



Appeal Decision

Inquiry Held on 2–5 July 2024

Site visit made on 4 July 2024

by Stephen Wilkinson BA BPI DIP LA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd August 2024

Appeal Ref: APP/H5390/W/24/3340475

Kensington Centre, 66 Hammersmith Road, London, W14 8UD

- 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 Big Yellow Self Storage Company Limited against the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref 2023/00585/FUL, is dated 31 May 2023.
 - The development proposed is demolition of the existing building and the construction of a new building of up to 11 storeys in height (plus basement level and plant at roof level) comprising a self-storage facility (Use Class B8, up to 22,891sm GIA), affordable workspace, (Use Class E(g)(i), 1162sm GIA) and community space (Use Class F2(b), 388sm GIA), together with undercroft parking and servicing area accessed via a new vehicular crossover on Blythe Road, landscaping and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing building and the construction of a new building of up to 11 storeys in height (plus basement level and plant at roof level) comprising a self-storage facility (Use Class B8, up to 22,891sm GIA), affordable workspace, (Use Class E(g)(i), 1162sm GIA) and community space (Use Class F2(b), 388sm GIA), together with undercroft parking and servicing area accessed via a new vehicular crossover on Blythe Road, landscaping and associated works. at the Kensington Centre, 66 Hammersmith Road, London W14 8UD in accordance with the terms of the application, Ref 2023/00585/FUL, dated 31 May 2023, and the plans submitted with it, subject to the conditions included in the schedule attached to this decision.

Procedural Matters

2. The Development Plan comprises the London Plan (Lon) 2021 and the Hammersmith and Fulham Local Plan (LP) 2018. In advance of the start of the Inquiry the Council indicated that it would not deploy policy LonE1 in the defence of its first reason for refusal.
3. I received a completed S106 Agreement, dated 15 July 2024 following the close of the Inquiry.

Main Issues

4. The Council had three putative reasons for refusal which relate to employment land, location and detail of the access with particular regard to cycle parking. These matters raise three main issues:

- Whether or not the appeal scheme makes the most efficient use of employment land having regard to need,
 - Whether or not the appeal scheme is appropriate for its location having regard to local transport infrastructure, and
 - The effects of the internal layout and access arrangements of the appeal scheme on the safety of cyclists.
5. These issues are considered as part of the overall planning balance in this decision.

Reasons

Employment land

Office Supply

6. The site is occupied by a vacant seven storey office building comprising 8,092 square metres (sqm) GIA¹ located in an office cluster around 1km from Hammersmith town centre. The site's location has a PTAL² rating of 6a, defined as excellent by Transport for London (TfL).
7. Office development comprise the largest land area within the Borough. This reflects its diverse economy which benefits from its proximity to the Central Activities Zone (CAZ). The borough is a location for international and national companies and many small businesses. An employment study (2016), used to inform the adopted LP, identifies the appeal site as lying in the submarket of 'Hammersmith town centre and its hinterland', an area which comprises around 45% of the total office stock within the borough. Whilst the site does not lie in the town centre boundary it is not a peripheral location given its PTAL.
8. The most recent employment survey of Hammersmith Road extending west from Olympia to Hammersmith centre³ identifies that only five buildings out of fifteen are vacant. Whilst planning permission granted in 2019 for the redevelopment of the appeal site as an eight storey office block comprising 17,486sm⁴ has now expired, there is developer interest in the cluster of sites around the appeal site.
9. These sites include the Olympia site, a commercial and entertainment venue comprising around 619,219 square feet (sqft) of high-quality office space which is currently under construction although only a small amount of the space has been pre-let, the recently completed extension to the Harrods HQ just west of the appeal site and office extensions currently underway at 43 Brook Green. However, the redevelopment proposals for 76-80 Hammersmith Road would comprise an hotel and laboratory space replacing offices. These examples demonstrate limitations to the potential of office redevelopment in this cluster.
10. The London Office Crane Survey (LOCS) 2023⁵ identifies considerable activity with the volume of new starts at 5.1million sqft, recorded as the highest since 2005, and that within this figure 1.8million sqft is new build. These figures

¹ Gross Internal Area

² Public Transport Accessibility Level

³ CoStar survey Q1 2024

⁴ This figure includes 904 sqm affordable workspace and 850sqm of flexible space to include retail, gym and restaurant

⁵ Appendix C to Mr Woodward's PoE

represent a significant change compared to the previous year when, following the lifting of restrictions associated with the pandemic, construction activities resumed. Accordingly, the survey identifies 2023 as the 'year of the catch up', with around three quarters of new starts now pre-let.

11. As evidence that these trends will continue the Council point to surveys identifying that 64% of Global Chief Executive Officers anticipate that there would be a return to 'office 5 days a week working' within the next two years. This survey is consistent with employment directives issued to staff in some national and international companies based in the United Kingdom.
12. The pandemic accelerated trends to remote working patterns which were present well before 2020. Significantly, the most recent Industrial Assessment Report⁶ identifies that the return to office working is now stagnating after a strong recovery following the lifting of restrictions. This is further evidenced in the later addendum to this report which identifies a decline in real asking rents for large schemes⁷ and that despite a pipeline of office sites demand for office floorspace is declining.
13. A further note of caution on the sustained growth of the office market is included in LOCS which identifies that investors remain cautious on the prospects of large scale office development highlighting that the macro-economic environment for the London office market remains challenging. Whilst it is acknowledged that office vacancy rates are dependent on a range of matters including location and building specification, vacancies are currently above 8%, a figure recognised as the 'equilibrium availability rate' which reflects market efficiency. As further confirmation of the current state of the market rental levels are reducing⁸.
14. The appeal site is not in a 'peripheral' location but it does lie outside the CAZ and the Development Corporation Areas of Stratford and Old Oak Common (on the edge of the borough). These are locations which the London Plan recognises could accommodate the anticipated demand for offices during the whole of the London plan period.
15. These factors point to a mixed picture of demand for offices in the borough and despite the site's locational advantages are not definitive in pointing to strong prospects for its redevelopment as offices in the future.

Storage use

16. In contrast to London's long established office market, self-storage represents an emerging submarket which caters for a range of residential and commercial occupiers.
17. Within the borough there are two purpose built self-storage buildings with five occupying converted buildings and to the west of the borough are a further six purpose-built buildings with other converted sites lying in the Royal Borough of Kensington and Chelsea.
18. This broad range of locations reflects the customer base of self storage which includes both residential and commercial sectors. The breakdown of space

⁶ Mr Stringer PoE Annex 4

⁷ Savills addendum to 2022 Industrial Market Assessment report June 2024

⁸ Ibid

included in the appeal scheme identifies that around 94% would be used for self storage and that based on the appellants business model⁹ about 60% of this space would be used for residential storage with the remainder being used for commercial storage. These figures are broadly comparable with the industry analysis included in the Council's evidence¹⁰.

19. The appellant's evidence on the size of 'catchments' necessary to support each store was instructive in pointing to a use which is not dependent on town centre locations¹¹.
20. There has been a continued decline of the industrial sector across the borough with floorspace leading to rising rents for storage¹². The parties agree that the vacancy levels for smaller sized units within the borough (less than 2,000sqft) is around 1%. Asking rents for storage units have risen in the decade with rents for small storage units showing the greatest growth rate. The need for self storage is not challenged by the Council¹³.
21. Around 47% of the small units of storage space are low quality¹⁴. Whilst the quality of storage space is generally poor the storage and distribution pipeline remains limited¹⁵.
22. The appeal scheme could in part redress the decline of storage space which has occurred across the borough during the last decade.

Employment

23. The appellant's survey¹⁶ based on existing stores is designed to address gaps in the HCA¹⁷ Guidance for the employment generated by the proposed use. This identifies that around 3 jobs are created for every business who occupy their storage buildings. The appellant estimates (from surveys of existing sites) that the appeal scheme would provide sufficient space (including mezzanine space) for around 350 businesses which could generate around 866-1206 jobs.
24. This compares unfavourably with the 1,330 jobs which could have arisen from the redevelopment of this site based on the lapsed planning permission¹⁸ or from application of the HCA density matrix which point to a range of 1351-1486 jobs based on the same scheme although the Council identifies that this could be higher dependant on the employment sectors.
25. I acknowledge the Council's concerns over the appellant's methodology used to calculate the jobs generated by the scheme but their alternative figures relate to office use only. I find, however, that the appellant's metrics based on surveys demonstrate that many hundreds of jobs could be generated by the scheme. The appellant's operational management of its sites is designed to be responsive to the varying needs of its client base through the provision of units varying in size from between 9sqft to 5,000sqft and licence agreements which allow changes at short notice periods. The flexibility of these measures could

⁹ Mr Singer PoE p5

¹⁰ Mr Woodward PoE Appx F Cushman and Wakefield 2024

¹¹ Mr Stringer PoE and Rebuttal on 1km vs 2 miles

¹² Ibid figure 2.2

¹³ Mr Woodward's Rebuttal

¹⁴ Mr Stringer PoE

¹⁵ Ibid Table 3.1

¹⁶ Mr Stringer PoE Annex 2

¹⁷ Homes and Communities Agency

¹⁸ Mr Woodward PoE Appx E

support new companies intending to expand creating jobs. The case studies are further evidence of this.

26. Furthermore, the appellants evidence identifies that most occupants in its Fulham site are small businesses with around 20% in the creative industries, media, tech, telecoms, engineering and the health sectors. These are the sectors which the Council seeks to support through its adopted economic strategy¹⁹ and could be replicated in the appeal scheme.
27. The proposed scheme would create hundreds of additional jobs and support sectors of the local economy identified as important to the Council on what is currently a vacant site.

Conclusions on this issue

28. The Council's reason for refusal identifies a conflict between the scheme and Policy LonD3 and LP E1.
29. Policy LonD3 underpins the Plan's good growth strategy in seeking to ensure that development is optimised being both the most appropriate form and use for each site. The policy balances the competing factors which underpin planning decisions. I am satisfied that there is a shortage of space for this type of use across the borough and that alternative sites are currently limited.
30. Whilst the scheme would not provide the maximum numbers of jobs compared to an office use, the prospects for an office development are not assured and I am satisfied that hundreds of jobs on a scale indicated by the appellants would be generated on what is now a vacant site. Its location could support surrounding businesses and a growing residential population. It represents the most appropriate form and land use as required by policy LonD3.
31. Underpinning policy LP1 is a requirement that development provides a range of employment uses with particular emphasis on new sectors such as creative industries, health services and research based industries. Furthermore, the policy supports the retention, enhancement and intensification of existing employment uses with an emphasis on the provision of flexible and affordable space.
32. The proposed use would contribute to the diversity of the employment base through its support for growth sectors of the local economy and SMEs. These are sectors recognised by the Councils Economic Growth Strategy. The scheme also includes provision for affordable workspace. These are qualitative benefit of the proposed scheme which counters the arguments based simply around numbers of employees.
33. In conclusion I find that there is no conflict with policies LonD3 and LP1 as the appeal scheme represents an appropriate land use for the site that would make a significant contribution to the borough's employment base.

Local Transport infrastructure

34. Both main parties agree that the appeal site has excellent public transport links. It lies within an 8 minute walk of 4 underground stations and an overground station with the nearest bus stop within 55metres of the site.

¹⁹ CD H2

35. The appeal scheme includes a new access from Blythe Road serving an underground service and parking area which includes 17 vehicle parking spaces of which 2 are for people with disabilities, 16 cycle spaces, 4 cargo bike spaces serving both domestic and commercial storage units. None of the vehicle parking spaces are allocated for the Community and Affordable workspaces which benefit solely from the provision of surface level cycle parking located outside the building.
36. Based on surveys of the appellants existing store in Fulham it is estimated that the appeal scheme would generate around 291 two way vehicle movements over a 24 hour period²⁰ (this includes private cars, OGV1²¹ and around 5% of these being cycles and motorbikes). This reflects the inherent nature of the proposed use with trips generated for the dropping off and picking up of large items as needs arise.
37. Whilst these figures would be in excess of the 110 two way daily movements estimated for the lapsed office planning permission both parties accept that there would be no residual cumulative impact on the local highway network. This arises from both the low number of employees at the site and the pattern of proposed vehicle movements which would be evenly spread during the whole day with no periods of peak flow.
38. Given the complex pattern of land uses across the borough many locations would be suitable for self-storage uses which serve both residents and businesses; a point acknowledged by the appellant²². The location of the appeal scheme on a site with a PTAL of 6A conflicts with policies LonT1 and LP1.
39. The TA identifies that vehicular trips would still be the dominant mode of transport. This undermines policies LonT2 and LonT6 which are consistent with the Framework and acknowledge the importance of encouraging appropriate opportunities for sustainable transport modes.
40. Whilst the appellant cites Paragraph 115 of the Framework in support of its case, the Development Plan policy requirements for sustainable transport are underpinned by a need to improve air quality and public health and are not just concerned with unacceptable impacts on highway safety and the residual cumulative impacts on the road network. Policy LonE4 whilst supportive of 'last mile' uses close to central London is not supportive of such uses being located on sites with high PTAL ratings.
41. Whilst Policy Lon T1A recognises that around 20% of trips would be made by vehicular transport by 2041 supporting text identifies that this is seeking to achieve a well functioning and globally competitive city. Give that a large proportion of vehicular trips would be generated by residential users of the proposed scheme these trips would affect progress towards the London Plan's suggested target figure undermining its stated goal.
42. For these reasons, I conclude that the appeal scheme conflicts with policies LonT1, LonT2 and LonT6 and policy LPT1.

²⁰ Transport Assessment

²¹ Ordinary Goods Vehicle – rigid vehicles with 2 or 3 axles

²² Transport Assessment para 7.6

Cycle parking

43. The difference between the parties on this main issue is the potential safety risks involved for cyclists accessing the dedicated parking spaces located just right of the main access.
44. The Council identify safety concerns could arise, particularly for new users of the site, from the shared access space for private vehicles and OGVs. This may be particularly acute for cyclists riding into the parking area. For this reason, the Council identify that the scheme would conflict with London Plan policies T1, T2, T5 and D3 (D) and local plan policies T1 and T3. Together these policies seek to ensure that vulnerable road users are protected and that cycle parking is fit for purpose and well located.
45. I find that the Council's objection is overstated given the relatively low trip generation at around 20 vehicle trips per hour and 2-3 cycle trips per hour. Its objection is limited on the 'new user' to the site unaware of how the basement functions.
46. Mitigation exists in the form of an alternative route for cyclists wishing to avoid the service area via the gate located to the right of the main access. The service and parking areas would be lit during operational use thereby limiting the opportunities for conflict.
47. For these reasons, I conclude that there is no conflict between the appeal scheme and policies T1, T2, T5 and D3 (D) and local plan policies T1 and T3.

Legal Agreement

48. The Community Infrastructure Levy (CIL) Regulations 2010 and paragraph 57 of the Framework set tests for planning obligations: they must be necessary to make the development acceptable in planning terms, be directly related to the development, and be fairly and reasonably related in scale and kind.
49. The S106 Agreement includes a range of covenants in favour of the Council which primarily relate to traffic, access and parking matters and environmental matters.
50. There is a covenant in favour of the Council for payment of up to £9,000 for three monitoring reviews of the Deliveries and Servicing Management Plan. This is justified to ensure that satisfactory provision is made for the parking and turning of delivery and service vehicles within the site in a way which does not compromise highway safety. The cost and review periods are appropriate. The suggested covenant is in accordance with Policies LonT7 and LP T2, LP CC11 and LP CC13
51. The Council has provided a rationale for the covenant requiring payment for monitoring of the Air Quality Dust Management Plan (AQDMP) at a total cost of £75,000²³ during the demolition and construction period. This is, however, contested by the appellant who consider that the fee should be £30,000.
52. The costs would be incurred through the installation of monitors, the collation of data and the establishment of a dedicated website for reporting. If a breach of the plan's targets occurs the developer would be required to stop work and take necessary action.

²³ ID 7

53. A five tier banding system determines the anticipated costs for monitoring based on the total floorspace of the site, a dusk risk assessment and the number of receptors. The additional information supplied by the Council since the Inquiry, identifies that the potential impacts of demolition and construction of the appeal scheme would be considerable and that appropriate monitoring is required. The application of floorspace to determine this fee is a rational basis. The appellant has not provided an alternative rationale to justify their concerns.
54. A covenant requiring a carbon off set payment is required to enable the scheme to achieve net zero. This would involve the payment of £37,048, based on the shortfall identified by the appellant in meeting the London Plan CO2 emissions target. I am satisfied that this accords with policies SI 2 and SI 3 of the London Plan.
55. Another covenant in favour of the Council requires a contribution of £80,000 towards the costs of the cycle way at the junction of Hammersmith and Blythe Roads. The Council's detailed note includes a full breakdown of the likely costs based on guidance from TfL. I am satisfied that the costs are justified and are supported by policies LonSI (1), T5 and T3 and LP CC10.
56. A monitoring fee of £6,000 is included to fund two reviews of the existing traffic management orders around the site. This would enable a full assessment of whether additional on street parking could arise from the appeal scheme which may undermine the existing parking restrictions in the area. If this is the case, then an additional covenant would require a contribution of £9,000 towards the changes required to the existing traffic management orders. The Council's evidence²⁴ identifies that this figure comprises a range of measures which include officer time, drafting and amending traffic orders and the installation of appropriate signage. I accept that the Council's figures justify the request for payment. This requirement accords with policies LonT4 and T6 and LPT4.
57. A covenant in favour of the Council requires the payment towards local job creation and skills training. A clear rationale based on formulae included in the GLA's Supply Chain Procurement and Employment and Skills Codes determine the number of apprenticeships and employment spaces generated by a scheme of this size (at a cost of around £105,000 towards employment and skills and £8,250 respectively). This is supported by policies Lon GG1 and HC5 and LPE4.
58. A covenant in favour of the Council requires the payment of £3,000 for monitoring deliveries and servicing management. The amount can be justified with reference to officer time reviewing and monitoring and where necessary taking appropriate action. This seems entirely reasonable and is supported by policies Lon T7 and LPCC11 and CC13
59. Another covenant requires the payment of £5,000 for around 67 hours of officer time involved in reviewing the submitted plan demolition and construction logistics plan. This could also involve responding to local complaints and liaison with TfL. This is supported by policies included in the London Plan and Local Plan.

²⁴ ID 7

60. Other covenants in favour of the Council require a payment of £3,000 for the monitoring of travel plans for commercial travel and construction workers. involving officer time reviewing and monitoring the submitted plans. I regard this as a reasonable amount given the length of time they will each be monitored for. These accord with policies Lon3 and LPT4.
61. Finally, a further covenant requires the payment of £3,000 to monitor the operational management of the site. This accords with both London Plan and Local Plan policies.
62. The completed agreement includes a range of non financial measures requiring the provision and retention of the community space and affordable workspace in the proposed scheme and agreement to enter into further legal agreements to deliver works to improve the public realm around Lyons Walk.
63. The S106 Agreement includes the provision of infrastructure, which is necessary, directly required and fairly and reasonably related in scale to this development. I am satisfied that each of these fall within the provisions of Regulation 122(2) of the CIL Regulations and Paragraph 57 of the Framework.

Interested parties

64. Interested parties have objected on a range of matters, many of which are addressed in the main issues in this decision. However, other matters relating to lighting, townscape, the Circular economy, carbon cycle and urban greening lie outside these issues.
65. I have considered the appellants evidence in respect of these matters, the representations made by members of the appellants team on sun/day lighting and townscape made during the Inquiry and the Stage One report of the GLA and am satisfied that the appellants evidence addresses these concerns.
66. A covenant requiring payment in favour of the Council has been included in the S106 Agreement to address the shortfall in carbon offset in accordance with adopted Development Plan policies.

Planning balance

67. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions are made in accordance with the development plan unless material considerations indicate otherwise.
68. The appeal site is a brownfield site with a lawful use as offices and the appeal scheme would result in the retention of employment opportunities. I acknowledge that the number of jobs which would result from the scheme may not be as many as were anticipated when the Council granted planning permission for the now lapsed office scheme but many hundreds of jobs would be generated from what is now a vacant site. In contrast the prospects for office redevelopment appear limited. The appeal scheme represents the most appropriate form and land use for this site.
69. The appeal scheme has qualitative benefits for the borough's economy given the importance of self-storage to SMEs and the provision of affordable workspace. These are particularly important to the new and emerging sectors of the local economy and the proposed use would lie close to and could provide support for businesses within the CAZ. For this reason, the appeal scheme

would complement the Council's economic strategy and both London Plan and Local Plan employment policies. Despite its concerns on employment densities, the Council still weigh storage provision and affordable workspace, particularly for SMEs as 'significant'²⁵ in its consideration of the planning balance.

70. The fact that the GLA has not objected to the appeal scheme is instructive in that it does not consider that it would result in a serious breach of the London Plan policies.
71. Furthermore, I do not find that harm would arise to the safety of cyclists accessing the basement parking and servicing area.
72. In addition to significant benefits arising from the number of jobs, the diversity of employment across SMEs and sectors important to the Council the scheme includes other planning benefits including community space, landscaping, biodiversity net gain and public art. The measures which are the subject of covenants in favour of the Council in the S106 Agreement are regarded as neutral in this balance.
73. Where the scheme does breach adopted policy regarding the generation of private transport in a location with an excellent PTAL, the resulting harm to air quality could arise from any location. This issue does not alter the balance in favour of this scheme. There would be significant employment benefits and opportunities for storage which represent the determining issue for this appeal. The scheme is consistent with Paragraph 85 of the Framework in supporting businesses, economic growth and productivity by building on the strengths of the local economy.
74. For these reasons, the appeal is allowed and planning permission, subject to conditions is granted.

Conditions

75. I have considered the suggested conditions following the discussion at the Inquiry and the advice in both the Framework and the Government's Planning Practice Guidance. The conditions and wording set out in the schedule below reflect that discussion.
76. I have included the standard conditions regarding the 'life' of the permission and the plans on which this decision is made for reasons of certainty. For the same reason, conditions are required to protect the designated floorspace included on the plans for both the affordable and community workspaces.
77. Given that this is a detailed scheme there are a range of conditions required to ensure that the character and appearance of the area is maintained by the proposed development. These include conditions 3 and 4, regarding the submission of landscaping and trees and condition 16 requiring protection of the existing trees and their bays. For the same reason, condition 9 requires the submission of details of perimeter site hoardings which will be erected during the demolition and construction periods. Of longer term significance is the requirement included in condition 13 for the submission of details of the external materials proposed for the building.

²⁵ Mr Lawton PoE

78. Condition 15 requires details of the roof top plant and its screening to limit the potential impact of these structures on the streetscene and condition 29 removes permitted development rights for roof top aerials satellite dishes and other equipment. Whilst the removal of permitted development rights is not normally acceptable, given the proximity of adjoining residential buildings and the Conservation Area this is justified.
79. I have imposed conditions 30 and 31 to prohibit roof top structures such as water tanks and flue pipes and condition 32 to control the physical impacts of roof top solar panels. For the reasons as stated above these measures are necessary due to the proximity of the Conservation Area and to protect the living conditions of neighbouring residents.
80. Given concerns over the potential impact of a B8 use on the capacity of the local highway network I have imposed condition 10 to ensure that the proposed use is restricted to self-storage.
81. I have imposed conditions to control demolition and construction activities to protect the living conditions of the occupiers of surrounding properties. These include requirements for logistics plans for these phases and requirements to mitigate air pollution arising from dust created during the demolition phase of the scheme. (Conditions 5, 6, 7, 8 and 17, 18). For the same reason, I have imposed Condition 33 to control noise which could be generated by the proposed Community use within the building given its proximity to the residential uses to the rear of the proposed scheme.
82. To protect neighbouring residential occupiers conditions 46 and 47 require the submission of details of lighting and identification of the extent of potential light spillage which may arise from the scheme.
83. I have imposed a condition requiring a construction workers travel plan (condition 57) to protect the occupiers of neighbouring residential properties and to ensure that workers travel to the site by sustainable transport modes.
84. An operational management plan included in Condition 54 requires the submission of details of a range of matters would address issues involved in the operation of the use to ensure that the living conditions of existing residents is not compromised.
85. I have imposed Condition 48 requiring full details of the likely levels of noise generated by plant required for the demolition and construction phases in order to protect the living conditions of neighbouring occupiers. .
86. I have imposed condition 19 consistent with the appeal site lying in the Ultra Low Emission Zone (ULEZ).
87. I have imposed several conditions to protect the living conditions of future occupiers of the building. These include conditions 20 and 21 regarding the submission of a ventilation strategy report and a need for compliance reporting to protect air quality, condition 22 requiring the installation of Air Source Heat pumps and condition 35 regarding the need for the submission of details of the window cleaning equipment.
88. Given the site's long history of industrial and commercial uses there are risks of land contamination. A series of planning conditions require site surveys in advance of building works commencing with requirements for appropriate

- action at various stages during the demolition, construction and occupation phases. Actions include require that remedial action is taken to protect both existing occupiers of surrounding properties and future occupiers of the proposed scheme but in a way that the phases of development could proceed on parts of the site unaffected by any contamination of identified (conditions 23, 24, 25, 26 27 and 28).
89. Condition 14 is imposed to prevent the use of any part of the roof for recreation purposes to protect the living conditions, and particularly the privacy of surrounding occupiers.
90. To ensure access arrangements are inclusive for all future user an access strategy is required (condition 34).
91. Condition 36 requires the submission of a range of measures consistent with the principles of 'Secured by Design'. To ensure adequate arrangement for fire security I have imposed condition 37 to require a fire rated lift shaft.
92. To reduce carbon dioxide emissions and ensure that the building is energy efficient I have imposed conditions 38, 39, 40 and 41 requiring completion of the GLAs post construction assessment, confirmation that the completed building accords with an 'Excellent' assessment and that it will reduce carbon emissions. For the same reason I have imposed a condition requiring the submission of a post construction monitoring report. Other measure required by condition 42 require full details of sustainable drainage measures to limit potential impacts of flooding. For the same reason Condition 43 requires final details of flood proofing measures.
93. Condition 44 requires the submission of an ecological management plan. This is consistent with requirement to deliver biodiversity net gain in line with the Framework.
94. Condition 45 requires the submission of a piling method statement to ensure that piling for the building is carried out in such as ay that there would be no risk to sub surface water or sewerage infrastructure.
95. I have imposed condition 49 requiring the submission of a car and cycle parking management strategy. This is particularly important given concerns about the potential for conflict within the basement service and parking area. For the same reason, condition 50 requires detail of the site wide service and delivery plan and condition 55 requires the submission of the sight lines required for the proposed access to ensure highway safety.
96. Conditions 51, 52 and 53 require the identification and laying out of dedicated cargo bike spaces, disabled car parking bays and the nine electricity charging points, as indicated on the approved plans.
97. Finally, I have imposed a condition requiring measures which reflect the site's location which could be affected by potential security threats arising from its location.

Stephen Wilkinson,

INSPECTOR

Schedule of Planning Conditions

- 1) The development hereby permitted shall not commence later than the expiration of 3 years beginning with the date of this planning permission.
- 2) The development shall be carried out and completed only in accordance with the following approved drawings:

OS Site Location Plan (Dwg Ref: 2309-X01-B)
Existing Site and Ground Floor Plan – Showing Demolition (Dwg Ref: 2309-X03-D)
Existing Site Elevations – Showing Demolition (Dwg Ref: 2309-X04-A)
Proposed Site Plan (Dwg No. 2309-P04-F)
Proposed Basement Floor Plan (Dwg Ref: 2309-P07-N)
Proposed Ground Floor Plan (Dwg No. 2309-P08-Y)
Proposed First Floor Plan (Dwg Ref: 2309-P09-R)
Proposed Second Floor Plan (Dwg Ref: 2309-P10-R)
Proposed Third Floor Plan (Dwg Ref: 2309-P11-P)
Proposed Fourth Floor Plan (Dwg Ref: 2309-P12-P)
Proposed Fifth Floor Plan (Dwg Ref: 2309-P13-P)
Proposed Sixth Floor Plan (Dwg Ref: 2309-P14-P)
Proposed Seventh Floor Plan (Dwg Ref: 2309-P15-P)
Proposed Eighth Floor Plan (Dwg Ref: 2309-P16-Q)
Proposed Ninth Floor Plan (Dwg Ref: 2309-P17-Q)
Proposed Tenth Floor Plan (Dwg Ref: 2309-P18-Q)
Proposed Roof Plan (Dwg Ref: 2309-P19-M)
Proposed Section A-A (Dwg Ref: 2309-P20-H)
Proposed South Elevation (Dwg Ref: 2309-P22-Q)
Proposed West Elevation (Dwg Ref: 2309-P23-P)
Proposed North Elevation (Dwg Ref: 2309-P24-P)
Proposed East Elevation (Dwg Ref: 2309-P25-O)
Proposed Section AA (Dwg Ref: 2309-P26)
Proposed Section BB (Dwg Ref: 2309-P27-A)
Proposed Section CC (Dwg Ref: 2309-P28-A)
Proposed Section DD (Dwg Ref: 2309-P29-A)
Detailed Elevation & Section – Affordable Workspace Entrance (Dwg Ref: 2309-P52)

Detailed Elevation & Section – Typical Upper Storage Floors (Dwg Ref: 2309-P53)

- 3) Prior to commencement of the works (excluding demolition) hereby permitted, full details of the hard and soft landscaping of all areas external to the building, detailed drawings at a scale of not less than 1:20 to include all planting and paving, seating, fences, gates and other means of enclosure shall have to be submitted to and approved in writing by the Council, and the development shall not be used until such hard landscaping as is approved has been carried out. Any permeable hard surfacing shall use infiltration unless the ground conditions are identified to be unsuitable. Soft landscaping shall be carried out during the first planting season available. Any soft landscaping removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of similar size and species to that originally required to be planted.
- 4) The development hereby approved shall be implemented only in accordance with the recommendations made in the BS 5837 Arboricultural Report & Impact Assessment Ref.11093 dated 25/3/24 (and the Arboricultural Method Statement included within this) and in accordance with BS5837:2012.
- 5) Prior to the commencement of the demolition phase of the development a Demolition Management Plan (DMP) shall be submitted to and approved in writing, by the Local Planning Authority. The DMP shall include:
 - a) Details of location of site offices, ancillary buildings, plant, wheel-washing facilities, stacking bays and car parking,
 - b) Storage of any skips,
 - c) Oil and chemical storage,
 - d) Details to demonstrate membership of the Considerate Contractors Scheme,
 - e) Delivery locations and the proposed control measures and monitoring for noise, vibration, lighting, restriction of hours of work and all associated activities audible beyond the site boundary to 08:00-18:00hrs Mondays to Fridays and 08:00-13:00 hrs on Saturdays and not on Sundays or Bank Holidays,
 - f) Details of advanced Community Engagement and Liaison undertaken in preparation of DMP and mechanism to ensure 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,
 - g) Details shall also include the use of on road Ultra Low Emission Zone compliant Vehicles e.g. Euro 6 and Euro VI,
 - h) Details shall also include the use off on road Direct Vision Standard three-star compliant vehicles, as per TfL, CLOCS and HGV safety permit guidance,
 - i) 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,
 - j) Measures to prevent the deposit of materials and water run off on the public highway and facilities to ensure public highway is kept clean, and

- k) Prior to commencement of development to carry out condition surveys of the public highway and a commitment to fund the repair of any damage caused.

The works shall be carried out in accordance with the relevant approved DMP throughout the demolition period.

- 6) Prior to the commencement of the demolition phase of the development, a Demolition Logistics Plan (DLP) in accordance with the Transport for London and CLOCS Guidance shall be submitted to and approved in writing by the Local Planning Authority. The works shall cover the following minimum requirements:
 - a) Site logistics and operations, on site plan of scale 1:500,
 - b) Programme of works detailing the estimated number, size and routes of demolition vehicles per day/week and to demonstrate how this has been reduced in relation to CLOCS planned measures and any traffic management measures,
 - c) Details of the use of Ultra Low Emission Zone (ULEZ) compliant Vehicles e.g. Euro 6 and Euro VI,
 - d) Details of the use of Direct Vision Standard compliant vehicles,
 - e) Demolition vehicle routing,
 - f) Details of the access arrangements and delivery locations on the site,
 - g) Details of any vehicle holding areas; and other matters relating to traffic management to be agreed as required,
 - h) Details to demonstrate that FORS level Silver (or above) will be achieved for all vehicles accessing the site,
 - i) Provision of any boundary hoarding to be behind any visibility zones,
 - j) details on monitoring and enforcement to be undertaken to ensure compliance with CLOCS,
 - k) Details of membership of the Considerate Contractors Scheme and confirmation that appointed contractors are FORS accredited, and.
 - l) Efficiency and sustainability measures to be undertaken for the works.

The works shall be carried out in accordance with the relevant approved DLP throughout the demolition period.

- 7) Prior to the commencement of the construction phase of the development hereby permitted, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include:
 - a) A detailed plan showing phasing relevant foundations, basement, and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), contractors' method statements,
 - b) Waste classification and disposal procedures and locations,
 - c) Location of site offices, ancillary buildings, plant, wheel-washing facilities, tacking bays and car parking,
 - d) Details of storage and any skips, oil and chemical storage,
 - e) Details to demonstrate membership of the Considerate Contractors Scheme and contractor's accreditation to FORS silver level,
 - f) Delivery locations and the proposed control measures and monitoring for noise, vibration, lighting, restriction of hours of work and all associated activities audible beyond the site boundary to 08:00-18:00hrs Mondays to

Fridays and 08:00-13:00hrs on Saturdays, and not on Sundays or Bank Holidays,

- g) Establishment of a Construction Working Group detailing frequency to be held during the construction phase, involving all identified stakeholders. Stakeholders to include local neighbours, other construction sites within the vicinity of the development and other relevant stakeholders,
- h) Details from minutes of first Construction Working Group set up in advance of construction phase detailing stakeholder engagement and liaison undertaken in developing the CMP,
- i) Details on consolidation and co-ordination measures to be enabled to reduce impact of construction vehicle movements,
- j) Details on how complaints received will be actioned,
- k) Details on the display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works,
- l) Details of the use of on-road Ultra Low Emission Zone compliant Vehicles e.g. Euro 6 and Euro VI,
- m) Details of use of Direct Vision Standard vehicles of three stars and above,
- n) 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 and excess water onto the public highway.

The works shall be carried out in accordance with the relevant approved CMP throughout the project period.

- 8) Prior to the commencement of the construction phase of the development hereby permitted submit a Construction Logistics Plan in accordance with Transport for London and CLOCS guidance shall be submitted to, and approved in writing by, the Local Planning Authority (in consultation with Transport for London). The Construction Logistics Plan shall cover the following minimum requirements:

- a) Site logistics and operations, on site plan of scale 1:500,
- b) Programme of works detailing the estimated number, size and routes of construction vehicles per day/week and to demonstrate how these have been reduced in relation to CLOCS planned measures and any traffic management measures,
- c) Construction vehicle routing,
- d) Contact details for site managers and details of management lines of reporting,
- e) Detailed plan showing phasing,
- f) Location of site offices, ancillary buildings, plant, wheel-washing facilities, stacking bays and car parking,
- g) Storage of any skips, oil, and chemical storage etc,
- h) Access and egress points, with times of vehicle access restrictions to be set out at peak times,
- i) Details of the access arrangements and delivery locations on the site,
- j) Details of any vehicle holding areas, and restriction of vehicle numbers to no more than six vehicles maximum in any one hour; and other matters relating to traffic management to be agreed as required,
- k) Provision of any boundary hoarding to be behind any visibility zones,
- l) details on monitoring and enforcement to be undertaken to ensure compliance with CLOCS,

- m) Efficiency and sustainability measures to be undertaken for the works; and
- n) Details of Membership of the Considerate Contractors Scheme and confirmation that appointed contractors are accredited to FORS Silver or above.

The works shall be carried out in accordance with the approved Construction Logistics Plan throughout the whole construction period.

- 9) No development shall commence until a scheme for temporary site hoarding and/or enclosure of the site where necessary has been submitted to, and approved in writing by, the Council (including detailed plan, section and elevation drawings at a scale of not less than 1:20 and details of material and colour). The site hoarding and/or enclosure shall be erected in accordance with the approved details and retained for the duration of the building works. No part of the site hoarding and/or enclosure of the site shall be used for the display of advertisement hoardings.
- 10) The self-storage use hereby permitted shall only be used as self-storage and any distribution associated with the self-storage use, but for no other purpose (including any other separate purpose in B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification)).
- 11) The affordable workspace use hereby permitted shall only be used as affordable workspace and for no other purpose (including any other separate purpose in E(g)(i) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification)).
- 12) The community space use hereby permitted shall only be used as community space and for no other purpose (including any other separate purpose in F2(b) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification)).
- 13) Prior to commencement of the construction of the superstructure, details and samples of all materials to be used in the external faces of the building, must have been submitted to, and approved in writing by, the Council. The development shall be carried out in accordance with the approved details, and permanently retained as such thereafter.
- 14) No part of any roof of the approved building shall be used as a terrace or other amenity space.

- 15) No development (excluding demolition) shall commence until detailed plans, sections and elevations at a scale of 1:20 of the rooftop plant and plant screening have been submitted to, and approved in writing by, the Council. The development shall be carried out in accordance with the details as approved.
- 16) No development (excluding demolition) hereby permitted shall commence until detailed drawings of 'typical bays' of the new development (to include details of proposed planting) in plan, section and elevation at a scale of no less than 1:20 are submitted to, and approved in writing by, the Council. The development shall be carried out in accordance with the approved details.
- 17) Prior to the commencement of the demolition phase of the development hereby permitted (excluding the installation of a hoarding around the site in accordance with Condition 9), an Air Quality Dust Management Plan (AQDMP) to mitigate air pollution from the demolition phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The AQDMP submitted shall be in accordance with the Councils AQDMP Template 'A' and shall include the following details:
 - 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 site activities.
 - 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 the Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014 and its subsequent amendments.
 - e. Site Specific Dust, and NO_x Emission mitigation and control measures including for on-road and off-road construction traffic as required by the overall Medium/High Dust Risk Rating of the site and shall be in a table format.
 - f. Photographic confirmation of the installed solid hoarding around the perimeter of the site
 - g. Details of Site Particulate (PM₁₀) and Dust Monitoring Procedures and Protocols including locations and photographic confirmation of a minimum of 2 x installed MCERTS compliant Particulate (PM₁₀) monitors on the site boundaries used to prevent levels exceeding predetermined PM₁₀ Site Action Level (SAL) of 190 µg/m³, measured as a 1-hour mean. Prior to installation of the PM₁₀ monitors on site the calibration certificates of MCERTS compliant PM₁₀ monitors and the internet-based log-in details to enable access to the real-time PM₁₀ monitoring data from the PM₁₀ monitors shall be issued to Hammersmith & Fulham Council by e-mail to constructionairqualitymonitoring@lbhf.gov.uk. The data from the on-site Particulate (PM₁₀) monitors shall also be made available on the Council's construction site air quality monitoring register website <https://www.envimo.uk>

- h. 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 V NO_x 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 NO_x and PM. An inventory of all NRMM for the first phase of demolition shall be registered on the London City Hall NRMM register [GLA-NRMM-Register](#) prior to commencement of demolition works and thereafter retained and maintained until occupation of the development.
- i. Details of the use of on-road Ultra Low Emission Zone (ULEZ) compliant vehicles e.g., minimum Petrol/Diesel Euro 6 and Euro VI

Developers must ensure that on-site contractors follow best practicable means to minimise dust, particulates (PM₁₀, PM_{2.5}) and NO_x emissions always. Approved details shall be fully implemented and permanently retained and maintained during the demolition phases of the development.

- 18) Prior to the commencement of the construction phase of the development hereby permitted, an Air Quality Dust Management Plan (AQDMP) to mitigate air pollution from the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The AQDMP submitted shall be in accordance with the Councils AQDMP Template 'C' and shall include the following details:
 - 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 site activities.
 - 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 the Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014 and its subsequent amendments.
 - e. Site Specific Dust, and NO_x Emission mitigation and control measures including for on-road and off-road construction traffic as required by the overall Medium/High Dust Risk Rating of the site and shall be in a table format.
 - f. Photographic confirmation of the installed solid hoarding around the perimeter of the site
 - g. Details of Site Particulate (PM₁₀) and Dust Monitoring Procedures and Protocols including locations and photographic confirmation of a minimum of 2 x installed MCERTS compliant Particulate (PM₁₀) monitors on the site boundaries used to prevent levels exceeding predetermined PM₁₀ Site Action Level (SAL) of 190 µg/m⁻³, measured as a 1-hour mean. Prior to installation of the PM₁₀ monitors on site the calibration certificates of MCERTS compliant PM₁₀ monitors and the internet-based log-in details to enable access to the real-time PM₁₀ monitoring data from the PM₁₀ monitors shall be issued to Hammersmith & Fulham Council by e-mail to constructionairqualitymonitoring@lbhf.gov.uk. The data from the on-site Particulate (PM₁₀) monitors shall also be made available on the Council's construction site air quality monitoring register website <https://www.envimo.uk>

- h. 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 V NO_x 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 NO_x and PM. An inventory of all NRMM for the first phase of construction shall be registered on the London City Hall NRMM register [GLA-NRMM-Register](#) prior to commencement of construction works and thereafter retained and maintained until occupation of the development.
- i. Details of the use of on-road Ultra Low Emission Zone (ULEZ) compliant vehicles e.g., minimum Petrol/Diesel Euro 6 and Euro VI

Developers must ensure that on-site contractors follow best practicable means to minimise dust, particulates (PM₁₀, PM_{2.5}) and NO_x emissions always. Approved details shall be fully implemented and permanently retained and maintained during the construction phases of the development.

- 19) Prior to occupation of the development hereby permitted, an Ultra Low Emission Strategy (ULES) shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:
 - a) Procurement policy and processes for contractors and suppliers that will incentivise and prioritise the use of Zero Exhaust Emission Vehicles in accordance with the emission hierarchy of 1) Walking Freight Trolley 2) Cargo bike (3) Electric Vehicle
 - b) Use of Zero Exhaust Emission Vehicles in accordance with the emissions hierarchy (1) Walking Freight Trolleys (2) Cargo bike (3) Electric Vehicle
 - c) Facilities and measures that will minimise the impact of vehicle emissions from increasing personal deliveries e.g., carrier agnostic parcel locker, concierge, Cargo bike bays etc.
 - d) Reduction and consolidation of deliveries and collections e.g., Waste
 - e) Re-timing of deliveries and collections outside of peak traffic time periods of 07:00-10:00 and 15:00-19:00 hrs
 - f) Installation including location and type of active electric vehicle charging points (minimum 100 kW) for all on-site loading/servicing bays.

The ULES shall be monitored and reviewed on an annual basis and any subsequent modifications or alterations to the ULES should be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation and the ULES hereby permitted shall thereafter operate in accordance with the approved details.

- 20) Prior to commencement of works in the development hereby permitted, a Ventilation Strategy Report to mitigate the impact of existing poor air quality for the affordable workspace (Use Class E(g) and community space (Use Class F2(b)) shall be submitted to and approved in writing by the Local Planning Authority. This is applicable to all floors where Hammersmith & Fulham Council's 2030 Annual Mean Air Quality Targets for Nitrogen Dioxide (NO₂) - 20ug/m⁻³, Particulate (PM₁₀) -20ug/m⁻³ and Particulate (PM_{2.5}) - 10 ug/m⁻³ are exceeded and where current and future predicted pollutant

concentrations are within 5% of these limits. The report shall include the following information:

- a) Details and locations of the ventilation intake locations at rear roof level or on the rear elevations of all floors
- b) Details and locations of ventilation extracts, to demonstrate that they are located a minimum of 2 metres away from the air ventilation intakes, to minimise the potential for the recirculation of extract air through the supply air ventilation intake in accordance with paragraph 8.9 part 'C' of Building Standards, Supporting Guidance, Domestic Ventilation, 2nd Edition, The Scottish Government, 2017
- c) Details of the independently tested mechanical ventilation system with Nitrogen Oxides (NO_x) and Particulate Matter (PM_{2.5}, PM₁₀) filtration with air intakes on the rear elevation to remove airborne pollutants. The filtration system shall have a minimum efficiency of 90% in the removal of Nitrogen Oxides/Dioxides, Particulate Matter (PM_{2.5}, 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.

- 21) Prior to the occupation of the development hereby permitted, details of a post installation compliance report of the approved ventilation strategy as required by condition 20 to mitigate the impact of existing poor air quality shall be submitted to and approved in writing by the Local Planning Authority. The report shall be produced by an accredited Chartered Building Services Engineer (CIBSE). Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.
- 22) Prior to occupation of the of the development hereby permitted, details of the installation of the Air Source Heat Pumps to be provided for space heating and details of the electric boilers to be provided to generate hot water to the development 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.
- 23) No development shall commence until a preliminary risk assessment report is submitted to and approved in writing by the Local Planning Authority. This report shall comprise: a desktop study which identifies all current and previous uses at the site and surrounding area as well as the potential contaminants associated with those uses; a site reconnaissance; and a conceptual model indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and those planned at the site; and a qualitative risk assessment of any potentially unacceptable risks arising from the identified pollutant linkages to human

health, controlled waters and the wider environment including ecological receptors and building materials. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

- 24) No development shall commence until a site investigation scheme is submitted to and approved in writing by the Council. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out in compliance with and by a competent person who conforms to the 'Land contamination risk management' (LCRM)' Environment Agency (2023) or the current UK requirements for sampling and testing.
- 25) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, following a site investigation undertaken in compliance with the approved site investigation scheme, a quantitative risk assessment report is submitted to and approved in writing by the Council. This report shall: assess the degree and nature of any contamination identified on the site through the site investigation; include a revised conceptual site model from the preliminary risk assessment based on the information gathered through the site investigation to confirm the existence of any remaining pollutant linkages and determine the risks posed by any contamination to human health, controlled waters and the wider environment. All works must be carried out in compliance with and by a competent person who conforms to the 'Land contamination risk management (LCRM)' Environment Agency (2023) 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, no development shall commence until, a remediation method statement is submitted to and approved in writing by the Council. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. All works must be carried out in compliance with and by a competent person who conforms to the 'Land contamination risk management (LCRM)' Environment Agency (2023) 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, no development shall commence until the approved remediation method statement has been carried out in full and a verification report confirming these works has been submitted to, and approved in writing, by the Council. This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste

management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement. If, during development, contamination not previously identified is found to be present at the site, the Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. Any required remediation shall be detailed in an amendment to the remediation statement and verification of these works included in the verification report. All works must be carried out in compliance with and by a competent person who conforms to the 'Land contamination risk management (LCRM)' Environment Agency (2023) 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, no development shall commence until an onward long-term monitoring methodology report is submitted to and approved in writing by the Council where further monitoring is required past the completion of development works to verify the success of the remediation undertaken. A verification report of these monitoring works shall then be submitted to and approved in writing by the Council when it may be demonstrated that no residual adverse risks exist. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) 'Land contamination risk management (LCRM)' Environment Agency (2023) or the current UK requirements for sampling and testing.
- 29) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any part of the development hereby permitted, without planning permission first being obtained.
- 30) No water tanks, water tank enclosures or other structures shall be erected upon the flat roofs of the building hereby permitted.
- 31) No plumbing, extract flues or pipes, other than rainwater pipes, may be fixed on the elevations of the building hereby permitted.
- 32) Prior to the installation of the solar panels hereby approved, details of the solar panels including details of the angle of the PV panels relative to the surface of the roof, shall be submitted to, and approved in writing, by the Council. The development shall not be used/occupied until the scheme has been carried out in accordance with the approved details, and it shall thereafter be permanently retained as such.

- 33) Noise from the community use shall not exceed the criteria of BS8233:2014 at neighbouring noise sensitive/habitable rooms and private external amenity spaces.
- 34) The development hereby permitted shall not commence until a revised Access Statement (to supersede Chapter 9 of the submitted Design and Access Statement) has been submitted to, and approved in writing by, the Council. All details shall be implemented prior to occupation of the development hereby permitted, and thereafter be permanently retained and maintained in line with the agreed details.
- 35) No development (excluding demolition) shall commence until 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.
- 36) Prior to the commencement of development (excluding demolition), details of measures to demonstrate how 'Secured by Design' requirements, or those of a similar security accreditation scheme, will be adequately achieved within the development shall be submitted to, and approved in writing by, the Local Planning Authority. Such details shall include, but not be limited to, CCTV coverage, access controls and basement security measures. The approved details shall be implemented prior to occupation of the development and shall be permanently retained thereafter.
- 37) The lift cores within firefighting shafts, as identified within the submitted Fire Strategy, shall contain a 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 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.
- 38) The development hereby permitted shall not be occupied until it has been erected in accordance with the submitted Sustainability Statement (Rev.2.0, dated 19/1/23) and BREEAM New Construction Pre-Assessment (Rev.2.0, dated 20/12/23). A post construction BREEAM assessment report shall be submitted to, and approved in writing by, the Council prior to the occupation of the development to demonstrate the achievement of the Excellent BREEAM rating and to confirm that the measures have been implemented as required.
- 39) The development hereby permitted shall not be occupied before implementation of the energy efficiency, low/zero carbon and renewable energy measures detailed in the submitted Energy Assessment (Version 3.0, dated 3/11/23) to achieve The London Plan (2021) carbon reduction targets of at least a 15% reduction in CO2 emissions through energy efficiency

measures and at least a 35% reduction in CO2 emissions for the scheme overall, when measured against the Building Regulations Part L 2021 baseline. All details shall be implemented prior to occupation/use of the development hereby permitted, and thereafter be permanently retained.

- 40) Prior to the occupation of the development the post-construction tab of the GLA's Whole Life-Cycle Carbon Assessment template should be completed in line with the GLA's Whole Life-Cycle Carbon Assessment Guidance. The post-construction assessment should be submitted to the GLA at: ZeroCarbonPlanning@london.gov.uk, along with any supporting evidence as per the guidance. Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation of the development.
- 41) Prior to the occupation of the development, a post-construction monitoring report should be completed in line with the GLA's Circular Economy Statement Guidance. The post-construction monitoring report shall be submitted to the GLA, currently via email at: circulareconomystatements@london.gov.uk, along with any supporting evidence as per the guidance. Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation of the development.
- 42) No development (excluding demolition) hereby permitted shall commence until the full detailed design of the proposed sustainable drainage measures (SuDS) such as green roofs, soft landscaping, rain gardens and attenuation tank, to include plans and sections as well as maintenance information to demonstrate that the peak discharge rate of no more than 2l/s for stormwater from the site to the combined sewer network will be achieved as set out in the Drainage Strategy and Maintenance Statement (Rev.P2, dated February 2023). All SuDS measures shall be implemented in accordance with the approved details prior to occupation of the development hereby permitted, and thereafter be permanently retained and maintained in line with the agreed details.
- 43) The development hereby permitted shall not commence (excluding demolition) until final details of the proposed flood proofing measures to manage flood risks to the basement from groundwater shall be submitted to, and approved in writing by, the local planning authority. All details shall be implemented prior to occupation of the development hereby permitted, and thereafter be permanently retained and maintained in line with the agreed details.
- 44) Prior to occupation of the development hereby permitted, an Ecological Management Plan shall be submitted to, and approved in writing by, the Council. This shall include details of habitat creation and biodiversity gain, and long-term maintenance. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained and maintained.

- 45) No 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 water or sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority, in consultation Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

The applicant is advised to contact Thames Water Developer Services (Email: developer.services@thameswater.co.uk, Phone: 0800 009 3921) to discuss the details of the piling method statement.

- 46) Prior to their installation, 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 Note 01/20: Guidance Notes for the Reduction of Obtrusive Light'. 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.
- 47) The development hereby permitted shall not be occupied before 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) have been 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.
- 48) Prior to commencement of the development (excluding demolition), details shall be submitted to, and approved in writing by, the Council of the external sound level emitted from plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external sound level emitted from plant, machinery/ equipment will be lower than the lowest existing background sound level by at least 10dBA to prevent any adverse impact. The assessment shall be made in accordance with BS4142:2014+A1:2019 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.
- 49) Prior to the first operational use of the development hereby permitted, a Car and Cycle Parking Management Plan shall be submitted to, and approved in

writing by, the Local Planning Authority. The Car and Cycle Management Plan shall cover the following minimum requirements:

- a) detailed layout, design and location plan of the under-croft service yard and car park to provide the approved twelve car parking spaces and designated lorry parking areas,
- b) measures to protect the under-croft car park from being used by long-stay users,
- c) details on how allocation of any car parking spaces to specific users may be required,
- d) location and management of blue badge car parking spaces, to ensure these are available for customers with valid blue badge only, in accordance with the blue badge car parking condition,
- e) location and management of car parking spaces designated for plug in Electric Vehicles (EV), to ensure that these are available for users on electric vehicles only in accordance with the electric vehicle charging points condition,
- f) cycle stands and shelters, in accordance with cycle parking condition,
- g) the means of lighting and security of the under-croft service yard and car park;
- h) details on who is responsible for management of the service yard and under croft car park,
- i) details on permitted duration of stay, to avoid long-stay users, and
- j) the means of managing, monitoring, maintaining and enforcing the under-croft service yard and car park in perpetuity.

The approved parking spaces shall be marked out on-site and shall be operated only in accordance with the approved details and shall thereafter be permanently retained in this form.

50) Prior to the first occupation of the development a site wide Delivery and Servicing Plan in accordance with Transport for London's Delivery and Servicing Plan Guidance shall be submitted to, and approved in writing by, the Local Planning Authority. Details shall include:

- a) details of servicing, waste and recycling vehicles connected to all users of the development,
- b) the types of vehicles to be used and hours of their operation, for all users of the development,
- c) location and management of servicing, waste and recycling vehicles for all users of the development,
- d) unless otherwise agreed in writing with the Local Planning Authority, the core staffing hours for the self-storage use are given as 08:00-18:00 Monday-Friday, 09:00-18:00 Saturday and 10:00-16:00 on Sunday,
- e) mechanisms to be employed to minimise and reduce service and delivery trips accessing the site for all users of the development outside of peak traffic times,
- f) details that refuse storage enclosures for each permitted use, have been provided for the storage of refuse and recyclable materials, and that these identify servicing, waste and recycling areas off the public highway for all users of the development,

- g) the dimensions and layout of lorry parking areas within the service yard and turning spaces,
- h) space for vehicles to turn so that they may enter and leave the service yard in forward gear,
- i) details of swept path analysis to demonstrate that vehicles can enter and exit the site in forward gear without causing unreasonable delays to the traffic on Blythe Road,
- j) details on reduction and consolidation of deliveries and collections, e.g. waste,
- k) management and operation of the service yard and under-croft car park access to ensure vehicles do not block the public highway,
- l) operation and control of the entry gates, to ensure that these are always open during core staffing hours,
- m) management of service yard and access gates to ensure that sufficient space in front of the gates for vans (7.3m in overall length) to wait clear of the public highway outside of core staffing times,
- n) measures to ensure vehicles larger than a van (7.3m in overall length) are not permitted to access the development site outside of core staffing hours, when gates are closed,
- o) measures setting out that no vehicle larger than a van (7.3m in overall length), for delivery, refuse or service shall enter or depart the site outside core staffing hours,
- p) quiet loading/unloading measures, in accordance with Building Design Guidance for Quieter Deliveries (TfL),
- q) details of measures setting out how the DSP will be managed, monitored and enforced.

The measures/scheme shall be implemented in accordance with the approved details and thereafter be permanently retained in this form.

- 51) No part of the of the self-storage use or affordable workspaces hereby approved shall be occupied until the two designated blue badge parking spaces have been provided in accordance with the approved drawings, as indicated on drawing No.2309-P08-Y. These accessible parking spaces shall be permanently retained for the life of the development for use by holders of a valid blue badge.
- 52) The development hereby approved shall not be first occupied or opened for trading unless and until the following facilities have been provided in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority for the following:
- a) provision of five cargo bike parking spaces with cargo bike stands,
 - b) the secure, covered, level and weatherproof storage for a minimum of 16 long-stay bicycles within the relevant part of the building for each separate permitted use, self-storage, affordable workspace and community use,
 - c) the secure cycle parking for 48 short-stay bicycle users
 - d) provision of safe routes for pedestrians and cyclists to travel between the service yard and affordable workspaces,
 - e) provision for cycle storage areas to be step-free from outside and inside,
 - f) facilities within the self-storage element for showering and changing, with cycle accessible features, to include cyclist storage lockers and equipment

for basic maintenance, such as pumps. Users of the affordable workspace will also have access to these facilities.

- g) facilities within the community use for cycle accessible features, to include cyclist storage lockers.

The cycle storage/parking facilities shall be installed thereafter in accordance with the approved scheme and be permanently accessible for the storage of bicycles for staff, customers, users and visitors for the lifetime of the development.

- 53) Prior to occupation of the development hereby approved, details of the nine active electric vehicle charging points (minimum 22 kW), including location and type, for the on-site car parking spaces shall be submitted to, and approved in writing by, the Local Planning Authority. The approved electric vehicle charging points shall be installed and retained in working order for the lifetime of the development.

- 54) Prior to first occupation of the development hereby approved, an Operational Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. These plans shall include:

- a) details of hours of operation for the different permitted users,
- b) unless otherwise agreed in writing with the Local Planning Authority, the core staffing hours are given as 0800-1800 Monday-Saturday and 1000-1600 on Sunday,
- c) details on responsibility for the car and cycle management plan to cover enforcement relating to car parking and vehicular activity on-site,
- d) details on measures to enforce car and cycle parking management plans in event of non-compliance being identified,
- e) details on monitoring long-stay and short-stay cycle parking use, to include who provision about how this would be increased should demand be identified,
- f) details on security, to ensure that no removal of refuse nor bottles/cans to external bins or external refuse storage areas shall be carried out other than between the hours of 08:00 to 20:00 on Monday to Friday and 10:00 to 18:00 on Saturdays; and at no time on Sundays and Public/Bank Holidays,
- g) details on how short-stay cycle parking spaces will be maintained and managed,
- h) full details of refuse storage (including provision for the storage of recyclable materials), for all users
- i) management details setting out how restricted vehicle access will be enforced,
- j) No deliveries nor collections/loading nor unloading, involving vehicles larger than 7.3m in overall length, shall occur at the development hereby approved other than between the core staffing hours,
- k) lighting management plan relating to the operation, management and monitoring of external lighting on the site for all permitted users, and
- l) The development shall be implemented in accordance with the approved details prior to occupation and shall thereafter be permanently retained in this form.

The measures/scheme related to each plan shall be implemented in accordance with the approved details and thereafter be permanently retained in this form.

- 55) The development hereby approved shall not be first opened for trading unless and until the proposed vehicle access from Blythe Road into the under-croft service yard and car park has been constructed and provided with visibility zones in accordance with the approved S278 agreement and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.
- 56) Prior to the first occupation or operational use of the relevant part of the development hereby permitted, a Commercial Travel Plan for all permitted users, shall be submitted to, and approved in writing by, the Local Planning Authority. The Commercial Travel Plan shall be in accordance with the TfL Travel Plan guidance and shall implemented in full compliance with the approved details and shall thereafter continue to be fully implemented whilst the approved users remain in operation. The plans shall be monitored and reviewed in years 1, 3 and 5 and the details of the outcome of this process shall be submitted in writing to the Local Planning Authority.
- 57) Prior to the commencement of the development hereby approved, a Demolition and Construction Workforce Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Demolition and Construction Workforce Travel Plan shall be in accordance with the TfL Travel Plan guidance and shall implemented in full compliance with the approved details and shall thereafter continue to be fully implemented for the duration of the construction period. The DCWTP shall be annually monitored and reviewed, and the details of the outcome of this process shall be submitted in writing to the Local Planning Authority.
- 58) The development hereby permitted shall not be occupied before implementation of the measures detailed in the submitted Threat & vulnerability risk assessment (Ref.QCIC-04434-01001c, dated 17/1/24), to include dual pane laminate glazing of a minimum of 8mm toughened outer pane and 11.5mm laminate inner pane on the eastern elevation of the building fronting Lyons Walk. All details shall be implemented prior to occupation/use of the development hereby permitted, and thereafter be permanently retained.

End of Schedule

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr E Grant, Counsel	Instructed by Ms M Rajaratnam
He called	
Mr D Woodward	Planning Policy Officer
BA(Hons) MSc	
Ms Z Trower BSc, MSc	Transport Planner
Mr M Lawton BA (Hons),	Planning Officers
MA	
Ms M Rajaratnam	Solicitor

FOR THE APPELLANT

Ms S Bird KC	Instructed by Ms R Roffe
He called	
Mr B Stringer BSc PGC	Director of QUOD
MSc	
Mr C Elliott BSc Hons,	Partner Rapport Consultants Ltd
MCHIT	
Mr A Deller BA(Hons) M	Director DWD Property and Planning Ltd
Plan MRTPI	
Mr L Durnford MSc	Senior Director , Point 2 Surveyors Ltd
(Surv)	
Mr R Coleman DipArch,	Director , CityDesigner
Cantab ARB RIBA RIAI	
IHBC	
Ms R Roffe, Solicitor	Partner CMS Solicitors

INTERESTED PERSONS

Mr S Abedi Tajrishi	Local Resident
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Inquiry Documents

ID1	Appellants Openings
ID2	Council Opening
ID3	Letter dated 1 July from Dentons UK and Middle East LLP presented by Mr S.Abedi Tajrishi
ID4	Final set of Conditions
ID5	CIL compliance schedule
ID6	Completed Agreement dated,
ID7	Email to PINS dated 9 July including rationale for S106 costs and charges
ID8	Explanatory Note regarding Cycle Way costs for Blythe Road/ Hammersmith Road junction
ID9	Council Closings
ID10	Appellant Closings