

# Fulham Football Club, Craven Cottage

in the London Borough of Hammersmith & Fulham

planning application no.2012/00038/FUL

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

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

## The proposal

Redevelopment of Riverside stand to increase stadium capacity by approximately 4,300 seats providing a total resultant capacity of 30,000 seats. The proposals also involve new river wall, new river walkway, 1,000 sq.m. retail space (with restrictions) and four new residential units.

## The applicant

The applicant is **Fulham Stadium Limited** and the Architect is **KSS**.

## Strategic issues

The strategic matters regarding the impact on the **Blue Ribbon Network, ecology, urban design, climate change and transport matters** have been satisfactorily addressed.

## The Council's decision

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

## Recommendation

That Hammersmith & Fulham Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority.

## Context

1 On 30 January 2012 the Mayor of London received documents from Hammersmith & Fulham Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Category 1C of the Schedule to the Order 2008:

### Category 1C

1. Development which comprises or includes the erection of a building of one or more of the following descriptions—

(a) the building is more than 25 metres high and is adjacent to the River Thames;

*(c) the building is more than 30 metres high and is outside the City of London.*

2 On 7 March 2012, the Mayor considered planning report PDU/0005b/01, and subsequently advised Hammersmith & Fulham Council that the application did not comply with the London Plan, for the reasons set out in paragraph 104 of the above-mentioned report; but that the possible remedies set out in paragraph 106 of that report could address these deficiencies.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. Since then, the application has been revised in response to the Mayor's concerns (see below). On 26 July 2012, Hammersmith & Fulham Council decided that it was minded to grant planning permission and on 8 February 2013 it advised the Mayor of this decision.

4 On 19 February 2013, Hammersmith & Fulham Council withdrew the 8 February 2013 notification to allow the Mayor to determine the case at a later date.

5 On 8 May 2013 the Council presented an update report to its Members seeking to amend the original 26 July 2012 Officer report through the removal of various paragraphs relating to mitigation measures. The Council resolved to approve those amendments and on 20 May 2013, re-issued the referral advising the Mayor of its decision.

6 Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, direct Hammersmith & Fulham Council under Article 6 to refuse the application or issue a direction to Hammersmith & Fulham Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and any connected application. The Mayor has until 2 June 2013 to notify the Council of his decision and to issue any direction.

7 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 has been taken into account in the consideration of this case.

8 The decision on this case, and the reasons will be made available on the GLA's website [www.london.gov.uk](http://www.london.gov.uk).

## **Update**

9 At the consultation stage Hammersmith & Fulham Council was advised that the application did not comply with the London Plan, for the reasons set out in paragraph 104 of the above-mentioned report; but that the possible remedies set out in paragraph 106 of that report could address these deficiencies. The matters set out at paragraph 106 of the report are as follows:

- **Principle of development:** Further information is required regarding impacts on the River Thames and its users.
- **Ecological impacts:** Officers are in the process of reviewing the Environment Statement and may provide further comment in due course.
- **Urban design and access:** Further views in the context of the listed stand, cottage and conservation areas should be provided to determine the harm arising. The terms of reference for an ongoing access group should be set out in the section 106.

- **Climate change mitigation:** Carbon reduction targets need to be confirmed and the short fall in terms of the targets set out in London Plan policy 5.2 should be met off site in discussion with the Council and the GLA.
- **Noise and vibration:** The GLA has commissioned review of the impacts. Further comment may be provided.
- **Transport:** A number of matters need to be agreed including a contribution to fund works at Putney Bridge station, implementation of Legible London signage, a contribution towards the signalling upgrades on Fulham Palace Road. In addition the council should secure a robust and coherent travel plan. TfL should be closely involved in future discussions on the form and content of the travel plan and section 106 agreement. Other conditions regarding a travel plan and construction logistics and servicing need to be agreed.

### Summary of amendments

10 Since the Mayor's consultation stage response the applicant has submitted a Supplementary Environmental Statement (March 2012), including updated chapters on wind, water, transport and ecology impacts arising from the proposed development.

11 The key design changes relate to the following:

- Provision of three reed beds located along the riverside walkway with a total capacity of at least 100 sq.m. (mitigation measures negotiated with the Environment Agency)
- New mesh cladding to the lift cores at either side of the riverside stand.
- Revised gradient to the southwest corner of the riverside stand on the slope down to Bishops Park. Change from 1:40 to 1:21 to allow for drainage and flood level matters.
- Provision of four safety ladders located along the fenders to the riverside walk.

### **Principle of development**

12 At the consultation stage, as set out in report PDU/0005b/01, the Mayor raised a number of matters but, in particular, concern regarding the impact of the proposed extension into the River Thames. In particular the stage 1 report noted at paragraph 24, *"Whilst the club expansion in terms of seating capacity may be supported in principle, a number of concerns have been raised regarding the impacts of the proposed extension adjacent to and into the River Thames and its potential impacts on river users"*.

13 The main impact relates to changes in wind conditions as a result of the new stand, which has the potential to effect sailing conditions to this part of the River Thames, which is used by Southbank and Ranelagh Sailing Clubs amongst other users. It is necessary to consider first the impact of the proposal on the wind conditions as presented by the applicant and various parties.

### The applicant's wind analysis

14 The applicant has provided a wind analysis as part of the original January 2012 submission documents as set out in chapter K of the Environmental Statement (ES). This was subsequently updated (submitted in March 2012) after the Mayor issued his consultation response. The updated ES considered changes in design and an updated survey of trees on the Surrey bank (south side of the River Thames).

15 The applicant advises that there is no best practice significance criteria for assessing the wind microclimate in terms of the potential effect on sailing conditions and that in this case the approach to the assessment of significance has been conducted in two ways:

- First, whether wind speeds were the same (negligible), calmer (adverse) or stronger (beneficial) than those measured for the baseline conditions (the baseline conditions being the current wind conditions in the context of the existing stand); and
- Second, an adverse effect was also 'assigned' if the wind speed was, as a result of the proposed development, below a minimum threshold wind speed of 4 knots (after Lawson) when the speed of the approaching wind was 5 knots, 10 knots or 15 knots (specified by the sailing clubs).

16 The applicant draws on the Lawson<sup>1</sup> Sailing Criteria (also author of Lawson Comfort Criteria for pedestrian level wind) who describes a methodology for quantifying three key factors that affect the suitability of the local wind environment for sailing.

17 The three factors are:

- mean wind speed;
- wind turbulence (i.e. the change of wind speed with time); and
- wind shear (i.e. the variation of wind speed with distance).

18 The Beaufort Scale for sailors, which provides observation of the noticeable effect of wind on the water is also cross referenced. The Lawson Sailing Criteria, formed on the basis of a sailor's individual skill and experience level, were defined to assess the suitability of the wind microclimate for sailing. The criteria define a minimum and maximum wind speed between which sailing is possible. It confirms there is a minimum wind speed of 4 knots below which sailing would not be possible regardless of skill level.

19 The methodology presented by the applicant identified a series of 40 fixed measurement points on a wind tunnel testing model. These were arranged in a grid and concentrated on the stadium half of the River Thames, where sailing takes place on the inside of the river bend, where the River's current is most manageable (figure 1 example extract).

20 It is intended to show differences before and after the proposed redevelopment and expansion of the FFC Riverside Stand. The results have been presented in the form of a "wind speed ratio" which expresses the measured wind speed over the water as a proportion of a reference wind speed at a known height. The local sailing clubs had asked that the analysis of the wind speed data is conducted for reference wind speeds of 5 knots, 10 knots and 15 knots and these wind speeds have been used in the applicant's assessment. The results are presented for both the existing and proposed Configurations (i.e. Configurations 1 and 2 shown in the ES) tested in the wind tunnel model.

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<sup>1</sup> Lawson T.V. (2001); Building Aerodynamics, Imperial College Press [ISBN1-86094-187-7]

Figure 4.3 Wind Speed Vectors for Wind from 30 Degrees: Baseline and Proposed FFC Riverside Stand: 10 knot

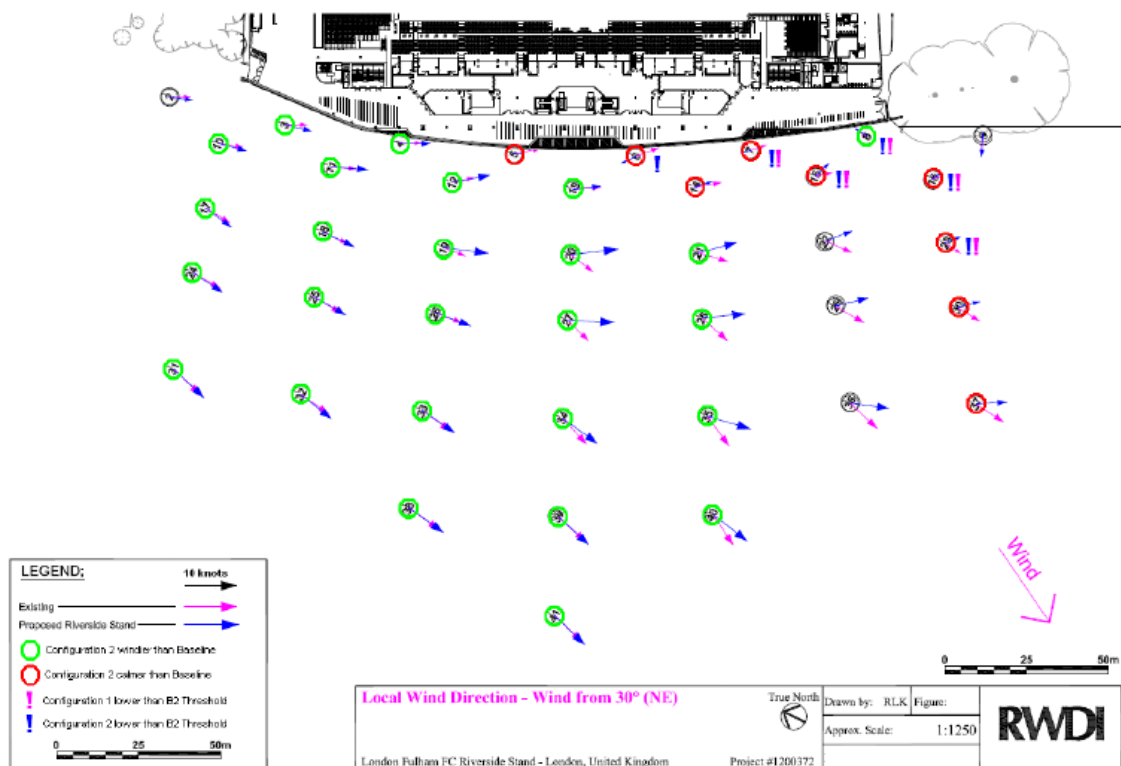


Figure 1 example extract from updated Environmental Statement (March 2012) source: NLP

21 The applicant’s analysis describes that for an approaching wind speed of 5 knots, there are adverse conditions at all the measurement locations because the wind speed is less than 4 knots. The adverse effects occur for both the baseline and in the presence of the new stand.

22 As the wind speed increases the evidence suggests an adverse effect occurs at thirty-seven locations (thirty-six for the baseline) when the wind speed is 10 knots and sixteen locations (three for the baseline) when the wind speed is 15 knots. In the presence of the updated proposed Riverside Stand, the additional locations are adjacent to those that already fail to meet the 4 knot threshold in the existing (baseline) configuration.

23 Originally the applicant’s consultant conclusions provided that over the course of the year, the proportion of measurement points on the grid where the wind speeds are calmer (adverse impact) in the presence of the proposed Riverside Stand was 37.3%. No change was expected over 26.1% of the measurement grid (negligible impact), and stronger wind speeds were expected at 37.3% (beneficial impact) of the grid, for all wind directions.

24 The findings regarding the updated study concluded over the course of the year the proportion of measurement points on the grid where the wind speeds are calmer (adverse impact) unchanged (negligible impact) and stronger (beneficial impact) in the presence of the Riverside Stand to be 27.8% and 25.9% and 46.3 respectively.

25 The applicant’s consultant conclusions therefore suggest that the proposal would result in some impact on wind conditions but that those conditions would not preclude the ability to sail on the River Thames as overall their data suggests wind benefits would be more frequent than calmer impact days.

Hammersmith & Fulham Council’s analysis

26 The Council originally reported the case to its planning committee on 26 July 2012. Some analysis is provided which considers the planning history of the site and the evidence submitted by the applicant, the PLA's consultant and the sailing clubs. In conclusion on the matter the officer report notes that *"whilst sailing would be affected, on the basis of the evidence available, the development proposals would not result in conditions that would preclude the continuation of sailing activity on the river."*

27 An extract of the officers report is set out below (Paragraph 3.25-3.26)

*"Officers accept that whilst individual applications for incremental development at the application site may not individually have a significant effect on sailing, the cumulative impact of such developments makes consistency in wind flows less predictable and thus increasingly presents more of a "lottery" situation for yacht races along this stretch of the Thames, which has an effect on the Ranelagh Sailing Club in particular. The Sailing Microclimate Assessment Wind Tunnel Study prepared by the applicant concludes that when comparing the wind speeds above the River in the presence of the new stands with those of the baseline there are areas where wind speeds increase relative to the baseline (beneficial effect), areas where wind speeds decrease (adverse effect) and areas where the wind speed stays the same (negligible effect). The Ranelagh Sailing Club's own report confirms that following development 42% of races would be impossible, whilst 58% of races would be able to occur, albeit with 41% being a frustrating lottery. The PLA have confirmed that the methodology used in the Study prepared by the applicant is appropriate. In this respect Officers conclude that whilst sailing would be affected, on the basis of the evidence available, the development proposals would not result in conditions that would preclude the continuation of sailing activity on the river*

*Notwithstanding this, in response to discussions held at the abovementioned meeting with the Sailing Clubs and further negotiations with the PLA, Fulham Football Club have agreed on a number of mitigation measures. In terms of land based mitigation the PLA is satisfied that the design of the stand minimises the massing of the building as much as possible whilst achieving the football clubs desire to increase the overall capacity to 30,000. As such the proposed mitigation measures would occur off site. The proposed mitigation for Ranelagh Sailing Club would be their use of South Bank's sailing course on 'wind affected days'. The use of South Bank's sailing course may also result in Ranelagh Sailing Club needing access to South Bank's race related facilities and for Ranelagh to have a suitable means to transport their boats from their club house to the South Bank start/finish line. In response FFC have agreed to make a financial contribution to the South Bank Sailing Club, which will assist the sailing club in their plans to amend/enhance their existing facilities and alter their sailing course to a splayed start/finish line on 'wind affected days.' In addition FFC will pay for the cost of a motor boat which could tow Ranelagh's boats between their club house and the South Bank's start/finish line. FFC have also agreed to make a financial contribution to the thinning of the trees/shrubs between Beverly Brook and South Bank's club house. The above mitigation measures will be secured by the S106 Agreement. In this respect it is not considered the harm caused would justify refusing planning permission."*

28 The relevant Heads of Terms are set out below as reported in paragraph 4.2 (2)-(5) of the 26 July 2012 officer report:

- *Developer to provide written agreement between the Ranelagh Sailing Club and Southbank Sailing Club regarding the use of the Southbank Sailing Club's course by the Ranelagh Sailing Club on 'wind affected days'.*
- *Developer to pay a contribution in the order of £25,000, and £5,000 per year for a further 5 years to the Southbank Sailing Club towards improvements to the race related facilities of the Clubhouse, and to alter the sailing course to a splayed start/finish line for use by the Ranelagh Sailing Club on 'wind affected days'.*

- *Developer to pay a financial contribution towards the provision of suitable means to enable the Ranelagh Sailing Club to transport their boats from their club house to the South Bank Club's sailing start/finish line. (motor boat)*
- *Developer to make a financial contribution to the thinning of the trees/shrubs between Beverly Brook and South Bank's club house, on the basis of further investigation by the PLA and subject to any relevant consents.*

29 On 8 May 2013, the Council's Planning Committee reconsidered the case. The updated Officer report presented at that meeting sought approval of amendments to the original report of 26 July 2012, which proposed the removal of all reference to mitigation measures regarding impacts on users of the River Thames. Paragraph 3.1 – 3.4 of the 8 May 2013 officer report is set out below:

*“Following the Committee’s resolution, and prior to the referral of the application to the London Mayor, officers have considered further the wording of the officers’ report and heads of terms of the Section 106 Agreement. Whilst there are no new material considerations which lead to any other conclusion from that of the officers’ recommendation and the committee’s resolution, officers consider it is expedient and appropriate to clarify aspects of the report for the proper determination of the application. To this end officers propose the amendment of their report and the removal of paragraph 3.26 and clarification of the matters covered within.*

*For the purposes of clarification and for the avoidance of any doubt, Officers did not regard the mitigation measures outlined in paragraph 3.26 to have been necessary for the planning application to be acceptable and in order to make the recommendation to grant planning permission. The removal of paragraph 3.26 will clarify what might have otherwise been interpreted as mitigation considered necessary for this application to be considered acceptable.*

*For the avoidance of doubt any additional measures offered by Fulham Football Club to help enhance the overall prospect of sailing on this part of the river, they would be subject to arrangements between the Club and the sailing clubs separately to the planning decision. In addition any measures required in respect of the River Works Licence would be subject to agreements between Fulham Football Club and the PLA, also a separate process to the planning decision.*

*Accordingly, the additional measures which have been referred to under paragraph 3.26 are not to be treated as planning obligations nor shall they be reasons to grant planning permission for the purposes of regulation 122 of the Community Infrastructure Regulations. As such it is recommended that paragraph 3.26 of the 26 July 2012 Planning Applications Committee Report is removed”*

30 The report also included the removal of the Heads of Terms (2)-(5) as reported above.

31 The Council agreed the officer amendments to remove the mitigation measures originally secured, resolving to approve the application.

#### Port of London Authority analysis

32 Prior to the Council's 8 May 2013 resolution, the PLA had led on the discussions regarding impact on navigation, navigational safety, wind conditions and appropriate mitigation measures. To assist in its consideration of the case the PLA commissioned consultants BRE to consider the impact of the proposed development, and to assist in negotiations regarding the clauses originally drafted in the section 106 agreement. The various representations provided by the PLA include its pre- 26 July 2012 committee summary dated 23 July 2012 (with BRE advice dated 19 July 2012) and more recently its representations of 7 May 2013 submitted prior to the Council's 8 May 2013

resolution. The earlier representations and the advice from BRE confirms that wind tunnel test results show that for prevailing (south west) wind conditions the proposed Riverside Stand creates localised wind conditions that are not suitable for sailing.

33 BRE advice continues that this is because the presence of the proposed stand changes the wind direction to such an extent that it prevents boats from sailing next to the stadium (where the river current is least). The advice continues that a mitigation measure presently (at that time) being considered to deal with the issue was that a new course be considered by the sailing clubs which avoids the need to sail close to the proposed stand. The use of a new course would require the cutting back and/or removal of trees along the Surrey bank. The wind testing results undertaken by BRE suggest that trees along this bank have significant effects upon the sailing wind conditions. BRE advise that in summer it is likely that removing the trees completely would approximately double the nearby wind speeds above the river. If the trees were thinned then wind speeds will be increased by about a third. BRE go on to conclude that cutting or tree removal is likely to have significant beneficial effect upon sailing conditions near to the Surrey bank.

34 It is on this basis that the PLA had proceeded to negotiate terms within the section 106 following the 26 July 2012 committee resolution to satisfy its own objection. The PLA notes in its pre- 26 July 2012 committee correspondence that given tree works combined with alterations to the Sailing Club's usual course could provide, in its view, a viable alternative to the current course on wind affected days, that the other mitigation measure secured in the section 106 relating to financial contributions towards improvements to club facilities and provision of a motor boat to tow boats to alternative racing startline seem unnecessary.

35 On 7 May 2013, prior to the Council's 8 May 2013 Committee meeting, the PLA wrote to the Council highlighting that it considers that *"appropriate mitigation is required to ameliorate the impact of the proposed development on sailing. This mitigation should be reasonable and proportionate and should also be capable of being secure, implemented and enforced. The Council's (amended) approach ... would result in no mitigation relating to the impact of the proposed development on sailing being required or secured. As such the PLA's objection to the planning application remains extant. The PLA urges members to consider the reasonableness of the Council's proposed approach.. this would appear at odds with the Council's general approach to mitigation as set out at paragraph 10 (justification for approving the application) of the report to the 26 July 2012 committee meeting with states "the application proposes that its impacts are mitigated by way of a comprehensive package of planning obligations to fund improvements that are necessary as a consequence of the intensive use and encroachment into the River."*

36 At the time of writing this report the PLA's objection remains extant.

#### The sailing clubs analysis

37 Ranelagh and Southbank sailing club submitted joint representations over the period of the application however as set out later in this report (see response to the consultation) both state they will be affected by the proposal individually as well as collectively regarding the impact on navigation to this part of the River Thames.

38 The GLA has been kept updated by the clubs lead representatives throughout the planning application process and provided with copies of representations made to the Council, the applicant and more recently to the PLA in relation to the application for a licence under the Marine and Coastal Access Act 2009, regarding construction of the proposed development which is currently the subject of consideration by the PLA and to which the Mayor has also been consulted on.

39 The clubs produced its own analysis scrutinising the applicant's case and proposals, which is based on the experience of its members and its own technical understanding of sailing, sailing



conditions and the variables associated with the sport in practice. This was, more recently, supplemented by various appendices and commentary on the original proposed mitigation work.

40 The sailing clubs headline conclusions note that 42% of races would be impossible, 41% would be possible but a frustrating lottery and 17% would be sailable.

41 The clubs are critical of the pure statistical approach undertaken by the applicant in the ES and note in particular that the grid points set out in the analysis include all points over the river in the study area and therefore, in its view, includes areas where sailing does not and physically cannot take place. This would suggest the percentage impacts presented do not necessarily reflect the true impact as it dilutes the overall conclusions. The clubs also highlight that an increase in wind speed does not necessarily benefit conditions for sailing as wind deflecting from an obstruction that can collide with other oncoming air flow can result in turbulence.

42 The overall conclusion of the clubs is that the proposal would threaten its ability to function, retain and attract new members as sailing conditions would be significantly adversely affected. Ranelagh Sailing Club in particular had provided further detailed commentary on the original mitigation measures proposed in the section 106. Following the removal of the mitigation measures as reported by the Council on 8 May 2013, the clubs have written to the Council raising concern at the lack of opportunity to comment on what they view as a fundamental change in the assumption on which the Committee's decision was based and the proposed deletion of all the relevant mitigation measures. The Sailing Clubs have also written to the Mayor confirming its position that they remain highly critical of the conduct of this case and which they believe invites Judicial Review.

#### GLA analysis

43 Paragraph 6.(1) of the Mayor of London Order 2008 sets out that *"If the Mayor considers that to grant permission on a PSI application would be— (a) contrary to the spatial development strategy or prejudicial to its implementation; or (b) otherwise contrary to good strategic planning in Greater London, he may, within the period specified in article 5(1)(b)(i), direct the local planning authority to refuse the application"*. Paragraph 6.(2) also sets out *"Before giving a direction under paragraph (1) on the ground specified in sub-paragraph (b), the Mayor must have regard to.. (amongst other matters)... (f) the desirability of promoting and encouraging the use of the River Thames safely, in particular for the provision of passenger transport services and for the transportation of freight" ..*

44 Policy 7.24A Blue Ribbon Network seeks to *"prioritise uses of the waterspace and land alongside it safely for water related purposes"*. Policy 7.27A relates specifically to the recreational use of the River Thames and notes that *"a) proposals that result in the loss of existing facilities for waterborne sport and leisure should be refused, unless suitable replacement facilities are provided."* Point b) notes that *"proposals should protect and improve existing access points"*.

45 Policy 7.28A Restoration of the Blue Ribbon Network' specifically states that: *"Development proposals should restore and enhance the Blue Ribbon Network by.. c) preventing development and structures into the water space unless it serves a water related purpose."*

46 Paragraph 7.83 notes that *"promotion of the BRN for leisure facilities is an important objective, water based sport and recreation should be prioritised"* and Paragraph 7.84 notes that *"The BRN should not be used as an extension of the developable land in London nor should parts of it be a continuous line of moored craft"*

47 In addition, London Plan policy 7.7D Tall and large scale buildings, notes that *"tall buildings should not affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunication interference."*

48 Policy 2.18Eb Green infrastructure: the network of open and green spaces, also notes that development proposals should “*encourage the linkage of green infrastructure, including the Blue Ribbon Network, to the wider public realm to improve accessibility for all and develop new links, utilising green chains, street trees, and other components of urban greening (Policy 5.10).*”

49 The Thames Strategy – Kew to Chelsea, includes many of these themes described above and is relevant in the context of London Plan policy 7.29B.

50 As such there is a robust suite of policies within the Plan that seek to protect and promote the use of the BRN and land along side it.

51 Since the consultation response from the Mayor and as described above, there have been detailed technical discussions between the Council, the PLA, the sailing clubs (Ranelagh and Southbank), the applicant and the GLA. The Council has also amended the original committee report from July 2012 to the May 2013 version, which deletes reference to mitigation measures.

52 At the centre of the concerns surrounding the principle of the proposed development is the impact of the proposal on the wind environment of the River Thames and therefore its impact on the ability of sailing clubs and others to navigate past the football ground in certain wind conditions. The matter of wind conditions and the associated variables is a complex area with mixed interpretation and opinion. There is however general agreement that there will be an impact on wind conditions from the new stand. However, the extent of that impact and the extent of mitigation required is not agreed.

53 Given the context of this highly complex issue, the GLA gives significant weight to the PLA’s consultant’s advice in particular and the need for mitigation. The Council has taken relatively straight forward approach to its conclusions on the matter – that the proposed development would not “*preclude the continuation of sailing activity on the River Thames.*” This is a statement, which is factually correct on the evidence provided by all parties, in that the proposed development does not stop permanently the ability to sail. It is however difficult for the Mayor to reconcile that approach with London Plan policies on the BRN and without detailed analysis of any other material considerations.

54 In policy terms in particular, the proposals does not *prioritise use of the waterspace for water related purposes* giving rise to a conflict with policy 7.24A. It does however seek to prioritise the land along side it for water related purpose by creation of a new publicly accessible River walk. In terms of its overall impact the proposals also conflict with policy 7.27Aa where it results in the loss of existing facilities for waterborne sport and leisure – without suitable replacement. In this context, the water (River Thames) is the facility and its use for sailing is debilitated (lost) to a point through the changes in wind conditions as a result of the new stand. The evidence does however suggest that there will be circumstance which will allow continuation of sailing, and therefore an argument regarding the term ‘loss of’ or ‘complete loss’ against a reduction in accessibility to the facility becomes relevant. In the spirit of the policy however it would seem that ‘loss’ can include ‘a reduction’ in access to and potential to use such a facility, and as such, a reduction may give rise to a policy conflict.

55 Furthermore, the proposal also conflicts with policy 7.7D regarding adverse impacts on microclimate, wind turbulence and navigation. The application also arguably conflicts with the aspirations of the Mayor to deliver an Olympic and Paralympic legacy on the back of the 2012 Games. Specifically policy 2.4Ch states “*The Mayor will and boroughs should take the opportunities presented by the 2012 Olympic and Paralympic Games and their Legacy to increase participation in sport and physical activity among all sections of London’s population and to address health inequalities.*” As described in terms of the conflicts with policy 7.27Aa, it follows there may be a conflict in the clubs ability in trying to increase participation in sport and physical activity as a result of the proposed development.

56 The proposal also involves construction into the water space, however this can be reconciled by the new access arrangements improving and extending this part of the River Walk, which will serve, to an extent, a water related purpose. In this context officers accept that whilst the Club will close the walkway during matches to control the flow of spectators and visitors, the control will be limited and therefore the new walk way would be publicly accessible most of the time and would serve a 'water related purpose' as it creates access to the water edge which allows appreciation of the water, its function and setting. This is also an important Mayoral policy objective - to improve access and links to the River Thames - as set out in policy 7.27Ab and policy 2.18Eb. No conflict with policy 7.28Ac therefore arises.

57 Having considered the policy context therefore if left unmitigated there are conflicts with policies 7.7D, 7.24A, 7.27Aa and policy 2.4Ch. In addition the objective of the Thames Strategy is therefore also compromised in certain respects where these policy objectives cross over which therefore would conflict with the objective of London Plan policy 7.29B.

58 Mitigation options and whether the impacts can be mitigated at all has been a point of significant debate. The sailing clubs have not been able to agree mitigation and instead sought design changes, which the applicant advises is not feasible under the current application. As described earlier in this report the PLA's consultants, BRE, originally suggested possible mitigation in the form of tree thinning works and re-routing the race course to take advantage of increased wind speeds that might arise from tree works. This suggested mitigation originally satisfied the PLA's objection and was in part welcomed by the sailing clubs (the tree works only) who appear to have lobbied for improved maintenance of river trees in general. Whilst this is the case, overall, for the reasons described below, the mitigation measures subject of the 26 July 2012 resolution are not considered to be reliable in terms of delivery and effect and therefore should not be taken into account by the Mayor in making his decision.

59 Following on from its 26 July 2012 committee resolution there was a protracted period of negotiation with the PLA regarding wording in the section 106 agreement relating to mitigation measures secured in the Heads of Terms. On 8 February 2013, the Council referred the case to the Mayor for his stage 2 consideration. On receipt of the referral and prior to the Mayor's consideration of the case, GLA officers raised concerns regarding the reliability of the mitigation measures proposed from the original 26 July 2012 resolution, in particular those suggested by the PLA relating to tree works. Officers were concerned as to whether the measures proposed were effective, acceptable in planning terms and deliverable. Specifically it was unclear if the tree works would be effective to the point that a new course would be successful - to mitigate the impacts. It was also not clear if the proposed tree works were acceptable in planning terms, given the policy tests for such works fell outside the jurisdiction of Hammersmith & Fulham and within Richmond Council with its own Local Plan objectives and who raised objection to the scheme (see response to the consultation section below). It was also unclear if the works were deliverable given these were on third party land - albeit owned by the PLA. The Council subsequently withdrew the referral to the Mayor to allow him to determine it at a later date.

60 In February and later in March 2013, following legal advice, the GLA made the Council and the applicant aware of these concerns and the need to either test further the proposed tree work mitigation through consultation, or by providing further information regarding an alternative solution in discussion with stakeholders. The fact that the tree works had not been considered in the ES was also raised as an issue. On 17 April 2013, the applicant responded to these matters.

61 The position, which has now been reached, is that it remains unclear as to whether the effects of the scheme can be properly and reliably mitigated. The only significant option presented to all parties has been the suggestions from BRE for tree works on the Surrey bank but as set out above these would need to be fully tested and consulted on and therefore it remains unclear what other mitigation options are available. In any case the sailing clubs have resisted the re-consideration of a course as also unfeasible, with many individual members writing to the Mayor to

explain the challenges of an already demanding course. They argue that the impact cannot be mitigated and therefore the design should be amended to remove the impact or refused permission due to policy conflicts.

62 As already described in this report since the GLA raised concerns regarding the robustness of the original mitigation measures, the Council's original 26 July 2012 resolution has been superseded by the 8 May 2013 resolution, which removes reference to the tree works, and all other 'mitigation' relating to the sailing clubs and the PLA.

63 In all the circumstances, officers consider that the mitigation measures which had been advanced cannot be relied upon to address the adverse effects of the scheme on recreational use of the River. As such, they should not be taken into account. Therefore officers consider that the scheme does give rise to adverse effects which have not been mitigated and a conflict therefore remains with the London Plan policies 7.7D, 7.24A, 7.27Aa, 7.29B and 2.4Ch and the spirit of the BRN policies including the objective set out in paragraph 7.83.

64 It should however be recognised that the impact described above on sailing conditions is localised, as described by BRE in its advice to the PLA. In particular, it is concentrated around the part of the River Thames in the vicinity of the Stadium and this impact is only at certain times as described in the applicant's Environmental Statement. There is no evidence to suggest the impact extends beyond the immediate area adjacent to the stand and no challenge has been made in this respect, with BRE agreeing the applicant's methodology as appropriate. Overall however the impact on the ability to sail on this part of the River is an important matter and a weighs against the proposals.

65 As set out above, Paragraph 6(1) of the Mayor of London Order 2008 gives the Mayor the power to direct refusal of a strategic application referred to him where it contrary to the spatial development strategy or prejudicial to its implementation; or otherwise contrary to good strategic planning in Greater London. When considering the exercise of these powers it is therefore necessary to consider the proposal in the context of the plan as a whole. There are other policies in the London Plan, which are material for the purposes of the proposed development. These are discussed in further detail below.

#### *London's World City role*

66 London Plan policy 2.1Aa and b sets out the Mayor's overarching objective that *"London retains and extends its global role as a sustainable centre for business, innovation, creativity, health, education and research, culture and art and as a place to live, visit and enjoy; and that the development of London supports the spatial, economic, environmental and social development of Europe and the United Kingdom, in particular ensuring that London plays a distinctive and supportive part in the UK's network of cities. The Mayor also sets out in his vision that "London must retain and build upon its world city status as one of three business centres of global reach. It must be somewhere people and business want to locate, with places and spaces to meet their needs."* (Mayor's Forward to the London Plan – fourth paragraph)

67 The applicant's planning statement sets out the reasons the club is seeking to expand. Paragraph 6.7-6.9 states:

*"Craven Cottage has been home to FFC since 1896. FFC has seen significant success over the last few years and is proud of its heritage, which includes the Grade II listed Johnny Hayes Stand. FFC has seen match attendances rise from 9,000 a game in 1997/98 to 25,700 today. For the last three seasons, FFC has been at capacity on a regular basis. However, FFC is not currently able to provide the facilities that one would expect to see at a Premier League Club and there is a need to enhance its facilities in order to remain competitive and to build on its recent success. Whilst improvements have been made at Craven Cottage FFC has now reached the limits of what it can do without major investment in the ground. The proposed extension seeks to increase the stadium capacity by 4,300*

seats (a modest increase of only 17%). Previous planning permissions at the site have accepted the principle of a 30,000 crowd capacity at the ground and that the impacts on the site and surroundings are acceptable. The proposed development will significantly enhance the facilities at Craven Cottage and will enable FFC to be able to accommodate the number of spectators wishing to attend FFC matches and allow it to continue to thrive as a Premier League Club. Without an increase in capacity at Craven Cottage, the club would have to consider other opportunities for a stadium development, which may force them to look outside their current location and community. Retaining FFC in the Borough and at Craven Cottage is therefore a major benefit of the Riverside Stand proposals and needs to be set against any possible 'harm' or adverse impacts which arise."

68 The planning statement also sets out the following thirteen points:

1 The proposals will result in the creation of new jobs (direct and indirect) and additional spending in the local area (direct and indirect).

2 Improved facilities will be available for community use as the restaurants and café will be publicly accessible on non match/event days.

3 The proposals are not expected to generate significant additional demands for local facilities such as schools and GP/Dental Surgeries, given the small scale of population growth. There will therefore be no adverse impact on local services.

4 The proposal will increase the capacity of the ground to 30,000 without the requirement of development of the Johnny Haynes Stand (Stevenage Road) with its resulting impacts on this listed building – this was not the case with a previous development proposals.

5 The proposals will assist in reducing congestion on Stevenage Road by the provision of additional entrance/exit points into Bishops Park and the reconnected riverside walk.

6 The proposed walkway will help to meet a strategic aim seeking to connect the Thames Path. The proposed walkway and facilities located in the proposed lower concourse (including toilets) will be publicly accessible for the majority of the year, which is a significant benefit to the community.

7 The provision of improved hospitality facilities will increase the dwell time of supporters and encourage them to arrive earlier and remain at the ground for longer which will further assist in reducing congestion at peak times.

8 The removal of the Riverside Stand floodlighting and its replacement with lighting that is integrated into the proposed stand roof will result in a reduction in light spillage compared to the existing situation.

9 Bishops Park is a well established route for supporters accessing Craven Cottage. The proposed walkway and additional turnstiles will encourage access to the ground along the walkway rather than via the playing pitch located to the north-west of Bishops Park.

10 The proposed Travel Plan Framework identifies measures that will be implemented to encourage additional people to travel to Craven Cottage by more sustainable means. The Travel Plan that will be produced will include targets for the reduction of car use, which will benefit the local roads.

11 No changes to local parking are proposed – it is understood that the Council has consulted local residents about expanding the controlled parking zones in the vicinity of the football ground and that the response was that residents did not support an expansion in controls.

12 FFC will continue to liaise with the police and employ stewards to ensure safety of supporters at the ground and the protection of local residents on neighbouring streets.

13 With regard to air quality and noise the proposals will not have an adverse impact on the surrounding area.

69 The club also notes the following in its letter to the Council dated 3 May 2013, which provides a summary and additional details set out in the Economic Statement submitted in support of the planning application:

Existing contributions:

- *The existing operations of the club support 50 jobs based at Craven Cottage and generates £12,400,000 supplier spending per annum.*
- *Existing permanent employment at Craven Cottage totals 69 staff based at the stadium (with 43 shared between Craven Cottage and Motspur Park). On matchdays there are on average 924 additional staff employed at the stadium in positions including stewards, catering, retail, medical, first aid, and various stadium management staff.*
- *Spending by home and away fans during visits to Craven Cottage generates £19,300,000 per season, equivalent to £800,000 per game.*
- *A survey of FFC season ticket holders was commissioned which indicated the average home fan spends £28 per game, excluding the cost of the ticket with away fans estimated to spend up to twice this amount. This totals over £800,000 spent each matchday by fans, assuming the current capacity of 25,700 or an annual spend over a typical season of 24 home games of £19,300,000*
- *Over half of respondents indicated that they travelled from outside of London to attend Fulham games and of those 8.5% indicated that they visited other London attractions as part of their visit. Popular things to do included shopping, staying over in hotels, visiting museums, going to the theatre or concert and visiting exhibitions. Although only a small portion of the overall people attending Fulham games these are linked leisure trips which may not otherwise occur on such a regular basis if people were not travelling into London for the game.*
- *Craven Cottage attracts significant international visitors. Some of these may be associated with individual tournaments resulting in an influx of travelling supporters to Craven Cottage and London more generally, which represents a significant source of additional expenditure imported into the UK. The ground hosts international friendly matches and contributions to the role that Premier League football has in attracting overseas visitors to the UK.*
- *It is anticipated that the investment funding for this development will come from specific overseas funds representing new investment into London's infrastructure, both directly and through the section 106 agreement.*

70 The need for the club to expand is recognised through the increase in attendance with most games at capacity. Given the highly competitive environment of Premiership level Association Football, expansion is therefore not uncommon. As reported previously at the consultation stage, the exposure and investment to London that the football club can attract through its participation in Association Football at the highest level and the hosting of International and European football is an important London wide benefit in terms of promotion of London as a World City. Expansion of the current conference and hospitality will contribute to the club's world city contribution to London including increased investment. This wider role of the

football club contributes to London's world city status as identified in the stage 1 report Paragraph 19 and as set out in policy 2.1A a and b of the London Plan and the Mayor's vision.

### *Economic development*

71 As set out above, the economic benefits arising from the continued functioning of the football club in its current location contributes to London's World City role. A number of other London Plan policies fit in a similar context including policy 4.1Aa which seeks that *"the Mayor works with partners to promote and enable the continued development of a strong, sustainable and increasingly diverse economy across all parts of London"*. Policy 2.9A also states *"The Mayor will, and boroughs and other stakeholders should, work to realise the potential of inner London in ways that sustain and enhance its recent economic and demographic growth while also improving its distinct environment, neighbourhoods and public realm, supporting and sustaining existing and new communities, addressing its unique concentrations of deprivation, and improving quality of life and health for those living, working, studying or visiting there."* Policy 4.6A also sets out *"The Mayor will, and boroughs and other stakeholders should, support the continued success of London's diverse range of arts, cultural, professional sporting and entertainment enterprises and the cultural, social and economic benefits that they offer to its residents, workers and visitors"*. Linked to policy 4.6A is Policy 3.19B Sports Facilities, which notes that *"Development proposals that increase or enhance the provision of sports and recreation facilities will be supported"*. London Plan policy 4.12B also promotes that *"strategic development proposals should support local employment, skills development and training opportunities"*

72 On the information presented there will be enhancement of economic benefits arising from the proposed development. The applicant has presented the following factors which have not been independently verified, however officers have no reason to doubt the content of the Economic Statement and the letter submitted to the Council dated 3 May 2013:

- *The new expansion will create 265 person years of temporary construction jobs and 130 full time, indirect and induced jobs. (induced jobs are those created to serve the direct jobs arising from the proposals).*
- *Capital investment of £30,000,000.*
- *£1,200,000 gross value added, output in the construction sector.*
- *Estimated increase in jobs of 247 (73 full time) based at Craven Cottage, comprising:*
  - *159 additional matchday staff equivalent to 59 full time jobs*
  - *88 additional non matchday staff equivalent to 59 full time jobs*
- *29 net additional indirect and induced full time jobs across London including 15 in the local main impact area.*
- *An increase in visitor number will generate an additional £2,890,000 being spent in association with trips to Craven Cottage over the course of each season, supporting 28 full time induced jobs.*
- *Overall the proposal will generate up to an additional 130 full time direct, indirect and induced jobs.*

73 The continued and enhanced investment arising from the proposed development is consistent with the Mayor's aspiration regarding economic development, the promotion of growth, investment and jobs. This is consistent with policies 2.9A, 4.1Aa, 4.6A and 4.12B described above.

In terms of policy 3.19B it is recognised that the impact on sailing conditions conflicts with the objectives set out in the policy, however this conflict may be balanced against the enhancement of the provision of sport and recreation facilities associated with the football club which is described in further detail below relating to the Fulham FC Foundation.

#### *Fulham FC Foundation*

74 London Plan policy 2.4 sets out the Mayor's vision for sports legacy in the London following on from the 2012 Olympic and Paralympic Games. As above, policy 3.19B also supports provision of sport and recreation facilities. The Club provides wider community benefits through a range of initiatives through its FFC Foundation. The Foundation is the clubs community division which provides sports development and community development opportunities including football skills training, education programmes and sporting activities to empower individuals and groups of people to build better lives in their own communities. It also supports a range of social inclusions schemes to raise awareness and tackle deprivation. A proportion of the funding for the Foundation comes from the Club along with other external funding sources.

75 As already mentioned regarding the impact on sailing above, London Plan policy 2.4Ch specifically states *"The Mayor will and boroughs should take the opportunities presented by the 2012 Olympic and Paralympic Games and their Legacy to increase participation in sport and physical activity among all sections of London's population and to address health inequalities."* There is no enforceable commitment to direct additional revenue towards the foundation; however, there is every reason to expect that the proposal would support its conditioned operation. It is recognised that the impact on sailing conditions conflicts with the objectives set out in policy 2.4Ch as described earlier, however, similar to the balance of sporting uses described in the context of policy 3.19B, this conflict may be balanced against the continued and potentially enhanced operation of the Foundation, which provides access to a range of users to a sporting facility, which would be consistent with the Mayor's objective to deliver an Olympic and Paralympic sports legacy to increase participation in sport as described in policy 2,4Ch which is also consistent with policy 3.19B of the London Plan.

#### *Heritage and design*

76 The proposal also includes retention of heritage assets (considered in further detail later in this report), which will protect the long term continued function of these assets, consistent with London Plan policy 7.8C and D, and policy 7.9B as well as the NPPF regarding use of heritage buildings as integral parts of heritage led regeneration. This particular approach is a significant improvement on previous design solutions, which proposed the demolition of the listed Johnny Haynes stand and listed Craven Cottage. The heritage led design approach is therefore fully supported.

#### *River walk*

77 As set out above, the creation of the new River Walk will meet an important Mayoral Policy objective as set out in London Plan policy 7.27Ab and 2.18Eb to improve access to the River Thames and create active uses along the ground floor edge overlooking the river that are accessible for all. This is also supported by policy 6.10A Walking, which states *"Development proposals should ensure high quality pedestrian environments and emphasise the quality of the pedestrian and street space."*

#### GLA conclusions – principle of development

78 As set out earlier, paragraph 6.(1) of the Mayor of London Order 2008 sets out that *"If the Mayor considers that to grant permission on a PSI application would be — (a) contrary to the spatial development strategy or prejudicial to its implementation; or (b) otherwise contrary to good strategic planning in Greater London, he may, within the period specified in article 5(1)(b)(i), direct*



*the local planning authority to refuse the application”. Paragraph 6.(2) also sets out “Before giving a direction under paragraph (1) on the ground specified in sub-paragraph (b), the Mayor must have regard to.. (amongst other matters)... (f) the desirability of promoting and encouraging the use of the River Thames safely, in particular for the provision of passenger transport services and for the transportation of freight.”*

79 For the reasons set out earlier the impact of the development on sailing opportunities on the River Thames in the vicinity of the club give rise to conflict with the Mayor’s policy objectives for the BRN set out above, specifically policies 7.7D, 7.24A, 7.27Aa, 7.29B and in terms of the Mayor’s Olympic and Paralympic legacy as set out in policy 2.4Ch. There has been discussion regarding mitigation but for the reasons set out earlier the mitigation cannot be relied on and has therefore been discounted by officers. That said, even on a worse case scenario the proposals would not preclude in totality sailing on the wider sections of the Thames, or even, depending on wind conditions, on that part of the River directly affected by the development. The proposed development also includes a new river walk, which is considered to be positive and to meet BRN policies, as described above.

80 However it is also considered that the contribution of the football club and its proposed expansion through the scheme to the local economy, the local community, to London’s role as a World City is significant. The investment and expansion is wholly consistent with the overall economic objectives of the Plan including policies 2.1Aa, 2.9A, 4.1Aa and 4.12B and therefore should be given considerable weight.

81 The Mayor may only intervene when he is of the view that the PSI application is contrary to the London Plan or prejudicial to its implementation or otherwise contrary to good strategic planning in London. This requires consideration of the PSI application against the London Plan as a whole. Although contrary to some BRN policies of the plan the proposals complies with and advances other policies of the London Plan and in particular policies 2.1Aa, 2.9A, 4.1Aa, 4.12B, 5.2A, B and E, 6.10A, 7.8C and D and 7.9B. The issue arises as to whether the proposal is in conflict with the London Plan overall or prejudicial to its implementation. The elements of conflict therefore need to be weighed against the elements of compliance. When considered against the London Plan as a whole it is considered that the PSI application does not conflict with the Plan nor is it prejudicial to its implementation. Moreover the proposal is not contrary to good strategic planning in London.

#### Navigational safety

82 In terms of navigational safety the Council confirms the following (extract from the 26 July 2012 officers report Paragraph 3.27-3.29:

*“In addition the navigational safety of the structure for river users including the safety of recreational vessels has been considered. To ensure that users of the river do not become trapped beneath the walkway it is proposed to install horizontal fenders fixed to vertical steel structural posts set into the river bed. Four ladders would be fixed to the fenders at river level together with grab chains and other required life saving equipment to assist people getting out of the water in the event of an emergency. The PLA have confirmed they are satisfied with the approach to fendering in terms of its form and positioning, together with the provision of safety equipment.*

*The function of the horizontal fenders is principally to prevent access below the walkway by river users, however at the request of the PLA the structure has been designed to withstand accidental impact from a vessel of 1,000dwt at a speed of eight knots (plus the speed of the tide). The fender system would both be spaced such that no vessel can directly impact the piles supporting the walkway or stand and new river wall, and to allow the transfer of any impact forces through*

*the walkway deck to the landside foundations. The PLA have confirmed they are satisfied with the proposal in this respect.*

*The applicant has also looked at the potential for entrapment of river debris and the need for accessibility to the new river wall for inspection and maintenance. In this case, at the Hammersmith end of the walkway a reduced number of fenders will be installed to permit access below the walkway. Consideration will also be given to the provision of access hatches through the walkway itself"*

83 GLA officers are satisfied that the suitable control is in place as agreed with the PLA to protect navigational safety

## **Ecological impacts**

84 At the consultation stage GLA officers were still in the process of review of the environmental statement regarding the impacts on nature conservation and biodiversity. The policy background is set out at paragraph 39-42 of the stage 1 report. Key to the Mayor's consideration of the acceptability of the proposals in terms of the ecological impacts is the advice provided by the Environment Agency (EA). As a statutory consultee the Environment Agency provide comment on flood risk, biodiversity and ecology, protection of land and water quality and waste regulation. This being the case, the Mayor and the Local Planning Authority will consider these comments against all other comments and planning policy and make its decision as appropriate. The nature of the expertise of the EA means that considerable weight will be attributed to the comments provided.

85 The EA advises that as set out in the National Encroachment Policy for Tidal Rivers and Estuaries they will generally oppose encroachment onto Tidal Rivers as is proposed in the current case. As reported by the Council, on the basis of the original information submitted the EA were concerned about the physical encroachment into the river space and associated environmental impacts caused by the overhanging walkway and the piling structural support and fendering located in the foreshore. The EA's consultation response also raised concern that without significant ecological mitigation, the development would create a precedent for allowing development into the river space along the River Thames throughout London. The extent of the enhancement of biodiversity through on site and off site ecological mitigation works to compensate for building out over the foreshore has therefore been subject to detailed discussion with the EA.

86 In order to address the issues of ecology and nature conservation the proposal initially proposed to minimise the physical encroachment (i.e. the line of the new river wall) of the development and create areas of new foreshore comprising soft sediment and inter tidal habitat by removing the concrete revetment at the base of the existing flood wall. It was also proposed to remove the Japanese Knotweed on the site. The EA, however remained unsatisfied by this mitigation alone and sought additional on-site ecological mitigation works and habitat creation be provided.

87 In particular, in addition to the above, the footprint of the overhanging walkway has been reduced to provide space for three areas of reed beds (at least 100 sq.m. in total) and to provide sunlight to the foreshore below. These amendments were presented in the supplementary material and ES submitted in March 2012. The proposed reed beds are to be planted in hanging platforms, which are set at suitable tidal levels to recreate the natural environment. This replicates the natural level at which reed beds would form at the top of the intertidal range on a natural river bank. The 100 square metres of reed beds created on-site is therefore in addition to the removal of the concrete revetment at the base of the existing flood wall and its replacement with new habitats.

88 Furthermore, the EA welcome the reduction in light spill onto the River Thames corridor due to the removal of the riverside floodlight towers and the erection of the new riverside stand.

89 The EA state that on-site improvements in London (particularly within the River Thames) are often challenging. As such the applicant has also committed to a financial contribution towards the Thames21 project to protect and enhance the environment at Chiswick Eyot, as mitigation for building in the river space. The project is located within the upper tidal Thames, in reasonably close proximity to the site. Because the river acts as an ecological corridor for the movement of fish and other species, the EA consider that Chiswick Eyot has both a geographical and functional link to the application site.

90 Overall, the EA is satisfied that the proposed mitigation measures, together with the contribution towards the Chiswick Eyot project will reduce the environmental effects of the development on-site and provide off-site compensation for any remaining adverse effects. The proposal will bring benefits of a new foreshore and reed bed habitat, along with improvements to the tidal flood defences.

91 There has been significant objection to the approach taken by the EA in negotiating mitigation measures and in terms of its analysis of the impacts. Whilst this is the case, GLA officers consider there is no reason to disagree with the advice from the EA and therefore Officers are satisfied that the proposals provide suitable mitigation of the ecological impacts associated with the proposed development, consistent with the objectives of London Plan policy 7.19. Suitable conditions and clauses in the section 106 will secure this agreed mitigation and its implementation.

## **Urban design and access**

92 At the consultation stage the Mayor requested additional information to determine the impact of the proposal on the setting of heritage assets in the immediate setting of the football ground, and in particular the setting of the Johnny Haynes stand.

93 The applicant has responded in highlighting that the ES is sufficient to be able to draw conclusions regarding impact in particular the applicant notes the following:

- *ES chapter F (table F2.2) sets out each heritage asset and the effect of the development. For the majority of heritage assets the scheme has a nil or negligible effect and the EIA process does not require any additional commentary. The impact on each of the conservation areas is assessed in Chapter G and summarised in table G4.1. The chapter explains that the analysis of the impact on townscape has taken into account the conservation areas designations by rating the existing townscape as 'high' (see G3.9 Table G3.1).*
- *The impact on each conservation area of the completed scheme is set out in table 45.1 and the following paragraphs G5.19-G5.30. There is no requirement to provide additional drawings from the surrounding area (especially the residential areas) because there are no views to the new stand other than the limited view from part of Greswell Street. The Design and Access statement (section 4.12) refers to the 2002 'Snell' scheme. The GLA comments that this had a lesser effect on the listed stand because it was lower. In fact the snell scheme redeveloped the entire ground, demolishing Craven Cottage leaving only the Stevenage Road elevation/façade That new stadium had a much more significant and direct impact on the heritage assets of Craven Cottage than the current application.*
- *The impact on the listed stand is demonstrated in the DAS and the planning statement summarises the effect of the new Riverside stand on the setting of the listed stand (paragraphs 13.20 -22).*

94 Since the Mayor's stage 1 response GLA officers have reviewed the applicant's response, visited the site to investigate the views referred to in the stage 1 report and the ES and reviewed the submission documents of those views provided.

95 The planning history, in particular the Snell proposals provide some basis for comparison regarding the impact on heritage assets and the applicant has highlighted, as above, the extent of heritage loss previously proposed and previously approved. Notwithstanding the previous permission granted, which is now expired, having addressed the site in the context of the surrounding environment it is clear the building will be a substantial addition to the local context, however it is visible in only limited views which do not unduly impact on the character and appearance of the conservation areas that surround the site.

96 The majority of the proposal, indeed the ground in general is hidden in the context of the fine grain terraced properties that surround the site from the wider setting. Views have been provided from key points at Greswell Street and the arch form of the new stand is generally sympathetic to the setting of the Johnny Haynes Stand. It is acknowledged that this setting will change significantly, in particular on the approach to the stand from Greswell Street, less so the closer you reach the ground, but the setting is that of a football stadium, a landmark in the character of this area. Officers would wish to see its continued function as a football ground. The Mayor promotes an approach to heritage led regeneration which puts heritage assets in a viable use that is consistent with their conservation (Policy 7.9B). The Mayor also supports proposals that incorporate heritage assets and is sympathetic in terms of form scale, materials and architecture (Policy 7.8D). As set out in the stage 1, PPS5, now superseded by the National Planning Policy Framework, sets out various tests regarding the impacts on heritage assets. The general principles of PPS5 have been carried forward into the NPPF, in particular where proposed development would lead to harm, substantial harm or total loss of heritage assets.

97 In this instance, the approach would contribute to the legibility of the ground in terms of the scale marking the top of the new stand. It has been designed to be constructed as low as possible to limit the impact on the surrounding area in terms of scale, form and impact of light pollution. Having reviewed the context in greater detail the approach would not harm the setting of the listed stand and would protect the continued function of the listed elements of the ground in an optimum viable use, which is consistent with the NPPF (paragraph 134) and a much preferred approach to the retention of the existing assets previously considered for removal.

98 In terms of the BRN as a heritage asset (see policy 7.9A), Officers are satisfied that the construction into the River Thames, for the reasons set out earlier in this report, is acceptable. As described earlier, the harm is balanced against other policy objectives which promote the use of the Thames by improving access to it and the ability to appreciate its use, setting and function through the new publically accessible river walk.

99 In terms of views, in particular from the River Thames, the Mayor was generally satisfied that the proposal was broadly acceptable, see paragraphs 64 – 68 of the stage 1 response. The applicant has provided view 19 under separate cover, (view from Putney Bridge). The impact is acceptable; the new stand would not be visible.

100 In terms of the impact on the increased footfall through the park the new access along the River will increase movement, particularly on match days. In the interest of maintaining the character and appearance of the park, the applicant has agreed to provide financial contribution of £600,000 to park improvements, and an annual maintenance contribution of £40,000. These measures are secured in the draft section 106 agreement and are broadly acceptable.

### Access

101 Draft condition 50 secures level access into the site at ground floor. Lift provision is provided in the new stand to allow disabled access, which provides specific seating locations facing

the goals of both ends. Further provision is also provided for away fans and in the corporate box area. Draft condition 34 and 35 relate to Lifetime Homes for the residential units and parking provision for disabled users. In general terms the proposal meets the requirements of the London Plan by creating an inclusive environment. The club has set up an access group which it is committed to continue engagement on regarding accessibility matters associated with the club.

## **Climate change**

102 As reported at the consultation stage, the estimated regulated carbon emissions of the development is 115 tonnes of carbon dioxide per year after the cumulative effect of energy efficiency measures, CHP and renewable energy has been taken into account. The applicant has provided an updated note to confirm baseline regulated emissions. Savings modelled equate to a reduction of 20 tonnes of carbon dioxide per year in regulated emissions compared to a 2010 Building Regulations compliant development (reported in error at stage 1). The on-site carbon dioxide savings would therefore be approximately 18%, which fall short of the targets within Policy 5.2 of the London Plan by approximately 7%.

103 At the consultation stage officer accepted that there is little further potential for carbon dioxide reductions onsite, and that in liaison with the Council and the GLA the applicant should ensure the short fall in carbon dioxide reductions could be met off-site. As reported at the consultation stage London Plan policy 5.2 E states that *“The carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere.* The applicant has agreed to meet the short fall through financial contribution to be ring fenced for local sustainability measures as allocated by the Council. This is confirmed in the draft section 106 agreement. GLA officers are therefore satisfied that the approach is consistent with the energy policies in the London Plan.

## **Noise and vibration**

104 At the consultation stage the GLA was still in the process of reviewing the noise and vibration impacts arising from the proposed development. Chapter J of the ES considers the baseline conditions, potential effects during construction and after construction. It also sets out necessary mitigation measures during construction and after construction.

105 It is first important to note that the noise effects from construction traffic have not been assessed due to materials being transported via the River Thames, noise effects from construction traffic are expected to be negligible. The construction noise and vibration impacts are predicted to be insignificant, similarly after completion the proposed fixed plan items will be controlled through condition.

106 Noise impact from the ground and surrounding area on match days has been consistently raised as a concern in response to the Council’s consultation on the proposal. Historically the football club has seen attendances of around 49,000 prior to seating regulations. Noise from football games, including the pre-match build up and post match crowd dispersal have improved since then given the strict regulations regarding crowd safety. The predicted noise increases from the additional crowd capacity suggests approximately a 3dB increase which the ES concludes may not be noticeable and if the predicted level was 0.3 dB lower it would be considered as a minor (insignificant) effect. There is no feasible mitigation for this although the design of the ground has

sought to deal with reducing noise at ground level. The overall impact is therefore an increased noise impact for 25 days per year based on the existing league fixtures.

107 The Council has approached this on the basis that the site has historically emitted noise levels on certain days of the year when matches are played and that this has often been much greater in the past. It forms part of the character of the area and is integral to the nature of this particular environment. In policy terms the relevant approach is to:

- Minimising the existing and potential adverse impacts of noise on, from, within or in the vicinity of developments.
- Separating new noise-sensitive developments from major noise sources where practicable through the use of distance, screening, or internal layout in preference to sole reliance on sound insulation.

108 Given the nature of the proposal suitable consideration has been given to minimise noise where possible. As described in the ES the predicted increase across 25 days a year is acceptable and therefore the proposal is broadly consistent with the London Plan.

### **Transport for London's comments**

109 At the consultation stage TfL raised a number of issues in relation to transport and access, these included; the high car mode share, legibility of pedestrian and cycle access to the ground, station capacity and match day safety matters. In addition, TfL requested that travel plans, delivery and servicing and a construction management plans be secured using planning conditions.

110 The proposed car modal share was considered to be high. The applicant suggests that this can be reduced considerably through travel planning measures including targets and controls to reduce car use secured through the section 106 agreement. In addition, the surrounding matchday CPZ will be reviewed and possibly expanded one year after occupation of the ground.

111 At Stage 1 TfL highlighted a number of pedestrian pinch-points on the main access routes to the site. TfL accepts that improvements can be made through the travel plan including a section 106 contribution of £135,000 towards pedestrian safety paid to the Council. Additionally at stage 1 TfL noted the poor legibility between the station and the site. As result a section 106 contribution of £19,140 towards installation of Legible London signs will be paid to the Council. These improvements ensure conformity with London Plan policy 6.10.

112 The cycling mode share for the stadium is high, which is supported in principle, however it was unclear how this would be accommodated safely in the local area. As a result demand will be monitored and any improvements funded by the section 106 travel plan fund. It is additionally welcomed that adequate cycle parking will be provided for the residents at the site. In order to further promote cycling in the area, a contribution of £25,000, towards the delivery of a Cycle Hire station in the area has been secured through the section 106 agreement and will be paid to the council. This is in line with London Plan Policy 6.9. This contribution is payable to the council and will be transferred to TfL.

113 TfL welcomes the car free nature of the proposal for the stadium use. Whilst four additional spaces are proposed for the residential use in addition to the two disabled bays, on balance the application is in conformity with London Plan policy 6.13.

114 At stage 1 TfL confirmed that the London Underground District Line can accommodate the increased demand; however there were station capacity and safety impacts which required mitigation. As a result a contribution of £150,000 has been secured through the section 106 agreement to deliver a canopy over the emergency staircase at the station. Confirmation of the construction schedule for the works at the football club should be provided to TfL to allow for the

coordination of works at the station. An initial payment on commencement of development of £30,000 (index linked) has been secured. This will allow TfL to progress the design and scope of works at the station. Following this a further contribution for the remaining sum (£120,000) index linked, has been secured payable six months after commencement at the stadium to allow the works at the station to take place. Both sums will be paid to the Council and transferred to TfL. This is in conformity with London Plan policy 6.5.

115 TfL welcome that a full travel plan for the stadium including scenarios for match and non matchday situations has been secured through the section 106 agreement alongside a monitoring fund. This ensures conformity with London Plan policy 6.3. TfL welcomes the applicant's commitment to submit a delivery plan post planning; this should be included in the final travel plan.

116 In order to mitigate any adverse impacts of construction traffic on the local road network, a construction logistics plan (CLP) has been secured by way of a planning condition which is welcomed. TfL should be consulted prior to the condition being discharged.

117 The Mayor has introduced a London-wide Community Infrastructure Levy (CIL) to help implement the London Plan, particularly policies 6.5 and 8.3. The charging rate for Hammersmith and Fulham is £50 per sqm. The required CIL should be confirmed by the applicant and Council once the components of the development or phase thereof have themselves been finalised.

118 Overall, the transport issues raised at stage 1 have been addressed satisfactorily, with the necessary mitigation measures being secured by way of the s106 agreement and contributions.

## **Response to consultation**

119 The Council consulted 774 local residents and local amenity groups. The proposal was also advertised in the local press and through site notification.

120 The Council has received a number of comments in response to this consultation. The responses from key groups have been summarised at Paragraph 2.9-2.33 of the Council's officer report (26 July 2012) and full copies have been provided to the Mayor. These will be available for the Mayor's review however the key points are extracted from the Council's committee report below:

- The Hammersmith Mall Residents Association raise objection regarding the height and massing of the proposed development; the damage to the conservation areas; damage to protected views of the river; the size and design of the proposed walkway and failure to comply with the Mayor's Plan.
- The River Gardens Amenity Group state whilst they welcome the riverside walk they strongly object to using the parks for stadium access, and the effect on the recreational use of the river.
- Bishops Park Coordinating Group have commissioned a report by RPS Planning & Development which objects to the height, scale and design of the proposed development (out of context with the existing stadium, surrounding residential streets, the River and the conservation area); the impact to heritage assets including the listed Jonny Haynes Stand and Craven Cottage, the conservation area and Bishops Park); damage to Bishops Park from increased footfall and the use of the gates into Bishops Park for both ingress and egress (the 2007 permission restricted the gates to be used only as a means of egress); the principal of encroachment into the river, including land ownership, the impact to river users, biodiversity and flooding; the accessibility of the riverwalk taking into account matches and the closure of Bishops Park on evenings;

increased disturbance to residential amenity in terms of noise, traffic generation, parking and antisocial behaviour.

- The West London River Group, supported by Thamesbank, River Thames Society and the Tidal Thames Regeneration Trust, object to the proposal on grounds relating to scale, the principal of encroachment into the River (contrary to Blue Ribbon Network policies); harm to the Fulham Reach Conservation Area; inappropriate development adjacent to MOL; visual harm to River views and prospects; encroachment beyond the applicants own site boundary and into the navigable waterway; obstruction to existing river traffic including sailing and rowing; creation of a trap for river-bourne rubbish; reduction to flood capacity and damage to local biodiversity; and the loss of vital quiet tranquil corner of Bishops Park.
- London Rowing Club (LRC) objects to the proposal on grounds relating to the principal of encroachment; the impact to river traffic; accumulation of rubbish; the soundness of the wind studies.
- The Royal Yachting Association (RYA) Thames Valley & London Region raises concern to the impact upon river users suggesting the wind studies carried out are unsatisfactory, and the ES fails to take into account the matter of Navigational Safety.
- The Southbank Sailing Club and Ranelagh Sailing Club (RSC) have concerns about how the development may affect the microclimate and available width of the river for sailing. They question the soundness of the technical wind report stating the report stating it is flawed and fails to grasp the significance of wind deflection and tidal gradients which are core to where they have to sail in the river to combat the tide. The Clubs state that the proposed development would force the sailing club to close with 42% of races being impossible, 41% being a frustrating lottery and only 17% being raceable. The erection of a construction platform, together with associated barge traffic would further hinder sailing, and the walkway would be a safety hazard for sailing and rowing. In addition the SBSC and RSC object to the bulk of the building and its harm to the conservation area.
- Port of London Authority (PLA) have requested that FFC consider mitigation measures to address the impact on sailing in certain wind conditions.
- The Environment Agency (EA) raises no objection subject to conditions and an offsite financial contribution towards the Thames21 project to protect and enhance the environment at Chiswick Eyot, as mitigation for building in the river space.
- Transport for London (TfL) raises no objections to the current proposals subject to a number of mitigation measures including improvements to accessibility at Putney
- Bridge station, Wayfinding signage, cycle hire, and the submission of a detailed travel plan.
- Sport England is satisfied that the proposed development does not adversely impact on any existing playing field. Sport England has consulted with the Football Association (The FA) who fully support the development. Notwithstanding this Sport England requests confirmation that the proposal will not adversely impact upon sailing activities.
- English Heritage (Archaeology) raises no objection subject to conditions relating to a programme of archaeological work.
- Thames Water raises no objection subject to conditions
- London Fire Brigade requests the installation of 2 Private Fire Hydrants.
- Fulham Society states: 'The history of sailing clubs is at least as long as that of the Fulham Football Club and we believe that they should have equal rights over this stretch of the river.' 'The increased use of the park by opening a second entrance into Bishops Park will detract from the quiet enjoyment of the park by its many users.' 'The proposed



development is very large, and its mass and volume is not in character with the local area. It will become the largest single building in the area and dominate the skyline when viewed from the park and river.' 'The proposed residential units do not seem to be necessary and in our opinion they should be removed in order to mitigate the impact of the development.' 'Until now there has been no encroachment on the river for extensions to any river walk for any extensions to any river walk.' 'The FS is, in principle, supportive of FFC and would like it to stay....but it should recognise that there will be a loss of amenity. It should therefore agree to mitigate this loss through a re-design and contributions towards improvements in the local roads and parks.'

- Hammersmith and Fulham Historic Buildings Group (HFHB&G) states: 'The football stadium is located in an area currently characterised by relatively small 2 storey housing...Into this the Stevenage Road Stand and Craven Cottage sit comfortably. However the proposed new Riverside Stand, which is three times this height (over 30 metres high) is completely out of scale.' 'The stadium will appear as a major blight on views from both Hammersmith and Putney Bridges (both listed) as well as from the opposite side of the River.' 'We believe the impact of a large number of spectators disgorging with a short space of time will have an extremely detrimental effect on an already fragile soft area (Stevenage Park and Bishops Park).' 'The proposed cantilevered construction of the stand will have a marked effect on the micro climate of the river in this area, affecting both rowers and sailors.'
- Friends of Bishops Park raises the following summarised concerns: The scale, density and height of the proposed Riverside Stand, as it is nearly 2 ½ times bigger and is three times as high as the Stevenage Road stand; the design whilst modern and quite impressive dominates the Listed Stevenage Road Stand; there are no guarantees that the remaining stands will not be demolished to create more capacity or that future Administrations will stick at 30,000; FFC will need to generate as much revenue as they can from corporate hospitality due to the small capacity of the ground; The increased capacity and the inclusion of two new cafes/restaurants will have an impact on the local amenity; There is not precedence for any football club or business being granted permission to build into the Thames. The Mayor of London has a policy which resists this intrusion into the Thames River; The case for the intrusion into Bishops Park with additional gates on the River Walk side of the park will create further damage to the park and will add to the cost of the current maintenance plan which was a condition of the Heritage Lottery Funding. It has been suggested that monies from a Section 106 Agreement could be used. We would expect a substantial part of the money to be ring fenced for the upkeep of the park and the local area; This planning application will have an adverse affect on sailing on the river as the new stand will produce wind shadow, and this will push the boats into the tidal stream and make sailing in light winds almost impossible; who will have the authority/responsibility for marshalling fans?; why are the gates closed for so long on match days?
- The Council for British Archaeology states: 'The Committee had no objections but colours would have to be agreed with the Local Planning Authority with Conditions applied to cover details such as junction with gutter, and framing/weathering to joints between metal and glazed cladding (front of stand and side elevations).'
- Wandsworth Council raises no objection subject to the wind assessment being accurate, the submission of a Sustainable Travel Plan, and a financial contribution for additional parking surveys.
- London Borough of Richmond Upon Thames raises concern to the impact to the character and appearance of the riverscape by reason of the "excessive height and bulk of the proposed stand, and of the glossy and over-reflective external materials proposed.

- Rt Hon Justine Greening MP supports the Ranelagh Sailing Club and the Southbank Sailing Club concerns and also raises concern in terms of the impact to river habitat and the character of the area.

121 The Council's addendum report subsequently noted additional representations received following publication of the officer report. These are also summarised below as extracted from the addendum report below:

- Port of London Authority (received 23 July) The PLA have undertaken a desktop study assessment of the likely wind conditions that would result from tree management works on the south bank of the River. The PLA state that further studies need to be undertaken in relation to this mitigation measure but in principal it is considered that the combination of tree works and alterations to the Sailing Clubs usual course(s) could provide a viable alternative to their current course(s) on wind affected days. The PLA would wish to agree the wording of any clause and the scope of studies.
- English Heritage (received 16<sup>th</sup> July) Do not wish to comment on the application
- Hammersmith and Fulham Historic Buildings Group (received 18 and 24 July) The reduction of, or felling of trees on opposing bank is unacceptable as it would be damaging to views and to the character and appearance of the conservation area. Permission has already been granted for schemes to expand the stadium to 30,000 which do not encroach onto the river. The argument that there is no alternative is not correct. The special circumstances are not unique.
- The West London River Group (received 25 July) Reconfirms their objection for reasons set out in letters from themselves and other groups (including the Ranelagh Sailing Club, Bishops Park Coordinating Group, Hammersmith and Fulham Historic Buildings Group) during the course of the application. Furthermore despite the PLA offering its support, concern remains that the navigational waterway is not being protected and cherished. Despite the EA supporting the application concern is raised in terms of the soundness of this flood defence line and its immediate environment. The felling of the trees on the south bank would destroy a valuable asset, home to important River wildlife and mature trees including the rare Native Black Poplar.
- Director of Thamesbank (received 24 and 25 July) Requests a deferment of the planning decision as: Thamesbank is not a local river group as put forward in the report but represents the wider Thames and its ecosystem; The report does not accurately report on Thamesbank's wider concerns, therefore the Committee meeting is premature; and Members will not be in a position to make an informed decision. Whilst Thamesbank support the views of the West London River Group, they also raise concern to the principal of encroachment and the loss of open space and views over and along the River; the loss of sloping river wall and important intertidal biodiversity the impact on sailing capacity; the scale and impact upon conservation area; increased flood risk and reduced flooding capacity; and the loss of vital quiet tranquil corner of Bishops Park. The statutory bodies including the EA, PLA, English Heritage, CABE and the GLA do not have the remit to prevent the above. Thamesbank need a proper and fair time to consider the report. The proposed decision would be legally flawed for reasons already outlined in initial letter but also as the development is not sustainable and in conflict with the NPPF; the decision maker does not have sufficient environmental information before it to make lawful assessment of the harm and the effects of mitigation; and insufficient justification has been provided for the encroachment into and over the river.
- The River Thames Society, Upper Tideway Branch (received 26 July) Confirms their opposition to the proposal for the reasons outlined by the West London River Group.

- The Hammersmith Society (received 24 July) Support objections raised by Hammersmith and Fulham Historic Buildings Group, Friends of Bishops Park and the West London River Group.
- South Bank Sailing Club (received 25 July) There has not been an agreement between the South Bank Sailing Club and FFC in respect of mitigation measures. The PLA suggestion of removing trees to assist is helpful but is not the answer or solution to the problem. The extent of removal is limited and would need to be extended to just south of Harrods depository to have a meaningful effect. On-going maintenance of the trees would also be required. Request that a condition is added requiring a pre-agreed tree removal scheme (including the sailing clubs input), and ongoing funding and maintenance to be in place.
- Ranelagh Sailing Club (received 20 and 25 July) Support the views of the South Bank Sailing Club outlined above. There has not been an agreement between the Sailing Clubs and FFC in respect of mitigation measures. The issue of capsizing due to turbulence caused by a large building has not been considered. Disagree with the PLA's recent report in terms of the ability of the sailors to cross the tide in both directions in most wind strength with or without the removal of trees. The report fails to record the Rt Hon. Justine Greening MP has objected on behalf of the club.
- RPS acting on behalf of Bishops Park Coordinating Group (received 23 July) The principal of development is contrary to Policy. Permission has already been granted for schemes to expand the stadium to 30,000 which do not encroach onto the river. The argument that the site's unique circumstance prevent is expanding within the site and reduces the likelihood of precedent is incorrect. The S106 funding towards Bishops Park is inappropriate and will not overcome the harm caused, of which will be a policy conflict. The height of the stadium has not been addressed thoroughly within the report.
- Barnes Community Association Environment Group (received 25 July) The Group supports the West London River Group. The mature trees on the land side of the towpath form a valuable corridor for bats leading to the world-famous Wetlands. The sacrifice of the trees is extreme.
- Councillor Christine Percival of London Borough of Richmond Upon Thames (received 26 July) Supports the view of the Barnes Community Association Environment Group.
- Councillor Stockley of London Borough of Richmond Upon Thames (received 26 July) Concern about the principal of encroachment, and impact on historical and environmental amenity including the tide, river users, wildlife, trees and conservation area. Serious doubts are raised to the justification of the S106 Agreement for Chiswick Eyot, which is within a different borough. The mitigation measures to deal with sailing are inappropriate and will not overcome the impact caused
- London's Wetlands Centre has registered the need to be consulted on any such proposed works (to trees) and concern that should this work involved felling all the trees in the section between Ranelagh Sailing Club and Queen Elizabeth Walk then there is a risk this would potentially negatively impact the bat species that use this tree line to travel safely between their roost sites on Barnes Common and their feeding site here at the Centre.

122 Additional letter of support and an additional letter of objection were also received by the Council after publication of the officer report. These comments are provided in the response from local residents summarised later in this section.

123 As part of the 7 February 2013 referral package to the Mayor the Council also highlighted receipt of letter dated 25 July 2012 from Southbank Sailing Club which noted:

*“So far our representations have been submitted jointly with Ranelagh Sailing Club and they have not been identified as separate publicly recorded or joint representations in the Report to the Committee. This should be rectified as South Bank Sailing Club are the nearest and the most affected “neighbour” to the Football club being directly opposite.*

*Our comments are purely in respect of sailing issues mentioned.*

*1) The Report to the Committee gives the impression that there has been an acceptable agreement reached between South Bank Sailing Club and Fulham Football Club in respect of mitigation matters. This is NOT the case and the members of the Committee should be advised of this.*

*2) The suggestion of removing trees on the Putney bank to assist is helpful if it can actually be achieved. BUT it is not the answer or a solution to the problem.*

*The PLA a few years ago undertook a tree removal scheme on the Barnes reach and there was a large public outcry at the loss. The amount of tree removal required to make an improvement to the air flows would be much greater here than on the Barnes reach and we question whether this would be achievable. Part of the scheme for removal on the Barnes reach would probably have involved selective replacement or to encourage other trees to grow. This wouldn't be possible here.*

*The suggestion to date for tree removal has been limited in its extent and it would need to be extended from Beverley Brook to just south of the Harrods depository for it to have a meaningful effect on the sailing conditions for this reach.*

*If tree removal is undertaken there also needs to be on-going annual maintenance. Again witness where the trees were removed on the Barnes reach it is now (only a couple of years later) difficult to identify any tree loss. Without careful management if the trees are removed there is a risk that whatever grows back could provide low level dense growth which could worsen the wind for sailors.*

*We request that if the Football Club scheme is approved then a condition is added providing for a tree removal planning consent (to a pre agreed scheme into which the sailing clubs are to have an input ) and funding for removal and maintenance is in place before the applicant can implement their scheme. This goes further than the suggestion in the Report to the Committee and would give the sailing clubs most affected an input into what is acceptable- namely we are worried that this element will get watered down over time when all the difficulties of removing trees raise their heads. To be true mitigation this is a fair proposal. From a public relations viewpoint the need for the tree removal is to be directed and linked to Fulhams desire to extend their club and nothing to do with the sailing clubs.”*

#### Local residents

124 From the original consultation, the Council received 600 representations of which 453 were in support, 145 in objection and 2 with no comments. The Council has summarised these comments in the following points set out at Paragraph 2.8 of its committee report :

- The proposed riverside stand is excessive in scale, and out of keeping with the area.
- The proposed riverside stand would be visually obtrusive, visible from long views along the streets, the parks and from both side of the River Thames.
- The proposal would dominate the skyline.
- The proposed stand would be out of keeping with the river and rural setting of the Surrey Bank and Bishops and Stevenage Parks.

- The proposed stand would devalue the views of and from Putney Bridge and Hammersmith Bridge.
- The proposed stand would be harmful to the character and appearance of the conservation area and Bishops Park.
- The proposed stand would be harmful to the listed Jonny Haynes Stand and Craven Cottage.
- The area is predominantly residential, the Club is out of keeping with this character.
- The only advantage is the opening of the riverwalk.
- Whose river is it? Encroachment is unacceptable.
- The proposal would set an unwanted precedent for other developments to encroach onto the river.
- The proposal is contrary to the Blue Ribbon Network policies.
- The Mayors plans state that any non-river related encroachment will be strongly resisted.
- The existing stadium is already a massive obstacle in almost all wind conditions, and enlarging it would severely impede sailing on the river through the disturbance to the airflow and the currents.
- The technical wind study submitted by the applicants is incorrect and flawed, the enlarged stand would force local sailing clubs, in particular the Ranelagh and South Bank sailing clubs, and rowing clubs to close which date back 100 years.
- The stadium would be a health hazard to sailors and rowers.
- Previous extensions to the club have already restricted sailing conditions.
- The Club is only interested in increasing its finances with little concern for the river users and local community.
- The proposal would have serious ecological and environmental consequences.
- The proposal will lead to the narrowing of the river and consequent changes to the hydrology and scouring of the river bed.
- The proposal would have implications for flooding.
- Increase in chronic traffic problems on match days as more people would come by car, additional traffic would result in a total gridlock in the area.
- It is already difficult to move around the area just before and just after matches.
- Impossible to park on match days and Fulham Palace Road congested for hours after a match.
- There should be additional public transport infrastructure to cater for the increased number of spectators, existing tube station too small.
- More traffic would result in increase in CO2 levels and other pollutants.
- There should be adequate cycle parking.
- The effect on residential area should be primary criteria consideration.
- The design and access statement does not correctly address the impact to neighbouring properties.
- The fans currently cause noise and disturbance and litter when entering and leaving the stadium, this will worsen substantially.

- Loss of light to residential properties.
- Loss of privacy to residential properties.
- Late night matches happen more frequently and are not the rare occurrence once claimed by FFC.
- The Clubs record of clearing up after matches has deteriorated considerable in recent months.
- Increased noise from fans and tannoys during the match.
- This is a residential area, bars and restaurants are not needed.
- Bars and cafes will encourage fans to stay in the area longer.
- The development will put off new buyers and devalue properties.
- Building works would cause great disruption, traffic congestion and noise pollution.
- The height of the building may be a problem to aircraft.
- Allowing more fans to move through Bishops Park will threaten to undo much of the restoration of Fulham Place and the surrounding park.
- After matches the park is littered with garbage and graffiti appears on walls, park benches etc. What plans do the Club have to ensure that Bishops Park is not damaged by the increase in the number of fans passing through it.
- Allowing direct access into park would be unacceptable and contrary to health and safety of park users and leading to fans congregating in park for longer periods.
- How will the crowds be managed? Fans would not limit themselves to walking through park on footpaths and would therefore cause damage to landscaping and plants.
- More supporters in park would need more policing.
- Park is made uninhabitable for young families on matchdays and renders whole park unusable for the whole day.
- Use of park after dark would be difficult to police,
- The Club should look at alternative ways of providing access out of the ground that would not encroach onto public space.

#### Amended officer report (8 May 2013)

125 As reported earlier, the Council reconsidered the case at its planning meeting on 8 May 2013 proposing removal to various sections of its original officer report. Prior to this meeting the council notified the sailing clubs and the Port of London Authority. The Council received a number of addition responses to this notification from those consulted and others. These are summarised below as extracted from the Council's addendum to its meeting on 8 May 2013:

#### PLA

- The PLA considers that appropriate mitigation measures are required to ameliorate the impact of the proposed development on sailing.
- The PLA objects to the application.

#### Southbank Sailing Club

- There is a substantial effect and all mitigation measures are required to be retained.

- What is the sailing credential and experience and professional qualification to advise on the situation – not their qualification to undertake the study – it is the interpretation of the results which is critical. There has been no specialist advice taken.

#### Ranelagh Sailing Club

- The timescales for comments is inadequate.
- The committee was misinformed on the level of harm.
- The microclimate assessment wind tunnel study did not include all possible issues.
- Will the trimming of trees occur?
- The issue of capsizing and collisions due to turbulence caused by a large building has not been considered.
- It is unlikely that the clubs will come to an arrangement with FFC separate to the planning decision.
- The committee should retail the measures originally proposed and in addition require the applicant to provide each sailing club with 2 suitable rescue boats with launching trollies and a sinking fund to finance maintenance insurance and the provision of 2 qualified paid crew for each boat on the relevant race days in perpetuity.

#### RPS on behalf of Bishops Park Coordinating Group

- The Council has failed to consult adequately.
- The removal of measures would only worsen the unsatisfactory position.
- What has led officers to the view that the measures are no longer relevant.

#### H&F Historic buildings group

- The Council has failed to consult.
- Confirm that they support the views of Ranelagh sailing club and Bishops Park Coordinating Group.
- The previous report accepted there would be harm to sailing which in turn suggests there would be damage to the character and appearance of the conservation area.
- The proposal would set a precedent for other river related applications in the future.

#### West London River Group

- The Council has failed to consult.
- Confirm that they support the views of Ranelagh sailing club and Bishops Park Coordinating Group.
- The previous report accepted there would be harm to sailing, what has occurred since to change officers view?
- The proposal would set a precedent for other river related applications in the future.

#### Representations received by the Mayor

126 At the time of writing this report the Mayor has received 37 representations in response to the application. This includes representations from the local MP Justine Greening, local residents

and amenity and other interest groups. Copies of these comments will be made available to the Mayor in full for his review. The key comments received are summarised briefly below:

#### Justine Greening MP

127 The Mayor has received correspondence from Justine Greening MP raising concern regarding the impact on use of the River Thames. Over the period of the application various copy correspondence has been received from Ms Greening's office relating to the sailing clubs. More recently and the last correspondence received set out the following request for the Mayor to intervene:

*"I have been following up the matter of planning application 201200038/FUL for the development of Fulham Football Club which was recently approved by Hammersmith & Fulham Council.*

*Ranelagh Sailing Club, on behalf of a number of other sailing clubs based in my constituency, have contacted me to express their serious concerns about the impact that the proposed development could have on those who use the Thames for sport and recreation. I recognise that there has already been substantial contact with your office which has provided extensive and technical detail on the potential repercussions for the clubs.*

*However, I believe that the matter also raises more general concerns about the use of the Thames by local residents. While I welcome Fulham's success as a local football club, and its plans to expand as a result, I do not believe that this should be at the expense of other local sports which are intrinsic to the heritage and culture of this area. As a local MP, I would therefore like to make a formal request that you consider exercising your power to take over the planning application for your own determination, once it has been referred to you."*

#### Local residents

128 The following comments have been received:

##### Oppose:

- Encroachment onto the river.
- Size of the stand.
- Out of keeping with surrounding character.
- Traffic impact.
- Coach parking impact.
- Unknown environment impact on river flow.
- Impact on sailing clubs.
- Destroy Bishops Park and the significant investment made in the area.
- Impacts on birds and bats and London's Wetlands Centre.
- Light spill.
- Piles will collect rubbish.
- Noise impact.
- Hydrological impacts including impact on flooding and the wider area.
- Removal of the River wall.
- The engineering aspects of this project and their consequences on the River wall should be examined by experts.



- There is no need to increase club capacity.
- Height and density.
- Conservation area impacts and views.
- Fails Blue Ribbon Network policies in the London Plan.
- Crowds, parking, especially disabled parking is a problem.
- Overbearing impact on residents.
- Dominate the skyline.
- Antisocial behaviour from fans.
- Litter.
- Proposal will dwarf many surrounding features and an eyesore destroying the beautiful landscape of Bishops Park.

Support:

- The proposal is a wonderful idea.

Groups:

Fulham Society

129 The society raises four key point:

- Encroachment onto the River
- Sailing conditions
- Impact on Bishops park
- Visual impact and setting of precedent for construction into the River

Hammersmith & Fulham Historic Buildings Group

130 The group raises the following key point:

- Height and bulk
- Damage to river views
- Effects on Bishops park and Stevenage park
- Encroachment onto the River

Bishops park co-ordinating group

131 The group submitted representations through its consultants RPS Planning. The following key points have been raised:

- Encroachment onto the River
- Impact on sailing conditions
- Impact on Bishops park – in particular wear and tear from fans accessing the ground from new riverside gate entrance.
- Visual impact

## West London River Group

132 The following comments have been received:

- WLRG supports the sailing club's representations dated 22 August 2012 which describes in detail the impact the huge environmental damage this proposal would do to the use of the River as a navigational waterway (one of the River's primary functions), and spells out the River-use reasons why this proposal should be REFUSED.
- WLRG also strongly supports our member-Group the Bishop's Park Coordinating Group's recent representations to you in their consultant RPS's letter to Mr Carpen dated 23 AUG 12, recommending you to direct REFUSAL.
- WLRG also strongly supports our member-Group the Hammersmith and Fulham Historic Buildings Group's comments to LB Hammersmith & Fulham in their letter dated 17 JUL 12 pointing out the unsustainability and unacceptability of cutting down trees on the Wooded Tow Path on the other side of the River to "mitigate" the damage which the huge bulk of the proposed new Grandstand would do to wind-flows in this part of the Tideway. The proposal to cut down trees in an area of outstanding natural beauty as "compensation", emphasises the unreasonableness and inappropriateness of this scheme.
- WLRG also strongly supports our member-Group Thamesbank's representations urging REFUSAL of this proposal.
- The heart of the matter is the total unacceptability of a land-activity annexing navigational waterway for an extension of a purely land use. If Fulham Football Club had proposed to annex 10 metres x 150 metres of Bishop's Park, or of Stevenage Road, or of Willow Lodge, to add to its existing site in order to build an extension bigger than its existing site could take, the Council would know without hesitation how to respond. But because it's the Tideway, which is much less familiar (to many it is only the dotted line down the middle which marks the Borough boundary), this totally unacceptable proposal has slipped through. Please rescue the Tideway, London's main navigational waterway, and a landscape, Riverscape and biodiversity treasure, by using your powers to direct its REFUSAL

## Thamesbank

133 The following comments were copied to the Mayor of London:

- Thamesbank supports the West London River Group's letter of objection, but also objects to the FFC proposals for the following reasons:
  - 8 metre encroachment into the River Thames beyond FFC boundary.
  - Major loss of open space and views over the River and along the River.
  - Loss of sloping River wall and important intertidal biodiversity.
  - EIA, therefore, inadequate.
  - Serious negative impact on the sailing capacity.
  - Grossly out of scale and dominance on conservation riverscape.
  - Increased flooding risk, reduced flooding capacity.
  - Loss of vital quiet tranquil corner of Bishop's Park.

## Ranelagh and Southbank Sailing Club

134 Both sailing clubs has submitted detailed representations regarding the proposed development of the new stand. The key findings of the clubs own analysis is set out earlier in this report. The clubs continue to oppose the proposed development and have not agreed to the proposed mitigation measures (as originally presented) which are now no longer included. The Clubs therefore continue to object to the proposals.

#### London Corinthian Sailing Club

135 The following comments have been received:

- The football club already presents a challenge to dingy sailors as it has a significant adverse effect on the wind in that area. When sailing against the tide it is essential to hug the bank to take advantage of the slightly less strong tide. An edifice extending 11 meters into the river will not only significantly decrease the width of the river it will also increase the flow in that area and will make it almost impossible to sail nearby. Furthermore, a large structure such as this will create scour, build up a bank of silt and create a back-eddy which will be difficult to sail past and will result in flotsam collecting in the area. We believe this extension sets an unacceptable and dangerous precedent which will have a series adverse effects on the river flow and on river users, particularly sailors.

#### Post 8 May 2013 Committee resolution comments received by the Mayor

136 Since the Council's 8 May 2013 resolution there have been further representations sent directly to the Mayor from various groups and individuals. These are summarised below:

#### Thames Regional Rowing Council

The Council request the following:

"We request the Mayor to direct the Local Planning Authority to refuse the Application on the principal grounds that this commercial development, unrelated to the river, does not comply with the mandatory planning policies and guidance, and the published commitments of the Mayor, that require the protection, improvement, prioritising etc of sporting and leisure uses of the Thames and enhancement of the character of the river and that there are no overriding considerations."

#### Ranelagh Sailing Club

The club note the following:

"Request the Mayor to direct the Local Planning Authority to refuse the Application on the principal grounds that this commercial development, unrelated to the river, does not comply with the mandatory planning policies and guidance, and the published commitments of the Mayor, that require the protection, improvement, prioritising etc of sporting and leisure uses of the Thames and enhancement of the character of the river and that there are no overriding considerations. We have provided overwhelming evidence of the harm that this development would cause to sailing, navigation and safety"

#### Thamesbank

Thamesbank submit the following key points:

- It would be an irrational decision to allow this unacceptable encroachment into the River Thames, when it has been proved before that the development can be built within the present FFC boundaries
- It is also irrational to build into the vital open space and public realm of the River, when there are 3 land areas that could be extended into – 2 parks and a listed building and road, rather than England's national maritime heritage and environmental asset.

- Thamesbank objects to the FFC proposals for the following reasons:
  - 11 metre encroachment into the River Thames beyond FFC boundary
  - Major loss of open space and views over the River and along the River
  - Loss of sloping River wall and important intertidal biodiversity
  - EIA, therefore, inadequate
  - Serious negative impact on the sailing capacity
  - Grossly out of scale and dominance on conservation riverscape
  - Increased flooding risk, reduced flooding capacity
  - Loss of vital quiet tranquil corner of Bishop's Park
- It is important for the Mayor to refuse FFC's planning proposals and therefore prevent the encroachment damage because the statutory bodies that comment on the River Thames do not have the remit to prevent:
  1. Encroachment into the River,
  2. Loss of biodiversity (eg the bird-barges in the river by Wandsworth Park are because the Environment Agency were unable to stop the loss of biodiversity due to development) and,
  3. Loss of vital river recreation and facilities
  4. Loss of the quiet, peaceful and spiritual 'meditation' corner of Bishops Park - out into the River beyond FFC, with priceless and wonderful views.
- The River Thames tideway has only 15% left of crucial sloping banks which are vital to the biodiversity of the river and the intertidal space. The 11 metre plus encroachment into and over the river into public space is totally unnecessary, avoidable and sets an unacceptable precedent in this very special conservation area, as can be seen in other piecemeal encroachment-ruined stretches of the river.
- Thamesbank understands that there are 'red-data book' species protected on this sloping bank – what does the Mayor intend doing about this?
- On much lesser encroachment into the River at FFC, the London Wildlife Trust, the RSPB and the CPRE have all strongly objected to the loss of sloping wall and the whole development.

#### Bishops Park Coordinating Group

The group note the followL

"note that the Council has made changes to the permission its Planning Applications Committee originally approved. The Council's view was that this development would have an adverse impact on sailing in this stretch of the river and therefore it required certain mitigation measures be included. Without further research or consultation the Council changed its mind, and has removed these mitigation measures. Our view was that these measures were not adequate mitigation, but that the Council should remove what little there was, is illogical, unfair and arguably unlawful. We continue to object to the proposals."

#### River Thames Society

The Society notes the following points:

- This land-side commercial development, unrelated to the River, does not comply with the mandatory planning policies and guidance, and the published commitments of the Mayor, that require the protection, improvement, prioritising etc of the use of the River as a navigational waterway, and for sporting, leisure and recreational uses of the River, and for

the enhancement of the character of the River, and that there are no overriding considerations.

- We also strongly support the representations on sailing, navigation and safety made to you by the Ranelagh Sailing Club and the South Bank Sailing Club.

#### Friends of Bishops Park

The group raises three main points

- The Thames is not owed by Fulham FC or the LBH&F it is a waterway that is for the use of the nation. It is not within the remit or the Council nor the club to over ride the well supported and researched guidelines for the use of the river. No other body or organisation has been given permission to encroach out into river by 11 metres. The waterway is for the use of the many and not for the few who will be attending the FFC new stand for approximately 30 odd matches per season.
- Impact on bishops Park from increase in supporters.
- Impact on users of the River Thames.

#### The Fulham Society

The Society notes the following points:

The Society raise concerns regarding the impact on sailing conditions and the impact on Bishops Park from increased pedestrians.

#### Royal Yachting Association

The Association has made representations to the Marine Management Organisation in relation to the River Works Licences relating to the construction of the proposed stand. The objection therefore relates to that Licence in particular. The RYA note the following:

- The RYA's main concerns are that this structure will encroach 11m into the river and force boats out into the strong tide, as well as casting a long and wide bank of wind turbulence out over the river. Recreational boats will not be able to navigate past the works in prevailing wind conditions and will be at increased risk from collisions with the works, with other river users and from capsizes.
- The amenity of river users and their quality of life will be diminished, to the extent that both Clubs may have to abandon sailing in this area and close after over 120 years sailing on this stretch of the river Thames.

The RYA has also set out its objection to the planning application for two principle reasons

- Additional unnecessary hazard to Navigation, leading to potential loss of amenity.
- Intrusion into the River for a completely non river related use – a very worrying precedent.

#### Westminster School Boat Club

In representations submitted to Ranelagh Sailing Club the school note serious concerns regarding constructing into the River Thames and the use of the River for construction purposes and the potential for collision with other river traffic.

#### Other individual comments:

The Mayor has received other direct representations from individuals including members of Southbank and Ranelagh Sailing club. The key comments are summarised below:

- Fulham Football Club does not own the land on which they wish to build. The foreshore, the tidally-exposed land along the river, is Crown Estate owned, and therefore should only be developed for the greater public benefit (not to increase ticket revenue of a commercial sports club), and any development of the foreshore should be in relation to greater, or safer, active use of the river (i.e. potentially, new slipways or pontoons).

- The proposed extension will take up the precise area where we usually sail as we are limited by the tide in the centre of the river. It will also affect the wind, making it very difficult to sail, especially for beginners.
- The proposed development would make sailing conditions too demanding.
- Inconsistent with London Plan policy 7.27 and 7.28 and paragraph 7.83 and the Thames Strategy.
- Development would make sailing in what is already one of the most challenging environments in the UK dangerous or impossible in the prevailing conditions.
- Development will result in the closure of both clubs.
- Does not support the Mayor's Olympic legacy – today anyone can join Southbank sailing club and sail for just £82 annual membership- hardly an exclusive activity.
- Design is unnecessarily high to accommodate new seats.
- Design makes visual impact – does not take account of the affect on wind conditions as it has a large glass vertical extensions that will block the prevailing wind.

#### GLA officer response

137 The consultation responses received are summarised by the Council in both its committee report and addendum and are presented above. These focus on the principal matters regarding the principal of construction into the River, impact on ecology and micro climate, design, impact on adjacent park. These matters have been considered in detail as part of the Mayor's consideration of this case, which is set out in the stage 1 consultation response and this report. There are other matters that have been raised in response to the consultation but these do not raise any new strategic planning issues that have not been considered by the GLA or the Council. In GLA officers view, in this instance the Council has secured suitable conditions and draft clauses in the section 106 to address the concerns raised or the conflicts with the London Plan are outweighed by other policy objectives as described in this report.

#### **Section 106 agreement**

138 The following heads of terms have been agreed:

- Mayoral CIL/Crossrail contribution.
- Flood mitigation contribution of £98,232 to the Environment Agency (EA) to EA project at Chiswick Eyot (in addition to the proposed on-site mitigation works).
- Developer to pay a contribution of £37,500 per annum for the first 2 years towards the securing, implementation and monitoring of a Travel Plan, and a contribution of £20,000 for a further 3 years towards any future reviews and associated implementation of any changes.
- Developer to pay a contribution of £150,000 towards the improvements to the emergency exit staircases at Putney Bridge Station.
- Developer to pay a contribution of £25,000 towards the Mayors Cycle Hire Scheme.
- Developer to pay a contribution of £19,140 towards the installation of Legible London signage between Putney Bridge Station and the football stadium via Bishops Park.
- Developer to pay a contribution of £15,000 towards the review of CPZ's (one year after occupation).

- Developer to pay a contribution of £3,000 towards the upgrade of fire barrier.
- FFC to continue the current arrangements for street cleaning whereby FFC are obliged to do at own cost.
- FFC to continue the current arrangements for parking suspensions whereby FFC obliged to do at own cost.
- Developer to pay an annual contribution of £23,000 towards the implementation of match day safety measures, until such time as the Council does not consider the measures to be applicable.
- Developer to pay a contribution of £100,000 towards pedestrian safety measures, including the installation of CCTV cameras and ongoing maintenance.
- Developer to pay a contribution of £40,000 towards the provision of CCTV links between FFC and HTH control room.
- All the future occupiers (apart from blue badge holders) of the (4) residential units to be prohibited from being eligible for on street residential car parking permits in existing/proposed CPZ's.
- Developer to submit for approval by the Council a Demolition and Construction Management Plan (CMP) and Construction Logistics Plan (CLP).
- Developer to submit details of the shuttle bus arrangement which operates to and from Henry Compton School, on Kingwood Road for blue badge users on matchdays, including details of the number of disabled spaces.
- Developer to pay a contribution of £600,000 for restoration and ongoing maintenance of Bishops Park, plus an annual contribution of £40,000 for 10 years for future park maintenance for as long as the club requires direct access and egress through the park (to be back dated and indexed).
- Developer to pay a contribution of £60,000 to reinstate the Heritage Gates to Stevenage Rd.
- FFC to steward fans through Bishops Park to Council's satisfaction.
- Developer to pay a contribution of £13,662 towards appropriate local sustainable energy measures to achieve the 25% carbon reduction target required by London Plan Policy 5.2.
- Developer to pay a contribution of £50,000 towards the removal of Japanese knotweed to the edge of Bishops Park.
- Developer to agree to open the public riverside walkway and thereafter make it available for pedestrian use by the public to pass and repass through, with the exception of those times during any match, and when Bishops Park is not open to the public and in exceptional circumstances (e.g. during maintenance or repair works and in the case of an emergency etc).
- Developer to provide further details regarding the river wall to the Council's Capital Projects Manager including, details of ramping the interface from Bishops Park to the proposed walkway and modifications to the existing guard railing of the riverwall return; drainage; and flood protection during the temporary construction period.

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

139 Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. In this instance the Council has resolved to grant permission with conditions and a planning obligation, which satisfactorily addresses the matters raised at stage I, therefore there is no sound planning reason for the Mayor to take over this application. GLA officers consider the tests in Article 7(1) as set out below are not met in this case. Those tests are as follows:

- a) the development or any of the issues raised by the development to which the PSI application relates is of such a nature or scale that it would have a significant impact on the implementation of the spatial development strategy.
- b) the development or any of the issues raised by the development to which the application relates has significant effects that are likely to affect more than one London Borough.
- c) there are sound planning reasons for issuing a direction.

### **Legal considerations**

140 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the desirability of promoting and encouraging the use of the River Thames safely. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

### **Financial considerations**

141 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance in Circular 03/2009 (*Costs Awards in Appeals and Other Planning Proceedings*) emphasises that parties usually pay their own expenses arising from an appeal.

142 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

143 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the council to do so) and determining any approval of details (unless the council agrees to do so).

### **Conclusion**



144 The extension of the football club is consistent with the Mayor's objective to promote London's world city status. Construction into the River Thames is inconsistent with the London Plan and the impacts have not been adequately mitigated. The Mayor must however have regard to this proposal in the context of the plan as a whole. In this particular case officers consider that the impact is outweighed by other policy objectives including extending the river walk way, London's world city status, economic benefits, community benefits, heritage and design benefits. Other matters regarding design, access, climate change and transport are broadly acceptable and consistent with the London Plan.

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7 March 2012

**Fulham Football Club, Craven Cottage**

in the London Borough of Hammersmith &amp; Fulham

planning application no. 2012/00038/FUL

**Strategic planning application stage 1 referral (new powers)**

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

**The proposal**

Redevelopment of Riverside stand to increase stadium capacity by approximately 4,300 seats providing a total resultant capacity of 30,000 seats. The proposals also involve new river wall, new river walkway, 1,000 sq.m. retail space (with restrictions) and four new residential units.

**The applicant**

The applicant is **Fulham Stadium Limited** and the Architect is **KSS**.

**Strategic issues**

The application raises a number of strategic matters including impact on the Blue Ribbon Network, urban design, climate change and transport matters.

**Recommendation**

That Hammersmith & Fulham be advised that the application does not comply with the London Plan, for the reasons set out in paragraph 104 of this report; but that the possible remedies set out in paragraph 106 of this report could address these deficiencies.

**Context**

145 On 30 January 2012, the Mayor of London received documents from Hammersmith & Fulham Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 9 March 2012 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

146 The application is referable under Category 1C of the Schedule to the Order 2008:

Category 1C

*1. Development which comprises or includes the erection of a building of one or more of the following descriptions—*

- (a) the building is more than 25 metres high and is adjacent to the River Thames;*  
*(c) the building is more than 30 metres high and is outside the City of London*

147 Once Hammersmith & Fulham Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself.

148 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 has been taken into account in the consideration of this case.

149 The Mayor of London's statement on this case will be made available on the GLA website [www.london.gov.uk](http://www.london.gov.uk).

## **Site description**

150 The site relates to the existing football ground at Craven Cottage, home to Fulham Football Club since 1896. The existing ground is on a site approximately 2.4 hectares and includes four individual stands.

151 The site is bounded by Stevenage Road, Bishops Park, the River Thames and Thames Pathway which wraps around the site as part of the pedestrian route that links the pathway north and south of the ground. The A219 Fulham Palace Road is located 380 metres north of the site and forms part of the Strategic Road Network (SRN). The nearest section of the Transport for London Road Network (TLRN) is the A4 Hammersmith Flyover, located 1.9 kilometres west of the site.

152 Public transport accessibility level (PTAL) is measured on a scale of 1 to 6 where 6 is most accessible. This site has a relatively low PTAL of between 1 and 2. Putney Bridge London Underground Station is 1.6 kilometres away and offers services on the Wimbledon branch of the District line. Hammersmith Underground station (Hammersmith and City/Circle and Piccadilly/District lines) is located 2.1 kilometres from the site. There are four bus services within 380 metres of the site on Fulham Palace Road; bus route 424 operates Monday to Saturday, but not on a matchday and terminates adjacent to the stadium.

153 The ground is in the setting of existing residential development to the north and east, These are mixed in terms of scale, with the east representing two/three storey terraces. Bishops Park is located to the south (grade II listed). It is also within the Fulham Reach Conservation area and adjacent to the Bishops Park and Crabtree Conservation Areas. Within the ground the Jonny Haynes Stand, Craven Cottage and the turnstile blocks to the north and south are grade II listed. Fulham Palace is further south and also includes a number of listed buildings and is a Scheduled Ancient Monument.

## **Details of the proposal**

154 Full planning permission is sought for the partial redevelopment and expansion of the Riverside stand to increase the capacity of the ground by approximately 4,300 to 30,000 seats.

155 The main element of the application relates to the retention of the existing Riverside stand and construction of a new upper tier that will wrap around the existing stand and create new hospitality space, new Riverside facade, new roof and associated retail accommodation (1,000 sq.m.). The retail will be limited to up to 100 sq.m. of use class A1 and use of part of the lower concourse for events on up to 30 days per calendar year. The proposals also include four

residential units, new River Thames wall, and Riverside walk way. The stand capacity changes are set out below as described in the planning statement:

Figure 2 existing and proposed capacity

Seating Type	Existing Capacity	Proposed Capacity
<b>Craven Cottage</b>		
Balcony Hospitality Seating	72	72
<b>Total</b>	<b>72</b>	<b>72</b>
<b>Hammersmith End Stand</b>		
General Admission	7,627	7,942
Hospitality Boxes	170	50
<b>Total</b>	<b>7,797</b>	<b>7,992</b>
<b>Johnny Haynes Stand</b>		
General Admission	5,761	5,704
Wheelchair Users & Companions	34 (17 + 17)	46 (23 + 23)
Press Positions	97	97
<b>Total</b>	<b>5,892</b>	<b>5,847</b>
<b>Putney End Stand</b>		
General Admission	7,142	7,080
Wheelchair Users & Companions	18 (9 + 9)	20 (10 + 10)
Hospitality Boxes	90	0
<b>Total</b>	<b>7,250</b>	<b>7,100</b>
<b>Riverside Stand</b>		
General Admission – Lower/Upper Tier	4,050	7,771
Wheelchair Users & Companions – Lower/Upper Tier	28 (14 + 14)	78 (39 + 39)
Wheelchair Users & Companions - Boxes	N/A	20 (8 + 8 + 4)
Directors/Corporate	563	830
Hospitality Boxes (including Chairman's box)	48	290
<b>Total</b>	<b>4,689</b>	<b>8,989</b>
<b>Total Capacity</b>	<b>25,700</b>	<b>30,000</b>

## Case history

156 There is a mix of planning history on the site, however the key case relates to application 2000/0930/P also known as the 'Snell scheme'. This permission was for a new 30,000 seat stadium including a restaurant, café, club shop, sports injury clinic, beautician, club museum, nursery and conference/hospitality space. It also included the erection of a five storey building with 16 residential units a new River walk and a new floodlight strategy. whilst permission was granted it was never implemented. This application pre-dated commencement of the Mayor's planning powers in July 2000.

157 Other permissions include 2003/02744/FUL for additional work to the north and south stands increasing capacity to 22,000. This has been implemented and was considered by the former Mayor on 19 December 2003 and broadly supported. Planning reference 2006/03377/FUL was for further extensions to stands taking capacity to 25,690. Planning reference 2007/03866/FUL (Project 30) was for works to the Riverside stand increasing capacity to 30,000. The case was considered by Hammersmith & Fulham Committee where a resolution to grant permission was made. The permission was however never issued and the 106 not signed.

158 The applicant engaged in a scoping meeting on 1 August 2011 and followed up with a formal pre-application meeting held on the 24 November 2011. At the meeting the GLA raised a number of matters include design, views, heritage impacts, impacts on the River Thames, including construction in to the River Thames and the environmental and navigational impacts. Other matters regarding access, transport and climate change were also raised.

## Strategic planning issues and relevant policies and guidance

159 The relevant issues and corresponding policies are as follows:

- World city role *London Plan*
- Blue Ribbon Network *London Plan; PPS25, RPG3B*
- Biodiversity/Geodiversity *London Plan; the Mayor's Biodiversity Strategy; PPS9; draft PPS Planning for a Natural and Healthy Environment; draft London's Foundations (Geodiversity) SPG*
- Housing *London Plan; PPS3; Housing SPG; Providing for Children and Young People's Play and Informal Recreation SPG, Housing Strategy; draft Revised Housing Strategy; Interim Housing SPG; draft Housing SPG*
- Affordable housing *London Plan; PPS3; Housing SPG, Housing Strategy; draft Revised Housing Strategy; Interim Housing SPG; draft Housing SPG; Affordable Rent draft SPG; draft Early Minor Alteration to the London Plan*
- Urban design *London Plan; PPS1*
- Tall buildings/views *London Plan; RPG3A, Revised View Management Framework SPG; revised draft View Management Framework*
- Historic Environment *London Plan; draft World Heritage Sites SPG; PPS5; Circular 07/09*
- Access *London Plan; PPS1; Accessible London: achieving an inclusive environment SPG; Planning and Access for Disabled People: a good practice guide (ODPM)*
- 
- Ambient noise *London Plan; the Mayor's Ambient Noise Strategy; PPG24*

- Sustainable development *London Plan; PPS1, PPS1 supplement; PPS3; PPG13; PPS22; draft PPS Planning for a Low Carbon Future in a Changing Climate; Mayor's Climate Change Mitigation Strategy; Mayor's Climate Change Mitigation and Energy Strategy; Mayor's Water Strategy; Sustainable Design and Construction SPG*
- Transport *London Plan; the Mayor's Transport Strategy; PPG13;*
- Parking *London Plan; Assembly draft Early Minor Alteration to the London Plan; the Mayor's Transport Strategy; PPG13*
- Crossrail *London Plan; draft Mayoral Community Infrastructure Levy; Crossrail SPG*
- Equal opportunities *London Plan; Planning for Equality and Diversity in Meeting the spatial needs of London's diverse communities SPG; Diversity and Equality in Planning: A good practice guide (ODPM); Equalities Act 2010*

160 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the 2011 Hammersmith & Fulham Core Strategy, the Unitary Development Plan as saved 2011 and the 2011 London Plan.

161 The Early Minor Alteration to the London Plan is also relevant material considerations:

### **Principle of development**

162 The application site has no specific land use designation in the London Plan however policy 2.1 'London in its global, European and United Kingdom context' establishes the Mayor's commitment to ensure that London retains and extends its global role. The current football ground plays a continuing role in London's function as a World City in terms of its continued contribution to the Premier League, association football and in terms of its role in hosting International sporting events including International football friendly matches and Champions League and European football.

163 In terms of the World City Role, the continued contribution of the Premier League and those London Clubs currently representing at that level contributes significantly to London's World City status which is consistent with the Mayor's aspirations set out in policy 2.1 of the London Plan.

164 Policy 3.19 'Sports facilities' of the London Plan affirms the Mayor's Sports Legacy Plan, which aims to increase participation in and to tackle inequality of access to sport and physical activity in London, particularly amongst groups/areas with low level of participation.

165 More specifically, the policy states that development proposals that increase or enhance the provision of sports and recreational facilities will be supported; those that result in a net loss of sports and recreation facilities, including playing fields should be resisted. The policy adds that temporary facilities may provide the means of mitigating any loss as part of proposals for re-provision. It reiterates the objective that, wherever possible, the multi-use of facilities for sport and recreational activity should be encouraged and that the provision of floodlighting should be supported in areas where there is an identified need for sports facilities to increase sports participation opportunities, unless the floodlighting gives rise to demonstrable harm to local community or biodiversity.

166 Locally the site is identified in Annex 2 of the Core Strategy in the hierarchy of open spaces as 'outdoor sporting facilities' - OS41 'Fulham Football Club, Stevenage Road' (0.28 hectares) (shown in error as site OS14 on the proposals map).

167 Core Strategy policy CF1 sets out that *“the council will work with its strategic partners to provide boroughwide high quality accessible and inclusive facilities and services for the community by: supporting the continued presence of the major public sports venues for football and tennis, subject to the local impact of the venues being managed without added detriment to local residents”*

168 Whilst the club expansion in terms of seating capacity may be supported in principle, a number of concerns have been raised regarding the impacts of the proposed extension adjacent to and into the River Thames and its potential impacts on river users, in particular rowing clubs that use this part of the Thames and the effects on navigation. The Mayor’s policy on sports facilities needs, therefore, to be considered in terms of the wider impacts on other sports and recreation that may be affected by the proposed development. The specific impacts relate to the Blue Ribbon Network polices which are considered in further detail below.

### Blue Ribbon Network

169 The London Plan identifies the ‘*Blue Ribbon Network*’ as London’s strategic network of water spaces, including the River Thames, canals, tributary rivers, lakes, reservoirs and docks; alongside smaller water bodies. It recognises the strategic and multi-functional role of the network as a transport corridor; for drainage and flood management; as a source of water; for the discharge of treated effluent; and in providing a series of diverse and important habitats, green infrastructure, heritage value, recreational opportunities, important landscapes and views.

170 Thus, from a strategic land use perspective, the principle of constructing out into the River Thames should be assessed against London Plan policies 7.24 to 7.29 on *the Blue Ribbon Network*; the latter policy relates specifically to the River Thames.

171 Policy 7.24 aims to ensure that the Blue Ribbon Network contributes to the overall quality and sustainability of London by prioritising uses of the water space and the land around it safely for water-related purposes, particularly for passenger and freight transport. Policies 7.25 and 7.26 affirm the Mayor’s commitment to secure an increase in the use of the Blue Ribbon Network for passenger and tourist river services and to transport freight; and his support for the principle of providing additional cruise liner facilities on the River Thames.

172 Policy 7.26 requires development proposals to ensure the protection of existing facilities for waterborne freight traffic. In particular part B d) notes that *‘Development proposals close to navigable waterways should look to maximise water transport for bulk materials, particularly during the demolition and construction phases’*.

173 Policy 7.27 requires development proposals to enhance the use of the Blue Ribbon Network by supporting waterway infrastructure and recreational use. In particular part A b) notes that development proposals *‘protect and improve existing access points to and alongside the Blue Ribbon Network.’*

174 London Plan policy 7.28 ‘*Restoration of the Blue Ribbon Network*’ also specifically states (part A) that:

*Development proposals should restore and enhance the Blue Ribbon Network by:*

- a) taking opportunities to open culverts and naturalise river channels.*
- b) increasing habitat value; development which reduces biodiversity should be refused.*
- c) preventing development and structures into the water space unless it serves a water related purpose (see paragraph 7.84).*
- d) protecting the value of the foreshore of the Thames and tidal rivers.*

e) resisting the impounding of rivers.

f) protecting the open character of the Blue Ribbon Network.'

175 Of relevance in paragraph 7.84 is that *'The BRN should not be used as an extension of the developable land in London nor should parts of it be a continuous line of moored craft'*

176 With respect to the River Thames, policy 7.29 acknowledges its status as a strategically important and iconic feature that should be protected and promoted. To that end, development proposals within the Thames Policy Area identified in Local Development Frameworks are required to be consistent with the published Thames Strategy for the particular stretch of river concerned.

177 In addition to the above London Plan policy 7.6 'Architecture' and policy 7.7 'Tall and large scale buildings' picks up on microclimate impacts. In particular policy 7.6 B d) notes *"buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. This is particularly important for tall buildings."* And policy 7.7 D notes that *"Tall buildings should not affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunication interference"*

178 This suite of policies along with others in the Plan set out that the development should not compromise navigation, hydrology, flood risk and biology of the River Thames.

179 The proposal supports London Plan policy 7.27 A b) by improving access along the waterways, through the completion of a missing link of the Thames Path identified in the Council's Proposals Map. The proposed use of the Thames for transport of bulk construction materials and also demolition material is also in line with policy 7.26 B d).

180 The scale and level of encroachment of the proposed development is however more significant than that of the previous proposals. This brings it into potential conflict with part A c) and part A f) of policy 7.28 of the London Plan and the applicant has to justify the development against these policy requirements. The test regarding A f) – open character of the Blue Ribbon Network – of policy 7.28 is set out in further detail in the 'river views' section of this report. The initial consultation responses however raise concerns that there may be significant impacts to sailing and rowing to this part of the River Thames as a result of the proposed development.

181 At this stage GLA officers understand from conversations with the Port of London Authority and the Environment Agency that the results of several investigations related to waterway aspects of the application are still not available. In particular details about the following should be provided.

- the impacts of the development on wind speed/direction - and the resulting impacts on the behaviour of the water.
- the tie-in of the new flood defence wall with the existing wall at either end of the site
- the on-site ecological mitigation works to compensate for building out over the foreshore.
- the impacts of the piled structures into the water on hydrology.
- the navigational safety of the structure for river users including the safety of recreational vessels.

182 Further information and discussion is therefore required as part of this ongoing analysis of information. This must be undertaken before the case is referred back to the Mayor for final determination.



## Ecological assessment/biodiversity

183 London Plan policy 7.19 requires proposals for new development to make a positive contribution to the protection, enhancement, creation and management of biodiversity wherever possible; prioritise assistance towards the achievement of targets identified in biodiversity action plans (BAPs), and/or improve access to nature in areas deficient in accessible wildlife sites; and ensure that they do not adversely affect the integrity of European sites. Proposals should be resisted where they would have a significant adverse effect on European or nationally designated sites, or on the population or conservation status of protected species, or a priority species or species identified in a UK, London or appropriate regional or borough BAP.

184 On Sites of Importance for Nature Conservation, development proposals are expected to:

- Give the highest protection to sites with existing or proposed international designations (SACs and SPAs) and national designations (SSSIs and NNRs), in line with the relevant EU and UK guidance and regulations.
- Give strong protection to sites identified by the Mayor and the borough councils as having of metropolitan importance for nature conservation (SMIs).
- Give sites for borough and local importance for nature conservation, the level of protection commensurate with their importance.

185 The policy further states (part E) that in considering proposals that would directly, indirectly or cumulatively affect a site of recognised nature conservation interest, the following hierarchy would apply:

- Avoidance of adverse impact to the biodiversity interest.
- Minimising the impact and seeking mitigation.
- Seeking appropriate compensation only in exceptional cases, where the benefits of the proposal clearly outweigh the biodiversity impacts.

186 The River Thames is designated as a 'Site of Metropolitan Importance for Nature Conservation'. Similar to the case for development into the River, officers are still in the process of reviewing the Environmental Statement and may therefore provide further comment through this process of review.

## Flood risk

187 A flood risk assessment has been carried out for the proposal. The site is within Flood Zone 3 (flood event with a greater than 0.5% chance of occurring each year – a 1 in 200 year event). Current flood defences, including flood defence walls, embankments and gates (including the Thames Barrier), afford the borough protection against a tidal flood event that has a 0.1% annual probability (1 in 1000 year event) of occurring. The site is not within any fluvial floodplain. Therefore the applicant considers fluvial flood risk of the site as negligible.

188 The applicant also notes that in terms of the existing River wall, the Environment Agency has categorised its condition as grade 2 (good), on a scale of 1 very good and 5 very poor. The most recent condition survey has identified a number of defects in the wall, but none were considered to be significant. As reported in the planning statement levels of the proposed defences will be at or above the statutory defence level (5.54m AOD). As the new river wall will replace an existing wall with defects it will increase the current and future standard of protection within the area.

189 In conclusion the applicant considers the impact on flood risk to be negligible. The GLA is awaiting further comment from the Environment Agency and therefore any advice will be reported to the Mayor should he be required to make a decision at the final determination stage.

## **Housing and affordable housing**

190 London Plan policy 3.13 'Affordable housing thresholds' sets out that '*Boroughs should normally require affordable housing provision on a site which has capacity to provide 10 or more homes, applying the density guidance set out in Policy 3.4 of this Plan and Table 3.2*'

191 Policy H2 of the Council's Core Strategy sets out that '*On sites with the capacity for 10 or more self-contained dwellings affordable housing should be provided*'.

192 The current proposal includes four residential units. Whilst previous iterations of a Riverside scheme have included up to 16 residential units this current scheme proposes a total number of units which fall below the threshold for affordable housing contributions. The primary function of the site is to maintain its use as a sporting facility and therefore its 'capacity' for residential accommodation in the context of London Plan policy 3.13 is limited whilst its primary function is retained. The approach is therefore broadly acceptable. A number of other policy matters regarding Lifetime Homes, space standards and wheelchair accessible accommodation are considered in the planning statement and can be secured by suitable planning conditions.

## **Urban design**

193 Good design is central to all objectives of the London Plan and is specifically promoted by the policies contained within chapter seven which address both general design principles and specific design issues. London Plan Policy 7.1 sets out a series of overarching design principles for development in London. Other design policies in this chapter and elsewhere in the London Plan include specific design requirements relating to maximising the potential of sites, the quality of new housing provision, tall and large-scale buildings, built heritage, views, the public realm and the Blue Ribbon Network. New development is also required to have regard to its context, and make a positive contribution to local character within its neighbourhood (policy 7.4).

### Views and the historic environment

#### *Heritage assets*

194 London Plan policy 7.7, which relates to the specific design issues associated with tall and large-scale buildings. This policy sets out specific additional design requirements for tall and large-scale buildings, which are defined as buildings that are significantly taller than their surroundings and/or have a significant impact on the skyline and are larger than the threshold sizes set for the referral of planning applications to the Mayor. London Plan policy 7.4 Local character is also relevant and notes that "*Buildings, streets and open spaces should provide a high quality design response that:*

- a) Has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass.*
- b) Contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area.*
- c) Is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings.*
- d) Allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area.*

e) *Is informed by the surrounding historic environment.*”

195 Policy 7.8 C and D Heritage assets and archeology are also relevant and sets out that *“Development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate”* and *“Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail”*.

196 These policies are underpinned by the guidance set out in PPS5 regarding heritage assets and the tests set out in policy HE9.

197 The application is supported Chapter F and G of the Environmental Statement which deals with heritage and townscape impacts. This is supplemented by Appendix G1 which provides three verified views of the proposal and four non verified CGI’s.

198 There is limited analysis regarding the existing merits of the heritage assets including detailed analysis of the listing description, the significance of listed heritage assets or relevant Conservation Area Character Appraisals that would normally inform the design approach.

199 The Conservation Area Character Appraisal for Fulham Reach and Bishops Park provides some but limited detail and both date from 1996. Similarly Crabtree Conservation Area Character Appraisal dates from 2001.

200 The summary of importance provided by the listing description for the Johnny Haynes Stand however notes:

*“Of special interest as a well-preserved early surviving example of a football grandstand by Archibald Leitch (1866-1939), the foremost football stadium designer of the early C20. The facade is unusual in that it was a conscious attempt to give ornate treatment to a building type which was usually austere and functional”* (source English Heritage listing number 1079754)

201 Similarly, for the cottage itself the summary of importance notes *“Of special interest as an integral part of early football ground and as the only surviving pavilion in a senior British football club”*. (source English Heritage listing number 1358582).

202 The key tests relevant in this case are set out in the London Plan policy 7.8 C, policy HE9.2 of PPS5 where there is substantial harm to the heritage asset and policy HE9.4 where the harm is less than substantial. As noted above there are three verified views and four supporting views taken from the river and Greswell Street.

203 View 3 shows the listed stand in its existing context and as proposed in the context of the new stand. The new Riverside stand becomes significantly visible in the setting of the listed stand from Greswell Street/Woodlawn Road. It is however difficult to determine the extent of any harm on the heritage assets, including the conservation areas, without further verified views from the surrounding streets. The cross section shown on page 37 – Section 4.11 of the Design and Access Statement is helpful in understanding the design rationale, however further test views are needed to establish the overall impact. Section 4.12 for example shows that the previous scheme included a much lower roof line and by implication reduced impact on the setting of the listed stand from surrounding streets.

204 In terms of views from Bishops Park, these are generally acceptable as the existing Putney Stand, south stand, provides the main foreground, the main new addition being the roof structure which would not harm the setting of the Park or its character and appearance.

205 Notwithstanding the above, the applicant should review the townscape analysis and provide additional views of the proposal in the setting of the conservation areas and both the listed stand and Craven Cottage. This will help to determine the impact on heritage assets

206 It is important to note as set out in PPS5 that the principle of increasing capacity at the ground will help to retain its function – the function of the listed stand – as integral to the continuing operation of the site as a football stadium and the history associated with the club. Whilst the continued operation is important, the policy tests to justify any harm arising still needs to be met. It is therefore important to fully test the impacts on the setting to establish the extent of any harm arising and the case for such harm. Further discussion and analysis is therefore required.

207 The removal of the high level western flood lights will help to improve nighttime environment locally and in views from the River.

#### *River views*

208 In general the new stand is a substantial addition to the setting of the River Thames in the context of the existing views shown in 7, 8, 9 and 11. The Townscape Analysis does not however assist in comparing existing conditions to proposed conditions as these are set out in different parts of the document; view 15- Pre-construct visualisation appears to represent view 14 of the existing conditions view earlier in the document and the approach to comparison is made further difficult as the extent of the view (i.e the camera extent) differs between existing and proposed conditions.

209 It is however apparent from site inspection that the River is open generally and various buildings appear along its path. The extent of Bishops Park and the Palace provide a bank of trees that picks up on the end of the existing stadium and will continue to do so as part of the new stadium proposals. The encroachment into the River Thames is still being considered as set out earlier in this report and whilst the new stand is a substantial addition into the setting of the River Thames, the open character - London Plan policy 7.28A f) - of the River Thames would still be apparent, helped in part due to the London Wetland Centre and Barn Elms Playing Fields on the opposite bank in Richmond.

210 In design terms the proposal provides new link and active edge to the Thames Path and a new active frontage that will add interest to users of the River and from the opposite bank. Views of the listed stand are limited under existing conditions given the foreground view is predominantly the existing Riverside stand. The setting of the Fulham Reach Conservation Area when viewed from the River will be broadly preserved given the existing stand largely turns its back on the River Thames. The Fulham Reach Conservation Area Character Appraisal notes the “*significant ‘recreation’ presence of Fulham Football Ground which defines the southern boundary of the Conservation Area*”. The Bishops Park Conservation Area Character Appraisal notes “*The open grassed area with pitches south of the Fulham Football Ground provides for formal recreation and is important due to its open aspect and landscape quality in relation to the development to the north and east*”.

211 The tree lined view of the listed Bishops Park and Bishops Park Conservation Area picks up the link between the two conservation areas and its presence as a recreation in the character of the conservation area will remain. The significance of the Bishops Park, its openness and tree line as a feature in views and its setting will also be generally preserved in River views.

212 View 18 from Hammersmith Bridge shows minor change in terms of the roofline being visible in the backdrop of the view. View 19 from Putney Bridge has not been provided and should

be submitted along with the additional information on views requested earlier in this report in relation to the other impacts on heritage assets.

#### Layouts and access

213 The layouts are broadly supported in terms of the creation of an active edge at ground level and the creation of a new River Walkway along this part of the River Thames. There is however limited analysis regarding detailed matters of disabled access. At pre-application the design team was encouraged to set up consultation with local disabled groups and it is understood that a Disabled Supporters Club and an Access Group is being taken forward to help ensure the proposals for the club are fully accessible to disabled people. This is fully supported. These terms should be secured as part of any future permission. The GLA would welcome further discussions regarding terms of reference for such a consultation group.

214 The matter of residential amenity to the existing properties should be lead by the Council in terms of any overlooking from new apartments and other matters such as overshadowing.

### **Climate change mitigation**

215 Chapter 5 of the London Plan sets out the approach to climate change and requires developments to make the fullest contribution to minimizing carbon dioxide emissions. The policies collectively require developments to make the fullest contribution to tackling climate change by minimising carbon dioxide emissions, adopting sustainable design and construction measures, prioritising decentralised energy supply, and incorporating renewable energy technologies with a target of 20% carbon reductions from on-site renewable energy. The policies set out ways in which developers must address mitigation of and adaptation to the effects of climate change.

#### **Energy**

##### Be Lean

###### *Energy efficiency standards*

216 A range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development. Both air permeability and heat loss parameters will be improved beyond the minimum backstop values required by building regulations. Other features include the use of lighting controls and mechanical ventilation with heat recovery where applicable. The demand for cooling will be minimised through the use of the use of natural ventilation and high performance glazing. Based on Table 8 and 10 in the strategy submitted, the development is estimated to achieve a reduction of 10 tonnes per annum (7%) in regulated carbon dioxide emissions compared to a 2010 Building Regulations compliant development.

##### Be Clean

###### *District heating*

217 Due to the nature of the site, i.e. periodic use for football matches, the applicant has not investigated whether there are any existing or planned district heating networks within the vicinity of the proposed development. This is accepted in this instance. The applicant is not proposing to install a site heat network. This is accepted in this instance.

###### *Combined heat and power*

218 The applicant has investigated the feasibility of CHP. However, due the intermittent nature of the heat load, CHP is not proposed. This is accepted in this instance

## Be Green

219 The applicant has investigated the feasibility of a range of renewable energy technologies and is proposing to install 350 sq.m. roof mounted solar photovoltaic (PV) panels. A drawing showing indicative, potential PV location has been provided. A reduction in regulated carbon dioxide emissions of 19 tonnes per annum (15%) will be achieved through this third element of the energy hierarchy. This should be secured by planning condition.

## Summary

220 The estimated regulated carbon emissions of the development are 115 tonnes of carbon dioxide per year after the cumulative effect of energy efficiency measures, CHP and renewable energy has been taken into account. However, the applicant needs to state the baseline regulated emissions to confirm the projected savings. Savings modelled equate to a reduction of 29 tonnes of carbon dioxide per year in regulated emissions compared to a 2010 Building Regulations compliant development. The on-site carbon dioxide savings fall short of the targets within Policy 5.2 of the London Plan.

221 While it is accepted that there is little further potential for carbon dioxide reductions onsite, in liaison with the Council and the GLA the applicant should ensure the short fall in carbon dioxide reductions is met off-site. London Plan policy 5.2 E states that *“The carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere”*.

## **The impacts of noise and vibration**

222 Policy 7.15 of the London Plan requires development proposals to contribute to the reduction of noise by:

- Minimising the existing and potential adverse impacts of noise on, from, within or in the vicinity of developments.
- Separating new noise-sensitive developments from major noise sources where practicable through the use of distance, screening, or internal layout in preference to sole reliance on sound insulation.
- Promoting new technologies and improved practices to reduce noise at source.

223 The applicant submitted a noise and vibrations assessment as part of the environmental statement accompanying the application. The GLA has commissioned noise consultants to review the impacts from noise arising from the development.

224 Further comments may be provided before the application is considered by the Mayor at the final determination stage.

## **Climate change adaptation**

225 The London Plan promotes key adaptation principles in Chapter 5 that promote and support the most effective adaptation to climate change. These are to minimise overheating and contribution to heat island effects; minimise solar gain in summer; contribute to flood risk reductions, including apply sustainable drainage principles; minimise water used; and protect and enhance green infrastructure and urban greening. Specific policies cover overheating, urban greening, living roofs and walls and water.

226 A sustainability statement supports the application and demonstrates general compliance with the relevant London Plan policies on sustainable design and construction and climate change adaptation.

227 As set out above, the proposals have been designed to reduce carbon dioxide emissions beyond building regulations through energy efficiency measures alone. This includes the use of natural ventilation and techniques to minimise the risks of overheating – particularly to the west facing glazed facade.

228 As already set out above regarding water, the Environment Agency's flood zone map shows that the existing site is in flood zone 3. Rainwater discharge will go directly to the River Thames, which is broadly supported. The Environment Agency has been consulted, any significant comments will be reported at the final determination stage.

## **Transport for London comments**

### Trip generation

229 The proposed car modal share is high. The applicant suggests that this can be reduced considerably through both travel planning measures; a target must be secured through the section 106 agreement as well as mechanisms to achieve and exceed it. TfL accepts that the Underground will be the primary mode of travel to and from the site. In summary TfL accepts the trip generation methodology as being compliant with London Plan policy 6.3.

230 One measure to reduce the car mode share is to expand the surrounding matchday controlled parking zone (CPZ). TfL suggests matchday CPZ restrictions are rolled out to Zone W, around Dawes Road; a section 106 contribution to implement and monitor should be paid to the Council.

### Highways

231 TfL has previously funded improvements to the Fulham Palace Road junction with Hammersmith gyratory which have recently been implemented. A programme of further improvements to the remaining Fulham Palace Road junctions has been agreed. As matchday traffic from the development cannot be accommodated on Lillie Road and Fulham Palace Road, TfL request a contribution is sought towards delivering a signal programme to smooth traffic flow, and to allow more crossing time through introduction of puffin crossings. This will connect the signals to the London Traffic Control Centre who will adjust signal timings on matchdays. This will assist in the smoothing of traffic flow and improvement of pedestrian safety on the network. These improvements will assist in delivery of London Plan policy 6.11.

### Pedestrians

232 There are a number of pedestrian pinch-points on the main access routes to the site particularly around the subway under Putney Bridge and the pathway between the Hammersmith stand and residential units to the west which leads to the River. TfL encourages the borough to investigate measures to improve the quality of the pathway, particularly in the subway. It is accepted that this could be in the form of a travel plan fund towards ongoing maintenance, although all necessary mitigation measures must be secured through the section 106 agreement. Additionally a contribution is sought towards Legible London signage as part of a wider signage strategy linked to the travel plan. These improvements will ensure consistency with London Plan policy 6.10.

## Cycling

233 The current cycling mode share for the stadium is 3.7% for a weekend game and this is predicted in the transport assessment to rise to 4.7% by 2026. It is unclear where this additional demand will be accommodated. Demand should be monitored through the section 106 travel plan fund, this must include an identified location.

## Car parking

234 TfL welcomes the car free nature of the proposal for the stadium use and residential use, with the exception of disabled spaces at the local school. TfL expects all future occupants of the residential units to be exempt from eligibility for on street parking permits; this should be secured by planning condition. This will ensure consistency with London Plan policy 6.13.

## London Underground

235 TfL considers that the London Underground District Line can accommodate the increased demand. There is however station capacity impacts which must be mitigated. The station ticket hall at Putney Bridge is limited in size and cannot easily be expanded. The current arrangement for fans wishing to use the station at full time requires a queuing system adjacent to the bus turnaround area. Passengers are allowed to enter the station in waves via the conventional ticket hall and the emergency exit staircases. The staircase is designed as an emergency exit and is uncovered with metal steps which can become a safety hazard when footfall is high, TfL request that the applicant funds the installation of a canopy over the staircases in order to enable safe use on match days, further discussions on design and the level of contribution is required to ensure consistency with London Plan policy 6.5.

## Travel planning and construction logistics

236 TfL expect the applicant to submit a full 10 year travel plan for the stadium including scenarios for match and non matchday situations prior to occupation of the proposed development. The plan will include associated funding and monitoring mechanisms to deliver if necessary the improvements as detailed above. TfL and the Council will need to agree a revised travel plan prior to determination. All travel information including Underground and rail running status will be relayed to spectators and visitors by scoreboard and PA announcements. The final travel plans should be secured, monitored, reviewed, and enforced through the section 106 agreement in consultation with TfL. This will ensure consistency with London Plan policy 6.3.

237 TfL welcomes the applicant's commitment to submit a delivery plan post planning; this should be included in the final travel plan. TfL requires more detailed negotiations with the applicant and the Council in respect of travel planning measures and mechanisms for payment and delivery which are required to be secured through the section 106 agreement.

238 In order to mitigate any adverse impacts of construction traffic on the local road network, a construction logistics plan (CLP) should be secured by way of a planning condition. This will ensure consistency with London Plan Policy 6.14. The Olympic Route Network (ORN) and Paralympic Route Network (PRN) will operate close to the site during the Olympic and Paralympic Games period between June and September 2012. Requests to utility companies to provide any additional water, gas, electricity or telecommunications connections should be made sufficiently well in advance of implementation.



## Summary

239 In summary a number of issues need to be resolved before the application can be considered to be in line with the transport policies set out within the London Plan. This includes a contribution secured by way of the s106 agreement, to fund works at Putney Bridge station, implementation of Legible London signage, and a contribution towards the signalling upgrades on Fulham Palace Road. In addition the council should secure a robust and coherent travel plan. TfL should be closely involved in future discussions on the form and content of the travel plan and section 106 agreement.

## **Equalities**

240 The 2010 Equality Act places a duty on public bodies, including the GLA, in the exercise of their functions, to have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This requirement includes removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic and taking steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it. The Act defines protected characteristics and includes age and disability. The GLA in the discharge of its planning function must engage this duty, in so far as it is applicable to a particular case.

241 In this instance the proposal provides a mix of access opportunities for fans and the GLA is seeking conditions to ensure the continued function of the newly formed access group. Increasing capacity at the ground will also encourage further opportunity for supporters to access the ground.

## **Community Infrastructure Levy**

242 In accordance with London Plan *policy 8.3*, the Mayor of London proposes to introduce a London-wide Community Infrastructure Levy (CIL) that will be paid by most new development in Greater London. Following consultation on both a Preliminary Draft, and then a Draft Charging Schedule, the Mayor has formally submitted the charging schedule and supporting evidence to the examiner in advance of an examination in public. Subject to the legal process, the Mayor intends to start charging on **1 April 2012**. Any development that receives planning permission after that date will have to pay, including:

- Cases where a planning application was submitted before 1 April 2012, but not approved by then.
- Cases where a borough makes a resolution to grant planning permission before 1 April 2012 but does not formally issue the decision notice until after that date (to allow a section 106 agreement to be signed or referral to the Secretary of State or the Mayor, for example),.

243 The Mayor is proposing to arrange boroughs into three charging bands with rates of £50 / £35 / £20 per square metre of net increase in floor space respectively (see table, below). The proposed development is within the London Borough of Hammersmith & Fulham where the proposed Mayoral charge is £50 per square metre. More details are available via the GLA website <http://london.gov.uk/>.

244 Within London both the Mayor and boroughs are able to introduce CIL charges and therefore two distinct CIL charges may be applied to development in future. At the present time, borough CIL charges for Redbridge and Wandsworth are the most advanced. The Mayor's CIL will contribute towards the funding of Crossrail.

Mayoral CIL charging zones Zone	London boroughs	Rates (£/sq. m.)
1	Camden, City of London, City of Westminster, Hammersmith and Fulham, Islington, Kensington and Chelsea, Richmond-upon-Thames, Wandsworth	£50
2	Barnet, Brent, Bromley, Ealing, Greenwich, Hackney, Haringey, Harrow, Hillingdon, Hounslow, Kingston upon Thames, Lambeth, Lewisham, Merton, Redbridge, Southwark, Tower Hamlets	£35
3	Barking and Dagenham, Bexley, Croydon, Enfield, Havering, Newham, Sutton, Waltham Forest	£20

## Local planning authority's position

245 The Officer recommendation is currently unknown.

## Legal considerations

246 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application and any connected application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

## Financial considerations

247 There are no financial considerations at this stage.

## Conclusion

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

- **Principle of development:** Construction into the River Thames is inconsistent with London Plan policy 7.28. The micro climate impacts on existing users of the River Thames needs further consideration. This consideration links to the impacts on other existing sporting facilities in particular those users of the River Thames.
- **Ecological impacts:** Officers are still in the process of reviewing the Environmental Statement.

- **Urban design and access:** The harm to the setting of listed buildings and conservation areas needs to be further considered. The newly formed access group should include terms of reference as part of the section 106 agreement.
- **Climate change mitigation:** The carbon reduction fails to meet the target in the London Plan.
- **Noise and vibration:** The GLA has commissioned review of the impacts. Further comment may be provided.
- **Transport:** Financial contributions are required in terms of works to Putney Bridge station, legible London signage, signalling upgrades on Fulham Palace Road. Other conditions regarding a travel plan and construction logistics and servicing need to be agreed.

249 On balance, the application does not comply with the London Plan.

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

- **Principle of development:** Further information is required regarding impacts on the River Thames and its users as set out in this report.
- **Ecological impacts:** Officers are in the process of reviewing the Environment Statement and may provide further comment in due course.
- **Urban design and access:** Further views in the context of the listed stand, cottage and conservation areas should be provided to determine the harm arising. The terms of reference for an ongoing access group should be set out in the section 106.
- **Climate change mitigation:** Carbon reduction targets need to be confirmed and the short fall in terms of the targets set out in London Plan policy 5.2 should be met off site in discussion with the Council and the GLA.
- **Noise and vibration:** The GLA has commissioned review of the impacts. Further comment may be provided.
- **Transport:** A number of matters need to be agreed including a contribution to fund works at Putney Bridge station, implementation of Legible London signage, a contribution towards the signalling upgrades on Fulham Palace Road. In addition the council should secure a robust and coherent travel plan. T TfL should be closely involved in future discussions on the form and content of the travel plan and section 106 agreement. Other conditions regarding a travel plan and construction logistics and servicing need to be agreed.

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