



Appeal Decision

Hearing held on 10 February 2026

Site visit made on 11 February 2026

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2026

Appeal Ref: APP/H5390/W/25/3375615

Grove House, 27 Hammersmith Grove, London W6 0NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by 27 Hammersmith Grove Limited against the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref is 2024/01586/FUL.
 - The development proposed is the conversion of existing commercial accommodation (Class E) to a hotel (Class C1), including the retention of the auditorium (Sui Generis) and creation of active ground floor uses (Class E); in addition to landscaping, public realm, access and all associated works. Proposed design improvements include full height windows on the ground floor, a new smaller entrance canopy, windows added to the front and rear façade, a new evacuation lift, improvements to the rear external escape staircase, and new plant and associated enclosures on the roof.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of existing commercial accommodation (Class E) to a hotel (Class C1), including the retention of the auditorium (Sui Generis) and creation of active ground floor uses (Class E); in addition to landscaping, public realm, access and all associated works. Proposed design improvements include full height windows on the ground floor, a new smaller entrance canopy, windows added to the front and rear façade, a new evacuation lift, improvements to the rear external escape staircase, and new plant and associated enclosures on the roof at Grove House, 27 Hammersmith Grove, London W6 0NE in accordance with the terms of the application, Ref 2024/01586/FUL, subject to the conditions in the attached schedule.

Applications for Costs

2. Applications for costs have been made by 27 Hammersmith Grove Limited (the appellant) against the Council of the London Borough of Hammersmith and Fulham (the Council), and by the Council against the appellant. These are the subject of separate decisions.

Preliminary Matters and Main Issues

3. The appeal was submitted following the Council's failure to give notice of its decision within the prescribed period. Had it determined the application, the Council set out the reasons the planning application would have been refused within its Statement of Case. Prior to the Hearing, matters relating to flood risk, specifically regarding the Council's emerging Sustainable Urban Drainage Scheme (SUDS), its relationship with Hammersmith Grove and the most northerly existing

access into the site, were agreed between the main parties. This position was outlined within an agreed Statement of Common Ground submitted just prior to the Hearing and confirmed verbally during the event. The Council is, therefore, no longer seeking to pursue these as areas of dispute.

4. Within an agreed timeframe after the Hearing, the appellant submitted a final signed, dated and executed section 106 agreement (s106). This secures non-financial as well as index linked, financial contributions towards a range of matters including public realm improvements, urban greening, inclusive economic growth, energy and sustainability, a parking zone review and highway works, as well as restrictions on the occupancy of the proposed hotel. Further obligations therein relate to fees to be paid by the appellant to cover the monitoring of various aspects of the proposal as well as non-financial obligations relating to the preparation of travel, delivery and servicing, and operational management plans, amongst others.
5. As the areas of dispute between the main parties relate to several of the obligations set out within the s106, blue pencil clauses have been inserted. These provide that, where I find the statutory tests required by Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (CIL Regulations) and the National Planning Policy Framework (Framework) are not met, such obligations shall have no effect and there would be no liability for payment or implementation.
6. Consequently, the main issues are:
 - whether the proposal makes adequate provision towards:
 - public realm improvements;
 - urban greening;
 - inclusive economic growth;
 - energy and sustainability;
 - monitoring of biodiversity net gain, the Travel Plan, and the Delivery and Servicing Plan; and
 - whether it is necessary to restrict the use and occupation of the proposed hotel.

Reasons

Public realm improvements

7. At paragraph 7, Schedule 2 of the s106, a financial contribution towards improvements to the public realm, including community safety, is set out. This would be directed towards the King Street Vision public realm improvements which, as indicated within the HTC SPD¹, seek to ensure the street retains its role as the main retail centre.
8. Although there are some aspirations for King Street within the HTC SPD, these relate to broad objectives such as supporting a more diverse range of uses, improving public realm and high-quality new buildings/shopfronts. An overall masterplan for King Street is yet to be finalised nor has a detailed delivery and infrastructure plan identifying key projects, funding and phasing, been prepared however. It has not been established, therefore, what the specific improvements to the public realm are necessary to achieve the overarching aims within Strategic Policy HRA of the Local Plan, nor how and where the contributions sought would be spent by the Council.

¹ Hammersmith Town Centre Supplementary Planning Document (HTC SPD)

9. Furthermore, aside from stating that contributions will be considered on a case-by-case basis, assessed in proportion to the size and impact of new development, no methodology for calculating contributions or an indication of an appropriate financial contribution per square metre (sqm) is set out in the HTC SPD. Nor is such detail specified within Strategic Policy HRA of the Local Plan, which relates to the Hammersmith Town Centre Regeneration Area as a whole.
10. While the change of use of the building from office space to predominantly hotel use would result in differing movement patterns to and from the building, including outside usual working hours, what adverse impact this would have on Hammersmith Town Centre (the Town Centre) is unsubstantiated. Indeed, the Council's Statement of Case refers to a negligible impact given the spread of movements across the day. Additionally, the proposal would result in a five-storey building, currently largely in an unoccupiable condition and, aside from some areas in 'meanwhile' use, vacant, being brought back into use. It would help activate the building frontage and support the evening economy by providing new visitor accommodation plus ancillary functions accessible to the public, such as affordable workspace, retail and an auditorium. All these elements are included within the Developer Guidance section of the HTC SPD as key objectives for the regeneration of the area.
11. Notwithstanding the above, the amount included in the s106, totalling £535,400, differs from the figure based on a financial contribution of £100 per square metre of new hotel floorspace advanced by the Council in its Community Infrastructure Levy Compliance Note (CIL Note), submitted during the appeal. During the Hearing, the Council confirmed that this value per square metre was derived from a review of the level of contribution previously achieved on other schemes. However, I have no evidence of these schemes before me. Nor has the lower amount contained within the s106, referred to as a negotiated figure and a preliminary cost estimate during the Hearing, been substantiated.
12. On this basis, it has not been demonstrated that the King Street Vision contribution 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 it; the three tests required by the CIL Regulations and set out in the Framework. It would not, therefore, be lawful to take this contribution into account as a reason for granting planning permission.
13. I conclude that the proposal makes adequate provision towards public realm improvements and accords with Strategic Policy HRA of the Local Plan and the HTC SPD in this regard. Consequently, paragraph 7 of Schedule 2 of the legal agreement shall have no effect.

Urban greening factor

14. Policy G5 of the London Plan (2021) relates to the contribution to the greening of London major planning applications can make by including urban greening as a fundamental element. Whilst this policy encourages Boroughs to develop local urban greening factors (UGF), where these are not in place, such as in Hammersmith and Fulham, Policy G5 recommends the target score of 0.3 for commercial development.
15. Using the formula set out in Policy G5 of the London Plan, the Council have calculated the site has a UGF of 0.09 which is significantly below the

recommended target. However, Policy G5 stipulates that major development proposals should, not must, contribute to urban greening. Furthermore, neither the policy text nor the supporting paragraphs outline the approach to be taken where a proposal is unable to meet the recommended target. Whilst a funded off-site provision is sought by the Council, it has not been demonstrated that this obligation is necessary to make the development acceptable.

16. Nevertheless, the financial contribution sought by the Council would be to maintain 1000sqm of species-rich grassland, split across three of the Council's meadow sites. How this square meterage has been derived, including its relationship to the 0.21 UGF deficit, is not before me and was not forthcoming when queried during the Hearing. The cost of maintaining the three areas for five years, based on a cost of £3,300 per year per site, totals £49,500. Paragraph 8 of Schedule 2 of the s106 obligates the appellant to pay this total before the development commences.
17. Although some detail of the maintenance works required to be undertaken, including carrying out surveys, reseeding and hand scything by certified individuals, the estimated time necessary for this work has not been provided. Instead, the average cost per year of between two and four maintenance visits per site is sought. As such, this cost has not been justified, particularly given the unbalanced area split across the three meadow sites. Similarly, the reduced contribution proposed by the appellant, equating to half the amount sought by the Council, has not been justified. Consequently, it has not been demonstrated that this obligation is directly related to the development and fairly and reasonably related in scale and kind to it. As a result, the obligations relating to the UGF do not meet the tests set out in the CIL Regulations and the Framework.
18. I conclude that the proposal makes adequate provision towards urban greening and accords with policies G1, G5 and GG2 of the London Plan and policies G6 and OS5 of the Local Plan. These policies, amongst other provisions, promote the creation of and add to the greening of streets and the public realm. Consequently, as it would not be lawful to take this obligation into account as a reason for granting planning permission, paragraph 8 of Schedule 2 of the legal agreement shall have no effect.

Inclusive economic growth

19. Policy E11 of the London Plan and policies E1 and E4 of the Local Plan require proposals to support employment and training initiatives for local people of all abilities, in both construction and the end use, with legal agreements indicated as a potential mechanism to secure such support. Policy E1 provides specific support for mixed use schemes while Policy E4 makes particular reference to visitor accommodation and facilities.
20. Schedule 5 of the s106 sets out a series of obligations to support employment, skills and local procurement activities during the construction period as well as when the development, or end use, is operational. Each of the non-financial obligations reflect the requirements of the Council's Employment and Skills Code (E&S Code) and the Supply Chain Procurement Code (SC Code), both of which amplify policies E1 and E4 of the Local Plan. I conclude, therefore, that these obligations are necessary to make the development acceptable.
21. Targets for local resident employment within the Schedule 5 are derived from either the estimated build cost (in the case of the number of apprenticeships to be

created) or as a percentage (relating to the number of operational phase employees). The appellant is also obligated to prepare an Employment and Skills Plan (ESP) setting out the approach to securing the apprentices and the employees. The agreement of a Local Procurement Strategy (LPS) by the Council is also required prior to the commencement of the development which would establish how tendering of works can maximise opportunities for local businesses.

22. Approval from the Council of both the ESP and LPS is required prior to the commencement of the development, with monitoring reports to be submitted at specific intervals indicated within Schedule 5, including a requirement to address any non-compliance. In the case of the apprenticeships, should fewer than the 8 (eight) stipulated be secured, paragraph 2.8 would kick in, requiring the appellant to pay a contribution per apprenticeship not secured to the Council so that one can be provided elsewhere in the Borough.
23. On this basis, I conclude that the above obligations set out within Sections 2 to 7 (inclusive) of Schedule 5 are necessary to make the development acceptable in planning terms, directly related to it, and are also fairly and reasonably related in scale and kind to it, thereby meeting the Framework's tests.

Employment Skills and Local Procurement Contribution (ESLP)

24. A financial contribution amounting to £127,710 is also included within Schedule 5 to support the delivery of Upstream London, the Council's Industrial Strategy for inclusive economic growth. Although not documented in the written submissions, the Council detailed during the Hearing how this contribution has been calculated; namely towards securing apprenticeships; providing end-use employment opportunities; and procurement facilitation.
25. Contributions are sought comprising £3,500 per half the apprenticeships to ensure local residents have better access to them plus £7,000 for each of the other half of apprenticeships for the Council to create them elsewhere and to support the apprentice. For 8 apprenticeships the total contribution would be £44,100². However, given the obligation at Section 2.6 of Schedule 5 would result in the appellant creating the apprenticeships, the contribution towards the Council to ensure local residents have better access to the apprenticeships would be the sole amount applicable, totalling £29,400. Nonetheless, where and how this contribution will be used beyond the elements to be secured within the ESP is unclear. Therefore, while the number of apprenticeships sought has been determined by the estimated build cost of the development, it has not been demonstrated that this part of the contribution is necessary to make the development acceptable in planning terms.
26. Moreover, no further detail is provided in the E&S Code setting out how the per apprentice contribution has been derived. While reference to other programmes designed to support a local resident gain employment are included in the E&S Code, these demonstrate that costs vary widely depending on the course type and duration. Similarly, a wide range of financial contribution amounts sought by other London councils is presented at paragraph 6.5 of the E&S Code. In the absence of more detailed estimates or substantiated costs required to establish and support an apprentice, it has not been demonstrated that this element of the obligation is fairly and reasonably related in scale and kind to the development.

² Based on 8.4 apprenticeships in total, derived from estimated build cost/£2,000,000

27. During the Hearing, a sum of £77,000 was presented as being necessary to support the target of 22 jobs within the end use, calculated by applying the current unemployment rate in the Borough to the total number of jobs created by the proposal. To determine the number of jobs which would result from the proposal, the Council have applied a generic jobs per square metre, equating to 475 jobs. However, the Council were unable to confirm whether these would be full time equivalent or the number of posts likely to be created.
28. Notwithstanding this, the total jobs proposed by the Council differs significantly from the 30 full time jobs forecast within the Planning Statement³ submitted with the planning application. No further breakdown of these jobs is included within the Planning Statement, nor elaborated upon during the Hearing, to justify this lower figure. Noting that the number of staff members employed by a hotel will vary depending upon its type, brand and category, 30 full time employees to support the running of a 171-bedroom hotel appears low. When also considering the staff required for the operation of the other ground floor uses, the appropriateness of the appellant's figure has not been fully justified.
29. Nevertheless, the calculations within the E&S Code are defined as target-setting principles and, through Section 6 of Schedule 5, 20% of those employed during the first 24 months of the operational phase of the development are to be local residents. It has not, therefore, been demonstrated that this part of the ESLP is necessary to make the development acceptable in planning terms, over and above what is already obligated within other sections of Schedule 5. Nor has it been demonstrated that the amount sought is fairly and reasonably related in scale and kind to the development proposed.
30. To facilitate the procurement responsibilities of the landowners, construction developers and sub-contractors during the construction phase of a development, the Council require a financial contribution, with the amount dependent on the scale of the scheme. In this case, the contribution would amount to £6,375, based on a time requirement of 8.5 days at a daily rate of £750. The SC Code specifies that the Council, via separately appointed consultants, can support the appellant to meet the specifications therein, including sharing a database of local businesses and help arrange events with local suppliers.
31. The SC Code also requires the appellant to prepare a local supply chain procurement delivery plan which will set out how the code's requirements will be delivered. I see no reason to conclude that such responsibilities are substantially different from those to be included within the LPS required at Schedule 5, paragraph 3 of the s106, despite its differing title. As highlighted above, the appellant is obligated to submit the LPS to the Council for written approval prior to the commencement of the development, to ensure compliance with this part of the s106 and, if appropriate, the Council can refuse to approve it. The evidence before me does not sufficiently demonstrate that this additional contribution to enable a third-party to review the LPS is necessary to ensure the proposal delivers the requirements already obligated in the s106.
32. In summary, I find that the employment, skills and local procurement obligations set out at Sections 2 to 7 (inclusive) are necessary to make the development acceptable in planning terms, directly related to it, and are fairly and reasonably

³ Prepared by DP9 Ltd, dated June 2024

related in scale and kind to the proposal. This is not the case in relation to the ESLP contribution and I conclude that the relevant tests within the CIL Regulations and the Framework have not been met in this regard.

33. Consequently, I conclude that the proposal makes adequate provision towards inclusive economic growth, in accordance with Policy E11 of the London Plan and policies E1 and E4 of the Local Plan in this respect. Paragraph 1 of Schedule 5 of the legal agreement shall, therefore, have no effect.

Energy and sustainability

34. Schedule 12 of the s106 obligates the appellant to make a Carbon Offset Payment in Lieu to offset carbon dioxide (CO²) emissions resulting from the development. The level of emissions to be offset will be determined within an Energy Strategy (referred to as the Revised Energy Strategy within the definitions of Schedule 12) to be submitted to the Council for approval prior to the commencement of development with a further revised strategy to be submitted on practical completion. This approach reflects the use of contributions as payments in lieu of securing carbon reductions set out in Policy SI 2 of the London Plan, policies CC1 and CC2 of the Local Plan and contained within the Council's Planning Guidance SPD. The need for a Carbon Offset Payment to make the development acceptable in planning terms of such a payment has, therefore, been demonstrated.
35. Following the establishment of the level of emissions to be offset, the main parties dispute the appropriate methodology to be used to calculate the total contribution, resulting in the inclusion of two options within the s106. These options apply the guidance set out in the Council's Carbon Offsetting Payments – guidance for developers, July 2025 (First Option) and the Greater London Authority's (GLA) Carbon Offset Funds guidance, July 2022 (Second Option).
36. The First Option relates to the Council's own pricing mechanism which uses a sliding scale of fees per tonne depending upon the percentage of on-site carbon reduction to incentivise developers to achieve a higher rating. This is set out in a document titled Guidance Note – Calculation of Carbon Off-setting Costs for Major Developments (July 2025). It was approved by Cabinet on 1 April 2025, thereby representing a more recent and local approach.
37. Notwithstanding the above, while the note encourages the use of the Local Carbon Pricing Mechanism therein, it is clear that the Guidance Note contains just that; guidance. Furthermore, it has not been formally adopted as SPD. With the fees stated ranging from £280 up to £880 per tonne, they are significantly greater than the GLA amount, even if it is accepted that the actual costs of offsetting exceed the default figure. Neither the Guidance Note, nor the Council's Carbon Pricing Viability Assessment⁴, prepared to inform the development of the sliding scale, provide substantive evidence that underpins how the significant increase in costs has been derived nor how it relates to the actual costs of offsetting carbon.
38. Within the supporting text to Policy SI 2 of the London Plan, Boroughs must develop a price for offsetting carbon, using either a nationally recognised carbon pricing mechanism or a price based on the cost of offsetting carbon across the borough, as an alternative to the GLA's default cost. However, given the above, it has not been demonstrated that the Council's Local Carbon Pricing Mechanism

⁴ Prepared by BNP Parabis Real Estate; dated October 2024

provides an approach which fulfils either of these requirements. Due to the above factors the weight I attribute to the Guidance Note in my determination of the appeal is low.

39. In contrast, the default cost of £95/tonne is, according to the London Plan, a nationally recognised non-traded price and has been tested as part of the viability assessment for the London Plan 2021. While the supporting text to Policy SI 2 of the London Plan refers to the price for offsetting carbon being regularly reviewed and that any changes to the suggested carbon offset price will be updated in future guidance, no such updates are before me.
40. Section 2 of Schedule 12 sets out how and when accurate and verified estimates of the energy performance indicators for the development are to be reported, including the need for an action plan identifying measures necessary to address any underperformance. This reflects the 'be seen' element of the energy hierarchy required by Policy SI 2 of the London Plan to assist in reducing greenhouse gas emissions in operation and minimising both annual and peak energy demands.
41. Based on the evidence before me, I conclude that a carbon offset payment is necessary to make the development acceptable in planning terms and that the GLA's default cost is directly related to the carbon emissions resulting from the proposal and is fairly and reasonably related in kind to it. The Carbon Offset Payment (Second Option) within Schedule 12, therefore, meets the relevant CIL Regulations and Framework tests.
42. I conclude that the proposal makes adequate provision towards energy and sustainability, in accordance with policies S1 2 and S1 4 of the London Plan and policies CC1 and CC2 of the Local Plan. The Energy and Sustainability Contribution (First Option) within Schedule 12 of the s106 shall, therefore, have no legal effect.

Monitoring fees

43. While local planning authorities can charge a fee to cover the cost of monitoring and reporting on delivery of a s106 obligation, the PPG confirms that they must be proportionate and reasonable, reflecting the actual cost of monitoring⁵.

Biodiversity Net Gain (BNG)

44. Monitoring reports are required to be prepared by the appellant and submitted to the Council for review at specific intervals during the 30-year period stipulated within Schedule 7A of the Town and Country Planning Act (as amended) (the Act) in relation to the 190sqm of biodiverse green roof proposed on-site. The need for the BNG monitoring reports is therefore necessary to make the development acceptable in planning terms.
45. To ensure the monitoring of these reports is cost neutral to the Council, a monitoring fee per review is sought via section 1 of Schedule 2 of the s106. Two fee options have been presented; the First Option by the Council totalling £3,500 per review and the Second Option of £1,606.50 suggested by the appellant.
46. The CIL Note details how a sliding scale for the total monitoring fees across a 30-year period has been derived based on the complexity of habitat types to be

⁵ Paragraph: 036 Reference ID: 23b-036-20190901

monitored and whether the size of a proposal is minor, major (small) or major (large), using daily rates for planning officers and ecological experts from 2024. Although the Council's Ecology Team have confirmed that the biodiverse green roof would be a habitat type of moderate complexity, the low rating for a major (small) development has been given due to the small area proposed. This equates to total costs of £21,525.25. However, based on a £3,500 per review contribution, the overall fees to be paid prior to occupation of the development and on the six specified anniversaries would be £24,500. No explanation or justification of why this exceeds the Council's total costs has been provided.

47. The alternative costs proposed by the appellant within the Second Option comprise £1,606.50 per review. Across the seven review points, the overall costs across the 30-year period would correspond with the costs associated with a minor size-low habitat complexity set out in the Council's scale. Notwithstanding the discussion had during the Hearing regarding whether the proposal meets the definition of major development⁶, given the small area of on-site green roof, the Second Option is fairly and reasonably related in kind and scale to the development. Consequently, the Second Option meets the CIL Regulations tests.
48. I conclude that the proposal makes adequate provision for the monitoring of BNG, in accordance with the Act, and as supported through policies G1, G6 and GG2 of the London Plan and Policy OS5 of the Local Plan which seek to enhance biodiversity and secure gains where possible.
49. Insofar as it relates to the Biodiversity Net Gain Monitoring Fee (Second Option), Section 1 of Schedule 2 of the s106 shall have legal effect.

Travel Plan (TP) and Delivery and Servicing Plan (DSP)

50. The monitoring fees sought by the Council for each review of the TP and DSP, via Schedule 3 and Schedule 2 (paragraph 5) of the s106 respectively, equate to £3,000 per review. These fees would be payable when the initial plans are submitted (prior to occupation of the proposal) and on the first, third and fifth anniversaries of first occupation.
51. The need for TPs and DSPs is evidenced for development such as the appeal scheme within policies T4 and T7 of the London Plan and policies T1, T2, T3, T6, E3 and CC7 of the Local Plan, and monitoring is covered within the supporting text. However, while the Council has attempted to justify the fees by specifying an indicative list of work to be undertaken, it is not accompanied by an estimate of time required to undertake each element nor the personnel who would carry out the review and their associated hourly rates. How the scale and use of the proposal has influenced the fee is, as a result, unknown.
52. While the Council may have consistently applied this approach to all relevant development schemes across the Borough, I have no substantive information before me to verify this statement. As such, I conclude that it has not been demonstrated that the fees stipulated by the Council for monitoring the TP and DSP are necessary to make the development acceptable, directly related or fairly and reasonably related in scale and kind to it.

⁶ As contained within The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended) (the DMP Order)

53. Against each of the aforementioned monitoring obligations, the appellant has included alternative options for the fees, totalling half the amount sought by the Council. In both cases, no calculations have been provided justifying these alternative amounts. Therefore, for the same reasons as the amounts specified by the Council, it has not been demonstrated that the Second Option fees for monitoring the TP and DSP meet the CIL Regulations or Framework tests.
54. I conclude that the proposal makes adequate provision for the monitoring of the TP and SAP, in accordance with policies T4 and T7 of the London Plan and policies T1, T2, T3, T6, E3 and CC7 of the Local Plan. Insofar as they relate to a TP, these policies promote sustainable modes of transport, discourage the use of the private car by employees and guests, and protect the safety of highway users while preserving living conditions of neighbouring occupiers. In respect to DSPs, these policies require the satisfactory provision for refuse storage and collection, and that servicing and delivery activities do not compromise highway safety or living conditions.
55. Consequently, only the provisions of Schedule 3 which relate to the preparation, submission and approval of the Travel Plan shall have a legal effect.

Hotel occupation provisions

56. The Town and Country Planning (Use Classes) Order 1987) (UCO) categorises a hotel use within Class C1 alongside a boarding or guest house where, in each case, no significant element of care is provided. These uses fall within the same class of the UCO given they share common land use characteristics. Through the categorisation of uses, a key purpose of the UCO is to group variations in the use of individual buildings that would not be regarded as material changes of use and, therefore, do not require planning permission.
57. Furthermore, the UCO does not provide a limit to the amount of time someone could occupy any of the uses within Class C1. However, when taking the ordinary meaning of a hotel as a building where you pay to have a room to sleep in, and where you can sometimes eat meals⁷, the temporary nature of a hotel is apparent.
58. My attention has been drawn to the fact that the restrictions in Schedule 7 of the s106, which seek to control the occupancy of the hotel such that it is not used as a sole or main residence, were inserted to replace a previously suggested limit (30 days) for a guest to occupy the hotel. Whether a guest pays to stay at the hotel for 30 days or 31 days (or more), for example, is unlikely to result in a material change, in planning terms, to the function of the hotel. Should, however, the hotel, or parts of the hotel, be used as the sole or main residence by an occupant, thereby falling under Class C3, this would constitute a material change of use and require planning permission.
59. The use of the hotel to provide accommodation to those in Housing Need⁸ is also restricted by Schedule 7 of the s106. The Council has sought to justify this obligation by indicating that, should the hotel be used for this type of accommodation, it could have implications on the highway and residential amenity; effects that officers and local residents have not had the opportunity to consider. While the latter may be the case, little substantive evidence has been presented

⁷ Cambridge Dictionary definition

⁸ Defined in Schedule 7 as a person who is either on the Local Housing Authority's Housing Register or who would meet the definition of homeless or threatened homeless in section 175 of the Housing Act 1996

that demonstrates the occupancy of the hotel by those in Housing Need would lead to unacceptable impacts on highway conditions or safety, or on the living conditions of neighbouring occupiers. Furthermore, should such an occupation be as the sole or main residence of a person in Housing Need, as above it would be subject to enforcement as it would fall beyond the scope of a C1 use.

60. In any event, should persons in Housing Need require a significant element of care, such as in the case of a hostel, the use of the hotel in this regard would also fall outside the provisions of Class C1. In such circumstances, planning permission would be required to change the use from Class C1 to Sui Generis, thereby providing Council officers and local residents the opportunity to consider the implications of such a change.
61. The final part of Schedule 7 requires a detailed register of all Hotel Room Guests during a rolling 12-month period to be kept by the appellant and to make the register available to the Council upon request. Given the submission of and approval by the Council of an Operational Management Plan (OMP), including measures to manage the occupation and operation of the hotel, can be secured via condition would incorporate, this part of the schedule is unnecessary. The approved OMP would also include a process for regularly monitoring and reviewing the plan which, if necessary, could incorporate making a register available to the Council.
62. Consequently, the obligations set out in Schedule 7 are not necessary to make the development acceptable in planning terms, directly related, or fairly and reasonably related in scale and kind to it, thereby failing the Framework's tests for planning obligations.
63. I conclude that it is not necessary to restrict the use and occupation of the proposed hotel via a planning obligation. On this basis, Schedule 7 of the s106 shall have no legal effect.

Other Considerations

64. While not located within a conservation area, the site abuts two; Hammersmith Grove Conservation Area (HGCA) to the north and Bradmore Conservation Area (BCA) to the rear. Both the HGCA and the BCA predominantly comprise a formal arrangement of streets that create rectangular blocks defined by the formal lines and classical proportions of terraced townhouses and mansions. While various alterations have been made to the primarily residential use of the parts of the conservation areas closest to the site, including through subdivision into smaller properties, the significance of both areas is largely derived from the strong formal layout, consistent architectural proportions and materials throughout. Nonetheless, differences between the two conservation areas exist, with the HGCA characterised by wider, often tree-lined, streets whilst the closer front to front arrangement of the built form and fewer trees across the BCA creates a more intimate character.
65. The proposal would result in some change to the type and timing of activities undertaken on the site. However, these would not be substantially different from the characteristics of the extant office use of the building such that it would result in harm to the setting of the adjacent conservation areas. The minor scale of the physical external alterations proposed would, similarly, conserve the setting of both the HGCA and BCA, and accords with the Framework in this regard.

66. Although there are several Locally Listed Buildings or Buildings of Merit within the wider surroundings, none have a physical or visual link with the site. Given the extent of the proposed physical alterations of Grove House, the proposal would not harm the setting of these non-designated heritage assets.
67. My attention has been drawn to concerns raised by a number of interested parties related to matters such as noise, parking stress, vehicle movements including deliveries, highway safety, drainage constraints, light pollution and living conditions. Such concerns have been considered during the determination of this appeal and, where appropriate, measures incorporated into conditions and/or planning obligations.

Other Obligations

68. The s106 includes several other obligations which the main parties have agreed. Nonetheless, as the CIL Regulations and the Framework state that an obligation may only constitute a reason for granting planning permission if it meets the three tests therein. I have, therefore, also considered the remaining obligations against the planning obligation tests within the Framework and, where a financial contribution is involved, in accordance with the CIL Regulations.

Construction Management Plan (CMP) and Construction Logistics Plan (CLP)

69. Although differing financial contribution amounts have been sought for the CMP and CLP, the monitoring fees given have not been justified through the provision of a list of necessary tasks plus associated timescales and hourly rates, in either case. Furthermore, it has not been demonstrated that it is necessary for these plans to be prepared, approved and monitored separately, even if different statutory consultees would be involved in this process. As such, the imposition of a condition requiring the submission and approval for a CMP, incorporating a CLP, prior to the commencement of the development ensures the appropriate steps will be taken to limit the impact of the construction works on living conditions and the highway; requirements of Policy D14 of the London Plan and policies DC1, CC6, CC7, CC10, CC11, CC12 and CC13 of the Local Plan.
70. Therefore, it has not been sufficiently demonstrated that these obligations are required to make the development acceptable, directly related to it, nor fairly and reasonably related to the proposal, to meet the statutory tests. Sections 2 and 3 of Schedule 2 of the s106, therefore, have no legal effect.

Operational Management Plan (OMP)

71. As the submission and approval of the OMP, to include a timetable for monitoring and review, can be secured via a suitably worded condition, this satisfies the requirements of Policy T4 of the London Plan and policies T2, T6, E3, CC11 and CC13 of the Local Plan. As such, the OMP ensures the management, monitoring and enforcement of the uses during their operation has no adverse effect on highway safety or the living conditions of neighbouring occupiers.
72. Similarly to the CMP/CLP, no justification has been given to how the monitoring fee of £3,000, required on first submission of the OMP and on the first, third and fifth anniversaries of the first use of the development, has been calculated. Therefore, it has not been demonstrated that this obligation is necessary to make the development acceptable even if it is directly related to it. Nor is the fee

fairly and reasonably related to the proposal, as required by the tests within the CIL Regulations and the Framework. On this basis, section 6 of Schedule 2 of the s106 shall have no legal effect.

Highway safety

73. Several obligations in the s106 relate to various transport matters to ensure the safety of users of the highway, promote the use of alternative modes of transport to the private vehicle and restriction on parking both on and off-site.
74. Schedule 9 obligates the appellant to pay £20,000 to the Council, prior to the first use of the development, for the installation of a Micromobility Hub. This would provide facilities for charging and parking of sustainable mobility solutions such as e-bikes, e-cargo bikes and/or e-scooters. While the hub would provide alternative modes of transport to the private vehicle and helping to reduce potential adverse air quality impacts, as required by policies T5 and SI 1 of the London Plan and policies T3 and CC10 of the Local Plan, how the estimated cost has been derived is not before me. In any event, suitable on-site bicycle storage can be secured on site through the imposition of a condition, thereby complying with the aforementioned policies.
75. Furthermore, as the s106 does not covenant the Council to install the hub within a specific timeframe there is nothing to prevent the use of the development commencing without the hub in place, despite the requirement to provide the payment prior to occupation. It has not, therefore, been demonstrated that this obligation is necessary to make the development acceptable in planning terms or directly related to it.
76. The site is located within Controlled Parking Zone (CPZ) A where parking is restricted to 2 hours maximum stay between 08:00-23:00 all days of the week. However, the boundary of CPZ K adjoins the site and encompasses the northern part of Hammersmith Grove. On-street parking in SPZ K is restricted to permit holders or subject to a fee, between 09:00-17:00 Monday to Friday only.
77. Given the change of use of the building from office space to predominantly hotel use and, aside from two designated blue badge spaces, no parking is provided on site, the proposal is likely to place differing demands on the on-street parking spaces within the area, particularly during the evening when parking is not restricted. The need for a review of the existing controlled parking zones, including timing, waiting and loading restrictions, therefore, supports the relevant provisions within policies T6 and T7 of the London Plan and policies T1, T4, T6, E3 and CC7 of the Local Plan.
78. Nonetheless, the derivation of £15,000 required under Schedule 2, paragraph 4 of the s106 to enable the Council to undertake such a review has not been detailed. Consequently, it has not been demonstrated that the CPZ review contribution is necessary to make the development acceptable, directly related or fairly and reasonably related in kind to it, and fails the statutory tests set out in the CIL Regulations.
79. Despite the above, given the existing on-street parking conditions and the on-site restrictions, the use of the public highway for coaching parking (including dropping off passengers) would have a detrimental effect on the safety of other highway users. As a result, Schedule 4 is necessary to make the development acceptable

to ensure that there are no additional pressures on the existing CPZ, in accordance with Policy T4 of the London Plan and policies T2 and T3 of the Local Plan. On this basis, the obligations at Schedule 4 are reasonable, proportionate and necessary and meet the tests set out within the Framework.

80. Likewise, obligations at Schedule 10 prevents those leasing any parts of the development from applying for a parking permit within the CPZ and requires any tenancy agreement (or similar) to make specific reference to this, thereby encouraging the use of alternative modes of transport to the private vehicle. This also fulfils the requirements of policies T4 and T6 of the London Plan, Policy T4 of the Local Plan and as amplified within TR3 of the Planning Guidance SPD 2018. Consequently, the restrictions within Schedule 10 are necessary to make the development acceptable in planning terms, directly related to and fairly and reasonably related in kind to it, as required by the Framework.
81. The Highways Provisions at Schedule 6 of the s106 obligate the appellant to enter into a Highways Agreement with the Council within six months of commencement of the development, in regard to the works set out at Appendix 4 of the s106 and as shown on the plans attached at Appendix 1. These works comprise improvements and alterations to the public highway and footways surrounding the site and are directly related to the operation and management of the accesses, including the shared access with the adjoining Glen House. Given the design and implementation of these works will be led by the Council on land outside the site boundary, a planning obligation, rather than a condition, is the appropriate mechanism to secure these works.
82. Consequently, as the works seek to mitigate the impacts of the proposal on the surrounding highway network and to ensure the safety of highway users, they are necessary to make the development acceptable in planning terms and are directly related to it. The scale and type of works required are also reasonable and proportionate to the proposal, as required by the Framework.

Affordable Workspace

83. Schedule 8 obligates the provision of at least 250sqm of affordable workspace to be available at a 40% discount in perpetuity. This schedule also requires the submission of an Affordable Workspace Management Plan (AWMP), with a monitoring plan to be submitted on an annual basis. No monitoring fee is sought for this. The total amount of Affordable Workspace supports the approach to providing a range of employment uses, including suitable business space, set out in policies E1, E2 and E3 of the London Plan and Policy E1 of the Local Plan, and amplified within the Council's Affordable Workspace SPD (AW SPD). The AW SPD was informed by a viability assessment⁹ undertaken post-pandemic which concluded that developments in Hammersmith Town Centre can be reasonably expected to provide up to 20% affordable workspace at discounted market rates.
84. Given the scale of the proposal and its location, the amount of Affordable Workspace sought is reasonable, proportionate and necessary in order to maximise business benefits for local small and medium sized enterprises. As such, Schedule 8 meets the Framework's planning obligations tests of being reasonable, proportionate and necessary.

⁹ Affordable Workspace Study – Viability Review, October 2021

Community Use Strategy (CUS)

85. In a similar approach to Affordable Workspace, Schedule 11 obligates the appellant to secure the use of the auditorium for charities, community groups, schools and local theatre groups at cost once a week on a pro-rata basis, in accordance with a CUS to be submitted to and approved by the Council. Again, whilst monitoring details are required on the first, third, fifth and seventh anniversaries of the occupation of the development, no monitoring fee applies. Given the type of uses proposed within the development, the size and condition of the existing auditorium, together with the site's location, the weekly commitment is both reasonable and proportionate to the proposal.
86. This obligation supports Policy SD6 of the London Plan and policies CF1 and CF2 of the Local Plan which aim to support the provision and retention of high quality accessible and inclusive facilities and services for the community, including those which promote the enhancement of the vitality and viability of a town centre. The latter is also one of the objectives of the HTC SPD. Through maximising business benefits for local residents and community groups, the obligations are reasonable, proportionate and necessary, and accord with the Framework's tests.

Obligations Summary

87. For clarity, the obligations within the s106 which do and do not have a legal effect are summarised in the following table.

	Schedule	Legal Effect	No Legal Effect
1	Owner Covenants	All provisions	n/a
2	Financial Contributions	Provisions at Section 1 and in respect to the Biodiversity Net Gain Monitoring Fee (Second Option)	All provisions at Sections 2-8 inclusive and in respect to the Biodiversity Net Gain Monitoring Fee (First Option)
3	Travel Plan	All provisions relating to the preparation, submission and approval of the Travel Plan	All provisions relating to the Travel Plan monitoring fee
4	Coach Free	All provisions	n/a
5	Employment, Training and Local Procurement	Provisions at Sections 2-7 inclusive	Provisions at Section 1 relating to the Employment Skills and Local Procurement Contribution
6	Highways Provisions	All provisions	n/a
7	Hotel Occupation Provisions	n/a	All provisions
8	Affordable Workspace	All provisions	n/a
9	Micromobility Hub	n/a	All provisions
10	Parking Permit Restrictions	All provisions	n/a
11	Auditorium Community Use Strategy	All provisions	n/a
12	Energy Contribution		Provisions in respect to the Energy and Sustainability Contribution (First Option)

13	Council's Covenants	All provisions	n/a
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Conditions

88. In light of the advice contained within the Framework and the PPG, I have undertaken some minor editing, rationalisation, amalgamation and reordering of the conditions agreed between the main parties following the Hearing.
89. Aside from the standard time and plans conditions, I have imposed several pre-commencement conditions to ensure the health and safety of workers on the site and the public during the construction phase of the development, and in the interests of the living conditions of neighbouring occupiers. These relate to securing a Construction Management Plan (CMP), the approach to identifying and mitigating any risks from onsite contamination and the installation of hoarding fencing. It is not necessary for a separate condition to be imposed requiring a Construction Logistics Plan to be prepared as this can form part of the CMP, even if these require separate consultee approval. An Arboricultural Method Statement is required, secured via a pre-commencement condition in order to protect the existing trees on the site during construction.
90. I have not amended the wording of the pre-commencement conditions to exclude internal or soft strip works as such development has the potential to adversely affect the health and safety of site workers and the living conditions of neighbouring occupiers.
91. Other conditions which restrict any works, except the installation of hoarding fencing, have also been imposed to conserve energy and reduce carbon dioxide emissions, prevent a reduction in air quality, in the interests of the health and safety of workers and the public. To ensure a biodiversity net gain is achieved, in accordance with the Act, a further condition requiring a Biodiversity Gain Plan to be prepared, approved and implemented has also been imposed.
92. Conditions relating to the approval of further details, including a drainage strategy, hard and soft landscape works, sound insulation, elevation and roof plant treatment, external materials and a Secure by Design Statement have been imposed. These are necessary in the interests of the character and appearance of the area, living conditions of neighbouring occupiers, drainage conditions and the safety of staff and visitors to the development. Measures to mitigate any increase in flood risk set out in the Flood Risk Assessment are also required by condition.
93. To conserve energy, reduce carbon dioxide emissions and in the interests of protecting the environment, other strategies and details are required by condition to be approved and implemented prior to the first use of the development. These relate to an Ultra Low Emission Strategy and the use of heating and solar battery systems.
94. To manage the uses post occupation, in the interests of the living conditions of neighbouring occupiers, highway safety and to promote the use of alternative modes of transport to the private vehicle, I have imposed conditions which require the approval of the Council and implementation prior to the first use of the development. Such matters include an Operational Management Plan (OMP), a Delivery and Servicing Plan (DSP), and a Car Parking and Taxi Management Plan. It is not necessary for me to impose a separate condition which restricts third party deliveries from/to the development as this can be satisfactorily controlled via the

OMP and DSP. Furthermore, given the ground floor uses fall within Class E of the UCO they, by definition, exclude the operation of hot food/takeaways (Sui Generis). Therefore, any deliveries to/from the premises would be minimal.

95. Also to promote the use of bicycle transport, I have imposed a condition requiring the proposed bicycle storage to be installed prior to the first use of the development. A similar condition has been imposed regarding the provision of a refuse and recycling store in the interests of the character and appearance of the area and the living conditions of neighbouring occupiers. A condition requiring the installation of obscure glazing and restricted window openings has been imposed with specific regard to the privacy of residents living at the rear of the site.
96. Opening, delivery and refuse/recycling handling hours for various elements of the development are restricted by condition, in the interests of the living conditions of neighbouring occupiers and to preserve the character and appearance of the area. For the same reasons, the use of the rear external staircase is restricted to emergency and maintenance use only, with all other external areas, aside from the front area associated with the restaurant, also restricted to maintenance use only.
97. Should there be a need for external lighting, plant, machinery, odour abatement or various commercial kitchen equipment to be installed, conditions have been imposed requiring details of these to be submitted to and approved by the Council prior to installation. This ensures the protection of the living conditions of neighbouring occupiers, the preservation of the character and appearance of the area and the maintenance of air quality levels.
98. I have imposed a series of three conditions which restrict the permitted developments rights of the various uses permitted to preserve the character and appearance of the area, protect the living conditions of neighbouring occupiers, to manage impacts on the road network and prevent adverse impacts on highway safety. For the same reasons as set out above regarding Schedule 7 of the s106, I have not imposed a condition which restricts the hotel use beyond Class C1 of the UCO.

Conclusion

99. For the reasons given above, and taking into account all relevant matters raised, I conclude that the appeal should be allowed and planning permission granted.

Juliet Rogers

INSPECTOR

APPEARANCES

For the Appellant:

Mr Thomas Vandecastelle	Appellant – Legendre
Mr Nicolas Swiderski	Appellant – Legendre
Mr Alex Archer	Appellant – Central & Provincial
Mr Hamel Shah	Appellant – Candour Properties
Mr Scott Lyness	Kings Counsel – Landmark Chambers
Mr James Armitage Hobbs	DP9 (Planning)
Mr Jamie Connors	RPS (Transport)

For the Council:

Mr Roy Asagba-Power	Lead Officer
Miss Sian Brown	Principal Planning Officer
Mrs Mrinalini Rajaratnam	Head of Law - Place
Mr Russell Trewartha	Assistant Director of Capital Projects
Mr Allan Jones	Team Leader Urban Design and Heritage
Mr Steve Jones	Senior Engineering and Design Manager
Mr Paul Baker	Principal Environmental Policy Officer
Ms Catherine Patterson	Principal Highways Officer
Mrs Milica Veselinovic	Highways Officer

DOCUMENTS

1. Table of outstanding disputed obligations (email) – *submitted electronically by the appellant on 26 February 2026.*
2. Combined response to Inspectors comments on the suggested conditions sent to the parties on 12 February 2026 – *submitted electronically by the Council on 27 February 2026.*
3. Completed Section 106 agreement – *submitted electronically by the appellant on 2 March 2026.*

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three (3) years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance drawing nos:

PL_001 rev P1	Location Plan
PL_099 rev P2	Basement Floor Plan – Proposed
PL_100 rev P5	Ground Floor Plan – Proposed
PL_101 rev P3	First Floor Plan – Proposed
PL_102 rev P2	Second Floor Plan – Proposed
PL_103 rev P2	Third Floor Plan – Proposed
PL_104 rev P2	Fourth Floor Plan – Proposed
PL_105 rev P2	Roof Plan - Proposed
PL_250 rev P1	Proposed Elevations – Elevations 01-02
PL_251 rev P1	Proposed Elevations – Elevations 03-06
PL_252 rev P1	Proposed Section – Section 01
PL_253 rev P1	Proposed Section – Section 02
PL_500 rev P2	Ground Floor Landscape Plan
PL_501 rev P2	First Floor Landscape Plan
- 3) No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) has been submitted to, and approved in writing by the local planning authority. The CMP shall provide for, as a minimum:
 - (i) site logistics and operations, including location of site office space and any ancillary supporting facilities;
 - (ii) construction vehicle routing, including the implementation and management of no left hand turn along Hammersmith Grove;
 - (iii) the promotion of alternative modes of transport to the private vehicle by site operatives and visitors;
 - (iv) loading and unloading of plant and materials;
 - (v) storage of plant and materials used in constructing the development;
 - (vi) wheel washing facilities;
 - (vii) measures to control the emission of dust, noise, vibration and light during construction;
 - (viii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - (ix) neighbour and interest parties' notification;
 - (x) display of contact details for those responsible for the site works and reporting lines;

(xi) delivery, demolition and construction working hours.

The approved CMP shall be adhered to throughout the demolition, site clearance and construction phases of the development.

- 4) No development shall take place, including any works of demolition or site clearance, until a preliminary assessment of the risks posed by any land contamination (including gases and water quality) and a site investigation scheme have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency - Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site.

The preliminary assessment shall include:

- a desktop study and site reconnaissance identifying current and previous land uses at the site and the surrounding area, and potential contaminants associated with these uses;
- a conceptual site model indicating potential pollutant linkages between sources, pathways and receptors, and receptors on and around the site;
- a scheme of intrusive investigation based on the risks identified in the preliminary assessment including sampling provisions, where relevant; and
- a quantitative assessment of the risks posed by potential land contamination (including gases and water quality), including an indication where remediation works are required.

- 5) No development shall take place, including any works of demolition or site clearance, where (following the preliminary assessment pursuant to condition 4) land affected by contamination is found to pose risks identified as unacceptable in the preliminary assessment and where a remediation works are required, until a remedial method statement has been submitted to and approved in writing by the local planning authority. The remedial method statement must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency - Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced).

The approved remedial method statement shall be carried in accordance with the implementation timescales therein and, upon completion, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing prior to the first use of the development hereby approved.

- 6) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not

- resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 7) No development shall take place, including any works of demolition or site clearance, until an Arboricultural Method Statement, incorporating a scheme for the protection of the retained trees and the appropriate working methods has been submitted to and approved in writing by the local planning authority. The AMS shall be prepared in accordance with Section 6.14 of the BS 5837 Arboricultural Report & Impact Assessment prepared by Crown Tree Consultancy, dated 6 June 2024. The AMS shall be implemented and maintained in accordance with the approved details.
 - 8) No development shall take place, including any works of demolition or site clearance, until a Biodiversity Gain Plan (BGP) has been submitted to and approved in writing by the local planning authority. The BGP shall be prepared in accordance with Section 6 of the Biodiversity Net Gain Assessment, prepared by Greengage (ref: 552744dpApr24FV01_BNGA, April 2024). The BGP shall be implemented and maintained in accordance with the approved details.
 - 9) No development shall take place, including any works of demolition or site clearance, until an Energy Strategy (ES) has been submitted to and approved in writing by the local planning authority. The ES shall include details of energy efficiency and low/zero carbon technology measures and the resultant reduction in carbon dioxide emissions. The approved measures shall be implemented prior to the first use of the development and shall be retained and maintained thereafter.
 - 10) No development shall take place, including any works of demolition or site clearance, until details of temporary solid timber hoarding fencing around the perimeter of the site and an enclosure of the site from first to fourth floor have been submitted to and approved in writing by the local planning authority. The approved fencing and enclosure shall be installed prior to any works of demolition or site clearance, and thereafter retained and maintained during the demolition, site clearance and construction phases of the development. No part of the temporary fencing or enclosure shall be used for the display of commercial advertisement hoardings.
 - 11) No development shall take place (excluding the installation of the fencing and enclosure pursuant to condition 10), until an Air Quality Emissions Control (AQEC) scheme has been submitted to and approved in writing by the local planning authority. The AQEC scheme shall include measures to mitigate air pollution including nitrogen oxides, particulates (PM10 and PM2.5), emission control of non-road mobile machinery, on road vehicles and fugitive dust emissions. The approved measures shall be implemented prior to any works of demolition or site clearance and thereafter retained and maintained during the demolition, site clearance and construction phases of the development.
 - 12) No development shall take place (excluding the installation of the fencing and enclosure pursuant to condition 10), until a Ventilation Strategy Report (VSR) has been submitted to and approved in writing by the local planning authority. The VSR shall include details of measures to mitigate the impact of existing poor air quality for the Hotel use where the annual mean air quality targets for nitrogen dioxide - 10ug/m-3 and Particulate (PM2.5) – 5ug/m-3 are exceeded

and where current and future predicted pollutant concentrations are within 5% of these limits.

Prior to the first use of the Hotel, the approved measures shall be installed and a post installation compliance report, prepared by an accredited Chartered Building Surveyor (MRICS), shall be submitted to and approved in writing by the local planning authority. The approved measures shall be maintained thereafter.

- 13) Prior to the commencement of development hereby permitted, excluding any works of demolition or site clearance, a 'revised' Drainage Strategy shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and maintained thereafter.
- 14) Prior to the commencement of development hereby permitted, excluding any works of demolition or site clearance, details of the proposed hard landscape works shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the first use of the development and maintained thereafter.
- 15) Prior to the commencement of development hereby permitted, excluding any works of demolition or site clearance, details of the proposed soft landscape works shall be submitted to and approved in writing by the local planning authority. Details shall include plant species and a planting maintenance plan. The development shall be carried out in accordance with the approved details and maintained thereafter.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 (five) years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 16) Prior to the commencement of development hereby permitted, excluding any works of demolition or site clearance, details of the sound insulation of the building envelope, including any mitigation measures, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and maintained thereafter.
- 17) Prior to the commencement of development hereby permitted, excluding any works of demolition or site clearance, details of the front and rear elevations, and rooftop plant, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the first use of the development and maintained thereafter.
- 18) Prior to the commencement of development hereby permitted, excluding any works of demolition or site clearance, details of all external materials to be used on the building including cladding to the rear external staircase, shall be submitted to and approved in writing by the local planning authority. The

- development shall be carried out in accordance with the approved details prior to the first use of the development and maintained thereafter.
- 19) Prior to the commencement of development hereby permitted, excluding any works of demolition or site clearance, a Secure by Design Statement shall first be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the first use of the development and maintained thereafter.
 - 20) Prior to the first use of the development hereby permitted, the measures set out in Section 7 of the Flood Risk Assessment, re: ENV20459, dated February 2024 shall be implemented and maintained thereafter.
 - 21) Prior to the first use of the development hereby permitted, an Operational Management Plan (OMP) for the hotel use and the ground floor non-hotel uses shall be submitted to and approved in writing by the local planning authority. The approved uses shall be implemented and operated in accordance with the approved OMP and monitoring and review programme therein.
 - 22) Prior to the first use of the development hereby permitted, the measures set out in Section 11 of the Sustainability Statement, ref: 552744/JB20June24_FV02_SU, prepared by Greengage and dated October 2024, shall be implemented and maintained thereafter.
 - 23) Prior to the first use of the development hereby permitted, an Ultra Low Emission Strategy (ULES) shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, prior to the first use of the development, and maintained thereafter.
 - 24) Prior to the first use of the development hereby permitted, details of the air source heat pumps, heat battery boiler, electric boilers or alternative electrical only heating systems shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, prior to the first use of the development, and maintained thereafter.
 - 25) Prior to the first use of the development hereby permitted, details of the Battery Solar Energy Storage Systems (BSESS) for the Hotel use shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, prior to the first use of the development, and maintained thereafter.
 - 26) Prior to the first use of the development hereby permitted, a Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved DSP, and monitoring and review programme therein.
 - 27) Prior to the first use of the development hereby permitted, a Car Parking and Taxi Management Plan, including the provision of disabled car parking spaces, vehicular access controls and enforcement measures, and provision of electric charging ports, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, prior to the first use of the development, and maintained thereafter.

- 28) Prior to the first use of the development hereby permitted, safe, secure and accessible bicycle storage for guests, customers and staff for the hotel and non-hotel uses shall be installed in accordance with the details which shall first have been submitted to and approved in writing by the local planning authority. The bicycle storage shall be maintained and be kept available for this purpose thereafter.
- 29) Prior to the first use of the development hereby permitted, the refuse storage facilities shall be provided within the site in accordance with the details which shall first have been submitted to and approved in writing by the local planning authority. The refuse storage facilities shall be kept available for this purpose thereafter.
- 30) Prior to the first use of the development hereby permitted, all external doors shall have be fitted with self-closing devices. Doors shall not be fixed in an open position at any time. The self-closing devices shall be retained and maintained in an operational condition thereafter.
- 31) Prior to the first use of the development hereby permitted, the obscure glazing shall be installed in the windows at first to fourth level of the rear elevations of the building's rear wings in accordance with the detailed design (including a sample) which shall first have been submitted to and approved in writing by the local planning authority. The obscure glazing shall be maintained thereafter. No windows in the rear elevation of the wings shall be able to open more than 20 degrees.
- 32) The non-hotel uses (Class E and auditorium) floorspace at ground floor level hereby permitted shall not be open (except for staff) other than between 08:00 and 23:00 Monday to Sunday.
- 33) Other than tables and chairs, no other furnishings, including parasols, heaters or lighting shall be placed within the external area serving the restaurant identified on approved drawing no: PL_100 rev P5 Ground Floor Plan – Proposed. No music (either acoustic or amplified) shall be played at any time in this area. The external area shall not be used other than between 08:00 and 22:00 Monday to Sunday. Outside of these times, the tables and chairs shall be stored within the existing building.
- 34) Commercial deliveries, collections, unloading or loading associated with the operation of the hotel and ground floor uses shall only be carried out on the site between 07:00 and 18:00, Monday to Saturday, and at no time on a Sunday or Public/Bank holiday.
- 35) Removal of refuse or recycling to external bins or storage areas shall only be carried out on the site between 07:00 and 20:00, Monday to Saturday, and at no time on a Sunday or Public/Bank holiday.
- 36) The hotel hereby approved shall contain a maximum of 171 bedrooms. No less than 10% of the total number of hotel bedrooms hereby approved shall be fully accessible rooms for wheelchair users and designed in accordance with British Standard BS8300-2:2018 (and any such replacement). The fully accessible hotel rooms shall be retained and maintained thereafter.
- 37) The rear external staircase shall be used for emergency egress and for maintenance access only. Notwithstanding the rear external staircase and the external area subject to condition 33, no other part of any land within the

application site, including any parts of the roof, shall be accessible other than for maintenance purposes.

- 38) Prior to the installation of external lighting, full details including height, design, location and intensity shall be submitted to and approved in writing by the local planning authority. The lighting installation shall then be carried out in accordance with the approved details and maintained thereafter.
- 39) Prior to the installation of any plant, machinery, equipment an assessment which accords with BS4142:2014+A1:2019 of the external sound level emitted from the machinery shall first be submitted to and approved in writing by the local planning authority. Details shall include any mitigation measures necessary to ensure that the external sound level emitted from the plant, machinery, equipment will be lower than the typically lowest existing background sound level by at least 10dBA. The assessment shall indicate where a post installation noise assessment shall be required to confirm compliance with the sound criteria. The development shall be implemented in accordance with the approved details and maintained thereafter.
- 40) Prior to the installation of any machinery, plant equipment, extract, ventilation system or ducting, details of the anti-vibration measures to be implemented shall first be submitted to and approved in writing by the local planning authority. The measures shall ensure the machinery, plant equipment, extract, ventilation system or ducting is mounted with proprietary anti-vibration isolators and that fan motors are vibration isolated from their casing and adequately silenced. The development shall be implemented in accordance with the approved details and maintained thereafter.
- 41) Prior to the installation of any odour abatement equipment and extract system, full details including the height of the extract duct and vertical discharge outlet shall be submitted to and approved in writing by the local planning authority. The installation shall then be carried out in accordance with the approved details and maintained thereafter.
- 42) Prior to the installation of any electric induction stoves, commercial waste heat exchange recovery systems, aerobic food digesters and commercial kitchen particulate emissions control systems shall be submitted to and approved in writing by the local planning authority. The installations shall then be carried out in accordance with the approved details and maintained thereafter.
- 43) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, F and G of Part 2; Classes A and E of Part 7; and Class C of Part 16 of Schedule 2 to the Order shall be undertaken.
- 44) The retail, bar, restaurant and café units identified on approved drawing no: PL_100 rev P5 Ground Floor Plan – Proposed, shall only be used for Class E(a) – retail and Class E(b) – sale of food and drink for consumption on the premises and for no other purpose (including any other purposes in Class E of Schedule 2 Part A of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

- 45) The auditorium identified on approved drawing no: PL_100 rev P5 Ground Floor Plan – Proposed, shall only be used for Sui Generis use and for no other purpose (including any other Sui Generis uses of Schedule 2 Part A of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

**** End of Schedule ****