will be lower than the lowest existing background sound level by at least 10dBA in order to prevent any adverse impact. The assessment shall be made in accordance with BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. A post installation noise assessment shall be carried out where required to confirm compliance with the sound criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

- 14) No deliveries nor collections shall occur at the development hereby approved other than between the hours of 07:00 to 23:00 hours on Monday to Friday, 08:00 to 23:00 on Saturdays and between 10:00 and 17:00 hours on Sundays and Public/Bank Holidays.
- 15) Prior to commencement of the use, details shall be submitted to, and approved in writing by, the Council, of the installation, operation, and maintenance of any odour abatement equipment and extract system serving any commercial premises, including the height of the extract duct and vertical discharge outlet, in accordance with the 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' January 2005 by DEFRA. The details as approved shall be implemented prior to the commencement of the use and thereafter be permanently retained.
- 16) Prior to the display of any illuminated sign or advertisement, details shall be submitted to and approved in writing by the Council, of artificial lighting levels (candelas/ m2 size of sign/advertisement). Details shall demonstrate that the recommendations of the Institution of Lighting Professionals in the 'Guidance Notes For The Reduction Of Light Pollution 2011' will be met, particularly with regard to the 'PLG05,2015-The Brightness of Illuminated Advertisements'. Approved details shall be implemented prior to use/ display of the sign/ advertisement and thereafter be permanently retained.
- 17) Prior to occupation or use of each Phase of the development details of external artificial lighting shall be submitted to, and approved in writing by, the Council. Lighting contours shall be submitted to demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations of the Institution of Lighting Professionals in the 'Guidance Notes For The Reduction Of Light Pollution 2011'. Details should also be submitted for approval of measures to minimise use of lighting and prevent glare and sky glow by correctly using, locating, aiming and shielding luminaires. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.
- 18) With the exception of the terrace areas indicated on the approved drawings, no part of any other roof of the approved buildings shall be used as a terrace or other amenity space. The upper floor terrace areas shall not be used after 2300 and before 0800 the following day Mondays to Fridays and shall not be used after 2300 and before 0900 hours the following day on Saturdays, Sundays and Bank Holidays. No live or amplified music shall be played or performed on the external terrace areas hereby approved.

- 19) Prior to commencement of each Phase of the development hereby permitted (excluding works of site clearance and demolition of existing buildings) a Sustainable Drainage Strategy (SuDS), which details how surface water will be managed on-site in line with the proposals outlined in the submitted reports 'Drainage Strategy' and 'Drainage Strategy Addendum', shall be submitted to, and approved in writing by, the Local Planning Authority. Information shall include details on the design and location of all sustainable drainage measures, including rainwater harvesting system, along with confirmation of the levels of attenuation achieved and a proposed maintenance strategy. Details of the proposed flow controls and flow rates for any discharge of surface water to the combined sewer system should also be provided. The Strategy shall be implemented in accordance with the approved details prior to the occupation of the development hereby permitted, and thereafter all SuDS measures shall be retained and maintained in accordance with the approved details permanently thereafter.
- 20) Notwithstanding the information provided in the submitted Flood Risk Assessment, further details shall be submitted to, and approved in writing by, the Council of access to an area of refuge at first floor level or above from lower floors of the building in the event of the building being affected by flooding. The development shall be implemented in accordance with the approved details, and maintained in accordance with the approved details permanently thereafter
- 21) No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to, and approved in writing by, the local planning authority in consultation with Thames Water. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement. Any piling must be undertaken in accordance with the terms of the approved piling method statement.
- 22) Prior to the above ground works of Phase 2, a revised Energy Strategy shall be submitted to, and approved in writing by, the Council. All details as approved shall then be implemented prior to occupation or use of the development hereby permitted, and thereafter be permanently retained. Where there is a shortfall in meeting the London Plan CO2 reduction target, a payment in lieu will be required.
- 23) Prior to the above ground works a revised Sustainability Statement, including measures which will meet BREEAM 'very good' rating as a minimum, shall be submitted to, and approved in writing by, the Council. All details as approved shall then be implemented prior to occupation or use of the development hereby permitted, and thereafter be permanently retained. Within six months of first occupation of the development details of compliance with sustainability measures, contained within the post construction BREEAM assessment, shall be submitted to, and subsequently approved in writing by, the Council

- 24) (a) The Phase 1 works hereby permitted shall not commence until a preliminary risk assessment report is submitted to and approved in writing by the Council for the area to be landscaped on Hammersmith Grove.

b) Development (excluding the Phase 1 landscaping areas on Hammersmith Grove) shall not commence until a preliminary risk assessment report is submitted to and approved in writing by the Council.

The reports for part a) and b) shall comprise: a desktop study which identifies all current and previous uses at the relevant part of the site and surrounding area as well as the potential contaminants associated with those uses; a site reconnaissance; and a conceptual model indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and those planned at the site; and a qualitative risk assessment of any potentially unacceptable risks arising from the identified pollutant linkages to human health, controlled waters and the wider environment including ecological receptors and building materials. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

- 25) a) The Phase 1 works hereby permitted shall not commence until a site investigation scheme is submitted to and approved in writing by the Council for the areas to be landscaped on Hammersmith Grove.

b) Development (excluding the Phase 1 landscaping areas on Hammersmith Grove) shall not commence until a site investigation scheme is submitted to and approved in writing by the Council for the site excluding the landscaped areas on Hammersmith Grove captured by part a) of this condition.

The schemes submitted for part a) and b) shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

- 26) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition,

a) no Phase 1 works shall commence until, following a site investigation undertaken in compliance with the approved site investigation scheme, a quantitative risk assessment report is submitted to and approved in writing by the Council.

b) Development (excluding the Phase 1 landscaping areas on Hammersmith Grove) shall not commence until, following a site investigation undertaken in compliance with the approved site investigation scheme, a quantitative risk assessment report is submitted to and approved in writing by the Council.

The reports submitted for part a) and b) shall: assess the degree and nature of any contamination identified on the relevant part of the site through the site investigation; include a revised conceptual site model from the preliminary risk assessment based on the information gathered through the site investigation to confirm the existence of any remaining pollutant linkages and determine the risks posed by any contamination to human health, controlled waters and the wider environment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

- 27) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition,
- a) no Phase 1 works shall commence until a remediation method statement is submitted to and approved in writing by the Council if found to be required as a result of the quantitative risk assessment report above.
 - b) Development (excluding the Phase 1 landscaping areas on Hammersmith Grove) shall not commence until a remediation method statement is submitted to and approved in writing by the Council if found to be required as a result of the quantitative risk assessment report above.

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

- 28) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition,
- a) no Phase 1 works shall commence until the approved remediation method statement be carried out in full and a verification report confirming these works has been submitted to, and approved in writing, by the Council post completion.
 - b) Development (excluding the Phase 1 landscaping areas on Hammersmith Grove) shall not commence until the approved remediation method statement be carried out in full and a verification report confirming these works has been submitted to, and approved in writing, by the Council post completion.

The reports for part a) and b) shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement. If, during development, contamination not previously identified is found to be present at the site, the Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how

it is to be dealt with is submitted to, and agreed in writing by, the Council. Any required remediation shall be detailed in an amendment to the remediation statement and verification of these works included in the verification report. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Detra 2004) or the current UK requirements for sampling and testing.

- 29) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition,

a) no Phase 1 works shall commence until an onward long-term monitoring methodology report is submitted to and approved in writing by the Council (if required) where further monitoring is required past the completion of development works to verify the success of the remediation undertaken. A verification report of these monitoring works shall then be submitted to and approved in writing by the Council when it may be demonstrated that no residual adverse risks exist.

b) Development (excluding the Phase 1 landscaping areas on Hammersmith Grove) shall not commence until an onward long-term monitoring methodology report is submitted to and approved in writing by the Council (if required) where further monitoring is required past the completion of development works to verify the success of the remediation undertaken. A verification report of these monitoring works shall then be submitted to and approved in writing by the Council when it may be demonstrated that no residual adverse risks exist.

All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Detra 2004) or the current UK requirements for sampling and testing.

- 30) The development shall be implemented in accordance with the recommended flood mitigation measures as proposed in the submitted Flood Risk Assessment and the supplementary information provided in emails from the Applicant's Agent dated 30/8/17 and 8/9/17. In line with advice from Thames Water, a non-return valve or other suitable device shall also be installed to avoid the risk of the sewerage network surcharging wastewater to basement and ground levels during storm conditions. The development shall not be occupied until all of the proposed flood mitigation measures have been integrated into the development, and they shall be maintained and retained thereafter.

- 31) Prior to the commencement of Phase 2, the development hereby permitted shall not be commenced until detailed design and method statements for the proposed demolition and excavation works and all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority in consultation with London Underground which:

- Provides details on all structures;

- Provides details of tall plant and scaffolding;
- Accommodates the location of any existing London Underground structures;
- Demonstrates access to elevations of the building adjacent to the property boundary with London Underground can be undertaken without recourse to entering their land;
- Demonstrates that there will at no time be any potential security risk to London Underground railway, property or structures;
- Accommodates ground movement arising from the construction thereof; and
- Mitigates the effects of noise and vibration arising from the adjoining operations within the structures.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements and no change therefrom shall take place without the prior written consent of the Local Planning Authority in consultation with London Underground. All structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

- 32) No demolition or development of Phase 2 shall take place until a stage 1 written scheme of investigation (WSI) relating to archaeology has been submitted to, and approved in writing by, the Council. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to, and approved in writing by, the Council. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

- A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
 - B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.
- this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

- 33) Prior to the above ground works of Phase 2, details (including detailed drawings) shall be submitted to, and approved in writing by, the Council demonstrating how the development hereby approved would be accessible to all and comply with SPD Design Policies 1, 2, 3, 6, 7 and 8 of the Council's adopted Planning Guidance Supplementary Planning Document (2013). The

details as approved shall be carried out prior to first use of the development and shall thereafter be permanently maintained.

- 34) Prior to the occupation of the development, the details of the proposed 16 car and 4 motorcycle parking spaces (including 3 car parking spaces for use only by blue badge holders and which shall be demarcated as such) and service area shall be submitted to, and approved in writing by, the Council. The details shall include the provision of electric vehicle charging points for all of the 16 car parking spaces. The car and motorcycle parking spaces and servicing area shall thereafter be laid out and permanently retained and used for their intended purposes only.
- 35) Prior to the occupation of the development, details of anti-vibration measures shall be submitted to, and approved in writing by, the Council. The measures shall ensure that machinery, plant/ equipment, extract/ ventilation system and ducting are mounted with proprietary anti-vibration isolators and fan motors are vibration isolated from the casing and adequately silenced. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.
- 36) The open seating areas associated with the development hereby approved shall not be used after 2300 and before 0800 the following day Mondays to Fridays and shall not be used after 2300 and before 0900 hours the following day on Saturdays, Sundays and Bank Holidays; and when not in use the chairs and tables shall be stored within the development hereby permitted.
- 37) No customers shall be on the retail/commercial premises hereby approved between the hours of midnight and 0730.
- 38) Prior to the commencement of Phase 2 of the Development hereby permitted, details of measures to mitigate light spillage from all floor levels of the proposed building towards neighbouring residential properties and a scheme for the control of the operation of internal lighting (during periods of limited or non-occupation) shall be submitted to, and approved in writing by, the Council. The details as approved shall be implemented prior to first occupation of the building hereby permitted and thereafter be permanently retained.
- 39) No demolition shall take place until an internal and external photographic record has been made of No.3 Hammersmith Grove and the record has been submitted to, and approved in writing by, the Council. A copy of the approved photographic record shall be lodged with the Borough Archives.
- 40) Prior to commencement of each Phase of the development hereby permitted, details and samples, where appropriate, of all paving (including permeable paving) and external hard surfaces, boundary walls, railings, gates, fences and other means of enclosure shall be submitted to, and approved in writing by, the Council. The development shall be carried out in accordance with the approved details.

- 41) The main lift core within the development shall contain at least one fire rated lift, details of which shall be submitted to the Local Planning Authority and approved in writing prior to the occupation of the building. All lifts within the building, including car lifts, shall have enhanced lift repair service running 365 day/24 hour cover to ensure that no occupiers (including wheelchair users) are trapped if the lift breaks down. The fire rated lift shall be installed as approved and maintained in full working order for the lifetime of the development.
- 42) The building shall not be used for any purposes other than those described in this planning permission, neither shall the premises be used for any other purposes within the relevant Use Class of the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 43) No alterations shall be carried out to the external appearance of the development, including the installation of air-conditioning units, ventilation fans or extraction equipment, plumbing or pipes, other than rainwater pipes, on the approved elevations without planning permission first being obtained. Any such changes shall be carried out in accordance with the approved details.
- 44) Prior to the commencement of above ground works (other than works of site preparation, excavation and demolition of existing buildings) of Phase 2 of the development hereby permitted, details of microclimate mitigation measures necessary to provide an appropriate wind environment throughout and surrounding the development shall be submitted to, and approved in writing by, the Council. The development shall proceed in accordance with the approved details and be retained as such thereafter.
- 45) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification), no aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any external part of the approved buildings, without additional planning permission first being obtained.
- 46) Prior to the first occupation of the development a final operational Delivery and Servicing Plan in accordance with Transport for London's Delivery and Service Plan Guidance shall be submitted to, and approved in writing by, the Council. Details shall include times of deliveries and collections/silent reversing methods/location of loading bays and vehicle movements. The servicing shall thereafter be carried out in accordance with the approved details.
- 47) No advertisements shall be displayed on either the external faces of the development and/or inside any windows, without details of the advertisements having first been submitted to and agreed in writing by the Council.
- 48) The window glass of the building at ground floor level shall not be mirrored, tinted or otherwise obscured. The development shall be permanently retained in this form.

- 49) Prior to the occupation of the development, the 298 internal cycle parking spaces shown on drawing No.699_02_07_099 Rev.P4 and 27 external cycle parking spaces shall be provided, and shall be permanently accessible for the storage of bicycles for staff and visitors to the development.
- 50) The development hereby permitted shall not be occupied or used until full details of the shower rooms and changing areas (including the number of showers) to be provided in the proposed building for use by staff are submitted to, and approved in writing by, the Council. Such details as are approved shall be provided prior to first use and they shall be permanently retained for the use of employees.
- 51) No external roller shutters shall be attached to the building at ground floor level.
- 52) The development hereby approved shall not be occupied unless and until the proposed access to Beadon Road has been constructed (in accordance with details to be agreed under the S278 highways agreement required by the planning agreement) and provided with visibility splays of 2.4 metres x 25 metres, in accordance with the submitted drawing No.03001 Rev.P1. The visibility splays shall be kept permanently clear of any obstruction over 0.6m in height thereafter.
- 53) No machinery or equipment operated in connection with the retail/commercial uses shall be used outside the hours during which customers are permitted to be on the premises.
- 54) No organised delivery of food shall take place from the premises using motor vehicles (which includes motor cycles, mopeds and motor scooters).
- 55) No live or amplified music shall be played or performed in the open seating areas hereby approved.
- 56) Prior to the commencement of above ground works (other than works of site preparation, excavation and demolition of existing buildings) of Phase 2, details of any window cleaning equipment including appearance, means of operation and storage have been submitted to, and approved in writing by, the Council. The development shall be carried out in accordance with the details as approved.
- 57) Prior to commencement of each Phase of the development hereby permitted, details of the proposed hard and soft landscaping of the site, including: planting schedules and details of the species, height and maturity of any trees and shrubs and proposed landscape maintenance shall be submitted to, and approved in writing by, the Council. The approved scheme shall be implemented in the next winter planting season following completion of the building works, or before the occupation and use of any part of the building, whichever is the earlier, and the landscaping shall thereafter be retained and maintained in accordance with the approved details.

- 58) Any tree or shrub planted pursuant to approved landscape details that is removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of similar size and species to that originally required to be planted, unless otherwise agreed by the local planning authority, in the next planting season.
- 59) All works shall be carried out in accordance with the submitted Arboricultural Implications Report (which includes the Tree protection plan) by SJA Trees Ref.SJA air 17155-01c dated June 2017, and in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations'.
- 60) The development hereby permitted shall not be used or occupied until final Commercial Travel Plans for the office and the ground floor commercial and gallery uses have been submitted to, and approved in writing by, the Council. The travel plans shall be implemented in full compliance with the approved details, and shall thereafter continue to be fully implemented whilst the approved uses remain in operation. The plans shall be annually monitored and reviewed and the details of the outcome of this process shall be submitted in writing to the Council.
- 61) No demolition or the commencement of the construction of approved buildings shall take place until a Demolition and Construction Workers Travel Plan has been submitted to, and approved in writing by, the Council. The travel plan shall be implemented in full compliance with the approved details and shall thereafter continue to be fully implemented throughout the demolition and construction of the development.
- 62) Prior to the commencement of the demolition of Phase 2 of development hereby permitted, an Air Quality Dust Management Plan (AQDMP) in order to mitigate air pollution shall be submitted to and approved in writing by the Local Planning Authority. The AQDMP submitted shall include:
- a. Site Location Plan indicating sensitive off-site receptors within 50m of the red line site boundaries,
 - b. Demolition Site and Equipment Layout Plan,
 - c. Inventory and Timetable of dust generating activities during Demolition,
 - d. Air Quality Dust Risk Assessment (AQDRA) that considers the potential for dust soiling and PM10 (human health) impacts for sensitive receptors off-site of the development within 250 m of the site boundaries during the demolition phase and is undertaken in compliance with the methodology contained within Chapter 4 of the Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014,
 - e. Site Specific Dust, Particulate (PM10) and NOx Emission mitigation and control measures as required by the overall Dust Risk Rating (Low, Medium, High) of the site and shall be in a table format as contained within Appendix 7 of Mayor's SPG including for on- road and off-road demolition traffic.

f. Details of Site Particulate (PM10) and Dust Monitoring Procedures and Protocols including locations of a minimum of 2 x MCERTS compliant (PM10) monitors on the site boundaries used to prevent levels exceeding predetermined PM10 threshold trigger levels, calibration certificates of MCERTS compliant PM10 monitors and details of real time internet based remote access to PM10 monitoring data,

g. Details of the Non-Road Mobile Machinery (NRMM) used on the site with CESAR Emissions Compliance Verification (ECV) identification that shall comply with the minimum Stage IV NOx and PM10 emission criteria of The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 and its subsequent amendments. This will apply to both variable and constant speed engines for both NOx and PM. An inventory of all NRMM for the first phase of demolition shall be registered on the NRMM register <https://london.gov.uk/non-road-mobile-machinery-register> prior to commencement of demolition works and thereafter retained and maintained until occupation of the development, and

h. Details of the use of on-road Ultra Low Emission Zone (ULEZ) compliant vehicles e.g. minimum Petrol/Diesel Euro 6 (AIR Index Urban NOx rating A, B) and Euro VI; Developers must ensure that on-site contractors follow best practicable means to minimise dust, particulates (PM10, PM2.5) and NOx emissions at all times.

Approved details shall be fully implemented and permanently retained and maintained during the demolition phases of the development.

63) Prior to the commencement of the construction phase of Phase 2 of the development hereby permitted, an Air Quality Dust Management Plan (AQDMP) in order to mitigate air pollution shall be submitted to and approved in writing by the Local Planning Authority. The AQDMP submitted shall include:

a. Site Location Plan indicating sensitive off-site receptors within 50m of the red line site boundaries

b. Construction Site and Equipment Layout Plan,

c. Inventory and Timetable of dust generating activities during Construction,

d. Air Quality Dust Risk Assessment (AQDRA) that considers the potential for dust soiling and PM10 (human health) impacts for sensitive receptors off-site of the development within 250 m of the site boundaries during the construction phase and is undertaken in compliance with the methodology contained within Chapter 4 of the Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014,

e. Site Specific Dust, Particulate (PM10) and NOx Emission mitigation and control measures as required by the overall Dust Risk Rating (Low, Medium, High) of the site and shall be in a table format as contained within Appendix 7 of Mayor's SPG including for on-road and off-road construction traffic,

f. Details of Site Particulate (PM10) and Dust Monitoring Procedures and Protocols including locations of a minimum of 2 x MCERTS compliant (PM10) monitors on the site boundaries used to prevent levels exceeding predetermined PM10 threshold trigger levels, calibration certificates of MCERTS compliant PM10 monitors and details of real time internet based remote access to PM10 monitoring data,

g. Details of the Non-Road Mobile Machinery (NRMM) used on the site with CESAR Emissions Compliance Verification (ECV) identification that shall comply with the minimum Stage IV NOx and PM10 emission criteria of The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 and its subsequent amendments. This will apply to both variable and constant speed engines for both NOx and PM. An inventory of all NRMM for the first phase of construction shall be registered on the NRMM register <https://london.gov.uk/non-road-mobile-machinery-register> prior to commencement of demolition works and thereafter retained and maintained until occupation of the development, and

h. Details of the use of on-road Ultra Low Emission Zone (ULEZ) compliant vehicles e.g. minimum Petrol/Diesel Euro 6 (AIR Index Urban NOx rating A, B) and Euro VI; Developers must ensure that on-site contractors follow best practicable means to minimise dust, particulates (PM10, PM2.5) and NOx emissions at all times.

Approved details shall be fully implemented and permanently retained and maintained during the construction phases of the development.

- 64) Prior to commencement of above ground Phase 2 works in the development a Ventilation Strategy Report to mitigate the impact of existing poor air quality for B1 and D2 (Gym) use class receptor locations where the air quality objectives for NO2 and World Health Organisation (WHO) targets for Particulate Matter (PM2.5, PM10) are already exceeded and where current and future predicted pollutant concentrations are within 5 % of these limits shall be submitted to and approved in writing by the Local Planning Authority.

The report shall include the following information:

- a. Details and locations of the ventilation intake locations at rear roof level
- b. Details and locations of ventilation extracts, to demonstrate that they are located a minimum of 2 metres away from the air ventilation intakes, openable windows, roof terraces
- c. Details of the independently tested mechanical ventilation system with Nitrogen Dioxide (NO2) and Particulate Matter (PM2.5, PM10) filtration with air intakes on the rear elevation to remove airborne pollutants. The filtration system shall have a minimum efficiency of 75% in the removal of Nitrogen Oxides/Dioxides, Particulate Matter (PM2.5, PM10) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890:2016.

The whole system shall be designed to prevent summer overheating and minimise energy usage. The maintenance and cleaning of the systems shall

be undertaken regularly in accordance with manufacturer specifications and shall be the responsibility of the primary owner of the property. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

- 65) Prior to occupation of the development, details of a post installation report of the approved ventilation strategy as required by condition 64 to mitigate existing air poor quality shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.
- 66) Prior to occupation of the development hereby permitted, an Ultra-Low Emission Strategy (ULES) for the operational phase of the development in order to mitigate the impact of air pollution shall be submitted to and approved in writing by the Local Planning Authority. The ULES must detail the remedial action and mitigation measures that will be implemented to protect receptors (e.g. design solutions). This Strategy must make a commitment to implement the mitigation measures that are required to reduce the exposure of poor air quality and to help mitigate the development's air pollution impacts, in particular the emissions of NO_x and Particulates (PM_{2.5}, PM₁₀) from on-road vehicle transport by the use of ULEZ compliant Vehicles in accordance with the emissions hierarchy 1) Cargo bike (2) Electric Vehicle, (3) Alternative Fuel e.g. CNG, Hydrogen, LPG, (4) Petrol/Diesel Euro 6 (AIR Index Urban NO_x rating A) and Euro VI. A monitoring report of the implementation of the ULES shall be submitted on annual basis to the LPA. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.
- 67) Prior to occupation of the development, details of the installation of the Zero Emission Air / Water Source Heat Pumps and Zero Emission Emergency generators to be provided for space heating, hot water and power supply shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.
- 68) Prior to occupation of the development hereby permitted, details of the installation of Aerobic Food Digesters (AFD) for A3/E use class in order to mitigate the impact of air pollution from vehicles associated with the removal of food waste shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.
- 69) Prior to the occupation of the development hereby permitted, details of the construction of green vegetation barrier (including details of planting species and maintenance) of a minimum height of 2 metre to be installed within 1 metre of the kerbside of Beadon Road, Hammersmith Grove and Glenthorne Road in order to mitigate existing poor air quality shall be submitted to and approved in writing by the Local Planning Authority. The green infrastructure shall be constructed and planted in full accordance with

the 'Using Green Infrastructure to Protect People from Air Pollution', Mayor of London, GLA, April 2019 guidance document within the first available planting season following completion of the development. Any plants which die, are removed, become seriously damaged and diseased within a period of five years from completion of the development shall be replaced in the next planting season with others of similar size and species. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

End of Schedule