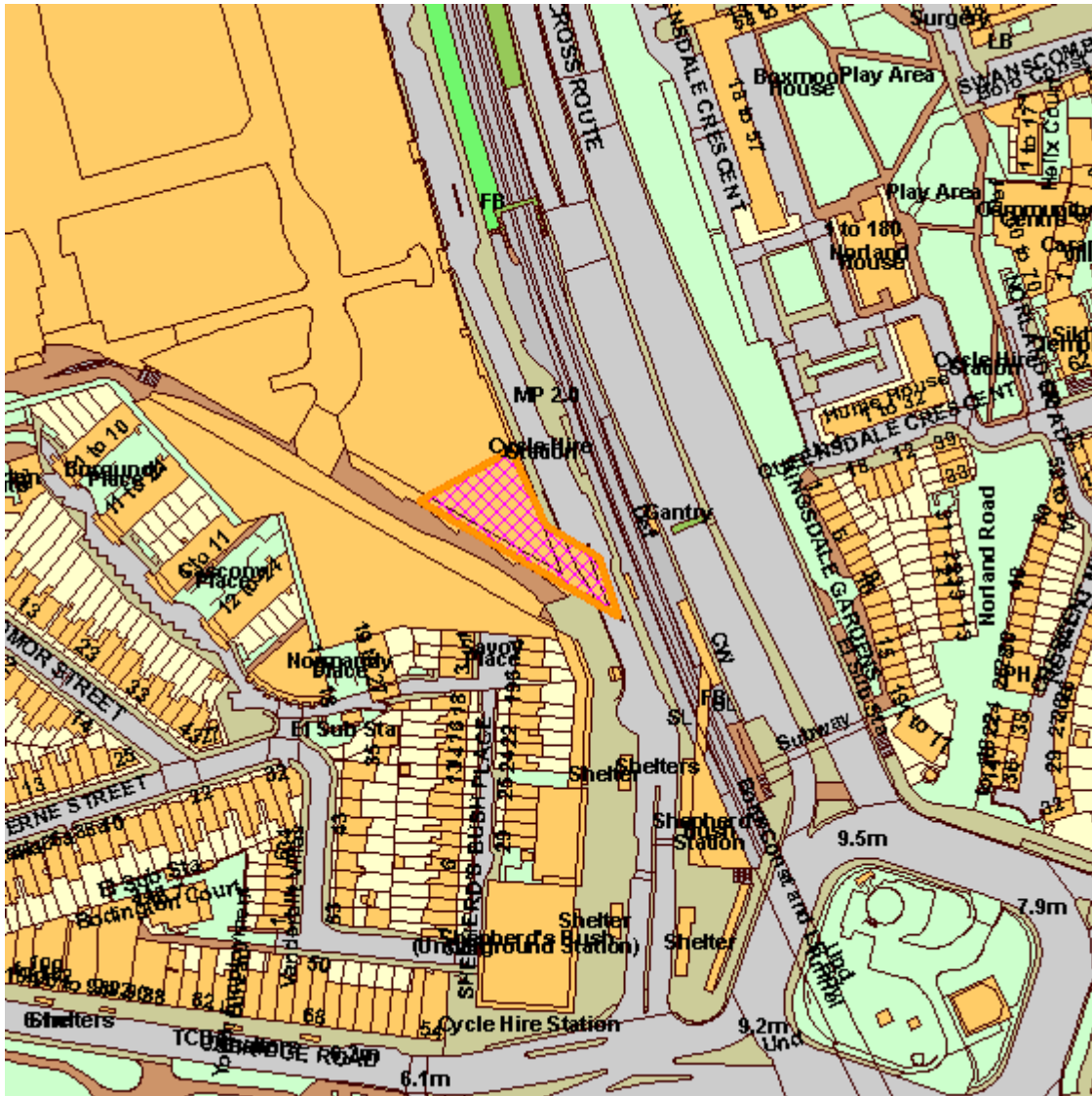


Ward: Shepherd's Bush Green

Site Address:

Unit 0000C Westfield London Shopping Centre Ariel Way
London W12 7GA



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For identification purposes only - do not scale.

Req. No:
2020/00795/FUL

Case Officer:
Padraig Collins

Date Valid:
24.04.2020

Conservation Area:

Committee Date: 21.07.2020

Applicant:

Westfield Europe Ltd
C/O Agent – Montague Evans

Description:

Subdivision and change of use of existing anchor unit from retail (Class A1) into 2 separate units comprising of retail (Class A1) and office (Class B1a)

Drgs. No: See condition 2

Application Type:

Full Detailed Planning Application

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8.0CONCLUSIONS

Officer Recommendation:

1) That the Committee resolve that the Chief Planning Officer be authorised to grant planning permission upon the completion of a satisfactory legal agreement and subject to the conditions listed below;

2) To authorise that the Chief Planning Officer after consultation with the Head of Law and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed Heads of Terms of the legal agreement or conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

Conditions

In line with the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, officers have consulted the applicant on the pre-commencement conditions included in the agenda and the applicant has raised no objections.

That the application be approved subject to condition(s) set out below:

1. Time Limit

The Development hereby permitted shall not commence later than the expiration of 3 years beginning with the date of this planning permission.

Condition required to be imposed by section 91(1)(a) of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. Approved Drawings

The development shall not be carried out otherwise than in accordance with the approved drawings as stated on this decision notice.

To ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policies WCRA, WCRA1, TLC1, TLC2, E1, E4, CC10, CC11, CC13, T2, TR1, TR2, and TR21 of the Local Plan (2018).

3. Roller Shutters

No roller shutters shall be installed on any external entrance or display façade hereby approved.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policies DC1, DC2 and DC8 of the Local Plan (2018).

4. Level Threshold

The ground floor entrance doors to the proposed buildings and integral lift/stair cores shall not be less than 1-metre-wide and the threshold shall be at the same level as the adjoining ground level fronting the entrances to ensure level access.

Reason: To ensure the development provides ease of access for all users, in accordance with Policy 3.1 and 7.2 of the London Plan, and Policy DC1 and HO6 of the Local Plan 2018.

5. External Appearance

No Alternations shall be carried out to the external appearance of the building, including the installation of air-conditioning units, ventilation fans, or extraction equipment not shown on the approved drawings, and should be subject to another application.

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with DC2 and DC8 of the Local Plan (2018).

6. Uses Restriction

The Class B1 (office) use hereby permitted shall be used only and for no other purpose including any other purpose within Class B1 in accordance with the Town and Country Planning (Use Classes Order) 1987 (as amended), or any subsequent Order, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: In granting this permission, the Council has had regard to the circumstances of the case. The conversion of the approved new office accommodation to residential purposes could raise materially different planning considerations and the Council wishes to have an opportunity to consider such circumstances at that time, and to ensure the uses are compatible with the adjoining land uses and to ensure that the amenity of occupiers residing in surrounding residential properties would be safeguarded, and ensure the vitality and vibrancy of the Centre, in accordance with Policies CF3, DC1, DC2, DC7, DC8, E1, E4, HO11, T1, T2, TLC3, TLC5 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

7. Advertisements

No advertisements shall be displayed on or within any elevation of the Development (including inside windows or on the Olympia Estate), without details of the advertisements having first been submitted to and agreed in writing by the Council.

Reason: In order that any advertisements displayed on the building are assessed in the context of an overall strategy, to ensure a satisfactory external appearance and to preserve the integrity of the design of the building, in accordance with Policies DC1 and DC8 of the Local Plan 2018.

8. Operational Management Plan

Prior to completion of the development hereby approved, an Operational Management Plan shall be submitted to and approved in writing by the Council. The Operational Management Plan shall include details of hours of operation for the different permitted uses, including details relating to the

operational hours the office use and the location and provision of the affordable workspace, the times of operation for the affordable workspace, as well as any strategies or events for the community related to the workspace or affordable element. The development shall be implemented in accordance with the approved details prior to occupation and shall thereafter be permanently retained in this form.

Reason: To ensure that the amenities of surrounding occupiers are not unduly affected by noise and other disturbances, in accordance with Policies T1, CC11, CC12, and CC13 of the Local Plan 2018

9. Construction Logistics Plan

Prior to commencement of the construction phase of development, a Construction Logistics Plan (CLP) in accordance with the Transport for London Guidance on Construction Logistics Plans shall be submitted to and approved in writing by the Local Planning Authority. Each CLP must seek to minimise the impact of construction traffic on nearby roads and restrict construction trips to off peak hours

only and shall include the following minimum information:

- site logistics and operations;
- construction vehicle routing;
- details of the estimated number, size and routes of construction vehicles per day/week
- details of the use of Ultra Low Emission Zone (ULEZ) compliant Vehicles e.g. Euro 6 and Euro VI;
- details of the access and egress arrangements
- delivery locations on the site;
- details of any vehicle holding areas; and other matters relating to traffic management to be agreed as required
- efficiency and sustainability measures to be undertaken for the works
- membership of the Considerate Contractors Scheme.

The works shall be carried out in accordance with the relevant approved CLP unless otherwise agreed in writing with the Local Planning Authority. The approved details shall be implemented throughout the project period.

Reason: To ensure that no unacceptable adverse effect on the amenity of surrounding occupiers in accordance with Policies 6.11 and 6.12 of the London Plan and policies T1, T6, T7, CC10, CC11, CC12 and CC13 of the Local Plan (2018).

10. Secure by Design

Prior to commencement of development, a statement of how 'Secure by Design' requirements are to be adequately achieved shall be submitted to and approved in writing by the Council. Such details shall include, but not be limited to: site wide public realm CCTV and feasibility study relating to linking CCTV with the Council's borough wide CCTV system, access controls, basement security measures and means to secure the site throughout construction in accordance with BS8300:2009. No part of the development shall be used or occupied until these measures have been implemented in accordance with the approved details, and the measures shall thereafter be permanently retained in this form.

Reason: To ensure that the development incorporates suitable design measures to minimise opportunities for, and the perception of crime and provide a safe and secure environment, in accordance with Policy 7.3 of the London Plan, and Policies DC1 and DC8 of the Local Plan 2018.

Justification/Reason (s) for approving application:

- 1) Principle of Development: The proposal is acceptable in land use terms. It is compatible with the objectives of the White City Regeneration Area and the Shepherds Bush Town Centre objectives. The proposed development is considered acceptable with no significant impact in terms of additional noise and disturbance on the surrounding residential amenity. The uses are compatible with the surrounding uses within Westfield Shopping centre as it maintains front facing A1 retail within the centre, whilst also providing an increase in daytime footfall which will benefit the surrounding A1 and A3 uses contributing to the wider and local economy. The proposed change of use will also providing a diversity of uses within the centre maintaining vitality and viability. In this respect the proposal complies with Policies 2.1, 2.13, 3.1, 4.1, 4.12, 4.2, 6.1, 6.2, 6.3, 6.10, 6.11, 7.14, 7.15, 8.2 of the London Plan, Policies, E1 and E2 of the Draft (intend to Publish) London Plan and Policies E1, E4, WCRA, WCRA1, E1, TLC1, TLC2, CC10, CC11, CC13, T2, TR1, TR2 and TR21 of the Hammersmith and Fulham Local Plan (2018) and relevant Key Principles of the Planning Guidance Supplementary Planning Document (2019).
- 2) Local Employment and Affordable Workspace: The proposal would continue to provide significant employment opportunities both in in the borough and London generally. The development will generate both construction and end use phase employment once the subdivision and change of use are completed, secured through the S106 agreement. Affordable workspace comprising of 5% of the total eligible Class B1 floorspace would be secured through the s106 agreement, a portion of this will be delivered offsite, with the remainder in the form of a contribution. The development would provide modern and upgraded floorspace and deliver wider benefits by way of increasing local expenditure through increased employment levels, additional

visitors through the uses proposed, and job and job opportunities for local residents and companies totalling 33 jobs and relevant support fees. The employment and training initiatives for residents and businesses secured through the S106 agreement would bring significant benefits to the local area while a local procurement initiative will be entered into by way of the legal agreement to provide support for businesses. The development is therefore in accordance with Policies 3.1 and 4.12 of the London Plan and policies E1, and E4 of the Local Plan (2018).

- 3) Legal Agreement: Planning obligations to offset the impact of the development and to make the development acceptable in planning terms are secured. Contributions relating to securing the provision of affordable space and local training and employment opportunities and procurement are secured. The proposed development would therefore mitigate external impacts and would accord with Policy 8.2 of the London Plan and Policy INFRA1 of the Local Plan (2018).
- 4) Conditions: In line with the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, officers have consulted the applicant on the pre-commencement conditions included in the agenda and the applicant has raised no objections.

That the applicant be informed as follows:

- 1) In determining this application, the local authority has worked in a proactive and positive manner with the applicant to foster the delivery of sustainable development, in accordance with the requirements of paragraph 38 of the National Planning Policy Framework (2019).

Officer Report

Local Government Act 2000 List of Background Papers

All Background Papers held by case officer named above:

Application form received: 19/3/20
Drawing Nos: see condition 2.

Policy Documents: National Planning Policy Framework (NPPF) 2019
The London Plan 2016
LBHF – Local Plan 2018
LBHF – Supplementary Planning Document 2018

Consultation Comments:

1.0 **Background** and site description

1.1 The site is part of the Westfield London Shopping Centre which opened in October 2008 after outline planning permission was granted in 1996 and again in 2002. Subsequent applications have been submitted for various roof level extensions and other external works since the opening of the shopping centre. Applications have also been submitted for various changes of uses within the centre, upper and lower floors. Westfield London Shopping Centre will now be known as 'the centre' through the application.

1.2 **Site and Designations Context**

1.3 The application site comprises of approximately 9600Sqm (GIA) within the existing shopping centre, across 3 floors, with ground floor access from street level and from within the centre at each level. The site is currently has Class A1 uses (retail) (former *House of Fraser*).

1.4 The site lies within the White City East sub-area of the White City Regeneration Area (WCRA), and the Shepherds Bush Town Centre, as identified in the Borough's Local Plan (2018). The White City Regeneration Area (WCRA) is also designated as an Opportunity Area in the London Plan (2016). The framework for the WCRA marks the site as one for housing, commercial, creative and academic uses as part of a mixed-use area.

1.5 There is an excellent Public Transport Accessibility Level (PTAL) of 6b, the highest possible level. The site is adjacent to the White City Bus Station which is served by ten bus routes and two routes pass along Ariel Way east-west. The site is also within proximity and walking distance, approximately 0.1miles of Wood Lane Underground, 0.3 miles of White City Underground Station, and 0.6 miles of Shepherd's Bush Underground, Overground and Railway station.

1.6 The site is not within any of the borough's conservation areas, however the Wood Lane and Shepherd's Bush Conservation Areas sit to the North and South of the site context, respectively. The site is close to both the DIMCO buildings (Grade II listed) and the former BBC Television Centre (Grade II listed).

2.0 **Planning History**

2.1 On March 29th, 1996, planning permission (1993/01830/OUT) was granted for a major mixed-use development incorporating retail, leisure, residential, workshops and a new rail station which became Westfield London. A further outline planning permission (Ref: 2000/01642/OUT) was granted in January 2003 for the south-west corner retail expansion. Several applications have been made since that time in relation to reserved matters and to vary conditions attached to those previous and subsequent permissions that relate to Westfield as a whole, such as various change of use, however none of these applications relate directly to the site and thus have not been included.

3.0 Current Application/Proposal:

3.1 The application seeks permission to change the use from solely A1 to Part A1 (two units of approx. 1500sqm) and Part B1A (office, approx. 6000sqm). The A1 retail use would use existing entrances within the centre, ensuring a complete and comprehensive range of retail being offered within the centre. Thus, this would maintain the front facing retail element within Westfield. The B1A element would be accessed from the ground floor (former *House of Fraser* entrance), at the beginning of 'Eat Street' (Shepherd's Bush Station side). The proposed A1 units and the new B1A unit would be split with new internal walls and have different servicing arrangements from the rear of the site.

Development	Impact/Change/Proposal
Site	<i>House of Fraser</i> , over two floors
Existing Floor Space (A1)	9,654sqm (GIA)
Proposed Floor Space (overall)	9,341sqm (GIA)
Overall Change	313sqm – due to new internal walls and changes
Proposed Floorspace A1	1,501sqm
Proposed Floorspace A1	1,486sqm
Proposed Floorspace B1A	6,356sqm
Operating Hours/Access of Officer	24hours
Operating Hours of Retail	Normal centre business hours
Height	No change
Internal Changes	Subdivision of floorspace
External changes – façade, vents etc	No change – another application
Parking – Cycle/Car	No Additional, within Westfield, Westfield have added 300 new cycle spaces since Covid-19 across site. Aside from this 162 internal 24/7 bike are available for users.
Public Transport Network/Pedestrian/Cycle	Negligible impact
Trip Generation	Down compared to House of Fraser
Extensions to building	No change
Access	Eat Street, and internal, as before
Delivery/Servicing	No Change/As Before

In support of the planning application the applicant has submitted the following documents:

- Application Drawings
- Transport Assessment
- Town Planning Statement
- CIL Form

4.0 Publicity and Consultation

4.1 The application was advertised by way of a site notice posted on 6/5/20 and press notice on 6/5/20. No comments were received from residents.

4.2 Consultation Responses

4.3 No Comments or Representations were received

4.4 Highways:

4.5 No Objection to the proposed development subject to conditions for a Construction Logistics Plan (CLP) and confirmation of cycle parking.

4.6 There were no other external consultations.

5.0 PLANNING POLICY FRAMEWORK

5.1 As The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England.

5.2 Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act).

5.3 In this instance the statutory development plan comprises the London Plan (2016), the Local Plan 2018 and the Planning Guidance Supplementary Planning Document 2018 (hereafter referred to as Planning Guidance SPD). A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application.

5.4 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and was revised in 2018 and is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.

5.5 The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

5.6 The NPPF is aimed at safeguarding the environment while meeting the need for sustainable growth. It advises that the planning system should:

- a) plan for prosperity by using the planning system to build a strong, responsive and competitive economy, by ensuring that sufficient land of the

right type, and in the right places, is available to allow growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

b) plan for people (a social role) - use the planning system to promote strong, vibrant and healthy communities, by providing an increased supply of housing to meet the needs of present and future generations; and by creating a good quality-built environment, with accessible local services that reflect the community's needs and supports its health and well-being; and

c) plan for places (an environmental role) - use the planning system to protect and enhance our natural, built and historic environment, to use natural resources prudently and to mitigate and adapt to climate change, including moving to a low-carbon economy. The NPPF also underlines the need for councils to work closely with communities and businesses and actively seek opportunities for sustainable growth to rebuild the economy; helping to deliver the homes, jobs, and infrastructure needed for a growing population whilst protecting the environment.

5.7 The NPPF sets out a presumption in favour of sustainable development. For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

5.8 Draft London Plan

5.9 The new draft London Plan was published on 29 November 2017. The Plan's consultation ended on 2 March 2018. The Examination in Public (EiP) opened on 15th January 2019 and publication of the new Plan is expected in the autumn of 2019. Currently there is an Intend to Publish London Plan. It is therefore considered that the new draft (Intend to Publish) London Plan should be given weight at this stage in determining this application. Therefore, consideration shall be given to the London Plan (Consolidated with Further Alterations 2016) and the Intend to Publish Version of the Draft London Plan.

5.10 With regards to this application, all planning policies in the National Planning Policy Framework (NPPF), London Plan, Local Plan 2018 and Planning Guidance Supplementary Planning Guidance (SPD) which have been referenced where relevant in this report have been considered with regards to equalities impacts through the statutory adoption processes, and in accordance with the Equality Act

2010 and Council's PSED. Therefore, the adopted planning framework which encompasses all planning policies which are relevant in officers' assessment of the application are considered to acknowledge protected equality groups, in accordance with the Equality Act 2010 and the Council's PSED.

6.0 Planning Assessment

The Main considerations material to the assessment of this application have been summarised as follows:

- 6.1 Principle of Development and Land Use
- 6.2 Socio Economic and Community Effects
- 6.3 Impact on Amenity
- 6.3 Air Quality
- 6.4 Highways

6.1 Principle of Development

6.11 **The NPPF 2018** states that applications should be considered in the context of a presumption in favour of sustainable development which meets social, economic and environmental needs and that development proposals which accord with the development plan should be approved without delay. **Paragraph 118** sets out that planning should encourage effective use of land by reusing land which has been previously developed and promotes and supports the development of underutilised land and buildings. The NPPF also promotes mixed-use development and encourages patterns of growth which focus significant development in locations which are, or can be made, sustainable.

6.12 **Paragraph 80** of the NPPF states that the planning system should place significant weight on the need to support economic growth and productivity with **Paragraph 81** requiring planning policies to set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth.

6.13 **London Plan Policy 2.1** states that the Mayor and the GLA group will ensure 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. **London Plan Policy 4.1** supports the provision of a “strong, sustainable and increasingly diverse economy” across all parts of London. The importance of ensuring “the availability of sufficient and suitable workspaces in terms of type, size and cost, supporting infrastructure and suitable environments for larger employers and small and medium sized enterprises” is noted. The policy explicitly supports the continuing regeneration of Inner London, recognising that the quality of office stock in many locations is aging and deteriorating and therefore not providing an attractive offer for potential occupiers. **London Plan Policy 4.2** states that, as well as supporting the central London office market, office markets elsewhere in the city should be strengthened by focussing new development on viable locations with good accessibility and enhancing business environments through mixed use developments which include a range of uses. **Draft (Intend to Publish) London Plan Policy E1** states that new office development should be focused in town centres and other existing office clusters supported by improvements to public

transport, walking and cycling. **Draft (Intend to Publish) London Plan Policy E2 (C)** states that the applicant should show how a proportion of low cost and flexible business space would be incorporated into the proposals to provide workspace suitable for small and medium sized enterprises.

6.13 Local Plan Policy E1 supports proposals for mixed use schemes for new employment uses, especially those that recognise the borough's existing strengths in creative industries, health services, bio-medical research and other research-based industries. The council will support the creation, retention and intensification of existing employment uses and will require flexible and affordable space suitable for small and medium enterprises in large new business developments. When considering new or extensions to new employment floorspace the following will be taken into account:

- a) whether the scale and nature of the development is appropriate, having regard in particular to local impact, the nature of the surrounding area and public transport accessibility;
- b) impact upon small and medium sized businesses that support the local community;
- c) scale and nature of employment opportunities generated in the new development;
- d) whether there will be displacement of other uses such and community facilities or housing; and
- e) the Hammersmith and Fulham Economic Growth Plan and the council economic strategies.

6.15 The preferred locations for new office development above 2,500sqm is within the three town centres and the White City and Earl's Court and West Kensington Opportunity Areas. The proposal is located in the White City Regeneration Area, and thus the proposal is in a preferred location.

6.16 With the justification text for **Policy E1**, states that the local economy is also buoyed by the very many local office and industrial businesses throughout the borough. The council's Employment Study identified a number of sub-markets within the borough and also identified a need for between 383,000 and 511,000sqm additional office space by 2036.

6.17 Local Plan Policy TLC1 requires that new proposals for town centre uses (including shops, cafes, bars and restaurants) are appropriately located, are of an acceptable scale and do not negatively impact on the existing hierarchy of centres.

6.18 Assessment

The proposal seeks to subdivide the existing House of Fraser store into 3 new units which will form part of the Westfield Shopping Centre. There will be two A1 units provided at floors L40 and floor L50, with the addition of an Office Space over floors L30, L40, L50 and L55. The result of the overall approach taken by the proposal is to maintain the front facing retail element of Westfield, whilst also diversifying it's offer, attracting new users to the area.

6.19 The proposed scheme consists of three units. The proposed uses by floorspace and by location within the site are summarised below as follows:

- There will be a small loss of floorspace overall, this due to the inclusion of internal walls to cater for the subdivision of the House of Fraser Unit.
- The proposal has the potential to maintain the existing front facing retail functions of the Centre, whilst also providing a new, vibrant office use. As such, the principle of the proposed development is strongly supported at a strategic level in light of the above London Plan policies.

6.20 Retail Uses

6.21 With regard to the re-provision of Class A retail uses, the applicant contends that the subdivision of the House of Fraser unit into two new retail units at each floor will continue to provide a functional retail offer within the centre. Accordingly, the proposed subdivision poses no concern in terms of the vitality and viability of the centre or the Town Centre. There is likely to be no detrimental impact given that the existing use is currently A1 retail. The size of the proposed units are in line with the existing units within Westfield (approx. 1500sqm).

6.22 It is therefore considered that the quantum of Class A provision within the proposed development will be complimentary to the functions of Westfield and is acceptable in Principle complying with the above listed policies.

6.23 Office Use

6.24 The proposal within the House of Fraser unit is made up of two retail units, as mentioned above, and one Class B1 Office element over two floors. The total office space is 6,356Sq.m.

6.25 The proposal is located in the White City Regeneration Area (WCRA). The WCRA is also designated as an Opportunity Area in the London Plan, where necessary social and other infrastructure to sustain growth is encouraged including where appropriate, containing a mix of uses (London Plan Policy 2.13). Local Plan Strategic Policies WCRA and WCRA1 recognise the need to focus regeneration and growth within the WCRA by promoting a range of uses. WCRA and WCRA1 seek to aid and contribute the creation of jobs in the area, while also ensuring the mix of uses provided by proposals offers employment opportunities, as per paragraph 5.11 of the Local Plan, which states, 'a greater range of job opportunities' can be accommodated 'helping to sustain London's growth'.

6.26 The London Plan (2016) sets out that the opening of the Westfield London Shopping Centre has raised the status of Shepherd's Bush to a Metropolitan Town Centre, and the Draft London Plan (intent to publish) identifies that Shepherd's Bush has the potential to be upgraded to an International Town Centre within the Town Centre Network. International centres provide London's globally renowned retail and leisure destinations, with excellent levels of public transport accessibility, the environment is of the highest architectural quality which is interspersed with internationally-recognised leisure, culture, heritage, and tourism destinations, of

which this area is. The high level of accessibility will aid the flow of employees and new uses of the retail units.

6.27 The White City Opportunity Area is identified in the London Plan (2016) for a minimum of 6,000 homes and 10,000 jobs. The Mayor identifies the redevelopment of the opportunity area as having potential for mixed density housing and a focal point for office development at or around the tube stations at White City and Wood Lane along with other commercial, leisure, open space, education and retail uses of appropriate scale to support the local community (para. 5.12 Local Plan).

6.28 The council's spatial vision within the Local Plan sets out that by 2035 Hammersmith and Fulham will be a key part of, and contributor to, London's thriving international economy and the benefits of this will be shared throughout the borough. It will be home to centres of innovation, a skilled workforce and a growing number of businesses and jobs providing opportunities for local people. Furthermore, opportunities will have been taken to regain the borough's pre-eminent position for Culture, Media, Arts companies in the borough following the relocation of parts of the BBC from Shepherd's Bush and will have encouraged inward investment, to support new enterprises and start-up businesses and to facilitate job growth in the local area, where all people are connected to economic opportunities and live in strong and thriving communities.

6.29 Local Plan Policy E1 states that the council will require flexible and affordable space suitable for small and medium enterprises in large new business developments, such as this. The proposal would provide this provision through office space and workspace. It is therefore considered that this element of the policy has been satisfied and would accordingly result in a significant public benefit arising from the scheme.

6.30 Policy E1 goes on to say that when considering new employment floorspace or the extension of existing floorspace the council will also take into account:

- a. whether the scale and nature of the development is appropriate, having regard in particular to local impact, the nature of the surrounding area, and public transport accessibility;
- b. impact upon small and medium sized businesses that support the local community;
- c. scale and nature of employment opportunities generated in the new development;
- d. whether there will be displacement of other uses such as community facilities or housing; and
- e. the Hammersmith and Fulham Economic Growth Plan and the council economic strategies.

6.31 The London Office Review 2014 projected a likely requirement for an additional 290,000m² (gross) of office floorspace within the borough to 2036. However, the Council's Employment Study (2016) predicts a higher need of between 383,000 and 511,000m² based on 1 person per 9m². The proposed office development at Westfield would help to meet this need and therefore contribution a large proportion the borough's identified modern, high class quality office space requirements. The

current proposal seeks to provide additional B1A use floor space, resulting in an additional 6000sqm (approx.) within the OA. The proposal would provide additional office floor space which will help the Council achieve the required floor space needed to strengthen the economic base of the borough, thus complying with the requirements of Policy E1.

6.32 Policies TLC1 and TLC2 of the Local Plan (2018) detail that changes from A class use at street level will be permitted for alternative uses which can be shown to complement the shopping frontage, maintain or increase the vitality and viability of the town centre and do not have an adverse impact on the local area.

6.33 It is considered that the provision of modern office spaces in close proximity to large amounts of retail, and in close proximity to transport hubs, is a very attractive offer with most occupiers looking for space that is beyond simply a place to work. The proposed high-quality office space is limited in the surrounding area and the proposed provision will generate revenue for the Centre ensuring it's longer term viability.

6.34 Given the nature of the proposed subdivision and change of use, the inclusion of Office space within Westfield is acceptable as it complies with the wider spatial aspirations of the London Plan and Local plan. This is subject to the recommended conditions and suggestion contributions legal agreement. The proposed office use is not considered to result in a harmful impact upon the Centre but will enhance the offer within Westfield, encouraging more footfall in and around the area. Provision would be made through local jobs, procurement and workspace, as well as the community benefits set out within this report, that would offer significant benefits to the local area and local community and is therefore considered in compliance with local, regional and national policy listed above.

6.35 Principle and Land Use Conclusion

6.36 The principle of B1A (office) use has been established within the centre previously, albeit at different upper levels, away from the retail elements. Given the large-scale nature of the unit, the location of the proposed B1A use and the subdivision with active A1 frontages within the Centre, the proposal is acceptable. The proposals scale is appropriate and has regard for the impact on Westfield given the front facing A1 units on two levels. The proposal also has a separate entrance and servicing for the office use. The proposed development will complement the functions of the shopping centre by adding additional footfall to the centre, whilst not detracting from the primary retail function of the centre by ensuring active frontages for A1 retail are maintained across two levels within the centre. The proposal complies with Policy E1 subject to agreements relating to employment opportunities and/or affordable workspace, as mentioned above. E1 further states that Town Centres, such as this, are the preferred locations for new office development above 2500sqm. Whilst the loss of the large retail store is regrettable, the maintenance of active frontages within the centre, over two levels, at approx. 1500sqm each, as well as the additional daytime footfall that is likely to be generated from the office space is considered a positive. If this is then viewed with the remainder of Westfield considered, the proposal becomes more acceptable and a positive introduction to

Westfield to diversify its offer to the Town Centre. There are current, ongoing permissions, within Westfield London. The implementation of these planning permissions for a mixed-use scheme including larger scale retail uses immediately north of their existing retail store and south of the Hammersmith and City Line viaduct will add to the offer in the Centre and counteract any potential harm the loss of the existing A1 use (5.27) may have. Therefore, the proposal complies with Policies 2.1, 2.13, 4.1 and 4.2 of the London Plan, Policies E1 and E2 of the Draft (intend to publish) London Plan and Local Plan policy E1, WCRA, WCRA1, TLC1 and TLC2, and is therefore acceptable in principle.

6.4 Socio-Economic and Community Effects

6.44 The White City Regeneration Area (**WCRA & WCRA1**) remains an area with one of London's highest levels of deprivation in terms of income and employment. (para. 5.13) There is scope to develop further employment activities in White City East, not only to replace jobs lost by the relocation of existing employment activities but for the creation of additional jobs linked to new uses coming forward for development (para. 5.14). As the proposal seeks to introduce new office employment uses and maintain two large-scale retail frontages (approx. 1500sqm each) and inevitable retail jobs, it provides an important opportunity for the local community which currently suffers from high levels of unemployment and skills deficits to benefit. Proposals, such as this subdivision and change of use from A1 to B1a, that involve substantial new employment opportunities should offer skills training, work placements, apprenticeships and targeted local recruitment campaigns in order to make best use of added value of employing local labour, where possible, as per Policy WCRA and WCRA1 (para. 5.20).

6.45 It is important that new and refurbished business developments, as well as mixed use schemes, provide accommodation that can meet the needs of a variety of activities, including start-up businesses. New schemes, such as the office element proposed, should be flexibly designed to meet a variety of types and sizes of businesses, and adaptable to changes in working practices in the future, and the provision of affordable business units, so that the rich mix of businesses in the borough can continue (para. 7.2). The proposal allows for the subdivision of A1 retail and the introduction of new office/co-work space. The open plan nature of the proposal allows for flexibility and a variety of types and size of business to be housed in the new development. No detail has been supplied relating to affordable workspace offers within the scheme. The development should contribute, as mentioned above, to the supply of affordable workspace within the borough.

6.46 Therefore, as per **Policy E1**, applications for new business development schemes will be expected to provide affordable workspace. For example, flexible leasing arrangements, cross subsidised rent through S106 agreements, reduced rent arrangements, provide co-hubs or start up space. The council, in consultation with Economic Development officers considers the requirement for affordable workspace necessary in this situation.

6.47 The applicant has agreed to provide significant employment, training, apprentice and procurement opportunities. These include affordable space comprising 5% of the total eligible Class B1 floorspace. This will manifest itself as

205sqm (approx.) of workspace onsite at a reduced rent for 10 years, plus a payment in lieu contribution made to the Council. In securing this through the recommended s106 agreement, delivery will be secured by way of requiring this level of provision to be delivered within the main development.

6.48 In addition to the above the following will also be secured:

- In addition to the 5% affordable workspace provision (310sqm)
 - End user rates to be at a discount of 35% of the comparable market rates
 - Strategy for operating the space – various additional elements such as events, workshops and networking
 - Review Mechanism – to be decided by developer.
 - Contribution of £48,735 for 10 years, paid in 3 equal instalments, totalling £487,350.
- Local Procurement contribution of £6,735.
- End User contribution: 33 local jobs and a contribution of £115,500 in support fees (£3,500 per job secured)

6.49 It is considered that the social and economic benefits derived from the development are substantial public benefits and represent the delivery of the council's spatial vision and strategic objectives set out within the Local Plan. Officers therefore consider that the proposal, subject to s106 legal agreement to secure the benefits identified and agreed, is in accordance with London Plan Policies 3.1 and 4.12 and Draft London Plan Policy E2 and Local Plan Policies WCRA, WCRA1, E1 and E4.

6.5 Impact on Neighbouring Amenity

6.51 **London Plan Policy 7.15** states that development proposals should seek to reduce noise by minimising the existing and potential adverse impacts of noise on, from, within, or in the vicinity of, a development and promoting new technologies and improved practices to reduce noise.

6.52 **Local Plan Policy CC11** seeks to control the noise and vibration impacts of developments, requiring the location of noise and vibration sensitive development 'in the most appropriate locations. Design, layout and materials should be used carefully to protect against existing and proposed sources of noise, insulating the building envelope, internal walls floors and ceilings, and protecting external amenity areas. Noise assessments providing details of noise levels on the site are expected 'where necessary'.

6.53 **Local Plan Policy CC11 and CC13** seeks to ensure that developments would not materially increase the noise disturbance to nearby residents and control pollution, including noise, and requires proposed developments to show that there will be 'no undue detriment to the general amenities enjoyed by existing surrounding occupiers of their properties'.

6.54 Given that the number of users to the site will be largely the same, it is unlikely that there will be a negative impact on the amenity of surrounding neighbours and

residents. Given the location of the proposal within the centre and no objections relating to noise and nuisance relating to the use, the proposal complies with 7.15 of the London Plan and CC11 and CC13 the Local Plan, whilst also complying with WRCA, WRCA1, TLC1, and TLC2 of the Local Plan.

6.6 Highways

6.61 The NPPF requires that developments which generate significant movement are located where the need to travel would be minimised, and the use of sustainable transport modes can be maximised; and that development should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

6.62 London Plan Policies 6.1, 6.3, 6.10, 6.11 and 6.13 set out the intention to encourage consideration of transport implications as a fundamental element of sustainable transport, supporting development patterns that reduce the need to travel or that locate development with high trip generation in proximity of public transport services. The policies also provide guidance for the establishment of maximum car parking standards.

6.63 Local Plan Policy T1 sets out the Council's intention to 'work with strategic partners to improve transport provision, accessibility and air quality in the borough, by improving and increasing the opportunities for cycling and walking, and by improving connections for bus services, underground, national and regional rail'.

6.64 Local Plan Policy T2 relates to transport assessments and travel plans and states "All development proposals would be assessed for their contribution to traffic generation and their impact on congestion, particularly on bus routes and on the primary route network".

6.65 The proposal seeks to subdivide and change the use of an existing A1 retail unit, into two A1 units and one B1A unit. These will be divided by internal walls. The applicant has submitted a transport statement, and this has been reviewed by the Council.

6.66 Transport statement is based on number of surveys and TRICS database to establish potential levels of trip generation. Trip rates have been taken from the accepted Westfield Phase 2 planning application (2017/01760/FUL) which the following criteria were identified and selected to inform an average trip rate:

- Survey Type: Multi-Modal;
- Land Use: 2-Employment, A-Office;
- Region: Greater London;
- Floor Area: 1,000 to 10,000 (units: sqm);
- Date Range: 01/01/08 to 14/06/16;
- Location: Town Centre;
- Location Sub Categories: Commercial, Built-Up Zone;

- PTAL: 5/6.
- Comparison site is adequate.

Net Multi-Modal Trip Generation of Proposed Development

	AM			PM			Saturday		
	Arrivals	Departures	Two-way	Arrivals	Departures	Two-way	Arrivals	Departures	Two-way
Car Driver	1	0	2	-35	-30	-65	-67	-39	-106
Car Passenger	-14	-1	-15	-60	-67	-128	-113	-73	-187
Motorcycle	0	0	0	-1	-1	-3	-2	-2	-4
Bicycle	3	0	3	-1	1	0	-2	-2	-4
Taxi	3	0	3	-5	3	-2	-10	-6	-16
Bus	2	0	2	-87	-81	-168	-167	-108	-275
Rail	12	1	13	-21	-13	-34	-43	-29	-72
Underground	35	3	37	-141	-111	-252	-276	-180	-456
Walk	13	1	14	-56	-33	-88	-110	-67	-177
Other	0	0	0	-1	0	-1	-2	0	-2
Total	54	4	58	-408	-332	-740	-793	-506	-1298

6.67 Proposed development will result in an increase in trips in the AM peak, with there being a significant net reduction in trips in both the PM peak and Saturday peak. In the AM peak where there is an overall increase of 58 two-way people trips, with a nominal in car driver trips (2 two-way trips). 58 two-way people trips will not have significant impact on the pedestrian and cycle networks and public transport.

6.68 In the PM peak the proposed development will result in a reduction of 740 two-way trips and Saturday (all day) peak will result in a reduction of 1,298 two-way people trips, including a reduction in car trips. In relation to car trips, there will be reduction in 13 two-way AM trips and reduction in 193 two-way PM trips. On Saturday, there will be reduction in 293 two-way trips. In total this will lead to reduction in 499 two-way trips.

6.69 The change of use will result in a negligible impact on public transport, whilst also concluding that overall trip generation to and from the site will be reduced. Due to the negligible impact on the public transport system and the overall reduction in trips to and from the site, the proposal is acceptable in transport terms, and therefore complies with policies T2, TR1, and TR2.

6.70 The Delivery and Servicing Arrangements for the site will remain unchanged, with delivery and servicing vehicles will continuing to access a service yard area which serves the existing site. It is noted that the Delivery and Servicing plan should be updated to reflect the minor changes to the arrangements for the proposal. No construction logistics plan was submitted with the application, following a review of the transport assessment, the Council's transportation department have taken the view that a CLP is appropriate in this instance. The CLP is recommended to be conditioned to ensure the proposal complies with TR21.

Cycle Parking

6.71 Policy T3 (Increasing and promoting Opportunities for Cycling and Walking) states that the Council will encourage and support the increasing use of bicycles by requiring new developments to include the provision of convenient accessible and safe secure cycle parking within the boundary of the site.

- Offices requirement: 26 long-term cycle parking spaces on site and 7 short-term cycle parking spaces.
- Retail requirement: 6 long-term cycle parking spaces and 10 short-term cycle parking spaces

6.72 Currently there are 162 long-term parking spaces available in the building and accessible 24h/7 at level -2 and 507 short-term cycle parking spaces outside of the building. In addition to the above COVID-19 response additional 300 cycle parking spaces are installed. It is planned to provide cycle facilities improvements on the site by introducing an area for cyclists to carry out servicing, blowing up tyres etc.

6.73 The net increase of required cycle parking spaces (between existing retail use and proposed office and retail use) will not compromise cycle parking capacities which are adequate and sufficient.

6.74 Subject to the submission of the required documents by the recommended condition, officers consider that the proposed development would be acceptable and in accordance with London Plan Policies 6.1, 6.3, 6.10, 6.11 and 6.13 and Local Plan policies TR1, TR2, T3, T4, T5, T7 and CC7.

6.8 Air Quality

6.81 LBHF was designated as an Air Quality Management Area (AQMA) in 2000 for two pollutants - Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀). The main local sources of these pollutants are road traffic and buildings (gas boiler emissions). Paragraph 124 relates to air quality and it states planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

6.82 **London Plan Policy 7.14** seeks that development proposals minimise pollutant emissions and promote sustainable design and construction to reduce emissions from the demolition and construction of the buildings; not worsen existing poor-quality air quality. Where additional negative air quality impacts from a new development are identified, mitigation measures will be required to ameliorate these impacts. This approach is consistent with paragraphs 120 and 124 of the NPPF. Further the Mayor of London's Air Quality Strategy provides a framework of policy which aims to improve air quality in London.

6.83 **The Mayor's Air Quality Strategy (2010)** seek to minimise the emissions of key pollutants and to reduce concentrations to levels at which no, or minimal, effects on human health are likely to occur.

6.84 **Local Plan Policy CC10** seeks to reduce potential adverse air quality impacts arising from new developments and sets out several requirements.

6.85 The development site is within the borough wide Air Quality Management Area (AQMA). The cumulative impact of the development would have little to no impact on the AQMA given the reduction in trips to and from the site.

6.86 Whilst the AQMA and levels of air quality are acknowledged, the proposal does not exacerbate these, and therefore complies with policy CC10 of the Local Plan and 7.14 of the London Plan.

6.87 Comments were also received relating to building ventilation and emissions. The proposal will seek to maintain and use the existing systems in place and make no change to these. Therefore, there is no requirement for additional systems to be installed. Any new systems should be done via formal application, this has been included in the form of an informative on the decision notice.

6.88 Further comments were received regarding the ultra-low emission strategy for the area. As there is no change proposed to car parking facilities, nor to the servicing arrangements, it would be unreasonable to require additional electric charging points to be installed, given no additional spaces will be created for parking and trip generation would be reduced. There are already existing car parking facilities on site. Further to this, no change is required for delivery and servicing times. The proposal therefore complies with T2, TR1, and TR2.

6.89 On the basis, of the above, the application is considered to be acceptable and in line with policy 7.14 of the London Plan and CC10 of the Local Plan.

7.0 SECTION 106 HEADS OF TERMS AND CIL

7.1 S106 Heads of Terms

7.20The **NPPF** provides guidance for local planning authorities in considering the use of planning obligations. It states that ‘authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations and that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition’.

7.3 London Plan Policy 8.2 states that: ‘When considering planning applications of strategic importance, the Mayor will take into account, among other issues including economic viability of each development concerned, the existence and content of planning obligations. Development proposals should address strategic as well as local priorities in planning obligations. Affordable housing and other public transport improvements should be given the highest importance’. It goes on to state: ‘Importance should also be given to tackling climate change, learning and skills, health facilities and services, childcare provisions and the provision of small shops.’

7.4 Local Plan Policy INFRA1 (Planning Contributions and Infrastructure Planning) states: ‘The Council will seek planning contributions to ensure the necessary

infrastructure to support the Local Plan is delivered using two main mechanisms: 'Community Infrastructure Levy the Council will charge CIL on developments in accordance with the CIL Regulations (as amended) and the LBHF CIL Charging Schedule. The Council will spend CIL on:

- infrastructure in accordance with the H&F Regulation 123 (R123) List;
- projects identified for 'Neighbourhood CIL'; and
- CIL administration expenses (no more than the statutory cap).

7.5 The application Heads of Terms are as follows:

Affordable work space:

- 5% affordable workspace provision (310sqm) – 205sqm on site, the remainder via a financial contribution
- Contribution of £48,735 for 10 years, paid in 3 equal instalments, totalling £487,350.
- End user rates to be at a discount of 35% of the comparable market rates
- Strategy for operating the space – various additional elements such as events, workshops and networking
- Review Mechanism – to be decided by developer to unoccupied space

Employment Skills and Training

- Local Procurement contribution of £6,735.
- End User contribution: 33 local jobs and a contribution of £115,500 in support fees (£3,500 per job secured)

7.6 Local and Mayoral CIL

7.7 This development is not CIL liable, as it does not create any new additional floorspace that is chargeable under the CIL Regulations (as amended).

8.0 CONCLUSION

In considering planning applications, the Local Planning Authority needs to consider the development plan as a whole and planning applications that accord with the development plan should be approved without delay, unless material considerations indicate otherwise and any adverse impacts of doing so would significantly and demonstrably outweigh the benefits

In the assessment of the application regard has been given to the NPPF, London Plan, Intent to Publish London Plan, and Local Plan policies as well as guidance. It is considered that the proposal is acceptable in land use and design terms. The quantum of the proposed land uses, and the resulting nature of the site does not give rise to any unacceptable impacts and will amount to sustainable development in accordance with the National Planning Policy Framework.

The redevelopment of the *House of Fraser* unit to provide two retail units and an office space will support the ongoing use of Westfield as a pre-eminent shopping centre within London and beyond is very much in compliance with the overarching objective of development plan policies to support the continued success of such sites, to provide the range of visitor, leisure, employment and cultural uses proposed and its contribution to the local and wider London economy. It is however acknowledged that there will be some impacts as a result of the proposal.

The delivery of the proposals would support the vitality and viability of the centre. Officers are of the view that the proposals would support the long-term sustainability and viability of the centre which are vital for the long-term success of Westfield as an international destination, as well as diversifying its offer to include office spaces.

The proposal would deliver substantial public benefits which are considered to add weight to the argument for approval. The benefits include;

- Affordable workspace provision
- An affordable workspace contribution
- Construction Use Employment contributions
- End use Employment contributions

The proposed development has demonstrable public benefits which constitute material considerations that are considered to outweigh the loss of a large anchor tenant and add weight to the case for granting planning permission.

A high-quality development is proposed and the principle of the subdivision and change of use of *House of Fraser* is acceptable as set out is in accordance with the development plan when taken as a whole. It delivers continued retail offers and new uses, as well public benefits that are considered to outweigh the loss of a large anchor tenant. Officers have taken account of all the representations received and in overall conclusion for the reasons detailed in this report, it is considered having regard to the development plan as a whole and all other material considerations that planning permission should be granted.

Accordingly, it is recommended that the proposal be granted subject to the recommended conditions listed, the completion of s106 and no contrary direction from the Mayor of London.