

# Planning and Development Control Committee Minutes

Tuesday 19 December 2023

## **PRESENT**

**Committee members:** Councillors Omid Miri (Chair), Wesley Harcourt, Rebecca Harvey, Patrick Walsh and Alex Karmel

## **Officers:**

Joanne Woodward (Director of Planning and Property)  
Matt Butler (Assistant Director of Development Management)  
Ieuan Bellis (Team Leader)  
Allan Jones (Team Leader Urban Design and Heritage)  
John Sanchez (Deputy Team Leader)  
Catherine Paterson (Principal Transport Planner)  
Grant Deg (Assistant Director of Legal Services)  
Emmanuel Amponsah (Solicitor)  
David Abbott (Head of Governance)

*NOTE: This was a continuation of the meeting held on 5 December 2023 which had been adjourned.*

## **1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Florian Chevoppe-Verdier, Adrian Pascu-Tulbure, and Nikos Souslous.

## **2. DECLARATION OF INTERESTS**

There were no declarations of interest.

3. **SHEPHERD'S BUSH MARKET, FORMER OLD LAUNDRY YARD, 42 AND 48 (GROUND FLOOR) GOLDHAWK ROAD, LONDON W12, SHEPHERD'S BUSH GREEN, 2023/01093/FUL**

An addendum was circulated prior to the 5 December 2023 meeting that modified the report. John Sanchez gave a summary of the presentation he gave at the meeting on 5 December 2023.

A resident spoke in opposition to the application. A representative for the applicant and three residents spoke in support of the application.

Councillor Rebecca Harvey proposed, seconded by Councillor Patrick Walsh, an additional obligation within the Section 106 agreement of £1.5m towards the Carbon Offset Contribution. The Committee then voted on the proposed obligation:

|             |                  |
|-------------|------------------|
| <b>FOR</b>  | <b>Unanimous</b> |
| AGAINST:    | 0                |
| NOT VOTING: | 0                |

The proposed additional obligation was agreed.

The Committee then voted on the officer recommendations as amended by the addendum circulated before the meeting on 5 December and the additional obligation noted above:

Recommendation 1:

|             |          |
|-------------|----------|
| <b>FOR</b>  | <b>3</b> |
| AGAINST:    | 2        |
| NOT VOTING: | 0        |

Recommendation 2:

|             |                  |
|-------------|------------------|
| <b>FOR:</b> | <b>Unanimous</b> |
| AGAINST:    | 0                |
| NOT VOTING: | 0                |

The recommendations were approved.

**RESOLVED**

- 1 That the Committee resolve that, subject to there being no contrary direction from the Mayor for London, that the Director of Planning and Property be authorised to grant planning permission upon the completion of a satisfactory legal agreement with the additional obligation agreed at the meeting and subject to the conditions listed in the report.
- 2 That the Committee resolve that the Director of Planning and Property, after consultation with the Assistant Director of Legal Services 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 proposed

conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

Meeting started: 7.07 pm  
Meeting ended: 9.43 pm

Chair .....

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**PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

**Addendum 05.12.2023**

| <b>REG REF.</b>       | <b>ADDRESS</b>  | <b>WARD</b>                  | <b>PAGE</b> |
|-----------------------|---|------------------------------|-------------|
| <b>2023/02674/FR3</b> | <b>Coomer Place Car Park</b>  | <b>Lillie</b>                | <b>10</b>   |
| Page 16               | <u>Condition 14</u> (Secured By Design), renumber as condition 15 and in the first line, replace 'Prior to first use' with 'Prior to commencement'.   |                              |             |
| Page 29               | <u>Para. 6.56, fifth line delete</u> 'That bedroom includes a high-level window in its rear elevation which is 1.8m above the finished floor level'.  |                              |             |
| Page 31               | <u>Para. 6.70, first line, delete</u> 'some' and replace with 7.  |                              |             |
| <b>2023/01093/FUL</b> | <b>Shepherd's Bush Market,<br/>Former Old Laundry Yard,<br/>42 And 48 (Ground Floor)<br/>Goldhawk Road, London W12</b>  | <b>Shepherd's Bush Green</b> | <b>37</b>   |
| Page 44               | <u>Condition 5 Part (m): Infrastructure Protection – London Underground:</u> REPLACE 5 (m) with: "Demonstrate that reasonably practicable mitigation measures will be employed, to mitigate any risk to railway operations prior to the occupation and use of the proposed balcony and terraces spaces facing the London Underground elevation."  |                              |             |
| Page 48               | <u>Condition 9 (i): Construction Logistics Plan:</u> REPLACE 9 (i) with: "Details of programme of works, including measures for vehicle holding areas, HGV deliveries, hours of operation, before and after condition surveys of the highway and details on restrictions on a maximum vehicle number per hour and hours of movement accessing the site from Goldhawk Road; and other matters relating to minimising the impact of traffic and its management to be agreed and set out within an approved Construction Logistics Plan and other related documents connected to all phases of development". |                              |             |
| Page 63               | <u>Condition 44: Balconies/Terraces</u> ADD (1 <sup>st</sup> line) "...or terrace..." after the word "balcony".   |                              |             |
| Page 65               | <u>Condition 50: 1:20 Roof Top Plant Enclosures</u> AMEND 1 <sup>st</sup> line to read: "Prior to the commencement of the relevant part of the development (excluding demolition works)..."   |                              |             |
| Page 71               | <u>Condition 71: Zero Emission Delivery Hub</u> AMEND 1st line to read: "Prior to the occupation of the residential and /or commercial building hereby approved, details..."  |                              |             |
| Page 75               | <u>Condition 81: Commercial Building</u> DELETE: "...office space (Class E (g))..." and INSERT: "...offices and research and development uses (Class E (g) (i) and (ii))..."  |                              |             |
| Page 76               | <u>Justification (1):</u> 3 <sup>rd</sup> line: DELETE "...flexible..."   |                              |             |
| Page 81               | <u>Justification (15):</u> 1st line: DELETE "...one..." ADD "...three..."   |                              |             |
| Page 83               | <u>Neighbour Representations (2<sup>nd</sup> Objection listed):</u> DELETE "Arch 60, SBM, W12" and ADD "Arch 160, SBM, W12"   |                              |             |

- Page 95 Para. 2.8 (2<sup>nd</sup> line): CLARIFICATION: “The 2012 planning permission was judicially reviewed but the Court upheld the Council’s decision to grant planning permission. The scheme was dependent upon a Compulsory Purchase Order (CPO) for its implementation. Although that CPO was made, it was quashed by the Court of Appeal on the basis that the Secretary of State had not explained sufficiently why he disagreed with his Inspector. As a result, the scheme could not proceed.”
- Page 100 Para 3.8 (2<sup>nd</sup> line): DELETE: “The residential building.”
- Page 107 Para. 3.27 (13<sup>th</sup> line): DELETE: “...terraces...”
- Page 108 Para. 3.29 (Table 1): CLARIFICATION: “90%” refers to equivalent family sized units.
- Page 110 Para. 3.33 (4<sup>th</sup> line): DELETE sentence (repetition)  
“The set back top floor would be constructed out of textured concrete to differentiate its volume”.
- Page 119 Para. 3.53 (3<sup>rd</sup> line): ADD “...secondary...”
- Page 128 Para. 4.34 (TfL) (1<sup>st</sup> bullet): DELETE “In a late representation...”
- Page 142 Save Shepherd’s Bush Market: ADD: “...and 23 September 2023)”
- Page 164 Para. 8.22 (8<sup>th</sup> line): INSERT:  
“Legacy leases are made up of predominantly holdings protected by the 1954 Act”.
- Page 165 Para. 8.26 (5<sup>th</sup> line – 4<sup>th</sup> sentence): REPLACE sentence:  
“In the interim, traders who are being relocated during the construction works will be relocated to a mixture of temporary container facilities and into previously surrendered units elsewhere in the market and will not be able to operate under their existing leases because the leases are location specific”.
- Page 166 Para. 8.28 (1<sup>st</sup> bullet): CLARIFICATION: The rent/service charge holiday during construction is for all legacy traders, not just those traders that want to stay.
- Page 167 Para. 8.31 (8<sup>th</sup> line – 5<sup>th</sup> sentence) AMEND sentence:  
“The Applicant intends to grant leases to the legacy traders with 1954 Act protection where legally possible and the precedent lease (as detailed further above) will be used as the basis for new leases”.
- Page 171 Para 8.51 (4<sup>th</sup> line – 2<sup>nd</sup> sentence): DELETE “...A flexible...”
- Page 187 Para. 9.4 (11<sup>th</sup> line): DELETE: “...having regard...” (repetition).
- Page 193 Para. 9.23 (3<sup>rd</sup> bullet): REPLACE “...Table 1...” with “...Table 3...”
- Page 201 Para. 9.45 (4<sup>th</sup> line): DELETE: “SPD Policy 8” and ADD: “SPD Key Principle HS7”
- Page 211-213 Paras. 10.53 – 10.59: Amend references to NPPF as follows. Para. 10.53, update to reference to paragraph 189 of NPPF. Para. 10.5, update to reference paragraph 195 of NPPF. Para. 10.55, update to reference paragraph 197 of NPPF. Para. 10.56, update to reference paragraph 199 of NPPF. Para. 10.57, update to reference paragraph 200 of NPPF. Para. 10.58, update to reference paragraph 201 of NPPF.
- Page 221 Para. 10.51 (4<sup>th</sup> line): UPDATE ‘...,particularly the duties of s.66 and s.72...’

- Page 221 Below Para. 10.51 INSERT new para. 'Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that: In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of] any of the provisions mentioned in subsection, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'
- Page 221 Para. 10.97 – (11th line): AMEND sentence 'Although some elements of conflict with policy have been identified above, (particularly the less than substantial harm to the setting of the Shepherd's Bush Conservation Area), when considering the 'weighed balance' required by paragraph 202 of the NPPF, officers recommend that the proposed development is acceptable having regard to the NPPF...'
- Page 222 Para.11.6 (2<sup>nd</sup> line): AMEND to: "...Shepherd's Bush Market underground station..."
- Page 225 Para. 11.19 (S278 highway infrastructure components):  
DELETE bullet point. ADD to last sentence: "... (as set out under the Heads of Terms – Pages 263 and 264)."
- Page 232 Para. 11.45 & 11.47: AMEND: DMP/DLP & CMP/CLP secured by Conditions.
- Page 249 Para. 12.74 DELETE Paragraph (Repetition of 12.73)
- Page 259 Legal Agreement (Heads of Terms): Market Leases: AMEND  
ADD - (i) (ii) and (iii) to the first 3 paragraphs plus:  
  
"In each case, it is accepted that Legacy traders may change their mind and may prefer to take one of the alternative options and, for these purposes, any formal documentation that is signed up by Legacy Traders (even if different to their original Heads of Terms) will be included in the percentage thresholds detailed above".  
  
"Agreeing to include the service charge with annual 6% cap within the new long term Market leases with Legacy traders (the wording for which is already included in the precedent lease)"
- Page 261 Demolition/Construction AQDMP Monitoring Contribution  
DELETE "...anniversary of..."
- Page 264 Legal Agreement (Heads of Terms) – EXTRA HEADINGS: before "Retention of the Architect"  
  
**Transport for London (TfL) Infrastructure Works:**  
£250,000 financial contribution towards station improvement works at Shepherd's Bush Overground station, comprising wayfinding / signage / messaging / passenger shelters and seating, to improve circulation within the station.  
  
Public Access to the ground level public realm on the site (Market/Goldhawk Mews/Pennard Mews) within agreed operational times.  
  
**Developer to safeguard the retention of No.48 Goldhawk Road** as a primary pedestrian entrance and route to the development site.
- Page 265 Para. 16.8 (5<sup>th</sup> line); Before last sentence ADD 'Considering the 'weighted balance' required under paragraph 202 of the NPPF...'