

# IBIS Hotel, Lillie Road, Earls Court

in the London Borough of Hammersmith & Fulham

planning application no. 2011/03655/EFUL

## 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

Renewal of outline planning permission 2007/00608/OUT for the Demolition of existing residential buildings fronting Lillie Road and Ongar Road (Hamilton and Brompton Villas) and the redevelopment of the site as follows: The erection of part five-storey, part six-storey plus basement buildings, the erection of an extension at 3rd and 4th floor level above the existing hotel fronting Lillie Road, an extension at 13th and 14th floor level to the existing hotel tower fronting Lillie Road and alterations to the existing hotel facade (Lillie Road), to provide 260 additional hotel rooms, 12 hotel suites, ground floor retail and cafe/restaurant uses, a health club facility (basement level), 9 replacement residential units (fronting Ongar Road) with 11 associated off street parking spaces, together with related access, servicing, parking and landscaping.

## The applicant

The applicant is **Goodearth Hotels Ltd**, and the architect is **Halpern** architects.

## Strategic issues

The main issue is whether the planning permission that the applicant is seeking to renew is still acceptable in light of any significant policy changes that have occurred since the original permission was granted.

The principle of development to provide a hotel and residential scheme on this site is established by the extant permission and it is therefore acceptable.

In light of changes to strategic policy since the previous permission was granted, further information is required regarding **climate change, housing and transport**.

## Recommendation

That Hammersmith and Fulham Council be advised that while the application is generally acceptable in strategic planning terms the application does not comply with the London Plan, for the reasons set out in paragraph 33 of this report; but that the possible remedies set out in paragraph 35 of this report could address these deficiencies.

## Context

1 On 28 November 2011 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 6 January 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.

2 The application is referable under Category 3E 1. (a) (vii) of the Schedule of the Order 2000: *"Development which does not accord with one or more provisions of the development plan in force in the area in which the application site is situated and comprises or includes the provision of more than 2,500 square metres of floorspace for Class C1 (hotels)."*

3 Once Hammersmith and 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.

4 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

5 The site includes the existing Ibis Hotel on Lillie Road, and land to the east. To the north-east are residential units fronting on to Ongar Road. To the south-east are further residential units fronting Sedlescombe Road. The site is currently vacant land comprising a mix of scrub and concrete hard-standing, which the above residential units back onto.

6 There are commercial and mixed uses on Lillie Road. The site has two vehicular access points from Lillie Road, which connects with the A3220 gyratory approximately 450 metres to the east. The A3220 is part of the Transport for London Road Network. The A4, also part of the Transport for London Road Network, is approximately 800 metres north of the site. The nearest part of the Strategic Road Network is Fulham Road/Fulham Broadway, approximately 800 metres to the south.

7 The site is well served by public transport. West Brompton station, which provides District Line and London overground services, is less than five minutes walk away, and West Kensington and Earls Court stations are within a ten minute walk. The site is served directly by three bus routes on Lillie Road (routes 74, 190 and 430), while two further routes are available on North End Road and three more on Warwick Road. The public transport accessibility level of the site is 5, on a scale of 1-6 where 6 is excellent.

## Details of the proposal

8 This is a renewal of an existing outline planning permission that was granted in 2009. The application has not changed and the renewal application proposes the erection of an extension to the existing Ibis hotel. The proposal would involve the demolition of existing residential villa's (No.s 1-9 Brompton Villa's, Ongar Road) and the erection of nine replacement residential units. The hotel extension would front onto Lillie Road and would incorporate a new access core leading up to new hotel bedrooms on 1 to 5 floors. At ground floor, ancillary restaurant, cafe and retail uses are proposed, with hotel leisure facilities located at basement level. The hotel capacity would increase by 260 rooms and twelve suites. Private amenity space is provided for the replacement residential units.

## Case history

9 The principle of hotel development on this site has been considered at an early stage of the plan making process. An objection was lodged to the designation of the site for residential use at the previous Unitary Development Plan (UDP) inquiry, prior to its adoption in 1994. In response, the Inspector recommended that the designation should be relaxed to allow hotel and commercial uses as well. Although Hammersmith & Fulham Council accepted the appropriateness of the site for B1 use, it did not accept the Inspector's recommendation in relation to hotel use. This was on the grounds that he had not given sufficient consideration to the difficulty of achieving off-street servicing for coaches, due to the narrow frontage to the identified proposal site, or to the adverse impact on the surrounding residential area.

10 The previous Mayor considered a broadly similar application (PDU/1482/01) on 26 July 2006 and made representations to the Council. In his comments, the Mayor accepted the principle of hotel extension but raised concerns about the level of detailed design work, concerns regarding the lack of a clear energy strategy and transport impacts.

11 The Council subsequently refused planning permission on 26 July 2006, issuing the following reasons for refusal:

- The proposed development is considered to be unacceptable in the interests of visual amenity. More particularly, the development is considered to be inappropriate in terms of height and bulk, is un-neighbourly and out of keeping with the street scene, contrary to policy EN8 and EN8b of the Unitary Development Plan.
- The amount of residential development proposed is considered to be unacceptable in that the proposal would not be able to provide adequate private and shared open amenity space. In this regard the proposal is contrary to policy HO12 and standard S5 of the Unitary Development Plan.
- The proposed development is considered to be unacceptable on the grounds of residential amenity. More particularly, due to the proposed height and bulk of the building would result in a loss of outlook and daylight to residents in Lillie Road and Ongar Road, resulting in an increased sense of enclosure. In this respect the proposal is contrary to standard S3.1, EN8 and EN8B of the Unitary Development Plan.

12 Following this refusal, the applicant subsequently engaged with Hammersmith & Fulham Council in order to overcome the reasons for refusal. A revised application was submitted in 2007 following discussions with the Council and brief discussions with GLA officers. Planning permission was subsequently granted in 2009, following consideration by the previous Mayor, who supported the application (PDU/1482a/02). This application is for a renewal of that permission.

## Strategic planning issues and relevant policies and guidance

14 The relevant issues and corresponding policies are as follows:

- Housing *London Plan; PPS3; Housing SPG; Providing for Children and Young People's Play and Informal Recreation SPG, Housing Strategy; Assembly draft Revised Housing Strategy; Interim Housing SPG; Draft Housing SPG*
- Transport *London Plan; the Mayor's Transport Strategy; PPG13; Land for Transport Functions SPG*

- Climate change *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*

13 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 and the 2011 London Plan.

## **Renewal procedure and the principle of development**

17 On 1 October 2009 a new procedure was introduced to allow applicants to apply to extend a planning permission which is in danger of lapsing by seeking a new planning permission to replace it - one which allows a longer period in which to commence the development. The Department of Communities and Local Government published '*Greater flexibility for planning permission: guidance*' in November 2009 (with a second edition published in October 2010) to help planning authorities and developers use this new procedure. It states that development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date and planning authorities should, in making their decision, focus their attention on policy and other material considerations which may have changed significantly since the original permission was granted.

18 The previous application (Local Planning Authority reference 2007/00608/OUT) was granted by Hammersmith and Fulham Council 10 June 2009. Since that time, there have been a number of London Plan policy changes, and a range of supplementary planning guides (SPG) have been published. This application should, therefore, be assessed against the main policy changes within these documents.

19 The principle of the proposed uses at the site have been considered to be acceptable in the previous application and do not raise any strategic planning policy concerns when considered against the most up to date policy in the London Plan. Although the London Plan has updated the strategic urban design policies regarding the quality of development and development's contribution to local character, there is no significant effect on the assessment of this scheme. Housing, transport and climate change are the key areas in which strategic policy has changed significantly since this application was considered in 2007/8. The main body of this report therefore assesses the renewal application against those policy areas of the current London Plan.

14 The GLA requested a number of s106 clauses be attached to the original permission, which related to London Plan energy policy. However, as the applicant is required to update the energy information (see climate change section below), the previously agreed s106 clauses may need to be updated depending on the outcomes of the updated energy strategy.

## **Housing**

15 London Plan policy 3.5 deals with quality and design of housing developments. This policy provides that developments should be of the highest quality internally, externally and in relation to their context and wider environment. A key difference between this policy and the corresponding policies of the London Plan 2004, is that policy 3.5 seeks to ensure that new residential development conforms to minimum space standards. These standards are set out in table 3.3, and for the flatted type of development proposed as part of this application, the relevant standards are as follows:

<b>Dwelling type</b> (bedroom (b)/ persons-bedspaces (p))	<b>GIA</b> (sq m)
1p	37
1b2p	50
2b3p	61
2b4p	70
3b4p	74
3b5p	86
3b6p	95
4b5p	90
4b6p	99

16 The applicant should supply additional information, including plans and a schedule of accommodation showing the Gross Internal Area (GIA) of each unit, so that an assessment can be made as to whether these proposals are consistent with the space standards set out in London Plan policy 3.5.

17 London Plan policy 3.8 deals with housing choice and has changed since the corresponding policy in the London Plan of February 2004, against which the original planning application was assessed. The current policy provides that for the purpose of planning decisions, all housing should be built to Lifetime Homes standards and ten percent be designed to be wheelchair accessible, or easily adapted for wheelchair users. As this is the case, the applicant must provide a commitment that all housing units be designed as such, with at least one dwelling designed to be wheelchair accessible, or easily adaptable for wheelchair users. This should be done before the Mayor sees this application again and secured by planning condition should planning permission be granted.

## **Transport**

18 Developments must now provide 1 in 5 spaces (both active and passive) with an electric vehicle charging point to encourage the uptake of electric vehicles. Therefore 20% active and 20% passive provision of electric vehicle charging points need to be secured in order for the development to comply with London Plan Policy 6.13.

19 A total of 20 cycle parking spaces are proposed in the basement of the development. The London Plan early minor alterations, currently out for consultation, require 1 space per 10 staff and a minimum of 2 spaces for visitors. It is noted that Hammersmith and Fulham Council is currently consulting on its Development Management DPD and this proposes 1 space per 3 staff and 1 space per 20 bedrooms. It is, however, unclear from the application material how many staff are expected to work at the site. This should be established and the relevant cycle parking secured. Furthermore, this site lies within the zone for the expansion of the Mayor's Cycle Hire Scheme (phase 3). Therefore TfL recommends that a financial contribution and land is sought to facilitate the delivery of the Mayor's Cycle Hire Scheme in line with London Plan Policy 6.9 Cycling.

20 It is noted that the public transport and highway networks in the vicinity of the site are operating at, or close to capacity. Therefore, it is important to highlight need for travel planning and delivery and servicing measures to reduce the impact of the development, particularly in the peak, and encourage sustainable travel practice in accordance with London Plan Policy 6.3 *Assessing the effects of development on transport capacity.*

21 It is accepted that this renewal application would have the same transport impact on the transport system as the previously permitted scheme in 2008. In this regard it is requested that the transport related conditions agreed as part of the consented scheme, where appropriate, be

retained as part of this application renewal, along with the transport contributions previously secured. GLA officers will continue to work with the Hammersmith and Fulham Council with regard to these and any new conditions that may be necessary. Nevertheless, the applicant should provide further information to address the points raised above before the Mayor sees this application again.

## **Climate change**

22 The applicant proposes that the hotel will be heated by solar water heating and centralised gas boilers. The nine residential units will be heated by solar hot water panels, combined with individual gas boilers. During discussions in 2007 the applicant had decided not to follow GLA officer advice to link the extension to the existing hotel and with a site-wide strategy incorporating combined heat and power. The applicant submitted an energy statement that sought to provide a 10% reduction in carbon dioxide emissions from solar water heating and photovoltaic cells.

23 At the consultation stage the former Mayor subsequently raised serious concerns regarding this approach and the energy statement provided. To address this GLA officers negotiated detailed clauses within the section 106 agreement that committed to minimum carbon reduction savings and specific energy technologies. These clauses also ensured that the Mayor would be consulted during any subsequent reserved matters or full planning application pursuant to the outline application. It was intended that these clauses would ensure that the development be consistent with London Plan policy. Since then, however, this area of policy has been subject to significant change and while concerns remain regarding the applicant's approach, the above s106 clauses would not be sufficient to demonstrate compliance with current London Plan climate change policy.

24 The London Plan climate change policies as set out in chapter 5, now 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. The policies set out ways in which developers must address mitigation of, and adaptation to, the effects of climate change.

### Climate change mitigation

25 London Plan policy 5.2 states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be green: use renewable energy

26 This policy also sets out specific carbon reduction targets (in relation to current building regulations) for developers to achieve within individual schemes. These targets change over time, with the intention that this will lead to zero carbon residential buildings by 2016 and zero carbon non-domestic buildings by 2019. For the period 2010-2013 the target is 25% carbon reductions over and above 2010 building regulations.

27 The applicant should provide a revised, detailed energy assessment that directly addresses current London Plan policy. Specifically, this should demonstrate how the scheme will achieve the relevant carbon reduction, as set out in London Plan policy 5.2, within the framework of the energy hierarchy. As a minimum, this should include:

- A calculation of energy demand and carbon emissions covered by building regulations and, separately, the energy demand and carbon dioxide emissions from any other parts of the development not covered by Building Regulations at each stage of the hierarchy. This should be demonstrated via modelling.
- Proposals to reduce carbon dioxide emissions through the energy efficient design of the site, buildings and services
- Proposals to further reduce carbon dioxide emissions through the use of decentralised energy where feasible, such as district heating and cooling and combined heat and power. Policy 5.6 expands on this, providing that developments should prioritise connection to existing networks, site wide CHP and Communal Heating and Cooling, in that order. The applicant is strongly encouraged to re-examine the opportunity to provide a site-wide network connecting the existing hotel and the extension, to maximise the opportunity to reduce carbon dioxide emissions. Any deviation from this on the grounds of viability or feasibility should be supported by robust and detailed justification.
- Proposals to further reduce carbon dioxide emissions through the use of on-site renewable. The proposals currently offer a 10% reduction in carbon dioxide emissions from solar water heating and photovoltaic cells. This is welcomed, but this reduction should be over and above those savings provided in other areas, within the context of the energy hierarchy.

### Climate change adaptation

28 Policies 5.9 to 5.15 of the London Plan set out policies that seek to minimise overheating and contribute to heat island effects; minimise solar gain in summer; contribute to flood risk reduction, including applying sustainable drainage; minimising water use; and protect and enhance green infrastructure. Specific policies cover overheating, living roofs and walls and water require the inclusion of sustainability measures within developments.

29 The applicant should provide details of the measures that are proposed to meet these standards and how the principles of sustainable design and construction have informed the design of the scheme. The applicant should highlight how passive design has been used to address potential challenges of overheating and cooling, and how the scheme meets the Mayor's essential, and where possible, preferred standards relating not only to energy efficiency but also water efficiency, waste, surface run off, biodiversity and combating higher temperatures associated with the Urban Heat Island effect.

30 Policy 5.11 of the London Plan states that major developments should include green roofs and walls where feasible. The applicant is encouraged to include a green wall and/or living roof, as a potentially valuable way of contribution to reducing the urban heat island effect, improving the thermal performance of the building, enhancing biodiversity and contributing towards sustainable urban drainage. The policy also provides that green roofs can also be used to provide accessible roof space, and measures to provide this would be welcomed. The applicant should provide details of any green roof and green walls proposed, including and explanation for the type of roof and vegetation selected, locations and calculation of surface area covered.

### Summary

31 Further information is required to determine whether the application complies with London Plan climate change mitigation policy. This should include a revised energy statement, which directly addresses how the development aims to meet the carbon reduction targets within the framework of the energy hierarchy. Additional information is also required to determine how the application complies with climate change adaptation policy.

## **Local planning authority's position**

29 It is anticipated that the local planning authority will renew planning permission for this application.

## **Legal considerations**

32 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.

## **Financial considerations**

31 There are no financial considerations at this stage.

## **Conclusion**

33 London Plan policies on housing, transport and climate change are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

- **Housing:** Insufficient information has been provided to judge compliance with London Plan policy on quality and design of housing, provision of Lifetime Homes and wheelchair accessible accommodation.
- **Climate change mitigation:** Insufficient information has been provided to demonstrate compliance with the London Plan.
- **Transport:** The application is not compliant with London Plan parking policy and insufficient information has been provided to assess whether adequate cycle parking provision is proposed.

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

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

- **Housing:** Additional information should be provided detailing the breakdown of accommodation and the GIA of each residential unit. The applicant also should provide a commitment to designing and building all residential units to Lifetime Homes standards, and at least 10% of the units should be designed to be wheelchair accessible, or easily adapted to be accessible to wheelchair users.
- **Transport:** Issues relating to the need for construction logistics plan, delivery service plan and travel plan etc are likely to be dealt with by condition, as with the previous application. The applicant should provide further information regarding electric vehicle charging points and how cycle parking relates to staffing levels, as per paragraphs 16-19.



- Climate change: The applicant should reconsider provision of a site-wide energy network, and submit an updated energy strategy as set out in paragraphs 23-25. The applicant should also provide information demonstrating how the development will comply with London Plan policy on climate change adaptation, as set out in paragraphs 26-28.

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