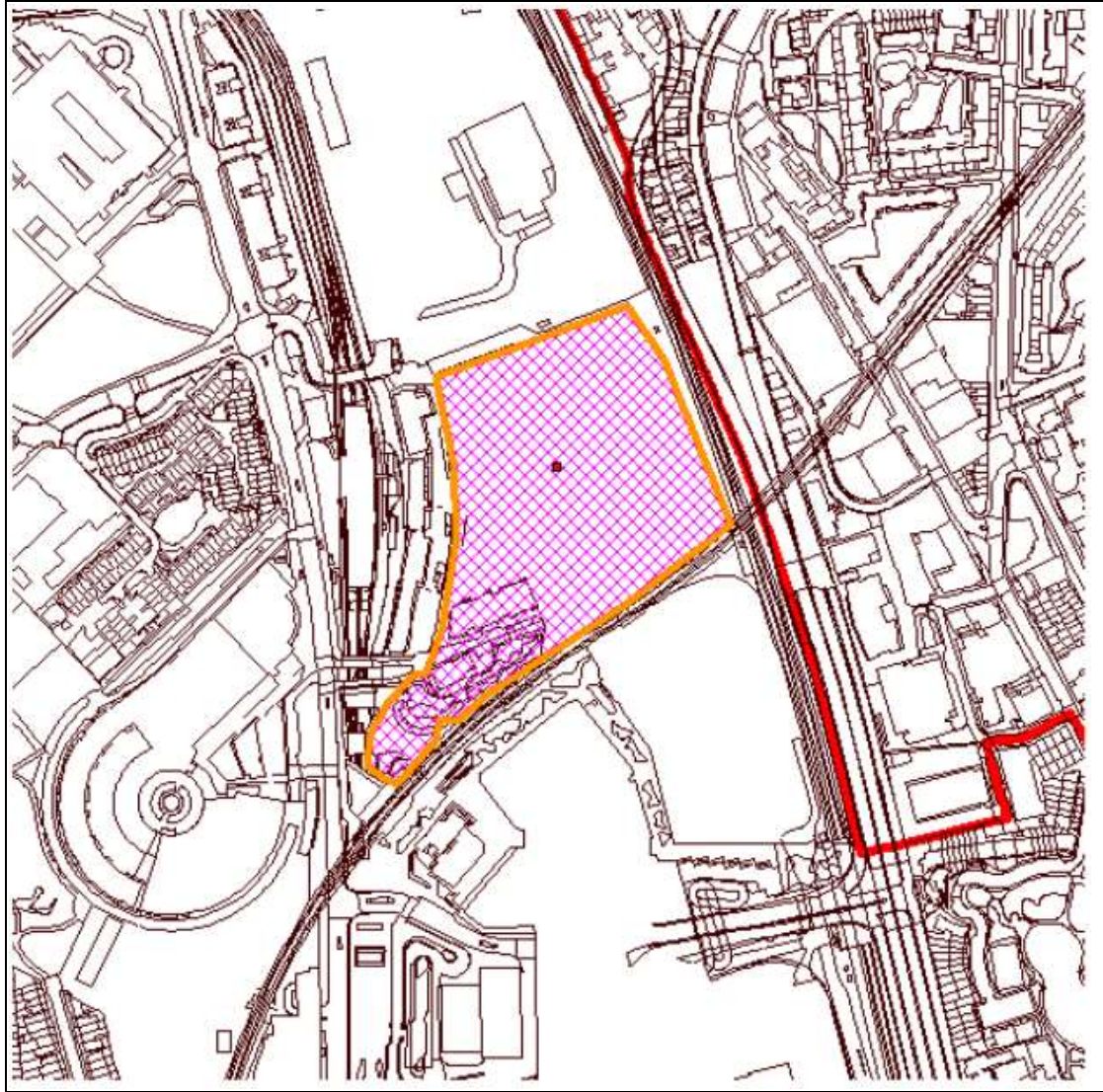


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**Ward:** College Park And Old Oak

**Site Address:**

M&S White City Site 54 Wood Lane London W12 7RQ



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**For identification purposes only - do not scale.**

**Reg. No:**

2021/02896/VAR

**Case Officer:**

Sinead Winship-David

**Date Valid:**

06.09.2021

**Conservation Area:**

Wood Lane Conservation Area - Number 42

**Committee Date:**

20.04.2022

**Applicant:**

St James Group Ltd  
C/O Agent

**Description:**

Planning application under Section 73 of the Town and Country Planning Act (1990) seeking variations of Planning Conditions pursuant to planning permission Ref: 2017/04377/VAR (dated June 2018) for amendments to vertical and horizontal parameter plans of Phases 4&5 (Condition 3), amendments to Design Codes (Condition 4) increase in unit numbers (Condition 7) and in the maximum floorspace (Condition 8). The proposals will result in the demolition of all existing buildings and structures and redevelopment of the site for residential and mixed uses comprising the erection of new buildings ranging from 11-35 storeys to provide up to 2,030 residential units (Class C3) and use classes E, F1, F2 and sui generis (drinking establishment and takeaway), the provision of a new publicly accessible open space, new pedestrian and vehicle routes, accesses and amenity areas, basement level car park with integral servicing areas and other associated works.

Drg Nos:

**Application Type:**

Vary or Delete Conditions Full/Outline

**Officer Recommendation:**

- 1) Subject to there being no contrary direction from the Mayor for London; 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) That the Committee resolve that the Chief Planning Officer, after consultation with the Assistant Director, 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.

**Conditions:**

- 1) In respect of Development Plots C1, D1, D2 and D3, Central Green, Kiralfy Square, and Counters Quay (Phases 4 and 5), approval of the proposed access, appearance, landscaping, layout and scale of development shall be obtained from the Council in writing before the relevant development works (excluding any demolition) are commenced.

Reason: To comply with the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

NB: The names of the Development Plots, Buildings and Public Open Spaces have been amended. Please refer to Informative 1 for the revised titles.

- 2) i) Commencement of Development Plots A1, A2 and A3 - Complied with.

ii) Reserved Matters in respect of Development Plot B1 - Complied with.

iii) Reserved Matters in respect of Development Plots E1, E2, E3 - Complied with

iii) Application(s) for the approval of the Reserved Matters in respect of Development Plot C1, specified by condition 1 shall be made to the Council before the expiration of 7 years from the date of the original permission 2014/04726/OUT (16 December 2015). Development within Development Plot C1 shall be begun before the expiration of 2 years from the date of the approval of the last of the relevant Reserved Matters (in respect of Plot C1) to be approved pursuant to condition 1.

(iv) Application(s) for the approval of the Reserved Matters in respect of Development Plots D1, D2, and D3 specified by condition 1 shall be made to the Council before the expiration of 10 years from the date of the original permission for 2014/04726/OUT (16 December 2015). Development within Development Plots D1, D2 and D3 shall be begun before the expiration of 2 years from the date of approval of the last of the relevant Reserved Matters (in respect of Plot D1, D2 or D3) to be approved pursuant to condition 1.

(v) Part Complied with (in regards to parts of the Central Green, Kiralfy Square and Counters Quay). Application(s) for the approval of the Reserved Matters in respect of the remaining parts of Central Green and Counters Quay specified by condition 1 shall be made to the Council before the expiration of 12 years from the date of the original permission for 2014/04726/OUT (16 December 2015). Development within the Central Green, Kiralfy Square or Counters Quay shall be begun before the expiration of 2 years from the date of approval of the last of the relevant Reserved Matters (in respect of Plot E1, E2, E3 the Central Green, Kiralfy Square or Counters Quay) to be approved pursuant to condition 1.

Reason: To comply with section 92 of the Town and Country Planning Act 1990 (as amended). Extended time periods for which the planning permission can be implemented is given in light of the exceptional circumstances relevant to the ownership of the site and to the development.

NB: The names of the Development Plots, Buildings and Public Open Spaces have been amended. Please refer to Informative 1 for the revised titles.

3) The planning permission relating to the detailed components of the development hereby permitted (ie: those parts that are not to be subject to reserved matters) shall not be constructed unless in accordance with the approved drawings marked.

- o J104-A-STO-SW-PL-B1-9100 Plot A Basement Level PL-01
- o PTA-425-A-PL-AP-L00 Plot A Ground floor GA + Internal Layout
- o PTA-425-A-PL-AP-L01 Plot A Level 01 Apartment Mix + Internal Layout
- o PTA-425-A-PL-AP-L02 Plot A Level 02 Apartment Mix + Internal Layout
- o PTA-425-A-PL-AP-L03 Plot A Level 03 Apartment Mix + Internal Layout
- o PTA-425-A-PL-AP-L04 Plot A Level 04 Apartment Mix + Internal Layout
- o PTA-425-A-PL-AP-L05 Plot A Level 05 Apartment Mix + Internal Layout
- o PTA-425-A-PL-AP-L06 Plot A Level 06 Apartment Mix + Internal Layout
- o PTA-425-A-PL-AP-L07 Plot A Level 07 Apartment Mix + Internal Layout

- o PTA-425-A-PL-AP-L08 Plot A Level 08 Apartment Mix + Internal Layout
- o PTA-425-A-PL-AP-L09 Plot A Level 09 Apartment Mix + Internal Layout
- o PTA-425-A-PL-AP-L10 Plot A Level 10 Apartment Mix + Internal Layout
- o PTA-425-A-PL-AP-L11 Plot A Level 11 Apartment Mix + Internal Layout
- o PTA-425-A-PL-AP-L12 Plot A Level 12 Apartment Mix + Internal Layout
- o PTA-425-A-PL-AP-L13 Plot A Level 13 Apartment Mix + Internal Layout
- o PTA-425-A-PL-AP-L14 Plot A Level 14 Apartment Mix + Internal Layout
- o PTA-425-A-PL-AP-L15 Plot A Level 15 Apartment Mix + Internal Layout
- o PTA-425-A-PL-AP-L16 Plot A Level 16 Apartment Mix + Internal Layout
- o PTA-425-A-PL-AP-L17 Plot A Level 17 Apartment Mix + Internal Layout
- o PTA-425-A-PL-AP-L18 Plot A Level 18 Apartment Mix + Internal Layout
- o PTA-425-A-PL-AP-L19 Plot A Level 19 Apartment Mix + Internal Layout
- o PTA-425-A-PL-AP-L20 Plot A Level 20 Apartment Mix + Internal Layout
- o PTA-425-A-PL-AP-L21 Plot A Level 21 Apartment Mix + Internal Layout
- o PTA-425-A-PL-L22 Plot A Level 22 General Arrangement Plan
- o PTA-425-A-PL-L23 Plot A Level 23 General Arrangement Plan
- o PTA-425-A-PL-RF Plot A Combined Roof General Arrangement Plan
  - o PTA-425-A-PL-ELE-N Plot A General Arrangement North Elevation
- o PTA-425-A-PL-ELE-E Plot A General Arrangement East Elevation
- o PTA-425-A-PL-ELE-S Plot A General Arrangement South Elevation
- o PTA-425-A-PL-ELE-W2 Plot A General Arrangement West Elevation
- o PTA-425-A-PL-SEC-CC Plot A General Arrangement Section CC - West Elevation Building A3
- o PTA-425-A-PL-SEC-DD Plot A General Arrangement Section DD - East Elevation Buildings A1.2 / A2
- o PTA-425-A-PL-SEC-GG Plot A General Arrangement Section GG - East Elevation Building A1.2
- o PTA-425-A-PL-SEC-MM Plot A General Arrangement Section MM - East Elevation Building A3.4
- o PTA-425-A-PL-SEC-NN Plot A General Arrangement Section NN - North Elevation Building A1
- o PTA-425-A-PL-SEC-PQ Plot A General Arrangement Section PP - North Elevation Building A3.4
- o PTA-425-A-PL-SEC-QQ Plot A General Arrangement Section QQ - South Elevation Building A3.2
- o PTA-425-A-PL-SEC-RR Plot A General Arrangement Section RR - South Elevation Building A2
- o PTA-425-A-PL-SEC-UU Plot A General Arrangement Section UU - North Elevation Building A3.2

The planning permission relating to the outline components of the development hereby approved shall not be constructed unless in accordance with the approved parameter plans marked:

- o Location Plan (Red Line Boundary) PTA-425-PP-1000 Rev PL6
- o Existing Site Layout and Demolition PTA-425-PP-1001 Rev PL5
- o Proposed Plot Plan PTA-425-PP-1002 Rev PL9
- o Horizontal Limits of Development Plots PTA-425-PP-1003 Rev PL12
- o Vertical Limits of Building Blocks PTA-425-PP-1004 Rev PL13
- o Proposed Building Block Plan PTA-425-PP-1005 Rev PL11
- o Proposed Ground Levels PTA-425-PP-1006 Rev PL12
- o Proposed Basement Plan (Maximum Extents) PTA-425-PP-1007 Rev PL7

- o Proposed Ground Floor Uses PTA-425-PP-1008 Rev PL10
- o Proposed Upper Floor Uses PTA-425-PP-1009 Rev PL9
- o Public Realm Masterplan PTA-425-PP-1010 Rev PL11
- o Access and Circulation Plan PTA-425-PP-1011 Rev PL11

Reason: In order 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 D1, D2, D3, D4, D5, D8, D9, D11, D12, D13, HC1, HC3, HC4 and G7 of the London Plan (2021), and policies DC1, DC2, DC3, DC4, DC7, DC8 of the Local Plan 2018.

- 4) All reserved matters applications shall include a statement to demonstrate how the reserved matters have been prepared in accordance with the principles and parameter plans set out in the Amended Development Specification & Parameters Report prepared by Boyer (dated September 2021) and the Mandatory Design Codes prepared by Patel Taylor Architects (dated September 2021) or other such versions that are subsequently agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is constructed in accordance with the Design Guidelines on which this decision is based and to be consistent with the principles of good masterplanning, in accordance with policies D1, D2, D3, D4, D5, D8, D9, D11, D12, D13, HC1, HC3, HC4, G4, G5, G6 and G7 of the London Plan 2021, strategic policies WCRA and WCRA1 and policies DC1, DC2, DC3, DC7 and DC8 of the Local Plan (2018).

- 5) The development of each phase shall be carried out in accordance with the approved Phasing Plan (Drawing No. PTA-425-MP-PH-00 Rev P05) and the sequence of development set out below, unless otherwise agreed in writing by the local planning authority:

Phase 1A - bridge

Phase 1B - pedestrian deck

Phase 1C - Exhibition Green

Phase 1D - construction of Development Plots A1, A2, and A3, associated basement, access roads and communal open space/landscaping

Phase 1E - southern part of the Central Gardens

Phase 1F - Kiralfy Square

Phase 2 - construction of Development Plots B1; associated basement, access roads and communal open space/landscaping

Phase 3A - construction of superstructure of Development Plot E1; part of Counters Quay; associated basement, access roads and communal open space/landscaping

Phase 3B - construction of superstructure of Development Plot E2; part of Counters Quay; associated basement, access roads and communal open space/landscaping

Phase 3C - construction of superstructure of Development Plot E3; part of Counters Quay; associated basement, access roads and communal open space/landscaping

Phase 4A - construction of superstructure of Development Plot D1; part of Counters Quay; associated basement, access roads and communal open space/landscaping

Phase 4B - construction of superstructure of Development Plot D2; part of Counters Quay; associated basement, access roads and communal open space/landscaping

Phase 4C - construction of superstructure of Development Plot D3; part of Counters Quay; associated basement, access roads and communal open space/landscaping

Phase 5A - construction of superstructure of Development Plot C1; associated basement, access roads and communal open space/landscaping

Phase 5B - northern part of Central Garden

Reason: To assist with the identification of each chargeable development (being the Phase) and the calculation of the amount of CIL payable in respect of each chargeable development in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

NB: The names of the Development Plots, Buildings and Public Open Spaces have been amended. Please refer to Informative 1 for the revised titles.

- 6) Notwithstanding the information in the approved parameter plans and development specification report and subject to the provisions within the relevant conditions set out in this planning permission, the following land uses are permitted within all or part of the specified floorspace on the ground floors in the outline plots (subject to the specified range of uses within each plot) providing the total floorspace (within the combined development) does not exceed the maximum floorspace as approved for that use subject to condition 8 of this planning permission:

Class E (Commercial, Business and Service)

Class F (Local Community and Learning)

Sui Generis

Reason: To ensure the uses are compatible with the adjoining land uses, within the White City Opportunity/Regeneration Area and to ensure that the amenity of occupiers residing in surrounding residential properties would be safeguarded in accordance with policies WCRA, WCRA1 and DC1, E1, TLC1, TLC5, TLC5 and HO11 of the Local Plan 2018.

- 7) The total number of residential units (Class C3) hereby approved shall not exceed 2,030 units.

Reason: To ensure the development carried out does not exceed the cumulative maximum approved and to ensure the quantum of floor space keeps within the parameters assessed pursuant to the EIA in relation to the development in accordance with policies H1, H4, H5, H6, D1, D2, D3, D4, D5, D8, D9, D10, D11, D12, D13, HC1, HC3 and HC4 of the London Plan (2021) and policies WCRA, WCRA1, DC2, DC3, DC4, DC7, DC8, H01, H04 and H05 of the Local Plan (2018)

- 8) The total gross external floorspace (GEA) areas of the development comprising the land uses hereby approved shall not exceed the following:

(a) An overall gross maximum floor space of all the development, including parking, servicing, energy centre and plant and storage but excluding the basement that shall not exceed 214,245 square metres GEA; and

(b) Overall gross maximum floor space (excluding car park and energy centre) by land use, notwithstanding the provisions of the Town and Country Planning (Use Classes Order 1987) (as amended) or (General Permitted development) Order 2015 (as amended) or any subsequent act, shall not exceed the following:

- Residential (C3): 199,635 sq m
- Business (B1): 1,000 sq m
- Retail/Café/Restaurant (A1 - A5): 3,690 sq m
- Health and Community (D1): 1,910sqm
- Leisure (D2): 1,910 sq m;
- Residential Facilities (Ancillary to C3): 6,100 sqm

(c) or such breakdown by Plot of the overall gross maximum floor space specified in (a) and (b) above as may be submitted to and approved by the Local Planning Authority

Reason: To ensure the development carried out does not exceed the cumulative maximum floor space, in accordance with the approved plans and to ensure a suitable mix and distribution of land uses within the development and to ensure the quantum of floor space keeps within the Parameters assessed pursuant to the EIA in relation to the development, in accordance with policies D1, D2, D3, D4, D5, D8, D9, D10, D11, D12, D13, HC1, HC3 and HC4 of the London Plan (2021), policies WCRA, WCRA1, DC1, DC2, DC3, DC4, DC7, DC8 , CC11, CF1, CF2 , TLC2, E1 , E2 and E4 of the Local Plan 2018

- 9) Condition complied with (Demolition Details)
- 10) Condition complied with (Archaeological Investigation and Recording)
- 11) Condition complied with (Preliminary Risk Assessment)
- 12) Condition complied with (Site Investigation Scheme)
- 13) Condition complied with (Quantitative Risk Assessment)
- 14) Condition complied with (Remediation Method Statement)
- 15) No Phase of development shall commence, save for any approved Enabling Works or (unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition) until the approved remediation method statement in connection with condition 14 has been carried out in full and a verification report confirming these works has been submitted to,



and approved in writing, by the Council. This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement. If, during development, contamination not previously identified is found to be present at the site, the Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. Any required remediation shall be detailed in an amendment to the remediation statement and verification of these works included in the verification report. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Details of this condition have been approved in respect of Phase 1 under ref: 2018/02495/DET.

Details of this condition have been approved in respect of Phase 2 under ref: 2019/02703/DET.

Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policies CC5, CC8 and CC9 of the Local Plan 2018.

- 16) No Phase of development shall commence, save for any approved Enabling Works or (unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition) until an onward long-term monitoring methodology report, in connection with condition 15, is submitted to and approved in writing by the Council where further monitoring is required past the completion of development works to verify the success of the remediation undertaken. A verification report of these monitoring works shall then be submitted to and approved in writing by the Council when it may be demonstrated that no residual adverse risks exist. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Details of this condition have been approved in respect of Phase 1 under ref: 2018/02495/DET.

Details of this condition have been approved in respect of Phase 2 under ref: 2019/02703/DET.

Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policies CC5, CC8 and CC9 of the Local Plan 2018.



- 17) No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out within each Development Plot (where relevant), including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with the relevant water or sewerage undertaker. Any piling must be undertaken in accordance with the terms of the approved piling method statement, for each relevant Development Plot.

In the case of the bridge and/or deck, piling must be undertaken in accordance with the details approved pursuant to 2016/00995/DET. In the case of Phase 1D (Development Plots A1, A2 and A3) piling must be undertaken in accordance with the details approved pursuant to 2017/00018/DET. In the case of Phase 2 (Development Plots B1) piling must be undertaken in accordance with the details approved pursuant to 2018/02389/DET. In the case of Phase 3 (Development Plots E1, E2 and E3) piling must be undertaken in accordance with the details approved pursuant to 2019/03856/DET.

The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.

Reason: To prevent any potential to impact on local underground water and sewerage utility infrastructure, in accordance with Policy SI 5 of the London Plan (2021) and policies CC2, CC3 and CC4 of the Local Plan 2018.

- 18) Prior to the commencement of development within the relevant Development Plot, a Construction Management Plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800-1300hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. The construction management plan should be prepared in consultation with London Underground which includes the details for all of the relevant foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent). Approved details for each relevant plot, or part thereof shall be implemented throughout the project period.

Details of this condition for Phase 1D (Development Plots A1, A2 and A3) have been approved pursuant to 2016/02816/DET.

Details of this condition for Phase 2 (Development Plot B1) have been approved pursuant to 2018/02378/DET.

Details of this condition for Phase 3 (Development Plots E1, E2 and E3) have been approved pursuant to 2019/03857/DET.

Reason: To ensure that occupiers of surrounding premises are not adversely affected by noise, vibration, dust, lighting or other emissions from the building site in accordance with policies D13, D14, SI 1, SI 7, SI 10, of the London Plan (2021) and policies DC2 , CC6, CC10, CC11 and CC12 of the Local Plan 2018.

- 19) Prior to the commencement of development within the relevant Development Plot shall commence until a Construction Logistics Management Plan for that Development Plot has been submitted to and approved in writing by the Council. The method statement /construction management plan should be prepared in consultation with London Underground which includes the details for all of the relevant foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent). The development of the relevant Plot shall be carried out in accordance with the relevant approved Construction Logistics Management Plan unless otherwise agreed in writing with the Local Planning Authority. Each Construction Logistics Management Plan shall cover the following minimum requirements:

- site logistics and operations;
- construction vehicle routing;
- contact details for site managers and details of management lines of reporting;
- detailed plan showing different phasing, different developers and constructors to be updated on a 6 monthly basis;
- location of site offices, ancillary buildings, plant, wheel-washing facilities, stacking bays and car parking;
- storage of any skips, oil and chemical storage etc.; and
- access and egress points;
- membership of the Considerate Contractors Scheme.

Details for this condition in connection with Phase 1D (Development Plots A1, A2 and A3) have been approved under ref: 2016/02817/DET

Details for this condition in connection with Phase 2 (Development Plot B1) have been approved under ref: 2018/02378/DET.

Details for this condition, connection with Phase 3 (Development Plots E1, E2 and E3) have been approved under ref: 2019/03858/DET.

Reason: To ensure that no unacceptable adverse effect on the amenity of surrounding occupiers in accordance with policies DC1, T1, T2, DC2, CC6, CC10, CC8 and CC12 of Local Plan 2018.

- 20) Details of any temporary land uses, fencing, enclosures or structures including sales/marketing suites within the site shall be submitted to and approved in writing by the Local Planning Authority prior to implementing works for any temporary uses, fences, enclosures or structures. Any interim structures, uses and buildings shall be implemented in accordance with the approved details, for a specified time period set out in the details and shall be discontinued/removed once the temporary period has been expired.

Reason: To ensure that the site remains in a tidy condition during the construction phase and to ensure that any temporary uses/structures do not create un-neighbourly impacts and to prevent harm to the street scene and character and appearance of the adjoining conservation area, in accordance with policies DC1 and DC8 of the Local Plan 2018.

- 21) Prior to the construction of the relevant part of the development, a scheme detailing the play equipment, boundary treatments and ground surface treatment of the outdoor play spaces, for that part of the development shall be submitted to the local planning authority and approved in writing. Any play equipment will be designed to be fully inclusive to ensure the play areas are accessible to all and will be implemented in accordance with the approved plans, to be permanently retained thereafter.

Details for this condition have been approved in connection with Phases 1 and 2 under ref: 2019/00795/DET and Phase 3 under ref: 2021/00966/DET

Reasons: In order to ensure equal life chances for all, and to prevent groups such as blind people and disabled children being excluded from use of public realm and other amenities by designs failing in detail to take specific needs into account, in accordance with policy GG1 of the London Plan (2021), policies OS1 and OS3 of the Local Plan 2018, the Council's "Planning Guidance" Supplementary Planning Document, and any other relevant best practice guidance.

- 22) Prior to the commencement of works details of the road, footway, footpath and cycleway layout for each Development Plot, or relevant part thereof, shall be submitted to and approved in writing by the Council. The submitted details shall show the alignment, widths, surfacing arrangements, kerbs, access ramps (including the car park ramps with confirmation of vertical clearance), forward visibility sight lines and vision splays, speed restraint measures, turning heads, gradients, street lighting and drainage in respect of the relevant part of the development. Development shall be implemented in accordance with the relevant approved details and no residential building within the relevant part of the development shall be occupied until the approved ramps, roads, accesses, footways, footpaths and cycleways have been constructed and been made available for use.

Details for Phase 1D (Development Plots A1, A2 and A3) have been approved pursuant to 2016/03118/DET.

Details for Phases 2 and 3 have been approved pursuant to ref: 2018/02394/DET and 2019/03859/DET.

Reason: To ensure that the detailed design of the access ramps provides sufficient vertical clearance and capacity for vehicle manoeuvring in the interest of public safety and to ensure that the detailed design of the roads, footways and cycleways would avoid vehicle/pedestrian conflict in accordance with policies T1, T4 and T5 of the Local Plan 2018 and the Council's Planning Guidance Supplementary Planning Document.

- 23) Prior to the commencement of works within the relevant Development Plot, the detailed design, phasing plan, access, layout and location of the car parking provided for the relevant Development Plot shall be submitted to and approved in writing by the Council. The proposed car parking shall accord with the details as approved and shall be retained permanently thereafter unless otherwise agreed in writing with the Local Planning Authority.

Details for Phase 1D (Development Plots A1, A2 and A3) have been approved pursuant to 2016/03119/DET.

Details for Phases 2 and 3 have been approved pursuant to ref: 2018/02562/DET and 2019/03860/DET.

Reason: To ensure that the detailed design of the access ramps provides sufficient vertical clearance and capacity for vehicle manoeuvring in the interest of public safety and to ensure that the detailed design of the roads, footways and cycleways would avoid vehicle/pedestrian conflict in accordance with policies T1, T4 and T5 of the Local Plan 2018 and the Council's Planning Guidance Supplementary Planning Document.

- 24) The development shall be implemented in strict adherence with the recommendations contained within the TWUL modelling report, as approved by application 2016/00739/DET.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand in accordance with policies SI 5 of the London Plan (2021), policies CC5 and CC3 of the Local Plan 2018.

- 25) The surface water drainage scheme shall be implemented in accordance with the approved details pursuant to 2016/00889/DET before the development is completed.

Reason: To prevent flooding by ensuring the satisfactory management of surface water run-off from the site in accordance with policy SI 13 of the London Plan (2021), policy CC3 and CC5 of the Local Plan 2018.

- 26) Prior to the commencement of the relevant part of each Development Plot, details and samples of materials, paint colours, stonework, brickwork and ceramic tiles including details of bond, colour, mortar mix and mortar colour to be used for that Development Plot or relevant part thereof on all external faces and roofs of the buildings shall be submitted to and approved in writing by the Local Planning Authority and no part of that Development Plot or relevant part thereof shall be used or occupied prior to the implementation of the approved details. Each Plot or part thereof, of the development shall be carried out in accordance with such details as have been approved.

Details of this condition have been approved (in respect of the use of pre-cast concrete) for Phase 1D under ref: 2017/02085/DET and the metal cladding 2018/01504/DET.

Details for this condition have been approved in respect of Development Plot B1 (Phase 2) under ref: 2019/03783/DET.

Details for this condition have been approved in respect of Development Plot E1 (in Phase 3) under ref: 2021/00969/DET.

Reason: To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with policies DC1, DC2, DC3, DC7 and DC8 of the Local Plan 2018.

- 27) Prior to the commencement of the relevant part of each Development Plot the details including detailed drawings in section and elevation at 1:20 and samples for that Development Plot, or relevant part thereof to show details of any proposed cladding, fenestration, glazing, balconies and winter gardens have been submitted and approved in writing by the Local Planning Authority. The development of each Development Plot, or part thereof shall be carried out in accordance with the approved details.

Details for this condition have been approved in respect of Development Plot B1 (Phase 2) under ref: 2019/03783/DET and in respect of Development Plot E1 (in Phase 3) under ref: 2020/02999/DET.

Reason: To ensure a satisfactory external appearance, in accordance with policies DC2 and DC8 of the Local Plan 2018.

- 28) Prior to the commencement of the relevant part of the development, details including detailed drawings in plan, section and elevation at 1:20 and samples, where appropriate, of all paving and external hard surfaces, boundary walls, railings, gates, fences and other means of enclosure for that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out within each plot, or relevant part thereof, in accordance with the approved details and thereafter permanently retained as such.

Details of this condition have been approved in respect of Phase 1 under ref: 2018/04024/DET.

Details of this condition have been approved in respect of Phase 2 under ref: 2018/03724/DET.

Details of this condition have been approved in respect of Phase 3 under ref: 2020/03000/DET.

Reason: To ensure a satisfactory external appearance, in accordance with, policies DC1, DC2 and DC8 of the Local Plan 2018.

- 29) Prior to the commencement of the relevant part of each Development Plot details of the proposed hard and soft landscaping, associated with each Development Plot, including planting schedules and details of the species, height and maturity of any trees and shrubs and proposed landscape maintenance and management shall be submitted to the local planning authority and approved in writing. The

approved scheme(s) shall be implemented in the next winter planting season following completion of the building works, or before the occupation and use of any part of the buildings within the relevant development plot, whichever is the earlier. The landscaping shall thereafter be retained and maintained in accordance with the approved details.

Details of this condition have been approved in respect of Phase 1 under ref: 2018/02175/DET.

Details of this condition have been approved in respect of Phase 2 under ref: 2018/03724/DET.

Details of this condition have been approved in respect of Phase 3 under ref: 2020/03000/DET.

Reason: To ensure a satisfactory external appearance in accordance with policies DC1, OS1 DC2, OS4 and OS5 of Local Plan 2018.

- 30) Prior to the commencement of work on the relevant part of each Development Plot, details of green/brown roofs, including planting and maintenance schedules, and ecological enhancement measures for that Development Plot shall be submitted to and approved in writing by the Local Planning Authority. Development shall accord with the details as approved.

Details of this condition have been approved in respect of Phase 1 under ref: 2018/00659/DET.

Details of this condition have been approved in respect of Phase 2 under ref: 2018/03821/DET.

Details of this condition have been approved in respect of Phase 3 under ref: 2020/03166/DET.

Reason: To ensure the provision of green and brown roofs in the interests of sustainable urban drainage and habitat provision, in accordance with policies SI 13 and G6 of the London Plan (2021), policies CC1, CC2, CC4, OS1, OS4 and OS5 of the Local Plan 2018.

- 31) Prior to commencement of work within the relevant Development Plot, details of a sustainable urban drainage system (SUDS) for each Development Plot shall be submitted to and approved in writing by the council. SUDS schemes shall be implemented in accordance with the approved details prior to first occupation of the relevant part of the development hereby permitted, and thereafter permanently retained and maintained unless otherwise agreed in writing with the Local Planning Authority.

Details for Phase 1D (Development Plots A1, A2 and A3) have been approved pursuant to 2016/02508/DET.

Details of condition 31 for Phases 2 and 3 have been discharged pursuant to ref: 2018/02389/DET (for phase 2) and 2019/03861/DET (for phase 3).

Reason: To ensure that surface water run-off is managed in a sustainable manner, in accordance with policy SI 13 of the London Plan (2021), policies CC1, CC2, CC4, OS1, OS4 and OS5 of the Local Plan 2018.

- 32) Prior to the commencement of work within the relevant Development Plot details of the refuse arrangements including storage, collection and recycling for all uses within each Development Plot shall be submitted to and approved in writing by the Council. The approved details shall be implemented prior to the use or occupation of any part of the relevant Development Plot and shall be maintained permanently thereafter unless otherwise agreed in writing with the Local Planning Authority.

Details for Phase 1D (Development Plots A1, A2 and A3) have been approved pursuant to 2016/02905/DET.

Details of condition 32 for Phases 2 and 3 have been discharged pursuant to ref: 2018/02562/DET (for phase 2) and 2019/03862/DET (for phase 3).

Reason: To ensure the satisfactory provision for refuse storage and recycling in accordance with policy CC6 of the Local Plan 2018 and the Council's Planning Guidance Supplementary Planning Document.

- 33) Prior to the commencement of works on each Development Plot, an Inclusive Access Management Plan (IAMP) shall be submitted to the LPA and approved in writing which sets out a strategy for ongoing consultation with specific interests groups with regard to accessibility of the relevant part of the site. On-going consultation must then be carried out in accordance with the approved IAMP.

Details for Phase 1D (Development Plots A1, A2 and A3) have been approved pursuant to 2016/03291/DET.

Details of condition 33 for Phases 2 and 3 have been discharged pursuant to ref: 2018/02414/DET (for phase 2) and 2019/03863/DET (for phase 3).

Reason: To ensure that the proposal provides an inclusive and accessible environment in accordance with the Policy D5 of the London Plan (2021), policies HO6 and E3 of Local Plan 2018 and the Council's Planning Guidance Supplementary Planning Document.

- 34) Prior to commencement of the relevant works within a Development Plot, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/ walls separating the [basement plant room] [basement car park] [communal facilities] [specify other] from [dwellings] [noise sensitive premises]. Details shall demonstrate that the sound insulation value  $D_{nT,w}$  [and  $L_{nT,w}$ ] is enhanced by at least 10-15dB above the Building Regulations value and where necessary, additional mitigation measures are implemented to contain noise from communal areas and machinery so as not to exceed the criteria of BS8233:2014 within dwellings/ noise sensitive premises. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Details of this condition have been approved in respect of Phase 1D under ref: 2017/01944/DET dated 02/11/2017.



Details of this condition have been approved in respect of Phase 2 under ref: 2018/03726/DET.

Details of this condition have been approved in respect of Phase 3 under ref: 2020/03398/DET.

Reason: To ensure that the amenity of occupiers of the development site/ adjacent dwellings/ noise sensitive premises is not adversely affected by noise, in accordance with Policies CC11 and CC13 of the Local Plan 2018.

- 35) Prior to commencement of each phase of the development, unless otherwise agreed in writing with the Local Planning Authority, a noise assessment for the relevant phase of development, shall be submitted to the Council for approval of external noise levels and details of the sound insulation of the building envelope, orientation of habitable rooms away from major noise sources and of acoustically attenuated mechanical ventilation as necessary to achieve 'Good' internal room- and (if provided) external amenity noise standards in accordance with the criteria of BS8233:2014. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Details for Phase 1D have been approved pursuant to 2016/02885/DET.

Details of condition 35 for Phases 2 and 3 have been discharged pursuant to ref: 2018/02413/DET (for phase 2) and 2019/03864/DET (for phase 3).

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise from transport or industrial/ commercial noise sources, in accordance with policies CC11 and CC13 of the Local Plan 2018.

- 36) Prior to commencement of the relevant work within a Development Plot, unless otherwise agreed in writing with the Local Planning Authority, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/walls separating noise sensitive premises from non-residential uses (including plant, car park and communal facilities). Details shall demonstrate that the sound insulation value  $D_{nT,w}$  [and  $L'_{nT,w}$ ] is enhanced by at least 10-20dB above the Building Regulations value and, where necessary, additional mitigation measures implemented to contain commercial noise within the commercial premises and to achieve the 'Good' criteria of BS8233:2014 within new-build dwellings/ noise sensitive premises. Approved details shall be implemented prior to any occupation of the residential development within the part(s) of the site covered by this condition and shall be permanently retained thereafter.

Details of this condition have been approved in respect of Phase 1D under ref: 2017/01944/DET dated 02/11/2017.

Details of this condition have been approved in respect of Phase 2 under ref: 2018/03726/DET.

Details of this condition have been approved in respect of Phase 3 under ref: 2020/03398/DET.

Reason: To ensure that the amenity of occupiers of the development site within the new-build residential parts of the site will not be adversely affected by noise

from transport or industrial/ commercial noise sources, in accordance with policy CC11 of the Local Plan 2018.

- 37) Prior to commencement of the relevant work within a Development Plot or relevant part thereof, unless otherwise agreed in writing with the Local Planning Authority, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value  $D_{nT,w}$  and  $L'_{nT,w}$  for the floor/ceiling/ wall structures separating different types of rooms/ uses in adjoining dwellings, namely living room and kitchen adjoining bedroom of separate dwelling. The enhanced values shall be 5dB more stringent than the requirements of Approved Document E of the Building Regulations. Approved details shall be implemented prior to occupation of the relevant phase of development and thereafter be permanently retained.

Details of this condition have been approved in respect of Phase 1D under ref: 2017/01870/DET dated 27/07/2017.

Details of this condition have been approved in respect of Phase 2 under ref: 2018/03726/DET.

Details of this condition have been approved in respect of Phase 3 under ref: 2020/03398/DET.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise, in accordance with policy CC11 of the Local Plan 2018.

- 38) Prior to commencement of works on the relevant part of each Development Plot, details shall be submitted to and approved in writing by the Council, of building vibration levels (generated by the railway), together with appropriate mitigation measures where necessary. The criteria to be met and the assessment method shall be as specified in BS 6472:2008. No part of the relevant development plot shall be occupied until the approved details have been implemented. Approved details shall thereafter be permanently retained.

Details of this condition have been approved in respect of Phase 1D under ref: 2017/01561/DET dated 21/07/2017.

Details of this condition have been approved in respect of Phase 2 under ref: 2018/03726/DET.

Details of this condition have been approved in respect of Phase 3 under ref: 2020/03398/DET.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by ground or airborne vibration, in accordance with policy CC11 of the Local Plan 2018.

- 39) Prior to commencement of the relevant work within a development Plot or part thereof, unless otherwise agreed in writing with the Local Planning Authority, details shall be submitted to and approved in writing by the Council, of the external noise level emitted from plant/ machinery/ equipment. The measures shall ensure

that the external noise level emitted from plant, machinery/ equipment will be lower than the lowest existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. A post installation noise assessment shall be carried out where required to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Details of this condition have been approved in respect of Phase 1 under ref: 2018/01019/DET.

Details of this condition have been approved in respect of Phase 2 under ref: 2018/04069/DET.

Reason: To ensure that the amenity of occupiers of the development site/surrounding premises is not adversely affected by noise from plant/mechanical installations/equipment, in accordance with Policies CC11 and CC13 of the Local Plan 2018.

- 40) Prior to the commencement of works on the relevant part of each Development Plot, details of the mitigation measures (e.g. mechanical ventilation or NOx filters) to be installed within the residential component shall be submitted to the local planning authority in writing, for approval. The details shall include the method by which clean air will be supplied to residential areas which exceed national air quality objectives. Chimney/boiler flues and ventilation extracts must be positioned a suitable distance away from ventilation intakes, balconies, roof gardens, terraces and receptors to reduce exposure of occupants to acceptable levels. The measures will be implemented in accordance with the approved plans and retained until no longer required to supply clean air. The maintenance of the system implemented shall be undertaken regularly in accordance with the manufacturer specifications and shall be the responsibility of the primary owner of the relevant building.

Details of this condition have been approved in respect of Phase 1 under ref: 2017/03383/DET.

Details of this condition have been approved in respect of Phase 2 under ref: 2018/04072/DET.

Reason: To ensure that the residential buildings have access to satisfactory air quality levels and are not unduly affected by odour and disturbance in accordance with policy CC10 of the Local Plan 2018.

- 41) Prior to commencement of works on the relevant part of each Development Plot, details of the installation, operation, and maintenance of the best practicable odour abatement equipment and extract system shall be submitted to and approved in writing by the Local Planning Authority, including the height of the extract duct and vertical discharge outlet, in accordance with the 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' January 2005 by DEFRA. Approved details shall be implemented prior to occupation of the relevant

development plot or part thereof and thereafter be permanently retained, unless subsequently otherwise approved in writing by the Local Planning Authority.

Details of this condition have been approved in respect of Phase 1 under ref: 2019/00780/DET.

Details of this condition have been approved in respect of Phase 2 under ref: 2018/04072/DET.

Reason: To ensure that nearby premises are not unduly affected by odour and disturbance in accordance with policy CC10 of the Local Plan 2018.

- 42) Prior to the completion of the basement slab within each Development Plot, or relevant part thereof, a Low Emission Strategy shall be submitted to and approved in writing by the Council in respect of the relevant Development Plot within the specified area or part thereof. The low emission strategy must undertake a calculation based on the total NO<sub>x</sub> and PM<sub>10</sub> emissions from the baseline situation as established in the Environmental Statement and shall compare them with the proposed uses within the relevant plots, building, or phase. This shall include transport sources and all major combustion plant including, boilers, energy plant and emergency generators for the relevant Plot. The strategy shall detail all calculations and assumptions used in full. The strategy should detail the measures that will be taken to reduce the development's air quality impacts and minimising exposure of future site users.

Any natural gas boiler proposed on the relevant Development Plot should meet a NO<sub>x</sub> emissions standard of 40mg/kWh (at 0% O<sub>2</sub>). Where any installations do not meet this emissions standard, it should not be operated without the fitting of suitable NO<sub>x</sub> 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. Any such boiler emission abatement measures approved by the Council shall be implemented in accordance with the relevant approved strategy.

Details of condition 42 in regards to phases 1D, 2 and 3 have been discharged pursuant to ref: 2017/04824/DET (Phase 1D), 2019/01124/DET (Phase 1D and Phase 2), 2020/00971/DET (Phase 2) and 2020/02952/DET (Phase 3).

Reason: To ensure the development's air pollution impacts are mitigated in accordance with the requirements of Policy SI 1 of the London Plan (2021), policy CC10 of the Local Plan 2018.

- 43) The approved remediation measures for television interference (approved pursuant to 2016/02812/DET) shall be implemented for each phase immediately after any television interference is identified in accordance with details approved pursuant to 2016/02812/DET unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that television interference caused by the development is remediated, in accordance with Policy D9 of the London Plan (2021) and policy DC1, DC2 and DC3 of the Local Plan 2018.

- 44) Prior to commencement of works above ground level within any Development Plot, details of micro climate mitigation measures necessary to provide an appropriate wind environment throughout and surrounding the development shall be submitted to and approved in writing by the Council. Approved details shall be implemented, and permanently retained thereafter.

Details of this condition have been approved in respect of Phase 1 under ref: 2019/00925/DET.

Details of this condition have been approved in respect of Phase 2 under ref: 2019/02506/DET.

Reason: To ensure that suitable measures are incorporated to mitigate potential adverse wind environments arising from the development, in accordance with policies D8 and D9 of the London Plan (2021).

- 45) Prior to first occupation of each development plot, a Sustainable Design and Construction Statement shall be submitted to the Local Planning Authority for approval.

(i) The Sustainable Design and Construction Statement shall confirm the details of the measures, in accordance with the approved (relevant) Energy Strategy, Sustainability Statement and Approved Drawings which accompany the planning application and any subsequent reserved matters, that have been implemented on the site, within the relevant phase, that ensures high standards of sustainable design and construction have been achieved in compliance with the Mayor's Supplementary Planning Guidance.

(ii) Where necessary, evidence (e.g. photographs, copies of installation contracts and as-built worksheets prepared under SAP or the National Calculation Method), including evidence that the internal water consumption of the development will not exceed 105l/p/day must be submitted to the Local Planning Authority to demonstrate that the development has been carried out in accordance with the approved energy strategy, and to reduce the consumption of potable water through the use of water efficiency and recycling systems, unless otherwise agreed in writing by the local planning authority.

All measures integrated shall be retained for the lifetime of the development.

Details of condition 45 have been discharged pursuant to ref: 2019/00170/DET (for phase 1D) and 2019/02173/DET (for phase 2)

Reason: In the interests of sustainability, in accordance with policies SI 5 of the London Plan (2021), policy CC3 of the Local Plan 2018, and the Mayor's Supplementary Planning Guidance on Sustainable Design and Construction.

- 46) Within a month of handover of any non-residential component of the development, a BREEAM (2011 or any such further current iteration as relevant at the time of submission) assessment report shall be submitted to the BRE (with a copy of the

report provided to the Local Planning Authority) demonstrating that the building(s) would achieve a `Very Good' BREEAM rating.

Details of condition 46 have been discharged pursuant to ref: 2019/01802/DET (for phase 1D) and 2020/00970/DET (for phase 2)

Reason: In the interests of energy conservation, reduction of CO2 emissions and wider sustainability, in accordance with policies SI SI 2, SI 3, SI 4, SI 5 and SI 7 of the London Plan (2021) polices CC1 and CC2 of the Local Plan 2018.

- 47) Details including the locations of the benches, litter bins and signage shall be submitted to and approved in writing by the local planning authority, prior to occupation of the relevant Development Plot. The street furniture listed above shall be designed and sited to be fully inclusive and accessible for all users and will not provide any obstruction to disabled persons or people of impaired mobility and/or sight. The relevant development plot shall not be open to users until the benches, litter bins and signage as approved have been provided, and must be permanently retained thereafter.

Details of condition 47 regarding phases 1D and 3 have been discharged pursuant to ref: 2019/00959/DET (Phase 1D), 2018/03724/DET (Phase 2) and 2021/02004/DET (Phase 3).

Reason: To ensure the satisfactory provision of facilities, in accordance with policies OS2 and OS3 of the Local Plan 2018 and the Council's "Planning Guidance" Supplementary Planning Document.

- 48) Prior to first occupation of each Development Plot, details of the facilities to be provided for the secure storage of residents' and other users' bicycles for that Development Plot shall be submitted to and approved in writing by the Council. Such details shall include the number, location and access arrangements to cycle parking in the relevant Plot. No residential or commercial units shall be occupied in the relevant Plot until the relevant approved facilities have been provided. The cycle parking facilities shall thereafter be retained and not used for any other purpose without the prior written consent of the Council.

Details of condition 48 in regard to phases 1D and 2 have been discharged pursuant to ref: 2018/02199/DET (Phase 1D) and 2019/03862/DET (Phase 2).

Reason: To ensure the suitable provision of cycle parking within the Development to meet the needs of future site occupiers and users and in the interest of the appearance of the development, in accordance with Policies T2 and T5 of the London Plan (2021) and Table 10.2 of the London Plan (2021), policies T1 and T3 of the Local Plan 2018.

- 49) Prior to first occupation of any residential or commercial use within each Development Plot a site servicing strategy or Delivery and Servicing Plan (DSP), including vehicle tracking, for the relevant Development Plot shall be submitted to and approved in writing by the Council. The DSP shall detail the management of

deliveries, emergency access, collection of waste and recyclables, times and frequencies of deliveries and collections/ silent reversing methods/ location of loading bays and vehicle movement in respect of the relevant Plot. The approved measures shall be implemented and thereafter retained for the lifetime of the residential or commercial uses in the relevant part of the site.

Details of condition 49 regarding phases 1D and 2 have been discharged pursuant to ref: 2019/00968/DET (Phase 1D) and 2019/02557/DET (Phase 2).

Reason: In order to ensure that satisfactory provision is made for refuse storage and collection and to ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by noise, in accordance with Policy T7 of the London Plan (2021), policy CC1 of the Local Plan 2018 and the Council's Planning Guidance Supplementary Planning Document.

- 50) Prior to first occupation of each Development Plot, details of the installation including location and type of active electric vehicle charging points within the car parking areas for the relevant Plot must be submitted to and approved in writing by the Council. The electric vehicle charging points comprising at least 20% of the total number of residential car parking spaces provided on each Plot shall be active electric vehicle charging points; a further 20% of the total number of residential car parking spaces provided on each Plot shall be passive. The approved electric vehicle charging points shall be installed and retained in working order for the lifetime of the relevant development on each Plot. The use of the electric vehicle charging points will be regularly monitored via the Travel Plan and if required the further 20% passive provision will be made available.

Details of condition 50 regarding phases 1D, 2 and 3 have been discharged pursuant to ref: 2018/02917/DET (Phase 1D), 2018/04070/DET (Phase 2) and phase 3 2020/03002/DET.

Reason: To encourage sustainable travel in accordance with policies GG3, D5, SI 1, T6 and T7 of the London Plan (2021), policies CC1 and T4 of the Local Plan 2018.

- 51) Prior to first occupation of each relevant Development Plot, a scheme which demonstrates how daytime deliveries and stopping by Blue Badge Holder vehicles and taxis outside buildings on the site will be managed, in the absence of kerbs and vehicular entries into the envelopes of individual buildings pull-ins, in such a way as to avert the risk of blind people colliding with stopped vehicles shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to first occupation of the relevant part of the development.

Details of condition 51 have been discharged regarding Phase 1 pursuant to ref: 2019/01297/DET and regarding Phase 2 pursuant to ref: 2018/03724/DET.

Reason: To ensure that deliveries and dropping off can occur without compromising highway safety or the safety of pedestrians on the footway, in accordance with policies T7 and D5 of the London Plan (2021), policies T1 and T5 of the Local Plan (2018) and the Council's "Planning Guidance" Supplementary Planning Document.



- 52) Prior to occupation of the relevant Development Plot, details of all proposed external artificial lighting for the Development Plot, including security lights, shall be submitted to and approved in writing by the Council. The relevant Development Plot shall not be occupied until the lighting has been installed in accordance with the relevant approved details. Such details shall include the number, exact location, height, design and appearance of the lights, together with data concerning the levels of illumination at the nearest facade and light spillage and the specific measures, having regard to the recommendations of the Institution of Lighting Engineers in the 'Guidance Notes For The Reduction Of Light Pollution 2011' (or other relevant guidance).

Details of condition 52 regarding phases 1D and 2 have been discharged pursuant to ref: 2018/03723/DET (Phase 1D) and 2018/04071/DET (Phase 2).

Reason: To ensure that adequate lighting is provided to the pedestrian pathways for safety and security and that the lighting does not adversely affect the amenities of occupiers of the surrounding premises, in accordance with Policies GG1, D3 and D11 of the London Plan (2021), policies CC12, DC1 and DC2 of the Local Plan 2018 and the Council's Planning Guidance Supplementary Planning Document.

- 53) Prior to first occupation of each Development Plot, a statement of how "Secured by Design" requirements are to be adequately achieved for that part of development, shall be submitted to and approved in writing by the Local Planning Authority. The approved secure by design measures shall be implemented in accordance with the approved statement prior to occupation of the relevant part of the development hereby approved.

Details of condition 53 regarding phases 1D and 2 have been discharged pursuant to ref: 2018/01586DET (Phase 1D) and 2018/04071/DET (Phase 2).

Reason: To ensure a safe and secure environment in accordance with policy D3 of the London Plan (2016), policies DC1 and DC2 of the Local Plan 2018.

- 54) Any tree or shrub planted pursuant to approved landscape details that is removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a new tree or shrub of similar size and species to that originally required to be planted.

Reason: To ensure a satisfactory provision for planting, in accordance with policy G7 of the London Plan (2021) and policies OS1 and OS2 of the Local Plan 2018.

- 55) Any works to tree(s) on the site shall be carried out only in the following manner, in accordance with British Standard 3998:1989 - Recommendations for Tree Work:

Reason: To ensure that the Council is able to properly assess the impact of the development on any trees and to prevent their unnecessary loss, in accordance with policy G7 of the London Plan (2021) and policies OS1, OS2 and OS4 of the Local Plan 2018.

- 56) The development shall be carried out in accordance with the approved Energy Strategy (Dated September 2014) prepared by Hodkinson Consultancy which would result in a 41% reduction in regulated carbon dioxide emissions unless otherwise agreed under the terms of this condition. Any revised energy strategy for the development site shall be submitted to the Local Planning Authority for approval, in writing and shall result in regulated carbon dioxide reductions which would not be less than 41%. The development shall be implemented and operated in accordance with any subsequent approved revised energy strategy.

Reason: To ensure that the development is consistent with the carbon emissions objectives in accordance with Policies SI 2, SI 3 and SI 4 of the London Plan (2021) and in accordance with policies CC1 and CC2 of the Local Plan 2018.

- 57) Prior to use, machinery, plant or equipment, extract/ventilation systems and ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration, in accordance with policy CC11 of the Local Plan 2018

- 58) The residential car parking provision for the development shall not exceed 586 car parking spaces or as spaces per residential unit ratio of 0.4 on the whole site, unless otherwise agreed in writing by the Council.

Reason: To avoid creating unacceptable traffic congestion on the surrounding road network and to ensure there would be adequate parking for the development, in accordance with policies T4, T6 and D5 of the London Plan (2021), policy T4 of the Local Plan 2018 and the Council's Planning Guidance Supplementary Planning Document.

- 59) A minimum of 10% of the residential car parking spaces approved shall be provided and maintained for use of wheelchair users.

Reason: To ensure the suitable provision of car parking within the development to meet sustainable transport objectives, in accordance with policies T4, T6 and D5 of the London Plan (2021), policy T5 of the Local Plan 2018 and the Council's "Planning Guidance" Supplementary Planning Document.

- 60) a) The units shown on Wheelchair Accessible Flat Plan Layouts (Drawing No's D398-A-STO-B2-SK-XX-7002 Rev P03, D398-A-STO-B2-SK-XX-7003 Rev P03, D398-A-STO-B2-SK-XX-7004 rev P03, D398-A-STO-B2-SK-XX-7005 Rev P03, D398-A-STO-B2-SK-XX-7006 Rev P02, D398-A-STO-B3-SK-XX-7060 Rev P03) within Buildings A1, A2 and A3 (detailed component) hereby approved shall be provided to meet Building Regulation requirement M4(3) as depicted in the following Drawing Nos. and retained as such, unless otherwise agreed in writing by the Local Planning Authority:

PTA-425-A-PL-AP-L01 Rev PL5  
PTA-425-A-PL-AP-L02 Rev PL5  
PTA-425-A-PL-AP-L03 Rev PL5  
PTA-425-A-PL-AP-L04 Rev PL5  
PTA-425-A-PL-AP-L05 Rev PL5  
PTA-425-A-PL-AP-L06 Rev PL5  
PTA-425-A-PL-AP-L07 Rev PL5  
PTA-425-A-PL-AP-L08 Rev PL5  
PTA-425-A-PL-AP-L09 Rev PL5  
PTA-425-A-PL-AP-L10 Rev PL5  
PTA-425-A-PL-AP-L11 Rev PL5

b) All other remaining units shown on the plans hereby approved for buildings A1, A2 and A3 (detailed component) shall be built to be broadly in compliance with the requirements of Building Regulation M4(2) as demonstrated in the information submitted (White City Part M Review Phase 01 - Buildings 1, 2 and 3 received 24 November 2016), unless otherwise agreed in writing by the Local Planning Authority.

c) 10% of the total residential units hereby approved for the remainder of the site shall be provided to meet Building Regulation requirement M4(3) or adaptable to this standard and retained as such, unless otherwise agreed in writing by the Local Planning Authority.

d) All other remaining residential units hereby approved for the remainder of the site shall be provided to meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings', unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development provides for the changing circumstances of occupiers and responds to the needs of people with disabilities, in accordance with policies H10, H12 and D7 of the London Plan (2021), policies DC1, HO6, CC5 and E3 of the Local Plan 2018 and the Council's Planning Guidance Supplementary Planning Document (2018).

61) The window glass of any shopfront hereby approved shall be clear and shall not be mirrored, tinted or otherwise obscured and shall be permanently retained as such.

Reason: To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with policies DC1 and DC5 of the Local Plan 2018 and Council's Planning Guidance Supplementary Planning Document 2018.

62) The ground floor entrance doors to all publicly accessible buildings on each Development Plot and integral lift/stair cores shall not be less than 1 metre wide and the threshold shall be at the same level to the path fronting the entrance to ensure level access.

Reason: In order to ensure the development provides ease of access for all users, in accordance with Policy GG1 and D5 of the London Plan (2021), policies DC1 and DC5 of the Local Plan 2018 and the Council's Planning Guidance Supplementary Planning Document (2018) .

- 63) No roller shutters shall be installed on any shopfront, commercial entrance or display facade hereby approved.

Reason: To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with policies DC1 and DC5 of the Local Plan 2018 and the Council's Planning Guidance Supplementary Planning Document 2018.

- 64) No advertisements shall be displayed on or within any elevation of the buildings, forecourt or public spaces 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, so as to ensure a satisfactory external appearance and to preserve the integrity of the design of the building, in accordance with policies DC1 and DC9 of the Local Plan 2018.

- 65) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any part of the development hereby permitted, without planning permission first being obtained.

Reason: To ensure that the visual impact of telecommunication equipment can be considered in accordance with policy DC1 of the Local Plan 2018.

- 66) No alterations shall be carried out to the external appearance of the development hereby approved, including the installation of air conditioning units, water tanks, ventilation fans or extraction equipment, not shown on the approved drawings.

Reason: To ensure a satisfactory external appearance and prevent harm to the street scene, and to safeguard the amenities of neighbouring residential occupiers, in accordance with policy DC1 and DC2 of the Local Plan 2018 and the 'Planning Guidance' Supplementary Planning Document 2018.

- 67) With the exception of the Class A4 use, the Class A uses hereby permitted shall operate only between 0700 hours and 2400 hours, on weekdays and on Saturdays and on 0700 hours to 2300 hours on Sundays and Bank Holidays.

Reason: To ensure that the amenities of surrounding occupiers are not unduly affected by noise and other disturbance, in accordance with policy CC11 of the Local Plan 2018.

- 68) The number of non-residential car parking spaces shall not exceed 5 car parking spaces.

Reason: To avoid creating unacceptable traffic congestion on the surrounding road network and to ensure there would be adequate parking for the development, in accordance with policies GG1, D5 and T6 of the London Plan (2021) and policies T1, T2, T3 and T4 of the Local Plan 2018.

- 69) Any outdoor seating areas in connection with the Class A3 floorspace hereby approved shall operate within the following hours only:

Monday to Saturday: 0700 to 2200 hours  
Sunday and Public Holidays 0700 to 2200 hours

The outdoor seating areas will be closed outside of these hours and any temporary seats/tables shall be removed and stored internally within the A3 unit(s).

Reason: To ensure that the development does not result in conditions prejudicial to the amenities of local residents by reason of noise and disturbance in accordance with policy CC11 of the Local Plan 2018.

- 70) Neither music nor loud voices emitted from the development shall be audible/measurable above the lowest background noise level at the nearest or most affected external residential noise sensitive facade and should be at least 10 dB below the quiet background inside any dwelling.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise, in accordance with policies CC11 and CC13 of the Local Plan 2018.

- 71) There shall be no construction above the first floor to any Development Plot until the following information has been submitted to the Local Planning Authority:

- i) the completion of a Base-Line Airwaves Interference Study (the Base-Line Study) to assess airwave reception within/ adjacent to the site.
- ii) the implementation of the Scheme of Mitigation Works for the purposes of ensuring no material impact during the construction of the development identified by the Base-Line Study.

Such Scheme of Mitigation Works shall be first submitted to and approved in writing by the Council.

Details for this condition have been approved for Phase 1D under 2017/02089/DET dated 26/09/2017.

Details of condition 71 regarding phases 2 and 3 have been discharged pursuant to ref: 2019/02506/DET (Phase 2) and 2020/01541/DET (Phase 3).

Reason: To ensure that the existing airwaves reception at the adjacent sites is not adversely affected by the proposed development, in accordance with policy D11 of the London Plan (2021).

72) There shall be no occupation of any Development Plot until the following information has been submitted to the Local Planning Authority:

i) the completion of a Post-Construction Airwaves Study (the Post-Construction Study) to minimise detrimental impacts to airwaves reception attributable to the development

ii) the implementation of a Scheme of Mitigation Works for the purpose of ensuring no material impact to the airwave reception attributable to the development identified by the Post-Construction Study, shall take place within 3 months of the submission of the Post Construction Study.

Such Scheme of Mitigation Works shall be first submitted to and approved in writing by the Council.

Details of condition 72 regarding phases 1D and 2 have been discharged pursuant to ref: 2019/00779/DET (Phase1) and 2020/02152/DET (Phase 2)

Reason: To ensure that the existing airwaves reception within/adjacent to the development site is not adversely affected by the proposed development, in accordance with policy D11 of the London Plan (2021).

73) An Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority, prior to the completion of each Development Phase. The EMP shall comprise a habitat management plan and monitoring report which shall set out objectives and prescriptions for the management of new areas of vegetation and public open spaces within the development, for a minimum period of 5 years, unless otherwise agreed in writing with the Local Planning Authority.

Details of condition 73 regarding phases 1D, 2 and 3 have been discharged pursuant to ref: 2018/02310/DET (Phase1), 2018/03821/DET (Phase 2) and 2021/02002/DET (Phase 3).

Reason. To ensure the biodiversity of the site is protected and enhanced where possible, in accordance with policy G6 of the London Plan (2021) policies OS1 OS2 and OS3 of the Local Plan 2018.

74) Notwithstanding the information in the landscape drawings hereby approved, an urban realm strategy which includes detailed drawings of the shared surfaces, methods of delineation of the vehicular and pedestrian areas and samples of materials shall be submitted to the local planning authority and approved in writing prior to the commencement of the relevant work within each Development Plot, or

relevant part thereof. The urban realm strategy for the relevant Development Plot shall demonstrate how the shared surfaces would adhere to the guidance set out in Department of Transport Note LTN1/11 "Shared Space" October 2011 (or any other relevant guidelines). Such details shall be implemented in accordance with the approved plans and permanently retained thereafter.

Details of condition 74 regarding phases 1 and 3 have been discharged pursuant to ref: 2018/03880/DET (Phase 1), and 2020/03001/DET (Phase 3).

Reason: To ensure that the proposal provides an inclusive and accessible environment in accordance with Policy GG1, D5 and D8 of the London Plan (2021), policy DC1, OS2 and OS3 of the Local Plan 2018 and the Council's 'Planning Guidance' Supplementary Planning Document (2018).

- 75) No development (except for the approved Enabling Works and demolition) shall commence within each Development Plot until full details of the internal roads and the vehicle/pedestrian access points, including details of any street level car parking arrangements, in respect of the relevant Development Plot have been submitted and shall be implemented in accordance and thereafter retained in accordance with the approved details.

Details for Phase 1D (Development Plots A1, A2 and A3) have been approved pursuant to 2016/03120/DET.

Details of condition 75 regarding phases 2 and 3 have been discharged pursuant to ref: 2018/02394/DET (Phase 2) and 2019/03865/DET (Phase 3).

Reason: To ensure there is sufficient circulation space for pedestrians, servicing and other vehicles and provide the surface level car parking to meet the needs of future site occupiers and users, in accordance with policies T6, T7 and D5 of the London Plan (2021), policies T4 and T6 of the Local Plan 2018 and the Council's Planning Guidance Supplementary Planning Document (2018).

- 76) Notwithstanding the glazing details specified in the approved plans for plots A1, A2 and A3 detailed specification of the external glazing including samples, where relevant alongside a technical report (prepared by a qualified Structural Blast Engineer (SBE)) detailing the required standard of blast resistant external and internal glazing as well as any non-glazed facades shall be submitted to the local authority prior to commencement of works on that relevant part that demonstrates that the glazing will be blast resistant, relevant to these plots. The SBE report will include the standard of floor slabs and supporting structures columns above and below proposed internal/undercroft parking areas, including loading areas, to help mitigate a progressive structural collapse. The details shall be implemented, as approved and shall be permanently retained thereafter.

Details for this condition have been approved under ref: 2017/04079/DET 15/01/2018 (Phase 1D) and 2018/03825/DET (Phase 2).

Reason: In order to ensure that the proposals deliver a high standard of design in accordance Policies D3 and D11 of the London Plan (2021), policies DC1 and



DC4 of the Local Plan 2018 and "Planning Guidance" Supplementary Planning Document (2018).

- 77) Details of a revised Road Safety Audit shall be submitted to the local planning authority for approval, prior to commencement of works on the bridge and/or vehicular access to the site (whatever the earlier). The Revised Road Safety Audit would need to consider the ornamental gap enclosure between the two bridges and the impacts this has on highway safety

Details for this condition have been approved under 2016/00977/DET.

Reason: In order to ensure the bridge does not compromise highway safety or the safety of pedestrians on the footway, in accordance with policy D5 of the London Plan (2016), policy T1 of the Local Plan 2018 and the Council's "Planning Guidance" Supplementary Planning Document (2018).

- 78) At the reserved matters stage, the northern non-principal elevations of Blocks B1 and D1 must be designed so that the number of habitable room windows is minimised. In addition, where habitable and non-principal windows are formed within these elevations, the details these shall be submitted to the local planning authority for approval in writing (under the reserved matters submissions) and development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed location of Blocks B1 and D1 does not prejudice the redevelopment of the land to the north and to enable an acceptable residential environment to be achieved for future residents in accordance with policies WCRA, DC1, H01, HO11 and CC11 of the Local Plan 2018 and Supplementary Planning Guidance (2018).

- 79) The following non-principal elevations of the outline components shall be designed in such a way as to minimise direct overlooking between the plot and the directly adjacent development (where the details are known).

South elevation of B1  
South elevation of D1  
North elevation of E1

Where the details of the opposing Development Plot are unknown, the plot (relevant to the submitted details) shall be designed to include a combination of bay windows, obscure glazing or oriel style windows to any habitable or non-habitable room. No balconies or winter gardens will be permitted on these elevations.

Reason: To prevent direct overlooking between windows within the non-principal elevations between development plots in order to ensure the proposed residential units will have good levels of privacy, in accordance with policies DC1, HO4, HO11 and CC11 of the Local Plan 2018.

- 80) Prior to the commencement of the relevant part of the development, a revised Air Quality Assessment of the impacts from the chosen energy plant must be submitted to and approved in writing by the Council. The air quality assessment must include a combined dispersion modelling exercise that takes into account the emissions from the proposed plant, transport and local concentrations of NO<sub>x</sub> and PM<sub>10</sub> in order to inform the mitigation strategy. The air quality assessment must show the impacts on concentrations of these pollutants at the different heights where receptors are located (including windows that can be opened, balconies, terraces and roof gardens). The assessment must address whether the development is air quality neutral according to GLA guidance and identify mitigation measures as appropriate.

Details of condition 80 regarding phases 1D, 2 and 3 have been discharged pursuant to ref: 2017/04825/DET (Phase 1D), 2019/01124/DET (Phase 2) and 2021/00968/DET (Phase 3).

Reason: to comply with the requirements of the NPPF (2021), Policies SI 1 of the London Plan (2021) and policy CC10 of the Local Plan (2018).

- 81) Prior to occupation evidence must be submitted and approved in writing by the Council, that show that the CHP units, abatement technologies and boilers installed comply with the Air Quality Assessment submitted as part of the planning application 2014/04726/OUT and the emissions standards set out within the agreed Low Emission Strategy, (CHP and boiler NO<sub>x</sub> emissions). The CHP plant shall meet a minimum Band 'B' emissions standard of 95g/Nm<sup>2</sup> (at 5% O<sub>2</sub>). The submitted evidence must comply with the Mayor of London SPG 'Sustainable design and Construction' April 2014 guidance and include the results of NO<sub>x</sub> emissions testing of the CHP unit by an accredited laboratory. Where any combustion plant does not meet the relevant standard it should not be operated without the fitting of suitable NO<sub>x</sub> abatement equipment or technology (evidence of installation shall be required).

Details of condition 81 regarding phases 1D and 2 have been discharged pursuant to ref: 2019/02098/DET (Phase 1D) and 2019/02225/DET (Phase 2).

Reason: to comply with the requirements of the NPPF (2021), Policy SI 1 of the London Plan (2021) and policy CC10 of the Local Plan (2018).

- 82) Condition complied with (bridge details)

- 83) Prior to the commencement of the works on Plots C1 and E1 (the towers), in addition to the samples of all external materials (required in condition 26), a supporting statement shall be submitted to the local planning authority for approval in writing setting out the detailed specifications of each material indicating performance, sustainability rating, impacts from weathering and exposure to pollution sources in order to demonstrate that the materials are of the highest quality. The development shall be carried out in accordance with such details as have been approved.

Reason: To ensure the external appearance and environmental performance of the tall building is of the highest quality and to prevent harm to the street scene and public realm, in accordance with policies SI 2, SI 7 and D9 of the London Plan (2021) and policies DC1, DC2 and DC3 of the Local Plan (2018).

- 84) Prior to first occupation of any part of the residential buildings, a car parking management plan for the relevant Development Plot(s) shall be submitted to and approved in writing by the Council detailing allocation of car parking spaces to residents, visitors and location of electric charging points (at least 20% of car parking spaces and 10% for non-residential car parking spaces). The development shall be carried out in accordance with the approved details.

Details of condition 84 regarding phases 2 and 3 have been discharged pursuant to ref: 2018/04070/DET (Phase 2) and 2021/02318/DET (Phase 3).

Reason: To ensure the appropriate distribution of specialist parking in the development and that all spaces can be readily accessed by vehicles, in accordance with policies T6 and D5 of the London Plan (2021) and policies T1 and T4 of the Local Plan (2018).

- 85) (i) In respect of Phase 1D, prior to commencement of the relevant works on that phase or relevant part thereof, an overheating assessment which demonstrates that all dwellings in that phase would pass Criterion 3 of Part L 2013 with no more than a 'slight' risk of overheating shall be submitted to the local planning authority and approved in writing. The assumptions used in the assessment in relation to openable windows and ventilation rates shall be clearly stated within the submission.
- (ii) In respect of Phases 2, 3A, 4A, 4B, 4C, 5A and 5B, prior to commencement of any phase or relevant part thereof, a dynamic overheating assessment which is in line with CIBSE Guides TM52 and TM49 shall be submitted to the local planning authority and approved in writing. The assumptions used in the assessment in relation to openable windows and ventilation rates shall be clearly stated within the submission.

All measures integrated shall be retained for the lifetime of the development.

Details of condition 85 regarding phases 1D, 2 and 3 have been discharged pursuant to ref: 2017/02091/DET (Phase 1D), 2019/00170/DET (Phase 2) and 2020/02319/DET(Phase 3).

Reason: In order to demonstrate that the dwellings are not at risk of overheating in accordance with policies SI 4 of the London Plan (2021), the Mayor's Supplementary Planning Guidance on Sustainable Design and Construction and policy CC3 of the Local Plan (2018).

- 86) Prior to the commencement of the relevant part of the development, details shall be submitted to and approved in writing by the Council of all Non-Road Mobile Machinery (NRMM) to be used on the development plot. All NRMM to be used on Phases 1C and 1D should meet as minimum the Stage IIIA emission criteria of Directive 97/68/EC and its subsequent amendments. All NRMM to be used on all subsequent phases of development should meet as minimum the Stage IIIB emission criteria of Directive 97/68/EC and its subsequent amendments. This will apply to both variable and constant speed engines for both NOx and PM. An inventory of all NRMM must be registered on the NRMM register <https://nrmm.london/user-nrmm/register>. All NRMM should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment.

Details of condition 86 regarding phases 2 and 3 have been discharged pursuant to ref: 2018/02745/DET (Phase 2) and 2019/03866/DET (Phase 3).

Reason: To comply with the requirements of the NPPF (2021), Policy SI 1 of the London Plan (2021) and policy CC10 of the Local Plan (2018).

- 87) No development (with the exception of the approved works relating to Phases 1A and 1B) shall commence until an Air Quality Dust Management Plan (AQDMP) is submitted to and approved in writing by the Council. The AQDMP must include a Air Quality Dust Risk Assessment (AQDRA) that considers residential receptors on-site and off-site of the development and is undertaken in compliance with the methodology contained within Chapter 4 of the Mayor's of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014 and the identified measures recommended for inclusion into the site specific AQDMP. The AQDMP submitted must comply with and follow the chapter order (4-7) and appendices (5,7,8,9) of the Majors SPG and should include an Inventory and Timetable of dust generating activities during demolition and construction; Dust and Emission control measures including on-road construction traffic e.g. use of Low Emission Vehicles; Non-Road Mobile Machinery (NRMM). Air quality monitoring of PM10 should be undertaken where appropriate and used to prevent levels exceeding predetermined Air Quality threshold trigger levels. Developers must ensure that on-site contractors follow best practicable means to minimise dust and emissions at all times.

Details of condition 87 regarding phases 2 and 3 have been discharged pursuant to ref: 2018/02745/DET (Phase 2) and 2019/03867/DET (Phase 3).

Reason: To comply with the requirements of the NPPF (2021), Policies SI 1 of the London Plan (2021) and Policy CC10 of the Local Plan (2018).

## **Justification for Approving the Application:**

- 1) The proposed changes would constitute a material change within the context of the extant planning permission scheme and they therefore meet the requirements to be processed under Section 73 of the Town and Country Planning Act 1990.

Principle of Development/Regeneration: The principle of a comprehensive residential led mixed-use redevelopment of the site including residential, retail, restaurant, café, office, community and leisure uses is considered to be acceptable and in accordance with national, strategic and local planning policies, which advocate making the most efficient use of brownfield land in sustainable locations. The proposals, as amended, are considered to make an important contribution towards meeting local and strategic housing needs and would also create a vibrant and creative place with a stimulating and high-quality environment where people will want to live, work, shop and spend their leisure time. The proposed development, as amended, would contribute to the regeneration of the area by providing significant areas of new public realm which serve the needs of the wider area as well as those in the development, improving linkages, movement through and connections within the area. The relatively small size and location of the proposed (increased) retail and leisure uses would not compromise the vitality or viability of surrounding centres. The proposed development, as amended would contain appropriate land uses that are compatible with the White City Opportunity Area which is well served and accessible by public transport. The proposed development is therefore considered acceptable, on balance, and in accordance with policies SD1, H1, and D3 of the London Plan (2021) and policies WCRA, WCRA1, DC1, DC2 and DC3 of the Local Plan (2018).

Housing: The proposed development (as revised by this application) is considered to make a significant contribution towards providing much needed additional housing in accordance with London Plan Policies H1 and would help the borough meet and exceed its housing targets in accordance with Table 4.1 of the London Plan. It is considered that the development would contribute towards the indicative housing targets set out in Policy HO1 of the Local Plan (2018) which promotes the development of new housing within the Strategic policies WCRA and WCRA1 for developments within the White City Regeneration Area which set an increased indicative housing target of 6,000 homes proposed across the plan period. The principle and density of residential development proposed is considered acceptable and would be in accordance with London Plan Policies H1 and D3 and Local Plan policies WCRA, WCRA1, HO1, HO3, HO4 and HO5. The proposed development would comprise an appropriate mix of dwelling sizes that would meet local and London-wide housing needs and is therefore considered to be in accordance with policy H10 of the London Plan (2021) and Local Plan policy HO5. In the context of these policies and having regard to the Viability Assessment, the individual circumstances of the site and the planning and regeneration benefits arising from the development, it is considered that the provision of affordable housing is acceptable, subject to a legal agreement which secures a significant contribution towards affordable housing within LBHF in lieu of a review mechanism, and would be in accordance with Policies H4, H5, H6 and H10 of the London Plan (2021), policies HO1, HO3, HO4, HO5, H11, WCRA and WCRA1 of the Local Plan (2018) and the Council's Planning Guidance Supplementary Planning Document.

**Design:** , The proposed development, as amended, provides an appropriate design response to the emerging context in the Regeneration Area and would have very limited adverse impacts on the surrounding built environment which includes the Wood Lane Conservation Area and Grade II listed Television Centre building and adjoining sites which are subject to redevelopment and regeneration. The scale and massing of the detailed components of the proposed development are considered on balance to meet the policy requirements in delivering buildings with good quality architecture which optimises the residential capacity of the site and provides a significant level of public open spaces around the building plots. The proposed outline component, as is set out in the amended parameters plans is considered acceptable. The proposed development is not considered to prejudice the development potential of the adjoining development sites, subject to conditions and detailed design (of the outline components). Specifically, the distribution of scale, massing and height of the taller elements (within the outline component including with the amendments) has been demonstrated to have minimal townscape, heritage and visual amenity impacts on the local and wider context. When considered alongside the significant planning benefits in terms of housing provision and public open space included as part of the development, the proposals are considered, on balance, to be in general accordance with local plan strategic policies WCRA and WCRA1. Although the proposed development will be visible and will have an impact on views from within LBHF and from RBKC it is considered that the impact is not one of significant harm to conservation areas or local townscape and the proposed development would have a neutral impact on the skyline of this part of White City. The proposed development is therefore considered acceptable in accordance with policies D1, D3, D4, D5, D8, D9 and G7 of the London Plan (2021), Local Plan policies WCRA, WCRA1, DC1, DC2, DC3 and DC8 and the Council's Planning Guidance Supplementary Planning Document

**Built Heritage:** It is considered that the proposed development, as amended, would cause less than substantial harm to the character or appearance of the conservation area and setting of the nearby listed buildings. The limited extent of harm that is caused would be outweighed by the significant townscape, urban design and regeneration benefits of the proposals. The proposed development, as amended, would be visible from within LBHF and from isolated instances in the Royal Borough of Kensington and Chelsea, but the amended impacts are not greater than the previously approved scheme. The impact of the proposal, as amended, on the historic significance, visual amenity, character and appearance of these areas, in particular Wood Lane Conservation Area and setting of the Grade II listed buildings in the area, is considered on balance acceptable. The proposed development, as amended, by way of varying conditions of the extant permission is therefore considered to be acceptable and would be in accordance with policies D3, D9 and HC1 of the London Plan (2021), Local Plan policies WCRA, WCRA1, DC1, DC2, DC3 and DC8 and the Council's Planning Guidance Supplementary Planning Document

**Residential Amenity:** It is considered that the proposed development, as amended, would not result in significant harm to the amenities of adjoining occupiers in terms of daylight/sunlight, over-shadowing, and privacy. It is considered that the proposals, as amended, have been designed so that they do not unduly prejudice the development potential of the adjoining sites which have the capacity to

contribute towards the comprehensive regeneration of the Opportunity Area, by virtue of the extent of the daylight, sunlight, overshadowing and privacy impacts. Potential impacts (both of the amended scheme and its cumulative effects) in terms of air quality, light pollution, solar glare, wind tunnelling, noise or TV/radio reception would be acceptable, subject to the various mitigation methods proposed which are secured by conditions and reserved matters. In this regard, the amended development would respect the principles of good neighbourliness. The proposed development is therefore considered to be acceptable and would be in accordance with policies D3, D4, D9, D14, S4 and SI 1 of the London Plan (2021), Local Plan policies HO11, DC1, DC2 and DC3 and the Council's Planning Guidance Supplementary Planning Document

Access: Subject to conditions, and continued consultation with local access groups, it is considered that the development, as amended, would provide a safe and secure environment for all users. The development is therefore considered to be acceptable in accordance with Policies H10, T3 and D5 of the London Plan (2021) policy HO6 of the Local Plan 2018 and the Council's "Planning Guidance" Supplementary Planning Document.

Quality of Residential Accommodation: Notwithstanding the instances whereby the residential accommodation within the detailed component falls short of standards set out in the planning guidance in terms of ensuring high quality residential units, the proposed amended outline components, could, on balance lead to providing an acceptable standard of accommodation for future occupiers of the residential accommodation (private and affordable) in respect of the living space, aspect and amenity, for a scheme which is located within a high density urban context that is envisaged to optimise development capacity. The assessment for the detailed element (where known) and outline elements (where forecasted) confirms that the majority of the proposed units would benefit from acceptable levels of daylight/sunlight, outlook and privacy. The development is therefore considered, on balance, to be acceptable in accordance with Policies D3 and D6 of the London Plan (2021), Policies HO4, HO11, DC1, DC2 and CC11 of the Local Plan (2018) and the Council's "Planning Guidance" Supplementary Planning Document.

Highways: It is considered that the overall traffic impact of the proposed development would be broadly similar to the extant scheme. As such, the traffic impact (from the amended proposals) would be acceptable and in accordance with Local Plan policy T1. The level of car, motorcycle and cycle parking is assessed as being acceptable in accordance with Local Plan policy T3 and the Council's "Planning Guidance" Supplementary Planning Document. The site is accessible and well served by public transport. The proposed development would enhance pedestrian and cycle linkages to the development sites to the north and south and to the Wood Lane from the proposed new bridges and decked area over the central line. Such improvements would be the benefit of the wider White City /Regeneration Area. It is considered that any impacts arising from the development would be mitigated by conditions and s106 provision to contribute towards sustainable transport infrastructure measures within the White City Regeneration Area and prevent significant increase in on-street parking pressures in surrounding roads. A car park management, servicing, road safety and travel planning initiatives would be implemented in and around the site to mitigate against potential adverse impacts. The proposed development is therefore considered acceptable in accordance with policies T1, T2, T3, T4, T5 and T6 and

Table 10.2 of the London Plan (2021), policies T1, T2, T3, T4 and T7 of the Local Plan and the Council's "Planning Guidance" Supplementary Planning Document.

**Sustainability:** The proposed development, as amended, can be designed to meet, and where possible exceed Level 4 of the former Code for Sustainable Homes and a BREEAM rating of Very Good or Excellent subject to detailed design. The proposed energy strategy includes provision for a decentralised energy centre within phase 1D, which incrementally becomes active as the development is constructed. The proposed energy centre would provide the heating and hot water requirements for the development through Gas fired CHP units. Each building (within the detailed and outline elements) will contribute towards further CO<sub>2</sub> reductions through their façade design and the incorporation of green and brown roofs to supplement the provision of gas fired CHP units as appropriate to their carbon reduction target and energy profile. This will result in a significant reduction of CO<sub>2</sub> emissions beyond the Building Regulations 2010 compliant level. Subject to conditions, and the carbon off-setting s106 financial contribution, the proposed development is therefore considered to be acceptable and would be in accordance with policies SI 1, SI 2, SI 3, SI 4, SI 5, SI 7, SI 8, SI 10, SI 12, SI 13 and G6 of the London Plan (2021), and would broadly comply with the intent of policies CC1, CC2, CC3, CC4, CC6, CC9 and CC10 of the Local Plan and the Council's Planning Guidance Supplementary Planning Document.

**Flood Risk:** The site is located in flood zone 1 (low risk). A Flood Risk Assessment (FRA) has been submitted which advises standard construction practices in order to ensure the risk of flooding at the site remains low. The development would therefore be acceptable and in accordance with Policies SI 12 and SI 13 of the London Plan (2021), policies CC2, CC3 and CC4 of the Local Plan and the Council's Planning Guidance Supplementary Planning Document.

**Environmental Impacts:** All Environmental Impacts have been assessed with regards to construction, demolition, proposed development and alternatives, Noise, Air Quality, Ecology, Transport, Socio-economics, Archaeology, Sunlight, Daylight, Overshadowing, Solar Glare, Water Resources and Flood, Waste, Ground Contamination, Microclimate, Electronic Interference, Townscape and Heritage, Cumulative and Residual Impacts, set out in the Environmental Statement and Addendums and the Environmental Impact Assessment (EIA) Statement of Conformity letters in accordance with the EIA Regulations 2011. The Environmental Statement which comprises the original ES (and appendices), the ES addendums and revised appendices, the Environmental Impact Assessment (EIA) Statement of Conformity letters together with the consultation responses received from statutory consultees and other stakeholders and parties, enable the Council to determine this application with knowledge of the likely significant environmental impacts of the proposed development.

**Legal Agreement:** The application to be amended by way of varying conditions 3, 4, 7 and 8 of the former planning permission, proposes that its impacts are mitigated by way of a comprehensive package of planning obligations to fund improvements that are necessary as a consequence of the increased use arising from the population yield from the development and additional new land uses (over and above the former scheme). The financial contributions (as amended proportionally due to the increase in residential quantum) will go towards affordable housing in LBHF, the enhanced provision of education, health,



employment, community facilities, accessibility and sustainable transport, highways (including pedestrian and cycle routes), carbon off-setting and the public realm. The proposed development would therefore mitigate external impacts and would accord with London Plan (2021) policy DF1, and Policies WCRA and WCRA1 of the Local Plan.

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## **LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS**

### **All Background Papers held by Andrew Marshall (Ext: 4841):**

Application form received: 3rd September 2021

Drawing Nos: see above

**Policy documents:** National Planning Policy Framework (NPPF) 2021  
The London Plan 2021  
LBHF - Local Plan 2018  
LBHF – Planning Guidance Supplementary Planning Document  
2018

### **Consultation Comments:**

<b>Comments from:</b>	<b>Dated:</b>
Building Control Alert E-mail	21.09.21
Civil Aviation Authority - Safety Regulation Group	28.09.21
Historic England London Region	23.09.21
Royal Borough Of Kensington And Chelsea	24.09.21
Sport England	21.09.21
Network Rail	04.11.21
Crime Prevention Design Advisor - Hammersmith	10.10.21

### **Neighbour Comments:**

<b>Letters from:</b>	<b>Dated:</b>
No Address Given	09.02.22

## **1.1 Background**

1.2 The planning report relates to an application to vary planning permission 2017/04377/VAR relating to of the comprehensive redevelopment of the M&S Warehouse site in White City (now referred to as White City Living). The application has been made to vary conditions 3, 4, 7 and 8 of the extant planning permission (dated 03/07/2018). The extant planning permission varied conditions 1 – 8 of 2016/03907/VAR (dated 31.05.2017, which in turn varied conditions 3, 4 and 7 the original planning permission 2014/04726/OUT (dated 16.12.2015).

1.3 The amendments sought by the current application relate to Phases 4 and 5 of the consented scheme and seek to deliver an additional 185 residential units. This would allow for a maximum of 2,030 residential units to be delivered across the site. The proposals involve amendments to the approved Parameters Plans and Development Specification and Parameters Report, in order to allow increases in height to Buildings 7 and 10 within Phases 4 and 5. Amendments are also proposed to the Design Code. The application is made under Section 73 of the Town and Country Planning Act 1990 (as amended) which facilitates the approval of material amendments to the permitted development scheme.

## **2.0 Site Description & Site Surroundings**

2.1 The application site was previously occupied by a 21,807 square metre warehouse that Marks and Spencer plc (M&S) used as a mock layout store with associated car parking and service yard. The site was purchased by the St James Group in 2014. The former warehouse has been demolished and Phases 1 (411 homes) and 2 (427 affordable homes) are in the final stages of construction. Construction of Phase 3 (526 homes) commenced in late 2019. The site comprises approximately 4.28 hectares.

2.2 The site is accessed off the A219 Wood Lane via a site access road in the south-west corner which bridges over the Central Line track. This is currently the only access to the site. The applicant is in possession of a long term lease allowing access over the bridge providing access from the A219 across the Central Line cutting. A pedestrian access through the railway arches from the south of the site to Westfield has now been opened.

### Planning Designations

2.3 The London Plan (2021) designates the site within the White City Opportunity Area; which is expected to deliver a substantial number of new homes and jobs through comprehensive regeneration. The White City Opportunity Area Planning Framework (WCOAPF, October 2013) identifies the site within the White City East Area and within a proposed housing area as part of mixed use schemes.

2.4 The Local Plan (2018) identifies the site as being located within the Wood Lane Conservation Area; which was designated by LBHF in 1991 to principally protect the Grade II Listed BBC Television Centre which is located 100m west of the site. It is also designated the Local Plan as being within a regeneration area and the White City Opportunity Area/White City Regeneration Area, and within Strategic Site WCRA1 'White City East'. The site is affected by Aerodrome safeguarding of Heathrow 150m and Northolt 91.4m and is also located in close proximity to listed buildings most notably the BBC Television Centre and the Dimco Building off Ariel Way (on the Westfield site). The site is located within Flood Risk Zone 1 and is also located within an Air Quality Management Area (as is the whole Borough). The site does not contain any listed buildings or any nationally designated heritage assets such as scheduled monuments or registered parks and gardens and is not within an Archaeological Priority Area nor is it affected by any strategic views.

## Site Surroundings

2.5 The surrounding area currently comprises predominantly of commercial, residential and retail uses. Immediately to the north of the site is the former Dairy Crest site. Outline consent (ref. 2018/00267/OUT) was granted in April 2021 for an application submitted by Imperial College London for the re-development of the site. The scheme comprises predominantly of educational use buildings, as well as 373 residential units and a new hotel.

2.6 The site to the west previously comprised the 5-6 storey Centre House buildings, which have now been demolished to enable the redevelopment of the site. Planning permission was granted in 2020 (2018/03058/FUL) for a residential-led redevelopment of the site to provide 527 residential units, with buildings up to 32 storeys in height. Access to this site from Wood Lane is shared with White City Living.

2.7 Further west is the former BBC Television Centre and beyond lies Hammersmith Park. BBC Television Centre has been undergoing redevelopment following consent for a hybrid application (ref. 2014/02531/COMB) for a mixed-use development comprising up to 1,035 units.

2.8 Approximately 300m to the south of the Site is Westfield Shopping Centre. The site has planning permission for a retail/leisure extension and residential dwelling on land to the north of the existing shopping centre (ref. 2013/05115/OUT). In April 2021 a new outline planning application was submitted for a mixed-use scheme at the Westfield site (ref. 2021/01101/OUT). This involves the erection of new buildings ranging from 30m-172m AOD above podium plus basement level, and the provision of up to 1760 (Class C3) residential units

2.9 The Westway Travellers' Site is located approximately 250m to the northeast underneath the A3320 flyover. To the east is the West London Line Railway, the railway embankment is designated as a Green Corridor and area of Nature Conservation and the A3320 lies beyond this. The A3320 is a major multi-lane highway and is set at an elevated level for much of its length, therefore acting as a major physical barrier between the areas either side of it. The area immediately to the east of the West Cross Route is largely occupied by commercial buildings and lies within the Royal Borough of Kensington and Chelsea.

2.10 The site is highly accessible, which is reflected in its Public Transport Accessibility Level (PTAL) of 6b. White City Bus Station with numerous bus services is located to the south of the Site and White City and Wood Lane London Underground Stations are a short walk to the north and south of the site respectively, providing access to the central, circle and Hammersmith and City Lines. Shepherd's Bush Station is also located approximately 800m to the south of the Site and provides links to destinations such as Milton Keynes Central and Willesden Junction to the north and Clapham Junction and Croydon South to the south and Stratford to the east. A Santander Cycle Hire Docking Station is located approximately 200m to the south of the site. The site is also in close proximity to a wide range of amenities including Westfield Shopping Centre and Shepherds Bush to the south. A number of schools and places of worship are within the vicinity of the site and Hammersmith Hospital is situated approximately 900m to the north-west of the Site across the A40.

### 3.0 Planning History

3.1 Planning history records indicate that the former warehouse (Units 1-7) was erected in the early 1980s, although there are several planning permissions issued between 1978 and 1986 for various extensions and alterations to the building and site. The authorised use class appeared to be Class B8 (storage and distribution) which was permitted in the original planning permission dated 19/10/1977 (Ref: RN/H/401/77) for the whole building. Marks and Spencer is listed as the applicant in all applications in this period.

3.2 The original planning application (Ref: 2014/04726/OUT) for the comprehensive redevelopment of the site was granted permission on 16th December 2015 with the following description:

Planning application (part detailed/part outline) for the demolition of all existing buildings and structures and the redevelopment of the site for residential and mixed uses comprising the erection of new buildings ranging from 11 to 30 storeys to provide up to 1,465 residential units (Class C3) and use classes (A1-A5, B1, D1 & D2), the provision of a new publicly accessible open space, new pedestrian and vehicle routes, accesses and amenity areas, basement level car park with integral servicing areas and other associated works: Detailed planning application for up to 37,935 sqm. (GEA) new residential floorspace with ancillary residential facilities (C3) (excluding basement floorspace); up to 1,995 sqm. (GEA) flexible commercial floorspace (A1-A5), community (D1) and leisure (D2) (excluding basement floorspace); provision of a new basement level; provision of a new bridge over the central line cutting; means of access; and associated amenity space, landscaping, car parking and cycle parking, energy centre, and other associated infrastructure works.

Outline planning application (with all matters reserved) for up to 112,295 sqm. (GEA) residential floorspace and ancillary residential facilities (C3) (excluding basement area), flexible commercial (A1-A5), office (B1) use, community (D1) and leisure (D2) floorspace; provision of a new basement level; new and altered pedestrian and vehicular access including decked area over the central line cutting at the south west corner of the site; and associated amenity space, open space, landscaping, car parking and motorcycle parking, and other associated infrastructure works. APPROVED 16/12/2015

This permission was varied in 2017 (ref: 2016/03907/VAR - the First Variation Application) dated May 2017 and varied again in 2018 (ref: 2017/04377/VAR - the Second Variation Application) dated 25th June 2018. The Second Variation Application comprises the extant permission and is the relevant permission subject to amendment in this application. The description of the development of the second variation application is as follows:

Variation to conditions 1-8 of planning permission 2016/03907/VAR (for the comprehensive phased redevelopment of the site for a residential-led mixed-use development) granted 23/05/2017 in order to permit minor material amendments to the outline form of development. Amendments comprise modifications to the approved Parameters Plans and Development Specification and Parameters Report that cover design alterations to Development Plots B1 (varying the horizontal parameters (to -0.92m to +27.98m) to permit an extended southern building line), Development Plots D1 and E1 (varying parameters to extend the maximum heights by an additional +2.31m and 8.86m), Development Plots D2, D3 and E2 (varying parameters to extend maximum heights by an additional +4.79m) and incorporating a new additional Development Plot E3 (to comprise residential use within a new building up to 74.45m in height). The specified

amendments would facilitate the optimisation of residential units to increase the overall maximum unit numbers from 1,477 to 1,814 units including the provision of an additional 118 affordable units (35% of the additional units).

3.3 The planning permission will be implemented in phases, although the approved development comprises a series of Development Plots and Public Spaces, which shall be referred to as the following for the purposes of this report:

- Buildings 1, 2 and 3 (Detailed Component)
- Building 4 (Affordable Housing Block)
- Building 10 (Central Gardens North Tower)
- Building 7, 8 and 9 (Counters Quay Pavilion Buildings)
- Building 5 (Central Gardens North East Block)
- Building 6 (Central Gardens South East Block)
- Bridge (New Vehicular Bridge over central line)
- Pedestrian Deck (New decked structure over central line)
- Exhibition Gardens (east-west green space)
- Kiralfy Square (central square)
- Central Gardens (central north-south open space)
- Counters Quay (eastern waterside area)

3.4 The development is in the process of being implemented and is subject to a phasing plan (approved through discharge of Condition 5 of 2014/04726/OUT on 12 August 2016) which is set out below:

Phase 1A - bridge (Completed)

Phase 1B - pedestrian deck (Completed)

Phase 1C - Exhibition Green (Partially completed)

Phase 1D - construction of Buildings 1, 2 and 3, associated basement, access roads and communal open space/landscaping (Under final stages of construction)

Phase 1E - southern part of the Central Gardens

Phase 1F - Kiralfy Square

Phase 2 - construction of Building 4; associated basement, access roads and communal open space/landscaping (Under Construction)

Phase 3A- construction of superstructure of Building 5; part of Counters Quay; associated basement, access roads and communal open space/landscaping (Under Construction)

Phase 3B - construction of superstructure of Building 6; part of Counters Quay; associated basement, access roads and communal open space/landscaping

Phase 3C - construction of superstructure of Building 11; part of Counters Quay; associated basement, access roads and communal open space/landscaping

Phase 4A - construction of superstructure of Building 7; part of Counters Quay; associated basement, access roads and communal open space/landscaping

Phase 4B - construction of superstructure of Building 9; part of Counters Quay; associated basement, access roads and communal open space/landscaping

Phase 4C - construction of superstructure of Building 8; part of Counters Quay; associated basement, access roads and communal open space/landscaping

Phase 5A - construction of superstructure of Building 10; associated basement, access roads and communal open space/landscaping

Phase 5B - northern part of Central Garden

## Reserved Matters

3.5 A Reserved Matters Application for Phase 2 was granted in October 2018 (ref: 2017/04567/RES), for all reserved matters including access, appearance, landscaping, layout and scale in respect of Development Plot B1 (erection of 13-27 storey building with basement level providing 427 affordable homes (including 60 x Extra Care Units) and 952 sqm (GEA) commercial floorspace with associated external amenity space, public realm, car and cycle parking and other works).

3.6 A Reserved Matters Application for Phase 3 was granted in November 2019 (2019/01300/RES) for all reserved matters including access, appearance, landscaping, layout and scale in respect of Development Plots E1, E2 and E3 (erection of 17 to 35 storey buildings with basement level providing 518 residential units and commercial floorspace with associated external amenity space, public realm, car and cycle parking and other works).

## Planning Conditions

3.7 Following the determination of the applications listed above, a number of details applications have been submitted and discharged. None of these are of relevance to this application.

## Non-material Amendments

3.8 The applicant has sought approval for twenty non-material amendment applications. All applications have been granted. The majority of the approved non-material amendment applications are not relevant to the current s73 application and related to changes to Phases 1 – 3 of the development. Those that are relevant are listed below:

- Ref: 2016/02063/NMAT: Non-Material Amendment to Planning Permission 2014/04726/OUT granted 16th December 2015, amendments to the wording of conditions 36, 37, 39, 74 and 85 to require details to be submitted and approved, prior to commencement of the relevant works (within a development plot). Approved 01/08/2016;
- Ref: 2016/03806/NMAT: Non-Material Amendment to Planning Permission 2014/04726/OUT granted 16th December 2015, to amend the wording of condition 42 to read "prior to the completion of the basement slab within each development plot..." Approved 20/10/2016;
- Ref: 2017/02913/NMAT: Non-material amendment to planning permission ref. 2016/03907/VAR dated 23rd May 2017, for the reconfiguration of the basement level. Approved 16/10/2017
- Ref: 2018/00399/NMAT: Non-Amendment to outline planning permission (ref: 2016/03907/VAR) dated 23 May 2017; seeking amendment to description of development to omit the floorspace maximum and maximum residential quantum of the outline component. Approved 02/03/2018
- Ref: 2019/00722/NMAT: Non Material Amendment to Planning Permission (Ref: 2017/04377/VAR dated 25/06/2018) seeking to amend the approved horizontal and vertical parameter plans to allow amendments to the proposed form and height of

Building E1, clarification to the ground floor land uses parameter plan (to indicate flexible ground floor uses in Building E2), and position and siting of buildings D2, D3, E2, E3; amendments to the Mandatory Design Code; and Phasing Plan; including variation of condition 4 (design codes and parameter plans) and condition 5 (phasing plan) under s96A (3) of the Town and Country Planning Act (1990) as amended. Approved 01/08/2019.

- Ref: 2019/03585/NMAT: Non-material amendment to approved Reserved Matters Application (Ref: 2019/01300/RES granted November 2019) The specified amendments to Phase 3 allow an increase from 518 to 526 residential units and minor external alterations, and require the substitution of the approved plans with new plans and elevations as stipulated in Condition 1 of the permission (Ref: 2019/01300/RES). Approved 14/02/2020
- Ref: 2021/02215/NMAT: Non-Material Amendment to Planning Permission Ref. 2017/04377/VAR dated 25 June 2018; to vary the description of development as set out in the consented Decision Notice to omit references to building heights and quantum of residential units and to update the approved land uses in line with the current Use Class Order.

Proposed description of development to read:

Demolition of all existing buildings and structures and redevelopment of the site for residential and mixed uses comprising the erection of new buildings ranging from 11-35 storeys to provide residential units (Class C3) and use classes E, F1, F2 and sui generis (drinking establishment and takeaway), the provision of a new publicly accessible open space, new pedestrian and vehicle routes, accesses and amenity areas, basement level car park with integral servicing areas and other associated works:

(a) Detailed planning application for up to 38,968sqm. (GEA) new residential floorspace with ancillary residential facilities (C3) (excluding basement floorspace); up to 1,995sqm. (GEA) flexible commercial floorspace Classes E, F1, F2 and sui generis (drinking establishment and takeaway) (excluding basement floorspace); provision of a new basement level; provision of a new bridge over the central line cutting; means of access; & associated amenity space, landscaping, car parking and cycle parking, energy centre, and other associated infrastructure works.

(b) Outline planning application (with all matters reserved) for new residential floorspace and ancillary residential facilities (C3) (excluding basement area) flexible commercial floorspace Classes E, F1, F2 and sui generis (drinking establishment and takeaway), provision of a new basement level; new and altered pedestrian and vehicular access including decked area over the central line cutting at the south west corner of the site and associated amenity space, open space, landscaping, car parking and motorcycle parking and other associated works. Approved 03/09/2021

- Ref: 2021/03508/NMAT: Non-material amendment to planning permission (ref: 2018/02377/RES) granted 18 October 2018 to amend Condition 3, to require the developer to notify the Council prior to the practical completion of any dwelling to allow for Part M4(3)(b) nominated dwellings to be designed and built to the required standard. Approved December 2021

## Current Applications on adjoining Sites

### Westfield Shopping Centre

3.9 2021/01101/OUT - Outline planning application (All Matters Reserved) for mixed use scheme, erection of new buildings ranging from 30m-172m AOD above podium plus basement level. Provision of up to 1760 or 155,033 sqm (Gross Internal Area) (Class C3) residential units with associated private and communal garden areas and amenity spaces, provision of up to 2,510 sqm (Class E / F.2) (Gross Internal Area), provision of basement level car park and associated development including new and enhanced public realm across the site with new open spaces, vehicular access and servicing facilities. Pending.

### **4.0 Description of Development**

4.1 This application seeks the variation of conditions 3, 4, 7 and 8 of the extant permission, ref. 2017/04377/VAR for the comprehensive phased redevelopment of the site for a residential-led mixed-use development granted June 2018 to allow for amendments to the outline form of development. The proposal would comprise amendments to vertical and horizontal parameter plans of Phases 4 and 5 (Condition 3), amendments to Design Codes (Condition 4) increase in unit numbers (Condition 7) and in the maximum floorspace (Condition 8). Amendments are proposed to the approved Parameters Plans and Development Specification and Parameters Report that cover design alterations to Building 7 (varying the vertical parameters by +16.3m, +25.8m, +15.1m, +9.6m and +6.6m and amendments to the intermediate tower parameter lines) and Building 10 (varying the vertical parameters by +31.06m and the horizontal parameters by +9m (south), +1.3, (east) and +1.5m (west)).

4.2 The specified amendments would facilitate the optimisation of residential units to increase the overall maximum unit numbers from 1,845 (as amended by S96A ref: 2021/02215/NMAT) to 2,030 units including the provision of an additional 65 affordable units (35% of the 185 additional units). The additional affordable units would be accommodated within Building 7. The amendments would further facilitate an increase in the maximum non-residential floorspace in Building 7 of 100sqm.

### Section 73 Application Procedure

4.3 This application is seeking an amended planning permission using a section 73 application for the variation of conditions 3, 4, 7 and 8 pursuant to the approved extant permission 2017/04377/VAR. The applicant can apply for an amendment to the extant scheme permission, under S73 of the Town and Country Planning Act (As Amended). Section 73 of the Act can be used, amongst other things, to approve amendments to an existing planning permission by amending a condition (or conditions) upon which the permission was granted. In law, a section 73 application results in the grant of a new planning permission affecting the same site that is subject to the relevant amended conditions.

4.4 This minor material amendment procedure was confirmed by the Government as appropriate in 2009 when it streamlined the procedure for section 73 applications and issued accompanying guidance on how best to achieve flexibility with planning permissions by allowing minor material amendments to planning permissions without the need for the submission of entirely new planning applications. The overriding purpose of



the streamlined procedure and guidance was to avoid the burden that would fall on both planning authorities and developers if a fresh planning application had to be submitted every time that a development is materially amended.

4.5 The guidance is now contained in the Department for Levelling Up, Housing and Communities' National Planning Practice Guidance. Amongst other things the guidance states that a minor material amendment is likely to include any amendment whose scale and/or nature results in a development which is not substantially different from the one which has been approved. Relevant and recent case law on this matter indicates that the section 73 route can be applied to determine amendments which do not result in a "fundamental" change to an approved development.

4.6 The proposals do not seek to amend the description of development, which cannot be secured by way of an application under s73. The description of development was recently amended by way of a s96a application and now reads as follows:

*The demolition of all existing buildings and structures and redevelopment of the site for residential and mixed uses comprising the erection of new buildings ranging from 11-35 storeys to provide residential units (Class C3) and use classes E, F1, F2 and sui generis (drinking establishment and takeaway), the provision of a new publicly accessible open space, new pedestrian and vehicle routes, accesses and amenity areas, basement level car park with integral servicing areas and other associated works:*

*(a) Detailed planning application for up to 38,968sqm. (GEA) new residential floorspace with ancillary residential facilities (C3) (excluding basement floorspace); up to 1,995sqm. (GEA) flexible commercial floorspace Classes E, F1, F2 and sui generis (drinking establishment and takeaway) (excluding basement floorspace); provision of a new basement level; provision of a new bridge over the central line cutting; means of access; & associated amenity space, landscaping, car parking and cycle parking, energy centre, and other associated infrastructure works.*

*(b) Outline planning application (with all matters reserved) for new residential floorspace and ancillary residential facilities (C3) (excluding basement area) flexible commercial floorspace Classes E, F1, F2 and sui generis (drinking establishment and takeaway), provision of a new basement level; new and altered pedestrian and vehicular access including decked area over the central line cutting at the south west corner of the site and associated amenity space, open space, landscaping, car parking and motorcycle parking and other associated works.*

4.7 Officers are satisfied that the proposed amendments to the development (as per the variations to the residential and non-residential maximum and parameter plan levels of deviation amended by the conditions) do not amount to a fundamental alteration from the original scheme when considered as a whole, particularly given the scale of the development.

4.8 In accordance with the S73 procedure, the variation of conditions 3, 4, 7 and 8 pursuant to the extant planning permission would necessitate the need to issue a new planning permission. The new planning permission would take the same hybrid form as the extant scheme, although it would have a new reference number.

## Planning Conditions to be amended by way of the Section 73 application:

4.9 Condition 3 relates to the approved drawing numbers. Whilst no amendments are proposed to the detailed component (Phase 1) of the development, this application also seeks to vary condition 3. This is to include the updated parameter plans.

4.10 Condition 4 states that any forthcoming reserved matters application must be in accordance with the Development Specification and Parameters Report (October 2017) and the Mandatory Design Codes. An amended version of the Development Specification and Parameters Report (September 2021) and the Design Codes (September 2021) accompany this application. The amended document increases the scheme's overall maximum unit numbers from 2,030 units and the overall maximum floorspace from 190,483sqm (GEA) to 214,245 sqm (GEA) (excluding the basement). It is proposed to vary Condition 4 so that it relates to the updated Development Specification and Parameters Report dated September 2021. The revised development specification includes a proposed amendment to the northern extent of Building 7 to introduce an undercroft.

4.11 Condition 7 sets out that the permitted scheme's total number of residential units shall not exceed 1,814 units. The total number of units permitted at the site has subsequently been increased to 1,845 as a consequence of non-material amendment applications (s96A). It is proposed to vary this condition so that it reflects the optimised overall maximum unit number of 2,030 units.

4.12 Condition 8 sets out the overall gross maximum floorspace within the development for the Use Classes proposed. It is proposed to vary this condition so that it reflects the additional floorspace resulting from the amended design of buildings within Phases 4 and 5.

## Details of the Proposed Amendments

4.13 The primary proposed amendments to the permitted scheme comprise:

### **Building 7 (Phase 4)**

- Alterations to the intermediate parameters that constrain the position of the individual blocks;
- Amendments to the maximum heights of each block comprising of:
  - Building 7.1: Increased by 16.3m from 56.65mAOD to 72.95mAOD (increase of 5 storeys)
  - Building 7.2: Increased by 25.8m from 79.55mAOD to 105.33mAOD (increase of 7 storeys)
  - Building 7.3: Increased by 15.1m from 63.95mAOD to 79.05mAOD (increase of 5 storeys)
  - Building 7.4: Increased by 9.6m from 89.75mAOD to 99.33mAOD (increase of 2 storeys)
  - Building 7.5: Increased by 6.6m from 63.05mAOD to 69.65mAOD (increase of 2 storeys)
- Provision of 65 additional affordable homes
- Creation of an undercroft to the northern extent of the building

## **Building 10**

- East and west horizontal limits increased by 1.3m and 1.5m.
- Southern horizontal limit increased by 9m.
- Maximum height increased by 31.06m from 85.64m AOD to 116.70m AOD.
- Amendment to the shape of the parameter footprint from rectangular to curved profile

4.14 The amendments would increase the maximum quantum of residential units by 185 from 1,845 to 2,030. Of these units, 65 would be affordable with the remaining 120 offered as market units.

### Revised Development Specification and Parameters Report

4.15 The proposed amendments relate to the outline component of the original planning permission. The Amended Development Specification and Parameters document (dated September 2021) submitted with this Application provides further detail and sets out a description and explanation of the constituent parts of the development for which permission is sought, including the parameters that will apply to and inform subsequent applications for reserved matters and other approvals required under the planning permission. This document has been updated to reflect the proposed amendments to the application scheme. It is relevant to note that the proposed amendments do not alter the detailed component of the development, where construction is largely completed.

### Format of the Section 73 Application:

4.16 The following documentation has been provided in support of the current application to vary the extant planning permission:

- Completed S73 planning application forms
- CIL Form
- Planning Statement (prepared by Boyer, dated September 2021)
- Environmental Impact Assessment Addendum (prepared by Buro Happold, dated September 2021)
- Amended Development Specification and Parameters Report Document (prepared by Boyer dated September 2021)
- Summary of Community Engagement (prepared by Iceni, dated September 2021)
- S73 Overheating Statement (prepared by Hodkinson, dated August 2021)
- Transport Assessment Addendum (prepared by Buro Happold, dated September 2021)
- Energy Statement (prepared by Hodkinson, dated October 2021)
- Section 73 Sustainability Statement (prepared by Hodkinson, dated August 2021)
- Design Code – Outline Component (prepared by Patel Taylor Architects, dated September 2021)
- Design and Access Statement (prepared by Patel Taylor Architects, dated September 2021)
- Financial Viability Assessment
- Revised Fire Statement (Demonstrating Compliance with London Plan Policies D5 and D12 by Elementa
- Qualitative Design Review (in connection with Fire Safety Engineering Requirements) by Elementa

## 5.0 Consultations

5.1 The application has been advertised as an EIA Major Development, which is within a conservation area and may affect its character or appearance. The application has been advertised by way of a Site Notice (29/09/2021) and a Press Notice (29/09/2021) with an expiry date for comments of 20/10/2021.

5.2 Consultation letters were sent to adjoining occupiers in surrounding properties. One representation was received in response, raising general concerns about the design of the wider White City Living scheme. A full assessment of the design of the elements to be amended by this application is provided in this report.

### External Consultation:

The following external consultations were undertaken:

**Greater London Authority** – Strongly support the principal of the optimisation of the consented masterplan and no objections raised in relation to urban design or transport (subject to conditions). Additional information requested in relation to the affordable housing discount levels, to confirm that the scheme can follow the ‘fast track’ viability route. Additional information and clarification also sought in relation to the proposed energy strategy, whole life carbon, circular economy and urban greening before compliance with the London Plan can be confirmed. GLA note that as long as a detailed Fire Safety Strategy is robustly secured which satisfies the London Plan requirements we are satisfied.

**Transport for London** – No objection subject to obligations (pro-rata uplifts to those already secured by previous consents) and re-implication of conditions attached previously

**Network Rail** – No comments

**Royal Borough of Kensington and Chelsea** - No response

**London Underground** - No response

**Historic England (GLAAS)** – Response received, no comments.

**Environment Agency** - No response

**London Fire and Emergency Planning Authority** – No response

**Metropolitan Police** – No comments

**Sports England** – Response received, no comments to make as the proposal falls outside Sports England’s statutory and non-statutory remit

**Health and Safety Executive [Gateway One]** - No objection. HSE has no comment on the application but note that the Fire Strategy states that the Statement is for a s73 application to an outline masterplan consent and will be updated at Reserve Matters Stage.

HSE advises that should the Local Planning Authority be minded to grant the s73 application to vary the conditions on the outline permission, we strongly recommend the following:

- the outline planning permission is subject to a suitable condition requiring the submission of a satisfactory fire statement with any reserved matters application, and
- that HSE is consulted in conjunction with the Local Planning Authority's consideration of any reserved matters application

**Natural England** – No response

**Thames Water** - No response

**Civil Aviation Authority** – No objection

**London Heliport** – No response

**Fulham Society** – No response

**The Hammersmith Society** – No response

**White City Neighbourhood Forum** – No response

**Action Trust For The Blind** – No response

**Internal Consultation**

5.3 The following internal consultation was undertaken:

**Urban Design and Conservation** - Raises no objections and provides comments which are summarised in the report.

**Air Quality** – Requested additional conditions, beyond those secured in the previous outline consent. See the air quality section of this report for discussion.

**Environmental Policy** – No objections subject to securing a carbon offsetting contribution

**Highways** – No objection subject to securing an updated delivery and servicing plan, construction logistics plan by way of condition along with details of car parking and cycle storage provision

**Public Protection & Safety** – No objection subject to the reinstatement of conditions attached to the extant consent

**Contamination** – No objection subject to conditions

**Planning Policy** – No response

**Building Control** – No response

**Economic Development** – No objection, noted that economic development contributions/obligations should be sought including those related to local labour, apprenticeships, work placements and local business supply chain

**Adult Social Care** – No objections. Support changes to the extra care housing provisions.

**Housing (Development Programme Manager)** – No objections. Support provision of additional affordable housing. Concern raised about affordable rent units being unaffordable so recommend that the AHUs have a lower cap to ensure they are more affordable. *(Case Officer Note: The cap of the AHUs is reduced to London Living Rent Levels to be secured in the s106)*

**Children's Services** – No response

**Emergency Planning** – No response

**Licencing** – No response

**Street Lighting** – No response

## **6.0 Environmental Impact Assessment**

6.1 The original scheme was subject to an EIA due to the scale of the proposals and the potential for significant environmental effects to occur. The Environmental Impact Assessment (EIA) comprised an Environmental Statement (ES) which was submitted with the planning application (the 2014 ES). The amendments made in 2015 (subject to the original but revised development scheme) were further supported by additional environmental information in the form of an ES Addendum (the 2015 ES Addendum).

6.2 Further amendments were made to the consented scheme, through a planning application to vary the proposals for Phase 1 in 2016. An ES Statement of Conformity (the 2016 ES Statement of Conformity) was prepared and submitted with the planning application (2016/03907/VAR) prior to a permission being granted. It concluded that the amendments to the proposed development would not lead to any previously unidentified significant environmental effects and that the conclusions of the 2014 ES and 2015 ES Addendum remained valid.

6.3 An application was approved in July 2018 which (2017/04377/VAR) varied conditions 1-8 of the planning permission for 2016/03907/VAR, and sought amendments to the approved parameter plans, development specifications, and parameter reports to allow for alterations to horizontal and vertical parameters (in turn, revising the maximum allowable residential units and floorspace on site). An ES Addendum (the 2017 ES Addendum) was prepared in support of this application which concluded that all environmental effects (and their significance) for the proposed development reported within the 2014 ES, and as updated by the 2015 ES Addendum, remained unchanged with the exception of a number of effects which saw minor increases and decreases in effect significances. No new significant effects were predicted except for the interactive effect of air quality and noise on Wood Lane Residents and Imperial College Block C, which would be temporarily significant in its own right due to traffic noise.

6.4 Since the 2017 ES Addendum was completed, there have been changes to the cumulative developments in the surrounding area in addition to further non-material amendment applications (at White City Living). Specified Non-Material Amendment applications included ES Statements of Conformity and Addenda which identified that there were no changes to the conclusions in the previous ES and Addenda.

6.5 Further amendments are now proposed to the masterplan consented development. The current Section 73 Planning Application seeks amendments to the outline component of the planning permission to vary the approved parameters and overall provision of housing within the development site. The amendments have been assessed and this 2021 ES Addendum has been prepared, which supplements, updates and must be read in conjunction with the following ES documents;

- Existing 2014 ES - included as part of original submitted hybrid application Ref: 2014/04276/OUT;
- 2015 ES Addendum – included as part of revised hybrid application Ref: 2014/04276/OUT;
- 2016 ES Statement of Conformity – included as part of s73 application ref: 2016/03907/VAR
- 2017 ES Addendum – included as part of s73 application ref: 2017/04377/VAR;
- 2018 ES Statement of Conformity – included as part of s96 application ref: 2018/02116/NMAT;
- 2019 ES Addendum, included as part of s96 application ref: 2019/00722/NMAT; and;
- 2019 ES Statement of Conformity – included as part of s96 application ref: 2019/02965/NMAT.

6.6 There are also some new proposed developments that require consideration within the context of the ES. The proposed developments which are considered to have the potential for in-combination effects with the proposed development, due to their proximity, nature or scale. The new developments are set out in the 2021 ES Addendum (as new cumulative schemes) and have been agreed with officers as part of the EIA Scoping process.

6.7 **WASTE AND RECYCLING:** The changes to the proposed development have been examined from a construction and operational waste perspective. The main changes that may have an influence on the conclusions made relate to variations of the total development floor areas and increase of residential units. The previous assessment conclusions for the outline and detailed component have been revised due to the amended floor areas as now proposed.

6.8 Overall, after consideration of the amendments to the proposed development, the 2021 ES Addendum considers that the 2014 ES (as amended by the 2015, 2017 and 2019 ES Addendums) assessment remains unchanged with effects relating to all receptors negligible. No additional residual effects are observed and all previously predicted residual effects remain at negligible, through the implementation of the mitigation measures stipulated in the 2014 ES, the 2014 Operational Waste Management Strategy and the Operational Waste Management Strategy Addendum provided as part of the 2017 and 2019 ES Addendums.

6.9 **SOCIO-ECONOMICS:** The 2021 ES Addendum reports that the increase in dwellings means a further increase in the population and therefore the need for local

infrastructure such as schools, GPs, open space/play space and sports/leisure/other community facilities. The assessment found that whilst the need for pre-school, primary and secondary school places has increased, the evidence set out in the ES indicates that there is currently sufficient capacity in the area to accommodate these additional pupils and therefore the effect is considered to be negligible.

6.10 The original 2014 ES found that there would be a minor adverse effect on GP capacity; However, it has been found that capacity has now increased. The proposals provide mitigation by way of potential financial contributions towards GP provision within the White City Regeneration Area Contribution which is to be increased under the s106 agreement.

6.11 The need for play space has increased however in response more play space will be incorporated on the open space on site, resulting in a negligible effect. The open space on site is well in excess of required levels and therefore there will have a positive effect on the local area. The small increase in retail floorspace will provide a small increase in the number of jobs (+5), which is considered to be beneficial. In addition, the increase in spending from both workers and new residents is considered to be beneficial to the local economy. Therefore, the overall effect is unchanged from the previous ES and ES Addendums.

6.12 Overall, the ES considers there would be minimal changes to the residual effects between the former ES and ES Addendum schemes and the previous conclusions remain unchanged.

6.13 **TRAFFIC AND TRANSPORTATION:** The ES Addendum reports a slight increase in construction traffic, owing to the increase in floor area, but this is anticipated to have only a net negligible effect on the surrounding roads. The construction traffic levels are forecasted to be lower than the former ES Addendum given the Peak Year is anticipated to be earlier due to overlapping phases of development. Hence, the former conclusions remain applicable and a reasonable worst-case scenario.

6.14 The proposed development, when, operational is anticipated to result in a small increase in person trips for each mode. However, the ES Addendum concludes that environmental effects of the proposed development is negligible. The conclusions of the 2014 ES and subsequent 2015 ES Addendum, 2017 ES Addendum, 2018 Statement of Conformity, 2019 ES Addendum, and 2019 Statement of Conformity therefore remain valid and the significance of effects remain unchanged.

6.15 The only significant residual effect predicted previously is the localised medium term moderate adverse demolition and construction effect on pedestrian movement and capacity, severance, delay, fear and intimidation, amenity. The residual effects of the proposed development remain unchanged from the conclusions of this 2019 ES Addendum.

6.16 **NOISE AND VIBRATION:** Although the building heights in Phases 4 and 5 have increased, construction works have been assumed to be the same and therefore, the effects related to construction noise and vibration have not been considered in the updated assessment (although the previous conclusions remain valid for the duration of the construction work). The Transport Consultant indicated that no overall increase in the construction related traffic flows is expected, therefore, the previous conclusions from the 2019 ES Addendum and subsequent 2019 ES Statement of Conformity remain valid at



all receptors.

**6.17 AIR QUALITY:** The ES Addendum considers that the amended scheme results in no change to the air quality effects arising from the demolition and construction phase and therefore all conclusions made in the previous assessment remain valid.

6.18 The ES concludes that operational effects will arise from traffic associated with the development and the proposed energy centre and the amended scheme will lead to a slight uplift in operational traffic. However, the ES forecasts this will be below the levels that would lead to significant impact beyond the former levels. As such the previous assessment conclusions are considered to remain valid.

6.19 It is also reported that the additional residential units included in the amended scheme leads to a marginal increase in emission rates from the energy centre. However, the ES considers the increases are negligible and will not impact the conclusions from previous assessments with respect to the impact of these emissions on existing receptors.

6.20 The additional homes within the development are planned at higher levels and the ES reports that no further exceedances of the various AQ standards from emissions from either transport or the energy centre will arise. Hence, the impacts are reported as insignificant in ES terms and no further mitigation is recommended.

6.21 The ES concludes that the impact on local air quality from the amended scheme can be considered insignificant, and the new receptors associated with the amended scheme will not be exposed to poor air quality.

**6.22 GROUND CONDITIONS:** The ES Addendum has been updated since the previous ES and Addenda to reflect the changed baseline conditions, and level of understanding about the ground conditions at the site. The ES considers that the proposed development amendments have no material impact on assessment during demolition and construction, or during operation with respect to Ground Conditions. Therefore, the effects previously assessed remain valid. The ES recommends no further supplementary mitigation measures, in addition to the outstanding planning conditions which still apply to phases 4 and 5.

**6.23 WATER AND FLOOD RISK:** The ES reports that amendments to the proposed development which have the potential to have an impact on water resources and flood risk are the changes to the construction programme and the increase in site wide residential and total floorspace.

6.24 The overall magnitude of impact and effect significances predicted in the 2014 ES and 2015 ES Addendum remain unchanged (as verified in the various subsequent Addenda and Statements of Conformity). The supplementary mitigation specified in the 2014 ES for the construction phase of the project, for incorporation into a Construction Environmental Management Plan (CEMP), remains valid.

6.25 There is an increase in vulnerability to flood risk due to the increased number of residential units. However, the site is located within Flood Zone 1 and therefore is not considered to require further mitigation as More Vulnerable development is permitted within Flood Zone 1 in accordance with planning policy. The significance of effect regarding flood risk to future site users is considered to remain at negligible, based on

the findings of the FRA as set out in the ES and subsequent ES Addenda.

6.26 Effects associated with increased wastewater generation from the additional dwellings can be effectively mitigated through the measures set out in the 2021 Drainage Strategy Addendum, provided as Appendix 12-B, ES Addendum Volume III.

6.27 **ECOLOGY:** The ES notes that there are no additional effects on ecological receptors during construction and demolition which has occurred already. Operationally, the ES considered that the proposed insignificant effects predicted within the original 2014 ES and as confirmed in the subsequent 2015 ES Addendum, 2018 Statement of Conformity, 2019 ES Addendum, and 2019 Statement of Conformity, remain valid for the updated masterplan.

6.28 **ELECTRONIC INTERFEENCE:** An updated assessment for electronic interference and telecommunications matters has been conducted in light of the proposed development amendments to assess any new or different impacts or effects that may arise from the proposed amendments. The assessment draws from the 2014 ES and subsequent 2015 ES Addendum, 2018 ES Statement of Conformity, and 2019 ES Addendum, proposed scheme amendments and proposals and a sound working understanding of local telecommunications and electronic interference EIA matters relating to adjacent schemes. A review of the possible impacts and effects upon local telecommunications has been conducted and it has been concluded in the ES that overall, the proposed development amendments will result in no new or different impacts or effects. Overall, the conclusions from the 2019 ES Addendum remain valid for the electronic interference assessment.

6.29 **WIND MICROLIMATE:** An assessment of the likely wind conditions as a result of the amended proposed development using wind tunnel methods has been undertaken, and the results categorised according to their suitability in terms of pedestrian comfort and safety. The assessment has been informed by appropriate meteorological data and detailed wind tunnel testing. Phases 1-3 were considered in detail due to Phases 2-3 having gone through reserved matters applications since the previous assessment. Changes to the outline components (Phases 4-5) were included in the model for the wind tunnel tests. In addition, measurement locations were also updated to account for these changes on-site. All configurations were assessed without landscaping to give the worst-case scenario.

6.30 Wind conditions at phases 1-2 are considered to be generally suitable for the intended purposes at the various receptors on the site, during construction of phases 3, 4 & 5 noting that site conditions will result in a gradual change from baseline to operational development phases.

6.31 The wind conditions are forecasted to remain similar to those discussed in the 2017 ES Addendum once the development is completed. Wind conditions around Phases 1-2 would be suitable for the intended use. The ES reports that there would be windier than suitable thoroughfares and entrances around Phases 3, 4 and 5 (without mitigation). The ES suggests that windier than suitable areas around Phase 3 would be mitigated through implementation of the landscaping scheme (which has been assessed previously, this testing is devoid of all landscaping). The ES considers that mitigation measures would be required for areas around the outline Phases 4-5 that would be developed and assessed at detail design stage. The mitigation and design detail are discussed further within the planning assessment.

**6.32 DAYLIGHT, SUNLIGHT AND OVERSHADOWING:** The proposed changes to the development include increases in height and footprint with regards to Phases 4 and 5 (which are in outline form). The changes have the potential to increase the daylight, sunlight and overshadowing impacts to surrounding relevant receptors including those receptors within the residential dwellings in Phases 1, 2 and 3 of the development and the planned development to the north which could comprise residential and mixed academic/commercial uses. Although the increased massing and scale of development has a greater impact on these phases of development, within the scheme itself, in addition to the potential development to the north – the ES reports relatively minor changes to the daylight, sunlight and overshadowing conditions for existing nearby receptors. The planning assessment considers the light within impacts alongside the effects on the development site to the north.

6.33 The ES reports that the proposed changes to the development has resulted in what it considers minor additional impacts to surrounding residential receptors. Whilst all receptors have seen some non-material changes to daylight, sunlight and overshadowing levels, only the Westway Travellers Site and the PPP School will experience a change in significance as a result of the increased massing. These receptors will both see an increase from negligible daylight impacts to minor adverse, which is not considered to be significant in ES terms. No receptors will see a material change in sunlight impacts. The results of the overshadowing assessment do not present any material change in overshadowing to the existing receptors and therefore there is no change in the significance presented in the 2019 ES Addendum.

**6.34 GREENHOUSE GAS EMISSIONS:** The greenhouse gas emissions (GHG) ES chapter has been updated to take into account the updated area schedules for Phases 4 and 5 of the proposed development. It has also been updated to account for the minor changes to the demolition and construction programme.

6.35 The total GHG emissions from the demolition and construction of the proposed development are estimated to be 123,923 tCO<sub>2</sub>e. 4.12.3 The effects associated with demolition and construction phase GHG emissions are significant adverse and remain unchanged from the 2019 ES Statement of Conformity.

6.36 The total operational GHG emissions (associated with i.e. repair and replacement, operational water use, end of life stage, and operational energy) for the proposed development over the study period are approximately 302,139 tCO<sub>2</sub>e. The effects associated with operation phase GHG emissions are significant adverse and remain unchanged from the 2019 ES Statement of Conformity.

**6.37 BUILT HERITAGE, TOWNSCAPE CHARACTER AND VISUAL IMPACT:** This assessment has considered the current (2021) baseline situation of the heritage assets, townscape character areas and visual receptor viewpoints of the site. The assessment has established the sensitivity of these features along with the predicted 'significant' effects of the proposed development, as amended. The changes to the baseline considered in the ES Addendum include the works carried out on site (including demolition) comprising implementation phases 1, 2 and 3, alongside the surrounding emerging development schemes.

6.38 The predicted significant effects detailed in the 2014 HTVIA for the construction phase of both the detailed and outline components of the proposed development remain

unchanged and have not been considered further as part of this HTVIA Addendum.

6.39 The ES BHTCVIA considers that the amended proposed development changes would have no additional effect on the majority of the heritage assets, townscape character areas and visual receptor viewpoints. The implementation of buildings associated with the Imperial West (ref: 6a to c) cumulative scheme have altered the baseline situation from Viewpoint 4 (Northern public highway – Scrubs Lane – by Woodmans Mews) reducing the effect of the proposed development from minor beneficial to none. There are no further changes to the findings of the 2019 ES Addendum and subsequent 2019 Statement of Conformity resulting from the amendments to the proposed development.

6.40 Further wireline studies were carried out by the applicant post submission of the planning application to identify whether there was any further impact on Wood Lane and the former BBC Television Centre, as a result of the increased height of Buildings 7 and 10. These studies indicated that there were no further representative viewpoints which needed to be tested in the ES, and the original viewpoints were sufficient to ensure a robust visual, townscape and heritage assessment of the proposals.

6.41 The ES considers that following significant effects following the amendments to the proposed development remain unchanged from the conclusions of the previous assessment in the 2019 ES Addendum and subsequent 2019 Statement of Conformity.

- Heritage Assets: the proposed development would have a major beneficial effect on Wood Lane Conservation Area; a moderate beneficial effect on the listed building of the former BBC Television Centre, Wood Lane; the conservation areas of Oxford Gardens and Avondale; and the Registered Park and Garden of Kensal Green (All Souls) Cemetery.
- Townscape Character Areas: the proposed development would have a major to moderate beneficial significant effect on TCA1 Wood Lane; and
- Visual receptor's viewpoints: the proposed development would have a major to moderate beneficial significant effect on viewpoint 20 and a moderate beneficial significant effect on viewpoints 7, 9, 15, 16, 17 and 18.

6.42 **CUMULATIVE IMPACTS:** With regards to interaction effects, when several effects may have an interactive effect on the same receptor, the effects predicted in the 2019 ES Addendum and subsequent 2019 ES Statement of Conformity remain valid, except for the following interactive effects:

6.43 Socio-economic effects during operation on neighbouring commercial and residential property, future on-site users, and social infrastructure and community facilities as a result of increases in housing provision. The overall interactive effect on these receptors was predicted to be minor adverse to beneficial in the 2014 ES. The 2017 ES Addendum subsequently noted improvements to social infrastructure due to an increase in healthcare provision, with effects changing from minor adverse to negligible. This effect remains unchanged. As such, given the improved effects associated with housing provision and the previously improved effects associated with healthcare provision, the overall interactive effect is now considered in the ES beneficial.

6.44 With regard to the in-combination effects assessment (i.e. effects in-combination with other developments), no new or previously unidentified significant adverse effects

have been predicted. Therefore, the previous conclusions set out in the earlier ES and Addenda is still applicable and no further mitigation has been identified in the ES.

## **ES CONCLUSIONS**

6.45 The ES Addendum has been reviewed by the Council's Environmental Policy, Land Contamination, Environmental Quality and Transport Officers who all raise no objections, subject to the imposition of planning conditions. The planning assessment part of the committee report will identify the planning issues and identify where conditions are necessary to mitigate the effect of the revised development.

6.46 The Environmental Statement (2014), the subsequent Environmental Statement Addendums and Statements of Conformity (between 2015-2021) and the submitted further information to the Environmental Statement and their various technical assessments together with the consultation responses received from statutory consultees and other stakeholders and parties, enable the Council to determine this application with knowledge of the likely significant environmental impacts of the proposed development.

## **7.0 Planning Considerations**

### **7.1 Planning Policy & Guidance Context**

#### **7.2 Planning Framework**

7.3 The Town and Country Planning Act 1990 (referred to as 'the Act'), the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England and Wales. 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). In this instance the statutory development plan comprises the London Plan (2021), the Local Plan (2018) and the Planning Guidance Supplementary Planning Document (2018) (hereafter referred to as Planning Guidance SPD).

#### **National Planning Policy Framework (2021)**

7.4 The proposals have been evaluated against the Development Plan and the NPPF (2021) and the Authority has assessed the application against the core planning principles of the NPPF and whether the proposals deliver “sustainable development.”

#### **The London Plan (2021)**

7.5 The London Plan (2021) was adopted in March 2021. The proposed affordable housing provisions have been assessed in line with the updated policies set out in the Plan. Together with the Local Plan, the New London Plan forms the Development Plan. The London Plan designates the Site within the White City Opportunity Area (WCOA). Opportunity Areas are identified on the basis that they are capable of accommodating substantial new jobs and homes and the London Plan advises that their potential should be maximised.

## LBHF Local Plan (2018)

7.6 The Local Plan (February 2018) sets out the council's vision for the borough until 2035. It contains development policies to be used by the Council in helping to determine individual planning applications. The Local Plan should be read and considered alongside the London Plan and will be supplemented by supplementary planning documents (SPDs). The Local Plan incorporated an increase in target additional new homes within the White City Regeneration Area to 6,000 (from 5,000 in the former Core Strategy) and this was subsequently increased to 7,000 in the new London Plan.

### Written Ministerial Statement (May 2021)

7.7 The WMS (2021) states that First Homes should account for at least 25 per cent of affordable housing units delivered through planning obligations, which is a material consideration for decision making from 28th June 2021. First Homes are a specific kind of discounted market sale housing and should be considered to meet the definition of 'affordable housing' for planning purposes. Specifically, First Homes are discounted market sale units which:

- a) must be discounted by a minimum of 30% against the market value;
- b) are sold to a person or persons meeting the First Homes eligibility criteria;
- c) on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and,
- d) after the discount has been applied, the first sale must be at a price no higher than £250,000 (or £420,000 in Greater London).

First Homes are the government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations.

The transitional arrangements set out in the Written Material Statement and Planning Practice Guidance confirm that the First Homes requirement will not apply to sites with full or outline planning permissions already in place or determined (or where a right to appeal against non-determination has arisen) before 28 December 2021 or applications for full or outline planning permission where there has been significant pre-application engagement which are determined before 28 March 2022. In the case of this submission, the statutory date expired on 6<sup>th</sup> December 2021 and a right to appeal has arisen and the site also has outline planning permission already in place. Therefore, for both reasons, the First Homes policy does not apply to this planning application to vary the previous planning permission.

### s73 Amendments

7.8 The first issue which needs to be addressed is to determine whether the proposed amendments, either individually or cumulatively can be approved as an amendment to the approved development under s73 of the Act. As is set out earlier in this report, Section 73 of the Act can be used, amongst other things, to approve amendments to an existing planning permission by amending a condition (or conditions) upon which the permission was granted. In law, a section 73 application results in the grant of a new planning permission affecting the same site that is subject to the relevant amended conditions.

7.9 The legal test, established by case law, is that amendments to planning permission can be permitted via s73 where they do not constitute a "fundamental" change to the approved development. We examine the scale and nature of the amendments proposed in the section below to determine if they would fundamentally alter the planning permission.

7.10 Dealing with the increased height and scale first, the main amendments to the scheme are the increased to the vertical and horizontal parameters of Buildings 7 (Phase 4) and 10 (Phase 5).

7.11 The amendments to the vertical parameters of Building 7 would result in between 2 and 7 additional storeys across the five blocks and no changes are proposed to the horizontal parameter. The proposed amendments to the vertical parameters of Building 7 are consistent with the consented increases in height of Phase 2 (ref. 2017/04377/VAR) and on balance, would not fundamentally affect the nature or scale of the overall development which permits building ranging in heights between 11-35 storeys. An undercroft would be introduced to the northernmost block of building 7 which would serve as part of the secondary vehicular route through the site. This amendment is detailed in the proposed design code and reflected in the parameter plans. Officers would not consider this to be a fundamental change in the context of the wider scheme.

7.12 Building 10 would see an amendment to the vertical parameter to allow for an additional 8 storeys, for a maximum total of Ground plus 29 storeys. Changes are also proposed to the horizontal parameters to allow for a curved profile. The proposed height is within the tolerances of the description of development which permits building heights ranging from 11-35 storeys and so would not be considered to result in a fundamental change to the consented scheme. Furthermore, the overarching hierarchy of the buildings within the development would be retained, with the Casinni Tower (Building 5) remaining the tallest element and focal point.

7.13 The parameter plans and modified controls (as amended by way of the proposed variations to the conditions) would permit an increase in the maximum residential quantum of 185 units, which equates to an 11% increase above the previous scheme (as consented in 2018). When viewed comprehensively and proportionally, the increase in quantum does not fundamentally change the development as approved. The development remains as a housing led mixed use development within an Opportunity/Regeneration Area envisaged to accommodate optimum growth.

7.14 The description of the development has been modified by way of an approved s96A application. This sought to simplify the description and remove reference to the maximum quantum of residential floorspace to be delivered by the outline consent and maximum AOD heights. The s96a further sought to update the references to the approved use classes in line with The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. The maximum number of permitted residential units is controlled by condition 7 whilst the permitted uses are controlled by conditions 4 and 8. Condition 4 secures compliance with the approved Development Specification & Parameters Report, within which the maximum heights of the buildings across the development are set. Therefore, the variation of conditions 4 (Development Specification and Parameters), 7 (Residential Quantum) and 8 (Maximum Floorspace) does not result in a change to the description of the approved development.

7.15 Officers therefore consider that the proposed changes can appropriately be dealt with as amendments to the extant permission using section 73 of the Act. Notwithstanding the above in-principle commentary, it is necessary to interrogate the wider economic, social and environmental impacts of the development (as amended) to determine whether the proposals are in accordance with the Development Plan including the Local Plan 2018, the NPPF and any other relevant planning guidelines

### Principle of Development

7.16 The former planning permission established the principle of a comprehensive residential-led mixed use redevelopment of the site and assessment concluded it would be in accordance with national, strategic and local planning policies, which advocate making the most efficient use of brownfield land in sustainable locations and would help meet local and strategic housing needs. The proposed development, as revised, would continue to contain appropriate land uses that are compatible with the White City Opportunity Area/Regeneration Area which is well served and accessible by public transport. The proposed development, as amended would be acceptable subject to demonstration that the positive benefits of the proposed amendments can be delivered in a manner that is appropriate in design and townscape terms, and that the environmental impacts remain acceptable. The detailed matters are set out in this report. However, the principle of the proposed development is considered acceptable in accordance with Policies GG2, GG4, SD1 and H1 of the London Plan (2021). Policies HO1, WCRA and WCRA1 of the Local Plan (2018) and the White City Opportunity Area Planning Framework (2013).

### Amendment to the Quantum of Development

7.17 Policy SD1 of the London Plan outlines a target of 7,000 homes across the White City Opportunity Area. This supersedes the previous target of 6,000 homes set in Policy WCRA of the Local Plan.

7.18 To achieve the housing delivery expected by the London Plan a significant increase in the quantum of housing delivered annually will need to be planned. Whilst planning permissions have been granted within the Regeneration Area, the housing targets are not being met by current permissions. Notably, planning permission was previously granted for 1,150 homes on the former Dairy Crest site, which would increase the potential delivery in White City East to approximately 4,000 homes, however, the timeframe for implementing this permission has now passed. An education-led planning permission (2018/00267/OUT) has since been granted at the site, which would include a significantly reduced 373 homes.

7.19 Therefore, within White City East, this Site represents an opportunity for delivery of more housing as neighbouring sites have a greater focus on commercial, retail and educational uses. The proposed increase in the quantum of housing units will provide a further valuable contribution to the delivery of the housing target.

7.20 The proposed amendments would result in increasing the scale and mass of parameters across specified parts of the outline component of the approved development to enable optimisation of housing delivery. In total, the proposed amendments would result in an increase of 185 units across Phases 4 and 5. The table below details the proposed increase in the number of residential units across housing tenure which would be achieved through the proposed optimisation.



Unit Type	Consented Units	Proposed Units	Change
Affordable	427	492	+65
Private	1,418	1,538	+120
Total	1,845	2,030	+185

7.21 The applicant has sought to optimise the capacity of the development to respond to the greater need for housing numbers in the Regeneration Area and has carried out a more detailed design exercise to evaluate how this might be achieved whilst remaining broadly consistent within the scope of the planning permission. The applicant advises that the design exercise has identified a final opportunity to optimise the delivery of housing through the scheme through Phases 4 and 5, whilst also respecting the scope of the original permission.

7.22 The design and townscape consequences of these amendments are considered elsewhere in this report. However, the amendments which increase the housing quantum, by way of varying conditions 4 and 7 to 2,030, is acceptable in principle to positively respond to the emerging planning policies, which at all levels seeks to deliver more housing. In particular, optimisation of the residential capacity on this site would accord with Local Plan Policy HO1 (Housing Supply) and London Plan Policies GG2 (Making the Best Use of Land) and H1 (Increasing Housing Supply). Policy HO1 requires the Council to exceed the London Plan housing target by seeking housing on both identified and windfall sites.

7.23 The amendments would also result in an increase in the supply of affordable housing, by way of delivering an additional 65 units within Building 7. This would provide a further significant contribution to the White City affordable housing provision, as well as the wider LB Hammersmith and Fulham Affordable housing need targets. The increase in affordable housing units is in accordance with Policy HO5 (Housing Mix), which requires an increase in the supply and choice of high-quality residential accommodation that meets local residents' needs and aspirations.

7.24 The details of the range of unit types (dwelling mix) would reflect the range approved by the extant permission. The development would continue to provide a mix of unit sizes and types to ensure that a mixed and balanced community would be achieved. Final layouts of the residential unit sizes would be determined at Reserved Matters stage. However, all homes would comply with the space standards set in Policy D6 of the London Plan, which are consistent with the Nationally Described Space Standard.

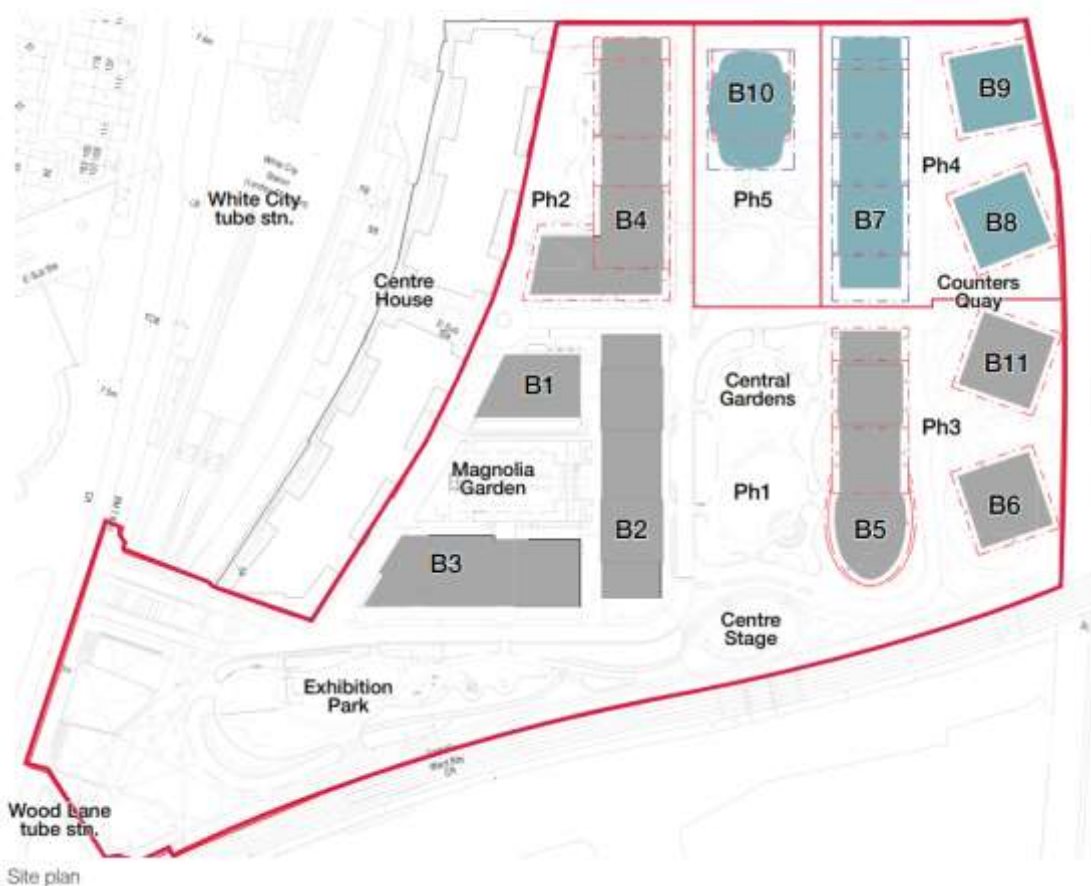
7.25 Additionally, there would be a small increase in maximum commercial floorspace within the ground floor of Building 7. The permitted maximum commercial floorspace would increase by 100sqm, from 1,200sqm as approved to 1,300sqm. The permitted uses would continue to be controlled by Conditions 6 and 8. The additional commercial floorspace would further contribute towards the London Plan target of delivering 2,000 jobs within the Opportunity Area and the wider aims of Policy E1 of the Local Plan which seeks to provide employment opportunities within the Borough.

7.26 In conclusion, the amendments to the extant permission that would enable the delivery of more housing, including affordable housing (35% of the additional homes above the consented quantum), together with a minor increase in commercial floorspace is supported by planning policy in both the Local Plan and London Plan and would

positively contribute to the regeneration of White City. The proposals will be substantially consistent with the consented development in land use and in terms of the principle of development.

### Affordable Housing

7.27 Phase 2/Ph2 (Building 4/B4) of the approved development makes provision for affordable housing in accordance with the Section 106 agreement. The extant permission would deliver 427 affordable homes, including 60 extra care units, shared ownership, social and affordable rent housing, all within Building B4 (Phase 2/Ph2). The below site plan indicates the phasing of the development. The current proposals seek to modify phases 4 and 5 (Ph 4 & Ph5) only.



7.28 The applicant suggests in their planning statement that a significant contributor to the desire to amend the extant permission is driven by the opportunity to optimise the development in Phase 4 and 5 and deliver additional affordable homes in this phase. In this regard, the proposed amendments, which include altering the horizontal and vertical parameters to Buildings B7 and B10 could enable the delivery of an additional 185 new homes proposed by this application. This provides an opportunity to provide additional affordable housing in another part of the site, above the 427 affordable homes provided in Phase 2.

7.29 The applicant has proposed to deliver a further 65 affordable homes in phase 4 (Ph4) of the development which equates to 35% of the total additional number of homes (ie: 65 out of 185 homes).

7.30 The details of the dwelling mix and tenure of the proposed additional affordable homes is set out in Table 2 below.

*Table 2: Affordable Housing in Development (split between Phase 2 and Phase 4):*

TYPE OF PROPERTY	AFFORDABLE RENT – PHASE 2	SOCIAL RENT – PHASE 2	AFFORDABLE RENT – PHASE 4	SOCIAL RENT – PHASE 4	SHARED OWNERSHIP	EXTRA CARE RENT	EXTRA CARE SHARED OWNERSHIP	LONDON LIVING RENT – PHASE 2	LONDON LIVING RENT – PHASE 4	INTERMEDIATE RENT
Studio	0	0	0	0	37	0	0	3	0	36
1 bedroom	32	0	4	0	34	42	10	16	13	36
2 bedroom	64	0	16	0	16	3	5	12	8	15
3 bedroom	0	57	0	14	0	0	0	0	4	0
4 bedroom	0	9	0	6	0	0	0	0	0	0
<b>TOTAL</b>	<b>96</b>	<b>66</b>	<b>20</b>	<b>20</b>	<b>87</b>	<b>45</b>	<b>15</b>	<b>31</b>	<b>25</b>	<b>87</b>

7.31 The additional affordable housing would be delivered across three x affordable tenure types proposed, including London Living Rent units. As close as possible, the additional 65 units would be provided in a pro rata fashion in terms of tenure and dwelling mix based on the section 106 agreement associated with the extant permission. In this regard, the previous tenure split between rented and shared ownership housing is broadly maintained and the proportion of unit sizes also reflects an equal uplift on the previously agreed affordable housing provision. The 20 x affordable rent units within Phase 4 are capped at a lower London Living rent level to ensure they are more affordable to LBHF residents and ensure the proposed affordable housing provisions meet a wider range of affordability levels. This would be under the affordability cap which comprises the Local Housing Allowance level and is more affordable considering local needs. Subject to the lower rental cap being set in the s106 agreement, the AHUs are considered to be acceptable to the Council's Housing Officers.

7.32 The proposed amendments offer a 35% increase in the affordable housing delivery from the development of the Site (of the additional 'new' units ie: 65 out of 185 in addition to the consented 427 affordable homes). This would result in a site wide on-site provision of 492 affordable units (24% of the revised residential total) in addition to an off-site affordable housing phased contribution amounting to £34.5million in lieu. This constitutes an increase in percentage of affordable housing across the whole site. Using the previous method for converting the contribution to affordable units, the £34.5million contribution would broadly equate to 168 affordable rent units approx assuming the cost of providing an affordable unit is £205,000; or 223 units approx assuming the cost is £155,000 per unit assuming a 60% (rent) 40% (intermediate) split). The proposals (as revised) would notionally result in a total provision between 660-715 units (which would equate to up to 35%) when combining the financial contribution to the on-site delivery.

7.33 LBHF has appointed Turley to provide a technical review of the applicant's financial viability report which was submitted to justify the amended affordable housing provisions. The Council's advisor concludes the following:

- *St James submitted that their viability included all of the costs and values as a Day 1 appraisal, however phases 1 to 3 have already been accounted for and all are either constructed or under construction. Therefore, Turley consider that Phases 4 and 5 should be examined in isolation.*
- *In separating the outline Phases 4 and 5, it could be seen that these phases alone achieve an IRR of 24.13%. However, this test also demonstrates that Phases 1 to 3 in isolation achieve an Internal Rate of Return (IRR) of 5.96%. It should be noted*

*that Phase 2 contains the Extra Care facility, affordable housing and commuted affordable payments, which will account for a suppressed IRR in the early phases. The target IRR for the entire scheme is 15%. When the phases are taken as a whole, the IRR of the entire scheme as currently presented by St James is 9.4%. Therefore, the whole scheme (including the revised parts in Phases 4 & 5) does not reach the target output.*

- *There have been significant changes over the last 4 years which will affect Phases 4 to 5 which include:*
  - o *The costs and values have increased due to inflation over the 4 year period. Recent changes in increases in the costs of both labour and materials have been far greater than general inflation.*
  - o *There is now a higher quality external building i.e the cladding costs have increased to facilitate a much better-quality product relating to complexity, fire safety, design of elevations and articulation.*
  - o *There is a much higher quality internal building. The fit-out cost has increased due to higher end specifications, especially in Building 10.*
  - o *Therefore, a much higher specification residential offer will also attract a higher sales value.*
  
- *Turley have undertaken the following tests in considering the appraisal:*
  - o *Removed Phases 4 and 5 from an earlier appraisal dated 13th February 2018 which had an IRR of 11.94% reflecting the previous consented scheme. This IRR subsequently reduced to 8.88%. The impact on the IRR is still around a 3% reduction as per the current day scenario as submitted by St James.*
  - o *Turley have added the additional floorspace from the S73 appraisal to the 2018 appraisal adjusting all floorspaces to reflect the current scheme, extending the timeframe and retaining revenues and costs as at 2018. This is to ascertain whether, had this been undertaken at the time, it would have produced a higher IRR. This produces a lower IRR of 10.77%. It should be noted that the difference between costs and values isn't as great as it is now.*
  
- *In addition to running the above tests Turley and LBHF Officers have attended meetings with St James and their viability team in order to interrogate the costs and cost movements.*
  
- *At the present time Turley consider that the scheme will not reach the IRR target of 15% based on extensive costs interrogation and taking into account the testing above. Therefore, Turley consider the maximum affordable housing offer to be 35% based on the viability evidence submitted and assessed.*

7.34 It is relevant to note that all of the additional affordable housing provision will be delivered in the next phase of development (Phase 4). Currently Phase 3 (Buildings 5, 6 and 11 are under construction and so there is no opportunity to deliver affordable housing in these plots). Taking the above technical advice into account, officers conclude that the maximum reasonable affordable housing provisions have been secured through the proposals as revised, which are consistent with the uplift of the previous revised development scheme in 2018. These equate to approx. 35% of the whole development

as affordable taking into account the £34.5million affordable contribution.

7.35 Officers have duly considered the National Requirement seeking to deliver First Homes (as set out in the Written Ministerial Statement 2021 and PPG). In this case, the PPG states that the First Homes policy would not apply to this application as an outline permission is already in place on the site, and the current application could be subject to an appeal against non-determination. Therefore, it is not necessary to require first homes as part of the amended planning permission.

Extra Care Housing Amendments:

7.36 During the consideration of the current planning application to amend the extant planning permission, the applicant has submitted a further request to amend the provisions set out in the s106 agreement which relate to the Extra Care Housing Units including the Shared Ownership (Older People Shared Ownership/OPSO) units and Extra Care Rented Units within Phase 2. These changes are proposed due to the on-going liaison between the Council's Adult Social Care and Housing Team and the Registered Provider for the Extra Care units. The parties have agreed that the provisions set out in the existing s106 Agreement requirement amendment to facilitate the type of extra care dwelling which the RP proposes to manage. These changes include increasing the cap for the rental levels for the Extra Care dwellings which requires an adjustment to the household income ranges set out in the s106 Agreement. The changes also include an amendment to the eligibility criteria for occupiers of the Shared Ownership units which would omit the need for a care assessment. The request requires amendments to section C, extra care shared ownership properties, clause 2.1.8 – 2.2 inclusive of the S106 Agreement. The RP (in this instance Notting Hill Genesis (NHG)) has approached LBHF (including the Adult Social Care Team and Housing Team) with proposals to vary the existing terms of the s106 agreement to allow the extra care older people's shared ownership (OPSO) dwellings to be nominated to older people without care needs. The Applicant (St James) is seeking to vary the terms of the s106 to reflect these requirements as noted in the below paragraphs.

7.37 In terms of the change to the rental levels, it is proposed to increase the gross rent and service charge to £377.13 for a one-bedroom flat on average, which is 58.02% of market rent and £470.05 for a two-bedroom flat on average, which is 58.02% of market rent. The RP considers that the stipulated cap [within the s106 Agreement] on rent and service charges at the London Housing Allowance level presents an unsustainable barrier to the RP's ability to provide contemporary extra care housing services sought by London Borough Hammersmith & Fulham. Officers have been advised that this cap limits to a detrimental extent the manner of housing services which can be provided, including such costs as those relevant to providing effective fire prevention strategies that have been assessed as required since the s106 was first drafted.

7.38 LBHF ASC and Housing Officers consider the amendments to the affordability levels to be acceptable and raise no objections to the proposals. It is considered that the proposed adjustments improve the marketability of the dwellings which in turn could make the accommodation more attractive to LBHF residents who meet the eligibility criteria and who intend to stay in the Borough, whilst down-sizing into smaller more affordable housing. The RP confirms that the proposed rent and service charges have been informed by an up-to-date, distinct extra care market evaluation commissioned from Knight Frank. The charges are lower than existing, comparable extra care schemes within London Borough Hammersmith and Fulham.

7.39 In planning terms, there are no restrictive planning policies either in the Local Plan (2018) or London Plan (2021) which require rent levels to be set lower than the revised proposals. The proposals still propose genuinely affordable housing accessible to residents under the overall extra care housing typology. In summary, officers consider the proposed changes to the rent and service charge levels to the Extra Care Units is acceptable in principle, subject to the variation being drafted into the Legal Agreement at terms acceptable to LBHF.

7.40 The RP has also approached the Council's Adult Social Care, Planning and Housing Teams with proposals to amend the eligibility criteria for the Shared Ownership Extra Care units. This has been discussed between the RP, LBHF Housing, ASC Teams and Planning Officers under the terms of the Extra Care Working Group set out in the s106 Agreement. Section C in Part 5 of Schedule 5 of the s106 Agreement for the extra care shared ownership properties (clause 2.2) states that if agreed with the council, the eligibility criteria can be varied. The RP proposes to exclude care needs for thirteen of the OPSO units as this current provision is currently delaying the marketing of these units. The proposed amendment would enable the RP to market the Extra Care Shared Ownership units at a wider market (for older people without care needs at present) and target local LBHF needs in accordance with the cascade mechanism (set out in the s106 Agreement) which requires a marketing period prioritised to LBHF residents first, before marketing to other parts of London outside LBHF. The Applicant for the current proposals to amend phases 4 and 5 (in this application) has therefore agreed to pursue the amendment to the s106 agreement to vary this provision within the s106 Agreement.

7.41 LBHF Housing and ASC Officers raise no objections to modifying the eligibility criteria which indicate the amendment to the agreement should be supported. From a planning perspective, the accommodation is still being provided as affordable accommodation to meet the needs of the aging population. LBHF Planning Officers therefore consider that the amendments to the agreement are broadly acceptable in planning terms and reflect the typical needs for an Extra Care Housing facility which operates under a Class C3 planning use.

#### Conclusions:

7.42 Officers welcome the uplift in affordable housing and the proposed additional homes would be a significant benefit resulting from the amendments. Overall, the amended scheme would deliver 492 affordable housing units as extra care, shared ownership, social and affordable rent and London Living Rent in Phases 2 and 4 of the development. In terms of the uplift in housing proposed by this application, the additional 65 affordable homes in Phase 4 would represent 35% of the overall uplift in residential units sought through this s73 application. This provision accords with the essence of the Mayor of London affordable housing SPG, which does not seek a viability review where schemes (including amendments to approved developments) deliver 35% affordable housing. The dwelling mix and tenure-types broadly accord with the agreed mix and type secured in the section 106 agreement. In this regard, the amendments proposed would secure a significant uplift in housing provision, including affordable homes, representing a substantial benefit to LBHF where, like most of London, there is a considerable need for new homes particularly affordable homes.

7.43 The proposed development, as amended, would accord with Local Plan policies HO1, HO3 and HO5, as well as the suite of housing policies in the New London Plan.

## Design

7.44 The proposed changes to the approved parameters plans (as per the proposals to vary condition 3), have been assessed against Local Plan policies DC1, DC2, DC3, DC8, WCRA and WCRA1 and London Plan policies D1, D3, D4, D8 and D9.

7.45 The Planning Guidance SPD which sits under the Local Plan (2018) has been considered in the assessment, Consideration has also been given to the following design and conservation based supporting documents:

- o Wood Lane Conservation Area Character Profile
- o Shepherds Bush Conservation Area Character Profile
- o The English Heritage / CABE guidance on Tall Buildings

7.46 National, regional and local planning policies have been considered when assessing the design, heritage and tall buildings aspects of the development proposals.

7.47 The proposed amendments relate to the outline component of the extant permission and thus are identified in the amendments to the approved parameters rather than the detailed component (Phase 1) which is nearing completion. The applicant has provided details of an indicative scheme to assist with the assessment. Matters relating to access, landscape, appearance, layout and scale for those Development Plots approved in outline will be determined by the LPA through Reserved Matters applications in due course. The proposals seek to amend the approved parameters and the Design Codes to ensure that they are relevant to the amended proposed development. However, the principles of the agreed Masterplan and the design concept for this site remain relevant and largely unchanged. Hence, the parameter plan and report, coupled with the design codes should provide greater assurances that high quality building designs and external environments can be secured by way of the mechanisms/controls set out in the extant permission which require the scheme to accord with the previously identified policies within the London Plan and the Local Plan.

7.48 In terms of amendments to the approved parameters, the proposals would result in alterations to the horizontal parameters of Building 10 and the vertical parameters of Buildings 7 and 10. Additionally, an undercroft would be introduced to the northern extent of Building 7 and, to Building 10, there would be an amendment to the shape of the parameter footprint from a rectangular to curved profile. There are no amendments proposed to the parameters of Buildings 8 and 9. These amendments would all be undertaken within the overall context of the Masterplan and would not see the established maximum building height across the development be exceeded.

7.49 The key principles of the approved Masterplan are retained within the amended proposals. In this regard, the overall composition of the buildings, including their heights is generally as agreed; the connections and routes; the mix of uses; and the provision of public open space remains generally in accordance with the extant permission.

7.50 The amendments to the vertical parameters of Building 10 would allow for a maximum height of 116.7m AOD or ground plus 29 storeys. Building 10 is identified in the approved hierarchy of masterplan building typologies and scales as being a principal tower, along with Building 5 (Cassini Tower). Building 10's position at the northern extent

of the Central Gardens and to the centre of the Linear Park lends itself towards requiring a 'marker' through a building of prominence within the emerging context of tall buildings. The consented Imperial College London scheme to the north (ref. 2018/00267/OUT) allows for a maximum height of 32 storeys to be delivered which would prevent Building 10 from being read as a standalone tower. The increased height sought by this amendment would allow for Building 10 to be read as a prominent building within the wider development and be visible on the skyline. The amendment would retain the principles of the masterplan, with Building 5 remaining the tallest element of the scheme, allowing for it to continue to read as a landmark building and the focal point of the development.

7.51 Building 7 comprises five blocks and is the last of the four Skyline typology buildings that line the east and west sides of the Central Gardens. The five blocks are tiered in height, consistent with the other Skyline typology buildings. It is proposed to increase the consented vertical parameters of the blocks by between 6.6m – 25.8m which would allow for a maximum height of 105.33m. The principle of the tiered blocks would be retained. The vertical limit would be comparable to that consented at Building 4 (Phase 2) which is nearing completion. Whilst the overall height of the parameters in Buildings 7 and 10 would be increased by the amendments, the principles of building heights across the site remain consistent with the approved development.

7.52 The horizontal parameters of Building 10 would also be extended to allow for a curved profile. This would create a counterpoint to the linear Skyline typology buildings to either side of Building 10 and would further refine the high-quality design of the block.

7.53 Associated environmental effects resulting from the proposed increase in scale have been assessed as part of the Addendum to the ES. These are reported in the ES and summarised within this report. However, it is relevant to note that the wind microclimate is not anticipated to be materially altered from the original assessment, which was considered to be acceptable subject to the proposed mitigation. In this regard, whilst the scale of development will result in some changes to the wind microclimate, the ES Addendum concludes that the overall impact on pedestrians and occupiers of the Site would not deviate substantially from the environmental impacts already considered acceptable, and as set out in previous assessments.

7.54 The applicant states that the masterplan design focused on creating character areas and typologies that provide a positive and high-quality environment. The development of the character areas has continued with the detailed design of the built form, which has, in part, been approved through Reserved Matters consents (for Phases 1-3). The applicant reiterates the masterplan ethos that the built form is to be designed to provide a number of different spatial characteristics and that this concept has been retained within the revised proposals. The proposed amendment would allow for the delivery of additional housing through optimising site capacity in line with London Plan Policy D3. It is considered that the original design concepts are not altered by the proposed amendments and are, therefore, compliant with relevant up to date design policies, including Policy DC1 (Built Environment) and DC2 (Design of New Build) and DC3 (Tall Buildings).

7.55 Overall, the composition of the approved Masterplan would be retained which has the potential to accommodate a high-quality environment through the development of character areas whereby the landscape design of the public and private open space complements the proposed built development. The Design Codes have been updated to reflect the amendments to the proposed development but retain the integrity of the original



design concept. In this regard, it is considered that there remains a satisfactory design framework within the amended design codes and parameter plans which provides assurances that a high-quality development could be delivered, subject to detailed design. As agreed, the detailed design and arrangements of the buildings within Phases 4 and 5 in the outline component of the development will be determined through future Reserved Matters applications.

### Built Heritage, Views & Townscape

7.56 Section 66(1) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, or buildings or land in conservation areas, the LPA shall have special regard to the desirability of preserving the building or its setting, or the desirability of preserving or enhancing the character or appearance of that area. In this context, "preserving", means doing no harm.

7.57 Paragraph 202 of the National Planning Policy Framework 2021 states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, such harm should be weighed against the public benefits of the proposal. The previous applications have been justified on the above basis and it was noted that the numerous public benefits of the development outlined within the previous committee reports outweigh any limited (less than substantial) harm to any heritage assets. Officers consider the same judgement can be applied to the current amended proposals.

7.58 Volume II of the ES Addendum (2021) provides an updated assessment for the built heritage, townscape and visual effects in respect of the proposed development amendments. The assessment includes a review of relevant changes in legislation since the previous assessment; a review of the baseline conditions; a review of further supplementary mitigation measures required; and any changes to the likely residual environmental effects after these measures have been adopted.

7.59 The assessment relates to the viewpoints previously agreed with LBH&F, RBKC, the GLA and Historic England with the impact of the proposed development illustrated for each viewing location on an existing, proposed and cumulative basis. No significant changes have occurred to the baseline conditions in terms of the heritage assets; for example, no further buildings have been included on the national list or upgraded within the 500m or 1km study area. There are no significant changes to the Townscape Character Areas, although alterations have occurred within the TCA1 Wood Lane as a result of approved development (cumulative schemes) being implemented.

7.60 The HTVIA considers the effects of the proposed amendments to the approved development during construction and following completion of the development (operations phase). It is noted that the site is part cleared with Phase 1 completed and Phases 2 and 3 now under construction. As with the approved development the ES HTVIA predicts that potential adverse effects during construction would be temporary and can be reduced through good site management, including screening by hoarding. The predicted effects detailed in the former ES and ES Addendums for the construction phase of the development on the heritage, townscape character areas and visual receptors remain unchanged.

7.61 In terms of impacts resulting from operational phase, the HTVIA explains that the proposed amendments to the approved development will have no additional effect on the

majority of the heritage assets, townscape character areas and visual receptor's viewpoints. The current baseline situation from Viewpoint 8 - Bard Road/ Freston Road - reduces the effect of the proposed development from moderate to minor beneficial to minor beneficial. No other changes to the previously ES assessment findings are noted.

7.62 The previous ES assessment concluded that in overall heritage terms, the proposed development would enhance the built heritage and townscape of the area. Officers consider that these conclusions remain relevant and valid following the HTVIA assessment of the proposed amendments to the extant permission. Although there may be existing glimpsed views towards the development located on Wood Lane (from the north) whereby the additional height of Buildings 7 and 10 could be seen and would appear to add to the combined coalescence of tall buildings in the locality. This would not occur in the cumulative scenario whereby the emerging developments including Centre House and Imperial South would screen the views of Buildings 7 and 10 from the west. This creates a severance of the proposed amended buildings with the setting of the heritage assets (including the Locally Listed White City Station, Grade II Listed BBC Television Centre and part of the Wood Lane Conservation Area). Notwithstanding the increased height of the buildings within the development the overall proposal does not result in substantial differences from the extant scheme. The impacts on these heritage assets are insignificant.

7.63 The Built Heritage, Townscape Character and Visual Impact Assessment (TVIA) chapter within the Environmental Statement addendum submitted with the planning application fully assessed the impact of the proposals on each of these Conservation Areas in turn.

7.64 In respect of the Oxford Gardens Conservation Area, located to the northeast of the site, the TVIA addendum confirms that the effect of the relative change would be negligible and there would be no additional effect on the character and appearance of the Conservation Area, with the overall effect remaining at moderate beneficial.

7.65 The Avondale Conservation Area is located to the east of the site. The TVIA addendum confirms that the proposed development amendments would be indiscernible from the approved scheme when assessed from the identified viewpoint location and that the overall effect would remain moderate beneficial.

7.66 The Kensal Green Cemetery, which is a Registered Park and Garden, and its surrounding Conservation Area is located approximately 1.5KM to the north of the site. The TVIA addendum confirms that the proposed development would remain visible from the higher ground of the cemetery. However, the relative difference between the approved scheme and proposed development amendments is barely discernible and would cause no additional impact on the significance of the Registered Park and Garden, therefore the overall effect remains moderate beneficial.

7.67 The scheme remains in accordance with LBHF planning policy, including the Local Plan Policy DC1- Built Environment and Policy DC8 Heritage and Conservation which require new development to conserve the significance of the borough's historic environment by protecting, restoring and enhancing its heritage assets. The proposals are also considered to be in accordance with section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposals are also considered to be in broadly accordance with RBKC policies CL3, CL11 and CL12 of the Local Plan, London Plan policy HC1 and the NPPF. The implementation of the earlier phases of the extant

permission for the redevelopment of the site, has resulted in less than substantial harm to a number of heritage assets and their setting. The elements of the proposal scheme subject to this variation application, would result in negligible/insignificant increases to the extent of harm caused by the development overall. As such, these changes would not alter the conclusions in relation to heritage and townscape matters, which remain as per the original officer assessment. It remains the case that the various public benefits of the development, stated throughout this report (eg. housing, employment and open space provision, townscape enhancement) outweighs any limited (less than substantial) harm to heritage assets and the character and appearance of conservation areas will be sustained.

### Landscaping, Public Realm & Playspace

#### Playspace

7.68 Local Plan Policy OS3 (Playspace for Children and Young People) requires accessible and inclusive, safe and secure communal playspace to be provided on site within new residential development that provides family accommodation; that is well designed and located and caters for the different needs of all children, including children in younger age groups, older children, teenagers and disabled children. The scale of provision and associated play equipment will be in proportion to the scale and nature of the proposed development.

7.69 London Plan Policy S4 (Play and Informal Recreation) and the Mayor's Play and Informal Recreation SPG sets out the GLA's benchmark standard requirement of 10sqm of dedicated play space per child. The Mayor's playspace calculation spreadsheet established a requirement for 360sqm for this detailed component. The 'doorstep' playspace for under five-year olds is generally provided within the buildings' courtyard, whilst the remaining playspace requirements for older children will be accommodated within the extensive publicly accessible open space provided across the whole site. Phase 1 is not altered by this application; hence, there are no amendments necessary to the play space provision for Phase 1.

7.70 The proposed amendments result in an uplift of an additional 185 homes, of which 65 would be affordable. The extant permission for 1,845 homes requires 3,459sqm of play area across the WCL masterplan. The current GLA Population Yield Calculator has been used to calculate the additional areas of playspace which Phases 4 and 5 will require.

7.71 The playspace requirements for the uplift in units are as follows. This has been calculated based upon an illustrative mix and tenure split and therefore may be subject to change through reserved matters once this is fixed:

- Under 5 years – 314 sqm;
- 5-11 years – 219 sqm; and
- 12+ years – 109 sqm.

7.72 Provision would be made within the publicly accessible open space for the uplift in playspace for all age groups. Additional playspace, above that secured by the extant consent for all phases, would be accommodated within the Central Gardens and within Counters Quay, set between Buildings 8 and 11. Opportunities for play will be distributed throughout the public realm, with the use of natural landscape features, seating providing

a flexible and playable landscape, suitable for different ages.

7.73 The uplift in playspace required as a result of the amended scheme would be accommodated fully on-site in accordance with Policy OS3 of the Local Plan and Policy S4 of the London Plan.

#### Public Realm and Landscaping

7.74 Policy D8 of the London Plan requires development proposals to explore opportunities for the delivery of well-design, safe, accessible and inclusive public realm. The Public London Charter LPG provides further guidance on the application of Policy D8.

7.75 Policy OS1 (Parks and Open Spaces) requires the council will protect, enhance and increase provision of parks, open spaces and biodiversity in the borough and this policy requires a mix of new public and private open space in the White City Regeneration Area. Policy OS2 (Access to Parks and Open Spaces) states that the council will seek to reduce open space deficiency and to improve will protect and enhance the quality of, and access to, existing open space by (but not limited to) requiring provision of accessible and inclusive new open space in major development, particularly within the council's regeneration areas.

7.76 The landscape and public realm proposals for Phases 4 and 5 remain closely aligned with the extant scheme. Where changes are proposed, these are minor in nature and seek to improve the function of the public realm. The key changes to the public realm and landscaping strategy principally comprise increases in the quantum of greenspace. Within Phase 4, the extent of publicly accessible open space within the development is slightly increased through the slight reduction in areas of water to provide a series of pocket parks for residents, with space for seating, play and relaxation. The amendments to Phase 5 would comprise the introduction of a water feature within the Central Gardens adjacent to Building 10 and additional tree planting wrapping around the building. Additionally, the area created by the undercroft to the north of Building 10 will form a further area of public realm with soft landscaping.

7.77 The overarching principals of the landscape and public realm strategy would remain unchanged from the extant scheme, with substantial areas of publicly accessible open space continuing to be delivered. The landscaping and public realm strategy continues to be well-considered and providing a generous quantum of open space within the development. The amendments proposed would enhance both the public realm offering and the spaces for future residents. This is considered to be in line with Policy D8 of the London Plan and the associated LPG.

#### Housing Standards

7.78 Local Plan Policy HO4 (Housing Quality and Density) and London Plan Policy D6 require all housing development to respect the local setting and context, provide a high-quality residential environment, be well-designed and provide a good range of housing types and sizes. The policy designation, development of neighbouring sites, and the extant permission all result in a change to the local context. The Opportunity Area designation anticipates high quality, high-density development to develop much needed housing and jobs.

7.79 The revised proposals would further increase the density of the scheme. It is necessary to consider whether the standard of residential accommodation internally, will be acceptable, in order to demonstrate a design led approach in line with the aims of London Plan Policy D3 (Optimising site capacity through the design-led approach). The amendments relate to the outline components of the scheme, specifically Phases 4 and 5 in this instance, and the layouts of the residential units and windows are not yet known.

7.80 The application has been supported by a 'light within' assessment prepared by EB7. The report concludes that adequate levels of natural light can be achieved within the Phase 4 and 5 units through measures including increased areas of glazing, considered balcony arrangements and articulation of the façade to allow for light from two aspects. Full details of the design will be secured at reserved matters stage along with a full daylight/sunlight assessment. Officers are satisfied that, through careful design, the units within Phases 4 and 5 will receive adequate levels of natural light consistent with a high-density urban environment.

7.81 Outlook and privacy are also key considerations in determining the standard of accommodation that will be afforded to future occupiers. There will be a somewhat limited separation distance between Building 10 and Building 4 (13.4m) to the west and Building 7 to the east where the setback is limited to approx. 13.8m. Setbacks are similarly limited to the southern elevation of Building 7 where it faces the northern elevation of Building 5. However, it is important to note that the parameter plans present a worst-case scenario with the maximum building parameters shown. The layout of the units and window placement can be designed so as to mitigate the level of overlooking and to create an adequate level of privacy. The detailed design will be secured at reserved matters stage for Phases 4 and 5 and a full assessment of the standard of accommodation will be made. A degree of mutual looking is expected in high density developments and would not be unusual in an urban context.

7.82 Details of the size and layout of units within Phases 4 and 5 will be submitted at reserved matters stage and an assessment of their compliance against Policy D6 of the London Plan will be made at that time. Similarly, details of the provision of private amenity space will be submitted within the future reserved matters application.

7.83 In summary, it is considered that this application will result in a scheme that could provide an acceptable standard of accommodation for future occupiers of the residential accommodation in respect of the living space, aspect and amenity subject to detailed design. Officers are satisfied that the amendments sought by this submission would continue to allow for Phases 4 and 5 to comply with Policy D6 of the London Plan (2021) and Policy HO4 of the Local Plan (2018).

### Transport & Highways

7.84 In determining this application, consideration is given to the Local Plan policies T1, T2, T3, T4, T5 and T7 which relate to traffic impact/transport assessments, car parking standards, cycle parking, encouraging walking and cycling. The previous planning applications were assessed against Transport policies including the National Planning Policy Framework and London Plan Policies T2, T3, T4, T5, T6 and T7. Policy SD1 (opportunity areas) of the London Plan is also relevant along with Policy WCRA of the Local Plan.

7.85 The transport access and parking arrangements were considered to be acceptable under the most recent s73 consent, subject to conditions and s106 obligations. Access arrangements for the site and the detailed component are not proposed to change as part of this application, nor are any changes proposed to the approved details in relation to Phases 2 or 3.

7.86 The proposed amendments have been assessed in the Transport Assessment Addendum prepared by Buro Happold and reported in the relevant chapter of the ES Addendum. In terms of the trip generation the assessment concludes that the net transport impact of the revised proposals would not be significant taking into account construction and operational phases of the development. The TA has been reviewed by the Council's Transport and Highways Officer who raises no objections to the proposals.

7.87 There is no change to the number of car parking spaces proposed across the site, with a total of 595 bays to be delivered. Where additional disabled parking provision is required, this will be achieved through the conversion of standard sized bays within the consented basement car park. The quantum of accessible spaces, and the revised basement parking layout, will be dealt with through the reserved matters applications for the requisite phases. The uplift in residential units will not have a demonstrable impact on the ratio of parking spaces per unit across each of the phases, which will slightly reduce to 0.29 per unit.

7.88 The cycle parking provision is unchanged for Phases 1, 2 and 3 as no amendments are proposed to these parts of the development. The cycle parking provision for Phases 4 and 5 has been revised to reflect both the increase in maximum residential unit numbers and the standards within the recently adopted London Plan (March 2021). The cycle provision for both the residential and commercial elements can be secured by way of condition and the quantum required will depend on the number of units proposed by the future reserved matters application.

7.89 It is further proposed to introduce an undercroft to the northern extent of Building 7. The undercroft would allow for the secondary vehicular route to pass beneath Building 7 and would have a clearance height of 4.9m. A swept path analysis has been submitted to demonstrate that 7.5 tonne truck and a fire tender vehicle could pass through the undercroft and it has further been confirmed that the vertical clearance would be sufficient. The vehicular route is one-way and therefore no issues would arise in relation to passing vehicles.

7.90 The site is accessible and well served by public transport. It is considered that the amendment would not result in impacts above the previously approved development, which is born out of the transport assessment conclusions as verified by the Council's Transportation and Highways officers. Transport for London have also raised no objections to the proposed revised scheme subject to obligations and conditions. Transport impacts arising from the development would be mitigated by conditions (as per the previous scheme) and the s106 provisions (as per the previous scheme) which could contribute towards sustainable transport infrastructure measures within the White City Opportunity Area and prevent significant increase in on-street parking pressures in surrounding roads. A car park management, servicing, road safety and travel planning initiatives would be implemented in and around the site to mitigate against potential issues.

7.91 The proposed development is therefore considered acceptable in accordance with policies T1, T2, T3, T4, T5 and T7 of the Local Plan (2018), policies T2, T3, T4, T5, T6 and T7 of the London Plan (2021) and the Council's supplementary planning guidance.

### Amenity Impacts

7.92 Local Plan policies HO11 (Residential Standards), DC1 (Built Environment) and DC3 (Tall Buildings) require development to be well designed and respect of the principles of good neighbourliness.

7.93 The extant permission subject to ref: 2017/04377/VAR was not considered to result in significant harm to the amenities of the nearest adjoining existing residential occupiers (on Wood Lane and within the Wood Lane Estate) in terms of daylight/sunlight, overshadowing, and privacy (or noise or light pollution). It was considered that the proposals were designed so that they do not unduly prejudice the development potential of the adjoining sites (to the north, south or west) which have the capacity to contribute towards the comprehensive regeneration of the White City Regeneration Area, by virtue of the extent of the daylight, sunlight, overshadowing and privacy impacts.

7.94 The daylight and sunlight studies included in the 2021 ES Addendum and Light Within Report demonstrate that the proposed changes to the parameters give rise to some additional impacts to amenity beyond that of the consented scheme. The Design and Access Statement also provides a comprehensive analysis of the separation distances between the buildings as revised at the northern end of the site, in order to consider privacy levels within the development. Additional receptors (near to the site) have been considered in the ES and additional assessment upon the potential mixed residential/academic development to the north (Imperial South) has been carried out and reviewed by LBHF officers. The Light Within report identifies the impacts upon all phases of development, including the as built phases 1 and 2, and part constructed phase 3. The impact of increasing the maximum horizontal and vertical parameters of phase 5 (Building 10) is shown in the technical report to create further impacts on light within Phases 2 and the amended Phase 4, beyond those of the consented development. In turn, the revised maximum vertical parameters of Building 7 (within phase 4) results in additional impacts to Building 10 (Phase 5) and Buildings 8 and 9 (within Phase 4 which remain as consented).

7.95 Officers have considered the impacts of the proposed changes to the approved development to result from the increase scale, massing, siting and height which are set by the revised parameter plans, in terms of the principles of good neighbourliness, upon existing occupiers and future occupiers of the development (and neighbouring developments). Officers have considered the impacts on the resulting levels of residential amenity in respect of the following matters:

- Overlooking and Privacy.
- Daylight and Sunlight (within existing residential accommodation and future potential residential accommodation).
- Overshadowing of external spaces has also been considered within the assessment.

7.96 As noted in the EIA section of this report and within the preceding paragraphs, the changes to the development does not introduce additional overlooking or daylight/sunlight

losses (beyond the extant scheme) of existing residential neighbouring sites or to existing receptors to a significant degree. Therefore, the proposed revised massing of Buildings 7 and 10 result in no significant increases in overlooking, overshadowing or daylight and sunlight losses to existing residential dwellings in close proximity to the site. The living conditions within the nearby existing residential properties will not be substantially affected as a result of the revised proposals in terms of outlook, privacy or daylight/sunlight.

7.97 The below paragraphs focus on the potential impacts to arise out of the increased massing of the development upon future potential developments at Imperial College South (to the north), Westfield (to the south) and other phases of the WCL development which are either constructed, under construction or planned to be built out at a later date.

Impacts to the North (on Imperial South).

7.98 The proposed ICL South development benefits from planning permission for 373 residential dwellings within the southern blocks (in addition to ICL educational and academic uses elsewhere on the site). The southern blocks (Plots 4&5 as shown in the image below) are planned to accommodate residential dwellings from levels 1 up to 29. The central marker building in the ICL development (plot 4) is located approx. 18m from Building 10 (see Figure 1 below). The eastern blocks in the ICL development are located approx. 9m from Building 7 and Building 9 (in WCL). The revised parameter plans do not propose to increase the footprint of Buildings 7 or 10 further north. Therefore, adequate separation distance is provided consistent with the former planning permission, in order to safeguard privacy levels in the development and the ICL development.

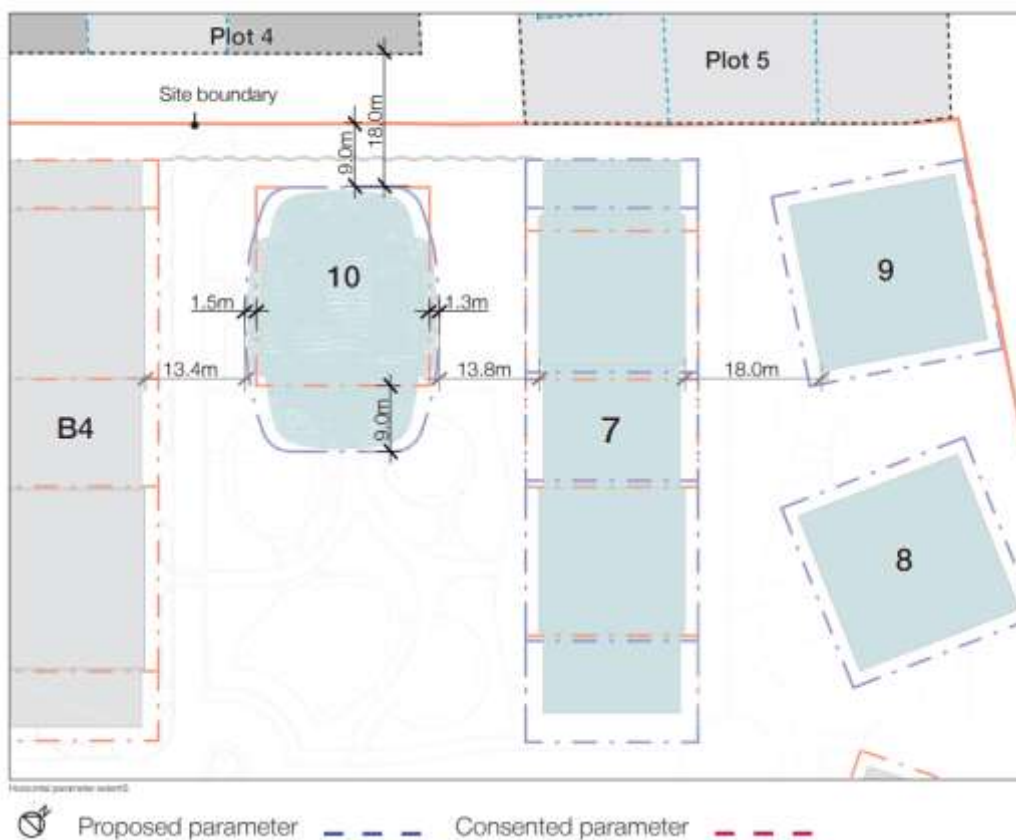


Fig 1: This image identifies the additional width and depth of Building 10 alongside the separation distances between buildings.

7.99 The additional scale, massing and height of Buildings 7 and 10 combine to create



additional (daylight/sunlight) impacts to the potential residential dwellings within the ICL southern blocks in their southern elevations. The Daylight and Sunlight Assessment demonstrates that the proposed (amended) buildings would reduce daylight and sunlight levels below the former levels, as consented (in terms of the former maximum parameter massing). Although the development, as revised does not considerably affect existing occupiers within surrounding residential accommodation, the future occupiers will be subject to lower levels of daylight/sunlight as a result of the revised development.

7.100 The applicant has submitted a heat map analysis which compares the effect of the proposed development and the former approved maximum parameters. The applicant's consultant suggests the light levels are broadly similar and only indicate minor differences. Notwithstanding this view, the analysis appears to show lower resulting levels of the daylight and sunlight within lower-level apartments within ICL South buildings and with more flats being affected at mid and upper levels as a result of the additional height of Building 10.

7.101 Notwithstanding the lowering of daylight and sunlight levels within the development to the north, it is considered subject to good design being secured at the reserved matters stage that a good standard of accommodation could still be secured in the adjoining development. It is important to note that the WCL development will only impact apartments in the southern elevation of the adjoining ICL development to the north. Otherwise, the relationships (between Plots 4 & 5 and the surrounding campus buildings) within the ICL site itself will be consistent with the WCL development to the south. It is considered that the apartments could be designed to include secondary aspects and angle windows with east and western orientation without creating a significantly contrived building design. ICL have not provided written representations to the WCL development proposals. However, the applicant has provided details of the communications between the landowners prior to submission of the WCL application to vary the former permission and no objections or other commentary have been reported. It is understood that the WCL design team have engaged with ICL to ensure the public realm interface between the developments at the northern boundary can be designed to enable to high quality open environment which can be landscaped and permit safe pedestrian movement between both sites.

7.102 On balance, it is considered the proposals have a satisfactory impact on the development to the north, but this element carries with it a minor conflict with the adopted policies DC1 and DC3 although any slight harm would only arise if the adjoining site was developed which did not incorporate good internal design principles.

#### Impacts to the South (on Westfield):

7.103 The proposed additional scale, massing and height of Buildings 7 and 10 would result in minimal impact on developments to the south, including the redevelopment of land at the Westfield Shopping Centre which is planned to comprise residential uses to the south of Phase 3 of WCL (beyond the railway viaduct). The Daylight and Sunlight Report set in the ES chapter confirms no additional adverse loss within the proposed dwellings in the potential Westfield development. No overlooking or privacy issues will occur to the detriment of future occupiers in either development as a result of the increased footprint of Buildings 7 and 10.

#### Impacts (from increased massing of Building 10 (Phase 5)) on Phases 2&4:

- 7.104 The revised parameters seek to enlarge the footprint of Building 10 by 1.5m to the west, 1.3m to the east and 9.0m to the south and to increase the maximum parameter height by 8 storeys (approx.). Therefore, the resulting plans propose a taller, wider and deeper building which is refined through a curved form at the corners (the previously approved parameter consented an orthogonal block with equal sides). The revised maximum footprint is shown in figure 1 along with the separation distances between buildings. It is noted that the parameter plans represent the maximum parameters and through further detailed design development, the massing can be refined within the envelope of the maximum parameters.
- 7.105 Building 4 (Phase 2) of the consented WCL development is located approx. 13.4m from the western façade of Building 10 at its closest. Building 7 (Phase 4) is located approx. 13.8m from the eastern façade of Building 10 at its closest. The applicant has carried out a detailed analysis of the relationship between Building 10 and the adjacent buildings in terms of the proximity and separation distances and this has been reviewed by officers. It is clear from the analysis that the buildings will fall within the minimum recommended separation distance within the SPD standard HS7 iii) which states *“any new windows should be positioned at least 18 metres from existing habitable room windows. This will be measured by an arc of 60 degrees taken from the centre of the proposed new window to ensure there is no loss of privacy”*.
- 7.106 In having regard to the separation distances between facing apartments (within the development), officers consider the detailed design of the layout of the units are capable of ensuring that habitable room windows can be positioned at oblique angles, or behind balcony screening and in indirect positions to ensure direct lines of sight could be minimised. It is inevitable that some overlooking between apartments will occur and this is not unusual or unacceptable within dense urban developments which would otherwise provide high quality living accommodation. The earlier phases of development demonstrate that a high standard of living accommodation can be provided given the internal designs of the flats, provision of external private balconies/winter gardens and the substantial communal and public landscaped spaces on offer. The latter phases are expected to be no different. Therefore, on balance, it is considered that due to the overall high quality of the development in providing a significant level of new housing with generous amenity space, that shorter separation distances, sub-SPD standard, are a compromise which can be made. The conditions are also comparable with other parts of the development with facing residential blocks. In conclusion, it is considered that future occupiers can be afforded an acceptable level of privacy within the apartments, notwithstanding the separation distances.
- 7.107 The revised massing and height of Building 10 would also result in slightly lower levels of daylight and sunlight within Building 4 and 7 (than the consented scheme) particularly in the lower levels. Overall, a satisfactory standard of accommodation could be provided notwithstanding the compromised light levels in some apartments and future residents would need to take into account the high quality of the local amenity space on-site, internal and external design qualities and nearby town centre facilities and weigh these up against the lower level of internal light within some apartments when taking up occupancy.

### Impacts (from increased massing of Building 7) to Buildings 8, 9 and 10:

7.108 The additional height on Building 7 will result in some minor daylight and sunlight infringements to Buildings 8, 9 and 10 in the development (above those reported in the previous scheme). It is considered the levels will be broadly similar to the former scheme and the resulting levels to the worst affected flats will be consistent with other parts of the development reflecting its dense urban character. There will also be some instances whereby there are windows serving living rooms and bedrooms which will be below the minimum 18m separation distance as set out in the Council's SPD. However, the resulting relationship between facing development blocks is not substantially closer than other parts of the development and it is considered there are design mechanisms available to ensure windows can be positioned at oblique angles to avoid direct overlooking. The angled nature of Buildings 8 and 9 in particular ensures that the windows looking westwards towards Building 7 can be orientated away from the closest corresponding windows in this block to avoid visual intrusion. The projecting balconies also offer a further element of screening between facing windows.

### Impacts on Phases 1 and 3 of White City Living:

7.109 The additional scale, massing and height of Phases 4 and 5 result in some minor daylight and sunlight infringements to Phases 1 and 3 in the development (above those reported in the previous scheme). It is considered the levels will be broadly similar to the former scheme and the resulting levels to the worst affected flats will be consistent with other parts of the development reflecting its dense urban character. There are no separation distance issues which merit further examination as these are consistent with the consented development and therefore the proposals will not affect the earlier phases within the development as a result of the increased massing.

### Conclusions

7.110 In this regard, the revised development is considered to create some tensions between the taller buildings at the northern end of the site (as revised) in phases 4 and 5 and the adjoining phases of the development. The proposed revised parameters plans will result in taller buildings with greater massing which is anticipated to result in the apartments (in the lower floors) receiving lower levels of daylight and sunlight (across phases 2, 4 and 5) and in the ICL development to the north (when compared to the previous massing). The applicant has produced a range of technical studies to suggest the impacts (on light levels and on overlooking/privacy) which suggest that the resulting accommodation (in the development and adjacent future potential development) will benefit from acceptable levels of light and outlook, suitable in the dense urban context.

7.111 Notwithstanding this, Officers consider that the principles of good neighbourliness must be applied flexibly in this instance given the substantial housing targets in White City for circa 7000 homes. It is evident that the future occupiers in low level apartments in the WCL development and the potential future residential floors in the ICL development will make a balanced judgement on the light levels and resulting separation distances against the high standard of public realm and town centre amenity which the location provides, before deciding to occupy or purchase

apartments in the development. It is also considered that future reserved matters submissions would need to appropriately ensure the position of windows and balconies and materials are considered to design out instances where necessary. The applicant has produced detailed studies to show how the potential relationships between facing development blocks could work to minimise direct overlooking. Further design refinement has also been carried out to Building 10 which allows a more curved form to off-set direct window to window relationships and to create sculpted side elevations to minimise the additional built form. In summary, officers consider that subject to the detail to be set out in future reserved matters applications (for Phases 4 and 5 and in ICL North), the proposed amended development would not cause a harmful impact on adjoining parts of the development or adjoining sites.

7.112 Potential impacts (both of the scheme and its cumulative effects) in terms of air quality, light pollution, solar glare, wind tunnelling, noise or TV/radio reception would be within acceptable tolerances without causing major adverse impacts (in ES terms), subject to the various mitigation methods proposed secured by conditions and the design details within the reserved matters submissions.

7.113 The application is supported by a daylight report which includes that given that the proposal provides high density development within an inner London location, and that some of the light levels are hampered by the projecting balconies which are necessary to provide essential outdoor amenity space it is considered that the layout of the development provides acceptable internal light levels. The report therefore concludes that the proposals comply with Local Plan policies DC1, DC3 and HO1 and the relevant policies of the London Plan (2021).

## Environmental Impacts

### Noise & Vibration

7.114 Policy CC11 (Noise) states that Noise (including vibration) impacts of development will be controlled by locating development in the most appropriate locations and protect against existing and proposed sources of noise and vibration through careful design, layout and use of materials, and by ensuring adequate insulation of the building envelope and internal walls, floors and ceilings as well as protecting external amenity areas. The conditions imposed on the extant permission would ensure that this policy can be broadly complied with, without fundamentally changing the permission. There would be no additional considerations arising as a result of the amendments proposed by this application.

### Air Quality

7.115 Policy (CC10 Air Quality) states that the council will seek to reduce the potential adverse air quality impacts of new developments by requiring all major developments to provide an air quality assessment, mitigation measures to be implemented to reduce emissions, reduce exposure to acceptable levels and be 'air quality neutral'. The Policy states that the council will resist development proposals which would materially increase exceedances of local air pollutants and have an unacceptable impact on amenity or health unless the development mitigates this impact through physical measures and/or financial contributions to implement proposals in the Council's Local Air Quality Management Plan; and requires all decentralised energy schemes to demonstrate that they can be used without having

an unacceptable impact on air quality. Where this is not possible, CHP systems will not be prioritised over other air quality neutral technologies.

7.116 The comments of the air quality officer are noted, but as the extant scheme is under construction, imposing more onerous requirements at this advanced stage in construction is not considered to be justified in light of the weight which can be attached to the consented development. It is recommended that the conditions imposed on the extant scheme which secure mitigation measures are sufficient for this application and will broadly comply with the intentions of the new policies which seek to reduce adverse air quality effects of new developments

### Wind Microclimate

7.117 Policy D9 of the London Plan requires proposals for tall buildings to make proper consideration of the wind and microclimate impacts. A robust assessment of pedestrian safety and comfort has been provided within Chapter 15 of the addendum to the ES and associated appendix. The assessment covers the impacts that would likely arise as a result of the amendments to Phases 4 and 5.

7.118 The wind microclimate is generally not anticipated to be materially altered from the original assessment, which was considered to be acceptable subject to the proposed mitigation. In this regard, whilst the scale of development will result in some changes to the wind microclimate, the ES Addendum concludes that the overall impact on pedestrians and occupiers of the Site would not deviate substantially from the environmental impacts already considered acceptable, and as set out in previous assessments. Furthermore, there would be no additional adverse impacts to the principal open spaces as a result of this amendment.

7.119 Areas to the east and west of Phase 5 (Building 10) would, without any mitigation, experience strong winds at a level that would represent a potential safety concern for pedestrians. Similarly strong winds (i.e. in excess of Beaufort Force 7) would be experienced in limited areas to the west of Building 9. These areas would be used by pedestrians as thoroughfares and would not host the primary entrances to Building 9 or 10. The ES recommends mitigation measures including the provision of undercuts to Building 10 and dense landscaping. These mitigation measures and details of their efficacy would be captured by condition 44 and full details of any design interventions would be secured at reserved matters stage. Officers are satisfied that the any adverse wind impacts could be adequately dealt with by way of the aforementioned mitigation measures. It is pertinent to note that the modelling indicates that winds experienced would be reduced to an acceptable level should the ICL scheme to the north come forward.

### Renewable Energy and Sustainability

7.120 Policy CC1 (Reducing Carbon Dioxide Emissions) requires all major developments to implement energy conservation measures by meeting the associated carbon dioxide (CO<sub>2</sub>) reduction targets; make the most effective use of passive design measures, demonstrate and quantify how the proposed energy efficiency measures and low/zero carbon technologies will reduce the expected energy demand and CO<sub>2</sub> emissions; demonstrate that heating and/or cooling systems have been selected to minimise CO<sub>2</sub> emissions, considering the feasibility of connecting to any existing decentralised energy systems or integrating new

systems such as Combined (Cooling) Heat and Power units or communal heating systems (without having an unacceptable impact on air quality); and using on-site renewable energy generation to further reduce CO<sub>2</sub> emissions where feasible. Policy CC2 (Ensuring Sustainable Design and Construction) requires the implementation of sustainable design and construction measures in all major developments.

7.121 London Plan Policies SI2, SI3, SI4 require development proposals should minimise carbon dioxide emissions and exhibit the highest standards of sustainable design and construction, they should provide on-site renewable energy generation and boroughs should seek to create decentralised energy network.

7.122 An Energy Statement has been submitted in support of the amendment application. It outlines the energy strategy for the overall development taking into account the Mayor's energy hierarchy and aspirations to deliver energy efficient development. There has been a change in policy direction since previous outline consent, with the new London Plan placing a greater emphasis on the use of air source heat pumps (ASHP), as opposed to combined heat and power (CHP). The scheme has been designed with a site-wide CHP heat network, with all phases connecting to this. However, additional low carbon plant will be installed locally within Phases 4 and 5 to ensure heat delivered to these buildings is predominantly low in carbon. Air source heat pumps are considered the most appropriate plant for this purpose, and their inclusion will align with the ambitions of the new London Plan.

7.123 The energy strategy for the overall development will continue to take account of the Mayor's energy hierarchy. In accordance with the approved energy strategy for the Site, the proposals retain 'be lean' measures, which ensure energy efficiency through building fabric and design. The combination of 'Be Lean', 'Be Clean' and 'Be Green' measures will result in a 37.2% reduction in regulated CO<sub>2</sub> emissions beyond Part L requirements. This will ensure a highly energy efficient development in accordance with the relevant policies within the London Plan (2021) and the Local Plan (2018).

7.124 The new London Plan has introduced a fourth stage to the energy hierarchy 'Be Seen'. This stage requires monitoring and reporting of operational energy performance of major developments for a period no less than five years. Submission of the annual monitoring reports will be secured by way of a planning obligation.

7.125 A zero-carbon requirement has also been adopted by the London Plan since the granting of the previous outline consent. Policy SI 2 requires a cash in lieu contribution to the borough's carbon offsetting fund where zero carbon cannot be achieved on site. Both the residential and commercial elements of the scheme would achieve a 37% reduction in regulated CO<sub>2</sub> emissions and subject to payment of £1,416,165 (on the basis of £95 per tonne CO<sub>2</sub> in accordance with the 'to be' approved Energy Strategy for Phases 4 and 5) the emissions would be reduced to the equivalent of zero. The applicant proposes a Carbon Off-setting strategy which will set out a package of measures to be adopted by the Developers in the management of the Development with a view to reducing carbon energy emissions through the incorporation of the measures set out in the Energy Statement for Phases 4 and 5. This strategy will need to be approved in order to calculate the off-setting payment if necessary.

- 7.126 The submitted Sustainability Statement confirms the intention to design and construct the non-residential aspects of the proposal to meet the "Very Good" BREEAM Rating and for sustainable design and construction measures to be integrated into the residential units. The existing application permission includes Conditions 45 and 46 in relation to requiring the provision of supporting evidence for each development plot to show that the required levels of sustainability have been achieved.
- 7.127 In relation to Flood Risk and SuDS issues, the proposed amendments do not increase flood risks on the site. Condition on the existing permission (Condition 31) requires submission of information on the proposed Sustainable Drainage Systems (SuDS) for each development plot prior to commencement. A similar approach would be suitable for this current application. Condition 30 on green/brown roofs should be retained.
- 7.128 The Site is situated in a highly sustainable location and benefits from excellent access to public transport. The key sustainability measures designed into the Masterplan are retained through these amendments, including the significant improvements to biodiversity and ecology as a result of the landscaping proposals; inclusive access; water and energy efficiency; waste and recycling facilities during construction and operational phases; a safe and secure environment; and high-quality sound insulation to ensure a suitable residential environment is delivered. The Council's Environmental Policy Officer raises no objections to the proposals subject to the imposition of conditions, which are retained within the extant consent. In addition, the proposals now incorporate 100% electric vehicle charging points which could be conditioned. Overall, the proposals are considered to retain high quality sustainability credentials.
- 7.129 In addition to the policies complied with at the time in the determination of the previous planning permission, it is considered the proposals (as amended) broadly comply with the council's Local Plan (2018) policies CC1, CC2, CC3 and CC4 and Policies SI 2, SI 3 and SI 4 which require highly energy efficient sustainable design which minimises flood risk and manages sustainable drainage.

### Accessibility

- 7.130 London Plan Policy D5 which seeks to ensure developments achieve the highest standards of accessible inclusive design. Policy D7 requires ninety percent of new housing meets Building Regulation requirement M4 (2) 'accessible and adaptable dwellings'; ten per cent of new housing meets Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.
- 7.131 Condition 60 of the existing outline consent requires that 10% of all dwellings across the site are designed to Part M4 (3) standards, with all others designed to achieve Part M4 (2). This condition will continue to apply to the amended scheme to ensure compliance with Policy D7 of the London Plan. The wheelchair user dwellings shall be provided across a mix of tenures and unit sizes.
- 7.132 The public realm strategy across the scheme remains largely unchanged by the amendments currently sought and no changes are proposed to the internal or external access arrangements. Therefore, the level of accessibility and inclusivity

established by the consented development with respect to the public realm and the buildings will be safeguarded. Subject to conditions and s106 provisions, it is considered that the development (as amended) would provide a safe and secure environment for all users consistent with policy.

### Socio-Economic

7.133 Chapter 6 of the White City Opportunity Area Planning Framework sets out the requirement for all developments to contribute to the provision of social infrastructure. This is to support the expanded residential and worker population across the opportunity area. The extant outline consent secured substantial contributions towards the identified socio-economic infrastructure through the delivery of a significant quantum of public open space and the provisions secured through the s106 agreement. These provisions include financial contributions towards increasing the capacity for primary and secondary schools, healthcare provisions, sports and recreational facilities, provision of CCTV and community safety measures, employment and training provisions, business engagement and procurement opportunities. This is in addition to the provision of on-site affordable housing and off-site financial contribution.

7.134 The addendum to the ES quantifies the increase in demand on local infrastructure that would arise as a result of the additional development now proposed. Officers consider that this additional demand could be suitably mitigated through a proportional uplift in the financial contributions secured by the s106 agreement. The additional development would further contribute towards the generation of employment opportunities in both the construction and operational phases amongst the other socio-economic benefits identified in the assessment of the extant outline consent.

7.135 It is considered that the social and economic benefits derived from the development as amended are substantial public benefits and represent the delivery of the council's spatial vision and strategic objectives set out within the Local Plan (2018).

### 7.136 Equality Considerations

7.33.1 Section 149 of the Equality Act (2010) which sets a Public Sector Equality Duty (PSED) came into force in April 2011 and requires the Council to consider the equality impacts on all protected groups when exercising its functions. In the case of planning, equalities considerations are factored into the planning process at various stages. The first stage relates to the adoption of planning policies (national, strategic and local) and any relevant supplementary guidance. A further assessment of equalities impacts on protected groups has been carried out under the original outline development proposals (ref: 2014/04726/OUT, which identified the possible equality impacts on the protected groups. The same conclusions in this previous EqIA report apply to the scheme as amended by way of varying the planning conditions.

### 7.137 Fire Safety

7.138 Policy D12 (Fire Safety) of the London Plan requires developments to achieve the highest standards of fire safety. The policy requires that should development proposals should consider how they will function in terms of the building's



construction methods, products and materials, means of escape for all building users, features which reduce the risk to life, access for fire service personnel and provision within the curtilage of the Site to enable fire appliances to gain access to the building.

7.139 The current proposals are for a variation to an extant outline planning permission, and a full Fire Safety Statement will accompany the future Reserved Matters Applications which will be consider the detailed design of the buildings. The HSE Gateway One statutory consultee recommends that the applicant uses the fire statement form (or a form to similar effect), available on gov.uk, to provide the fire safety information which will be included as an informative. Notwithstanding this, the Design and Access Statement identifies how fire safety has been considered in the scheme design from the outset. In addition, the Applicant has submitted a Revised Fire Strategy and a Qualitative Design Report (for Phases 4 and 5) which seek to demonstrate the early design of the development is capable of compliance with the relevant legislation on fire safety as well as the London Plan policies D5 an D12. This is considered an appropriate response at this stage in the planning process whereby the proposals (in Phases 4 and 5) are in outline form and the detailed design will follow within the reserved matters and condition stages. The GLA and HSE broadly accept this outline approach and a condition will be included which requires a Fire Statement to be submitted for approval as part of the reserved matters submission for phases 4 and 5 of the development.

#### 7.140 Section 106/Heads of Terms

7.141 The extant planning permission was approved subject to a section 106 legal agreement (Third Deed of Variation of the previous S106 Agreement). There have been three subsequent Deeds of Variation since the extant permission was granted in 2018 which amended the affordable housing provisions (in 2018 to secure an additional 11 affordable units in Phase 2, in 2019 to secure amendments to the mortgagee in possession clauses and in 2021 to secure modifications to the tenure of the CSE units).

7.142 At each stage in amending the s106, LBHF officers have considered that the s106 obligations were required in order to make the development acceptable in planning terms and were compliant with the CIL regulations (at the time) given the obligations are/were reasonable, proportionate and would be directly related to the development.

7.143 It is considered that the extent of the potential impacts to arise from the current proposed development (as amended) would be more extensive than those attributed to former scheme, particularly with respect to socio-economic impacts, environmental impact (in terms of CO2 emissions) and the impact on affordable housing. The adopted Local Plan (2018) requires new development to contribute proportionally to the wider regeneration of the area and also to contribute towards necessary social, physical and economic infrastructure to support the major developments. The extant scheme secured £12,800,000 financial contributions towards improvements to local highways, improvements to public transport, improvements to cycle facilities, contributions to health and education and new community facilities and employment and training initiatives on the basis that a maximum of 1814 residential units were/are built. A subsequent s96A approval permitted an increase in the maximum residential quantum to 1845 residential units (but no additional floorspace). As the current proposals result in the provision of 185

additional homes (a total of 2030 homes), a further proportional financial contribution is justified recognising the quantum of residential floorspace has increased and there would be greater environmental and socio-economic impact on the wider area. A revised total of £14,081,899 is therefore secured and this contribution would enable necessary infrastructure to be delivered within the vicinity of the site which is needed to accommodate the level of growth sought within the White City regeneration area.

7.144 The calculation of the White City Opportunity Area Planning Framework Contribution (“WCOAPF Contribution”) comprises an additional £1,281,899 with the calculation based on the contribution (per dwelling) secured under the 2017 planning application which increased the Contribution by £2million (for 337 additional homes). In terms of the triggers for this payment, it is proposed that £1,000,000 is payable on commencement of Phase 4 and the remainder (£281,899) on commencement of Phase 5.

7.145 In addition to the above additional Regeneration Area Contribution, an increased Carbon Off-set payment has been identified as being required as set out in the Phase 4&5 Energy Statement (submitted with the s73 application), should the ‘be lean, be clean, be green measures’ be adopted. The applicant has proposed a revised sum of £1,416,165 which could be secured under the new legal agreement. This sum shall accord with the revised rate of £95 per tonne CO2.

7.146 The revised planning application also requires amendment to the affordable housing provisions, including changes to the Extra Care Housing provisions as a result of the impact of the development, but also as a result of further dialogue with the Council’s Adult Social Care Team and Housing Teams (specifically relating to the extra care element). The applicant proposes an additional 35% (of the 185 uplift) affordable homes to be delivered in phase 4 of the development. The proposed changes to the Extra Care Provisions in the legal agreement also include (1) raising the rental cap on the Extra Care Rental Units and (2) omitting the requirement for a care needs assessment for the SO units. The assessment of the amendments (to the affordable and extra care housing provisions in the legal agreement) are set out in detail in the Housing chapter of this officer report and are considered by officers to be acceptable.

7.147 Notwithstanding the above new and amended provisions, the other planning obligations set out in the s106 would still apply in the event of approving this section 73 application, which would create a new planning permission to supersede the previous one.

7.148 In light of the above, it is considered that a new Section 106 Agreement (a 7th Deed of Variation) is drawn up which updates the provisions of the former Legal Agreements is necessary in order to secure the necessary infrastructure to mitigate the impacts of the proposed development (as amended) and ensure the proposal (as amended by way of S73) is in accordance with the statutory development plan.

7.149 The applicant has agreed to enter into an updated Section 106 Agreement which carries over the provisions of the previous legal agreements in respect of ref: 2016/03907/VAR, ref: 2014/04726/OUT and ref: 2017/04377/VAR and other relevant approved applications and deeds of variation) under Section 106 of the Town and Country Planning Act 1990 (As Amended) and S278 of the Highways Act 1980 that will relate to the new planning permission. The non-financial contributions which

formed a part of the previous planning permissions will be secured to mitigate the impacts of the development (as amended) and to make the modified scheme acceptable in planning terms.

7.150 Officers are of the view that allowing an additional 185 dwellings warrants an additional contribution towards WCOAPF infrastructure and that the additional sum secured, is reasonable, proportionate and would directly relate to the development. Aside from the additional WCOAPF contribution, affordable housing amendments and Carbon Off-set contribution, it is considered that there are no other additional obligations necessary and related to the revised development scheme as amended by way of this section 73 application.

7.151 In conclusion, the use of planning obligations, as set out in the provisions of the extant scheme s106 agreement, subject to the changes discussed above considered to be in accordance with Policy DEL1 of the Local Plan and the London Plan (2021) The proposed s106 payments will be staggered in accordance with the extant scheme payment plan set out in the signed s106. As is standard practice within LBHF, officers will recover the costs involved with the preparation and signing of the section 106 legal agreement.

#### Mayoral CIL

7.152 Mayoral CIL (Community Infrastructure Levy) came into effect in April 2012 and is a material consideration to which regard must be had when determining this planning application. An amended charging schedule was adopted in February 2019 (MCIL2). Under the London wide Mayoral CIL the scheme would be liable for a CIL payment, with LBHF falling within charging Zone 1. Mayoral CIL payments are allocated to funding Crossrail 1 (the Elizabeth Line) and Crossrail 2.

#### Local CIL

7.153 The Council has also set a CIL charge. The Council's Community Infrastructure Levy (CIL) is a charge levied on the net increase in floorspace arising from development in order to fund infrastructure that is needed to support development in the area. The Council's CIL runs alongside Section 106 Agreements (S106s). The CIL Charging Schedule was presented to Council and approved 20 May 2015 and has formally taken effect since the 1st September 2015. This scheme would be liable for a local CIL payment.

## **8.0 Conclusion and Recommendations**

8.1 This S73 application has been assessed in terms of potential environmental impacts and having regard to design / amenity related impacts and the proposed changes to the detailed component of the scheme are acceptable in all respects. The application has been assessed against all relevant planning policies in the Development Plan including the Local Plan (2018) and London Plan (2021) and against the guidance set out in the National Planning Policy Framework (2021).

8.2 Officers support the proposed development in line with the recommendations at the start of the report.