

# Planning and Development Control Committee Minutes

Wednesday 9 November 2016

## PRESENT

**Committee members:** Councillors Adam Connell (Chair), Iain Cassidy (Vice-Chair), Colin Aherne, Wesley Harcourt, Lucy Ivimy, Alex Karmel, Robert Largan (*arrived at 7:25pm*) and Natalia Perez

### 1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Michael Cartwright and Viya Nsumbu. Apologies for lateness were received from Councillor Largan.

### 2. DECLARATION OF INTERESTS

There were no declarations of interest.

### 3. PLANNING APPLICATIONS

### 4. LAND NORTH OF WESTFIELD SHOPPING CENTRE, ARIEL WAY, LONDON, SHEPHERD'S BUSH GREEN 2016/03944/VAR

Please see the Addendum attached to the minutes for further details.

The Committee voted on application 2016/03944/VAR and the results were as follows:

For:	7
Against:	1
Not Voting:	1

### **RESOLVED THAT:**

That the Lead Director of Planning and Development be authorised to determine application 2016/03944/VAR and grant permission on the completion of a satisfactory legal agreement and subject to the conditions set out in the report and Addendum.

5. **LAND NORTH OF WESTFIELD SHOPPING CENTRE, ARIEL WAY, LONDON, SHEPHERD'S BUSH GREEN 2016/04020/RES**

Please see the Addendum attached to the minutes for further details.

The Committee voted on application 2016/04020/RES and the results were as follows:

For: 8  
Against: 0  
Not Voting: 0

**RESOLVED THAT:**

That the Lead Director of Planning and Development be authorised to determine application 2016/04020/RES and grant permission on the completion of a satisfactory legal agreement and subject to the conditions set out in the report and Addendum.

**Addendum**

Meeting started: 7.00 pm  
Meeting ended: 8.10 pm

Chair .....

Contact officer: Charles Francis  
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**PLANNING APPLICATIONS COMMITTEE**  
**Addendum 09.11.2016**

Reg. Ref	Address	Ward	Page
2016/03944/VAR	Land North Of Westfield Shopping Centre Ariel Way London W12	Shepherds Bush Green	2
Page 11	Condition 21: Line 11: Remove 'The Evidence must also that' replace with 'Evidence shall' Line 17: Add 'where this is available' after laboratory Remove last sentence (beginning with D1)		
Page 11	Condition 22: Title: Add 'CHP' Line 1: Replace 'prior to occupation of the relevant phase of the development' with 'operation of the energy centre CHP' Line 6: Replace Nm2 with Nm-3		
Page 30	Condition 79 – remove and replace with the following condition: <b>BOILER COMPLIANCE WITH EMISSIONS STANDARDS – AIR QUALITY</b>  Prior to the commencement of the development details must be submitted to and agreed in writing by the council of the Ultra-Low NOx Gas fired boilers to be provided for space heating and domestic hot water. The Gas fired boilers to be provided for space heating and domestic hot water shall have dry NOx emissions not exceeding 40 mg/kWh (at 0% O2). Where any installations do not meet this emissions standard it should not be operated without the fitting of suitable NOx abatement equipment or technology as determined by a specialist to ensure comparable emissions. Following installation, emissions certificates will need to be provided to the council to verify boiler emissions.  To comply with the requirements of the NPPF, Policies 7.14a-c of the London Plan (2011) (including 2013 alterations) Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).		
Page 30	Condition 81: Line 2: add 'with NOx filtration' after ventilation system Line 3: after Council add: This report shall specify air intake locations and the design details and locations of windows on residential floors to demonstrate that they avoid areas of NO2 or PM exceedance or include appropriate mitigation. The whole system shall be designed to prevent summer overheating and minimise energy usage.		
Page 52:	Para 5.5: Transport for London Comments:		

Add: TfL provided additional comments on 09/11/2016 stating that whilst they have no objections to the changes proposed within the scheme, the impact of the development on the buses has still not been resolved. Officers are working with TfL to resolve this issues via the road re-alignment application and 'bus priority' condition attached to the extant permission. TfL have also advised that Should this proposal be granted, the developer and their representatives are reminded that this does not discharge the requirements under the Traffic Management Act 2004. Formal notifications and approval will be needed for the permanent highway scheme and any temporary highway works required during the construction phase of the development.

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Air Quality comments: A meeting was held between the applicant and their air quality consultant and the Councils Air Quality officers / planning officers. Following detailed assessment of the modelling results and the addition/amendments to air quality conditions, the Council's Air Quality Officers have advised that they are satisfied that the flue will be located permanently in Plot K and have recommended that condition 79 is removed (and replaced with the boilers condition above).

Officer response to air quality comments: The additional planning condition relating to the permanent location of the flue has been removed following further discussions with Air Quality officers and the proposed amendments to the conditions above. Officers are satisfied that suitable mitigation is provided to mitigate against the impact of the flue re-location to Plot K.

Page 59

Para 7.24 Line 3: Remove 6 lines starting from 'Notwithstanding....'

Page 60

Para 7.25 Line 3: Remove sentence starting from 'However..'

Page 63

Para 7.45 Line 6: Replace 'These obligations can be carried over by a Deed of Variation of the s106 Agreement or by updating the Agreement to delete the former s106 and replace with a new Section 106 Agreement for the development' with 'These obligations can be carried over by a supplementary agreement to the extant s106'.

Page 63

Delete Para 7.46 and replace with 'The supplementary s106 would also ensure that extant permission (and s106) is not implemented should the 2016/03944/VAR be granted.

Page 64

Para 7.48 Line 1: Remove 'AND the RMA for Plot K is'  
Para 7.48Line 3: Remove 'which incorporates the provisions of the Plot K 89 Unit Scheme (Ref. 2016/04020/RES) as set out in the Heads of Terms in this report'

Para 7.49 Line 3: Remove 'which incorporates the provisions of the Plot K 74 Unit scheme (currently subject to a Deed of Variation as per Ref. 2016/02642/RES)'

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Para 8.3 Line 4: Remove 'EITHER' and replace with 'completion of a satisfactory legal agreement with the following Heads of Terms:

- Secure all obligations attached to the Extant s106 (ref. 2015/02565/VAR)
- Restrict the implementation of the 2015/02565/VAR outline scheme (as amended) if the 2016/03944/VAR S73 is granted.

Para. 8.3 - Remove (i) and (ii)

2016/04020/RES

**Land North Of  
Westfield Shopping  
Centre Ariel Way  
London W12**

**Shepherds Bush Green**

**66**

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Add the following condition (no. 15):

#### MECHANICAL VENTILATION - AIR QUALITY

Prior to commencement of the development, a report including detailed information on the proposed mechanical ventilation system with NOx filtration shall be submitted to and approved in writing by the Council. This report shall specify air intake locations and the design details and locations of windows on residential floors to demonstrate that they avoid areas of NO2 or PM exceedance or include appropriate mitigation. The whole system shall be designed to prevent summer overheating and minimise energy usage. Chimney/boiler flues and ventilation extracts shall be positioned a suitable distance away from ventilation intakes, openable windows, balconies, roof gardens, terraces and receptors. Approved details shall be fully implemented prior to the occupation/use of the residential development and thereafter permanently retained and maintained. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications, and shall be the responsibility of the primary owner of the property.

To comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2016), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

Page 83

Para 3.7 Line 3 replace 'within the affordable rented tenure' with 'within the affordable and social rented tenure'

Replace Table 1 with the following table:

<u>Unit Type</u>	<u>Affordable Rented</u>	<u>Social Rented</u>
1B 2P	31	2
2B 3P	28	2
2B 4P	14	1
3B 4P	3	1
3B 5P	6	1
3B 6P	0	0
<b>Total</b>	<b>82</b>	<b>7</b>

Para 4.4: Transport for London: TfL provided additional comments on 09/11/2016 stating that the impact of the development on the buses has still not been resolved. Officers are working with TfL to resolve this issues via the road re-alignment application and 'bus priority' condition attached to the extant permission and the s106 obligations (not the current reserved matters application). TfL have also advised that Should this proposal be granted, the developer and their representatives are reminded that this does not discharge the requirements under the Traffic Management Act 2004. Formal notifications and approval will be needed for the permanent highway scheme and any temporary highway works required during the construction phase of the development.

Para 4.16: Add the following to air quality comments:

Air Quality comments: A meeting was held between the applicant and their air quality consultant and the Councils Air Quality officers / planning officers. Following detailed assessment of the modelling results and the addition/amendments to air quality conditions, the Council's Air Quality Officers have advised that they are satisfied that the flue will be located permanently in Plot K and have recommended that condition 79 is removed (and replaced with the boilers condition above).

Officer response to air quality comments: The additional planning condition relating to the permanent location of the flue has been removed following further discussions with Air Quality officers and the proposed amendments to the conditions above. Officers are satisfied that suitable mitigation is provided to mitigate against the impact of the flue re-location to Plot K.

Replace Table with the following Table 4:

Type	No. of units per type	Proposed size of Plot K (sqm)	S106 requirement (sqm)	London Plan standard (sqm)
Type 1 (3B, 5P) <i>Two storey</i>	1	<b>123</b>	86	93
Type 2 (1B, 2P) <i>Two storey</i>	2	<b>72</b>	50	58
Type 3 (1B, 2P) <i>Two storey</i>	6	<b>62</b>	50	58
Type 4 (1B, 2P)	15	<b>51</b>	50	39
Type 5 (1B, 2P)	5	<b>50</b>	50	39
Type 6 (2B, 4P)	5	<b>73</b>	70	70
Type 7 (2B, 4P)	12	<b>70</b>	70	70
Type 8 (2B, 3P)	24	<b>63</b>	61	61
Type 9 (1B, 2P) <i>Two storey</i>	5	<b>60</b>	50	58
Type 10 (3B, 4P)	10	<b>93</b>	74	74
Type 11 (2B, 3P)	4	<b>72</b>	61	61
Total no. of units	89			

Para 7.209 Line 3: Remove 6 lines starting from 'Notwithstanding....'

Para 7.210 Line 2: Remove last sentence beginning with 'A condition...'

Para 7.213 Line 2: Remove 'the conditions which will be added to the 2016 S73 Scheme and mitigation referred to in the Air Quality Assessment' and replaced with 'to the recommended conditions'.

Para. 7.220 Line 4: Remove 'a section s106 agreement pursuant to the new 2016 s73 Scheme (subject to approval).

Para. 7.221 Add after General:

- If the 89 unit reserved matters scheme(2016/04020/RES) is approved, it shall replace the 74 unit reserved matters scheme (2016/02642/RES)