
Ward: Shepherd's Bush Green

Site Address:

Westfield London Shopping Centre Ariel Way London



© Crown Copyright. All Rights Reserved. London Borough Hammersmith and Fulham LA100019223 (2013).

For identification purposes only - do not scale.

Reg. No:

2022/03193/FUL

Case Officer:

Anisa Aboud

Date Valid:

11.11.2022

Conservation Area:

Committee Date:

07.03.2023

Applicant:

Westfield Europe Ltd.
C/o Agent C/O AGENT

Description:

Temporary use of the Square as an Ice Rink (use class F2 (d)), Christmas Tree and associated temporary structures for a temporary period between 1st November and 31st January inclusive on an annual basis for three years ending January 2025.

Drg Nos: See Condition No.2

Application Type:

Full Detailed Planning Application

Officer Recommendation:

- 1) That the Committee resolve that the Chief Planning Officer be authorised to grant permission 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 conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

Conditions:

- 1) The temporary use of the site as a Christmas/winter event space is permitted for a limited period of 3 years only, on an annual basis between November and February only, commencing November 2022 until the 31st January 2025:-

Annually, in respect of the Christmas tree, this should be displayed only until 10th January 2024 for the 2023/2024 festive season and only until 10th January 2025 for the 2024/2025 festive season, after which date the Christmas tree shall be taken down and removed from the site, and the site shall be returned to its original condition.

Annually, in respect of the ice rink and associated structures, the use is to cease by the 31st January. The rink and associated structures hereby approved will be removed by 12th February 2024 for the 2023/2024 festive season and by 12th February 2025 for the 2024/2025 festive season, following which the site shall be returned to its original condition.

In the interests of proper planning and to ensure that the use does not have a significant impact upon the existing amenities of neighbouring residents, in accordance with Policies CC11, CC13, DC1, DC4, DC9 and HO11 of the Local Plan (2018).

- 2) The development hereby permitted shall be carried out in accordance with the following drawings and documents submitted:

Site Location Plan (WL-WestfieldSquare-Planning-Ice Rink22-171022-Ice Rink Location Plan), Site/Block Plan (180321-WF-01-ICE-RINK-PLANKRP-0SU), Proposed NE Elevation (WL-WestfieldSquare-Planning-Ice Rink22-171022-Ice Rink Screen-NE-Elevation), Proposed SE Elevation (WL-WestfieldSquare-Planning-Ice Rink22-171022-Ice Rink Screen-SE-Elevation), Structures & Rink Elevations (180321-WF-01-ICE-RINK-PLAN-RP-8EL), Cassette Floor Section (180321-WF-01-ICE-RINKPLANK-RP-7SE), Barrier Layout (180321-WF-01-ICE-RINKPLANK-RP-4BA), Flood Covering Plan (180321-WF-01-ICE-RINKPLANK-RP-3FC), Structure & Rink Structure Plan (180321-WF-01-ICE-RINKPLANK-RP-2ST), Structure & Rink Floor Plan (180321-WF-01-ICE-RINKPLANK-RP-1FP), Visualisation Images, Design and Access Statement, (by Westfield Ltd.), Cover letter (NTR Planning Ltd.).

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 and DC8 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

- 3) The uses hereby permitted shall operate only between the hours of 10am to 9pm each day (except Christmas Day) and the Christmas tree lighting shall be switched off at 11pm each day.

To ensure that the amenities of surrounding occupiers are not unduly affected by noise and other disturbance, in accordance with Policies CC11, CC12, CC13, DC1, DC4, and HO11 of the Local Plan (2018).

- 4) The materials used in the construction of the welcome/skate exchange tent and associated temporary structures hereby approved shall be in accordance with the details specified in the annotations of the approved drawings. Thereafter, no further alterations or additions shall be made to the appearance of the same without planning permission first being obtained.

To ensure a satisfactory external appearance, in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 5) Noise from uses and activities within the development site shall not exceed 5dBA above the lowest existing background sound level in accordance with the criteria of BS8233:2014 at neighbouring noise sensitive/ habitable rooms and private external amenity spaces in order to prevent any adverse impact.

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 Development Management Local Plan.

- 6) External artificial lighting at the development shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals in the 'Guidance Note 01/20: Guidance Notes for the Reduction of Obtrusive Light'. Lighting should be minimized, and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Notes.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting, in accordance with Policies CC12, CC13, DC1, DC4 and HO11 of the Local Plan (2018).

- 7) The development hereby approved shall operate as set out in the Design and Access Statement prepared by Westfield Ltd. The annual construction and dismantling will be made via Marathon Way and deliveries will be made outside of peak times. Construction / Dismantling Works shall be carried out in accordance with Transport for London requirements. Deliveries to and dispatches from the site will be between 10:00 and 16:00 (i.e. outside of the network peak periods) Mondays to Fridays and between 10:00 and 13:00 on Saturdays and at no other times, including Sundays and Public/Bank Holidays. Should the constructing timescale or routings change, the applicant shall submit a Construction Logistics Plan (CLP) with the revised timing/routing/and trip generation for construction vehicles to the Local Planning Authority.

To ensure that appropriate steps are taken to limit the impact of the proposed construction works on the operation of the public highway, the amenities of local residents and the area generally, in accordance with Policies DC1, T1, T2, DC2, CC6, CC10, CC8 and CC12 of Local Plan 2018.

Justification for Approving the Application:

- 1) The proposed temporary use of the Square as an Ice rink, Christmas and associated temporary structures are considered of an acceptable appearance and would not cause any significant harm to the amenities of neighbouring properties. Further, the development is considered not to adversely impact on the character and appearance of the nearby Conservation Areas. In these respects, the development accords with Policies DC1, DC4, DC8 and HO11 of the Local Plan (2018).

The proposal is acceptable in land use terms. It is compatible with the objectives of the White City Regeneration Area and the Shepherds Bush Town Centre. The development is considered acceptable with no significant adverse impact in terms of additional noise and disturbance to surrounding residential amenity, nor does it impact negatively on transport. The temporary use is compatible with the surrounding uses within Westfield Shopping centre and ensures the vitality and viability of the centre, as well as enhancing the diversity on offer, whilst also supporting leisure facilities in the area. In this respect the proposal complies with Policies WCRA, WCRA1, TLC1, TLC2, CF3, CC11 and CC13 of the Hammersmith and Fulham Local Plan (2018) and relevant Key Principles of the Planning Guidance Supplementary Planning Document (2018).

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

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

Application form received: 2nd November 2022
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:

Comments from:
Transport For London - Land Use Planning Team
Transport For London - Land Use Planning Team

Dated:
09.12.22
06.12.22

Neighbour Comments:

Letters from:
5 Endeavour Square Stratford London E20 1JN

Dated:
13.12.22

1.0 SITE DESCRIPTION

- 1.1 The Application Site sits within the wider Westfield Masterplan, and specifically relates to part of Westfield Square (or Relay Square), the major public realm space within the Phase 2 extension to the existing Westfield Shopping Centre.
- 1.2 The wider Westfield London site covers approximately 16.6 hectares (40 acres) of land situated west of the A3220 and the West London Railway Line, south of Ariel Way, east of Wood Lane and north of the residential streets comprising Bulwer Street, Caxton Road, and Shepherd's Bush Place.
- 1.3 The site is within the White City East sub-area of the White City Regeneration Area (WCRA), and the Shepherds Bush Town Centre, as identified in the Borough's Local Plan. The WCRA is also designated as an Opportunity Area in the London Plan. The framework for the WCRA marks the site as one for housing, commercial, creative & academic uses as part of a mixed-use area.
- 1.4 The site is not within any of the borough's Conservation Areas, however the Wood Lane Conservation Areas sits to the North of the site context. The site is close to both the DIMCO buildings (Grade II listed) and the former BBC Television Centre (Grade II listed).
- 1.5 The site benefits from an excellent Public Transport Accessibility Level (PTAL) of 6a, the highest possible level. The site is opposite the White City Bus Station which has public access for passenger alighting and boarding at stops and routing for buses to depart the site all around the site's perimeter. White City bus station is served by ten bus routes and two routes pass along Ariel Way east-west. The site is also within close proximity and walking distance, approximately 0.1 miles of Wood Lane Underground, 0.3 miles of White City Underground Station, and 0.6 miles of Shepherd's Bush Underground, Overground and Railway station.

2.0 RELEVANT PLANNING HISTORY:

- 2.1 There is a long complex planning history relating to Westfield. The history most relevant to this application is as follows:
 - Previous consents for a Christmas event space at Westfield include:
 - Planning permission was granted in October 2012 for the temporary use of Southern Terrace adjacent to Westfield shopping centre's south west entrance as a Christmas event space to include the temporary erection of two domes. Temporary permission was granted for the use to operate until 7th January 2013, on or before which date the use must be discontinued, the buildings and related structures and equipment taken down and removed from the site, and the site be made good to its original condition.
 - Planning permission was granted in October 2015 for the temporary use of Southern Terrace adjacent to Westfield shopping centre's south west entrance as a Christmas event space to include the erection of a temporary building (Christmas Grotto) clad with LED panels with a maximum height (9.12 metres) x length (16.66 metres) x width (9.96 metres) (Ref: 2015/01978/FUL). Temporary permission was granted for the use to operate until 10th January 2016, on or

before which date the use must be discontinued, the buildings and related structures and equipment taken down and removed from the site, and the site be made good to its original condition.

- Advertisement consent was granted in December 2015 for the display of internally illuminated LED digital screens to the eastern, northern, southern, and western elevations of the Christmas Grotto for a temporary period expiring on 10th January 2016.
- Planning permission was granted in October 2016 (ref; 2016/03470/FUL) for temporary use of part of the Southern Terrace adjacent to Westfield shopping centre's south west entrance as a Christmas event space (Christmas Grotto) to include the erection of a temporary building clad with LED panels. (Temporary period annually).
- Advertisement consent was granted in November 2016 (ref; 2016/03471/ADV) for Display of internally illuminated LED digital screens to the eastern, northern, southern and western elevations of the Christmas Grotto for a temporary period annually.
- Planning permission was granted in October 2017 (ref; 2017/03193/FUL) for; Temporary use of part of the Southern Terrace adjacent to Westfield shopping centre's south west entrance as a Christmas event space (Christmas Grotto) to include the erection of a temporary building clad with LED panels for a temporary period only.
- Advertisement consent was granted in October 2017 (ref; 2017/03190/ADV) for; Display of internally illuminated LED digital screens to the eastern, northern, southern and western elevations of the Christmas Grotto for a temporary period only.
- Planning permission was granted in September 2018 ref: 2018 2018/02277/FUL for: Temporary use of part of the Southern Terrace adjacent to Westfield shopping centre's south west entrance as a Christmas event space to include the erection of a temporary building clad with LED panels for a temporary period only.
- Advertisement consent was granted in September 2018 ref: 2018/02278/ADV for: Display of internally illuminated LED digital screens to the eastern, northern, southern and western elevations of the Christmas Grotto for a temporary period only.
- Planning permission was granted in September 2020 ref: 2020/01799/FUL for change of use of Relay Square (also known as Westfield Square) for temporary use as an outside cinema (Use Class D2) including the retention of a digital LED screen
- On 24th December 2020 permission was granted for the temporary use of part of Westfield Square as a Christmas event space to include the erection of 6 no. wooden cabins, installation of 9 no. igloo seating pods and a 20.8m high Christmas Tree (2020/02802/FUL).
- Most recently consent was granted on 23rd December 2021 for the temporary use

of part of Westfield Square as a Christmas event space to include erection of carousel and ticket booth, container bar with covered external seating area; installation of 9no igloo seating pods and a 21m high Christmas Tree (2021/03551/FUL).

2.2 The current application seeks planning permission for the temporary use of part of the Square as an Ice Rink (use class F2 (d)), Christmas Tree and associated temporary structures for a temporary period between 1st November and 31st January inclusive on an annual basis for three years - 2022/23 (retrospective), 2023/24 and 2024/25 after which the site would be returned to its former state.

2.3 The works include:

To use both the upper and the lower square as a festive ice-skating rink, with associated ancillary structures erected in both areas as follows:

Upper Square -

- o Erection of an outdoor ice-skating rink (approximately 38m by 28m);
- o Christmas Tree, located centrally within the ice rink (max height 21m);
- o Four temporary structures (BOH, Zamboni, store/office/first aid tents);
- o Temporary Flood lights.

Lower Square -

- o Temporary structure for use as a welcome tent/skate exchange (40m by 12m);
- o Ticket Booth;
- o Star Shaped Entrance Feature.

2.4 The applicants have a three-year lease agreement with their ice rink partner and are seeking a recurring annual permission for the use of the square as an ice rink from the 1st November until the 31st of January the following year. In each year (22/23, 23/24, 24/25), the seasonal use of the square for ice skating and the associated temporary structures would be required for a temporary period of 3 months (late October to end January) only. The ice rink and all associated structures would be removed by the middle of February at which time the Square would be returned to its former condition and use, as outdoor amenity space for Westfield shopping centre.

2.5 The ice skating would operate with ticketed access to members of the public. Customers would pay for their tickets at the ticketing booth located adjacent to the lower square and enter via the skate exchange entrance structure in the lower square, where they exchange their footwear for ice skates, after which they are invited onto the ice rink to take up a 45 minute skating session. Sessions are proposed to run from 10am to 9pm daily (except Christmas Day), with 15mins break between sessions, for ice rink maintenance. The ice rink itself will occupy the majority of the upper square, with a Christmas tree in the centre. It will be bounded by a 1.5m high safety enclosure but is otherwise open. There are 4 x ancillary back of house structures, which will be used for ancillary office, storage (Zamboni), first aid and plant located parallel to the upper square.

2.6 The ice rink will be lit by 12 no. truss towers, with 2 no. LEDJ Spectra Floodlights (max LUX level of 1.746 @ 2m). The light will be focused on the ice rink with

minimal out-spill.

- 2.7 Officers note that the ice rink and associated structures and the Christmas tree, were in situ/use between November 2022 and the end of January 2023. These have since been cleared from the site.

3.0. PUBLICITY AND CONSULTATIONS

- 3.1 The application was advertised in the local press and via site notice that referred to the application's potential effect on the character of the Conservation Area and that it was a major application. Notification letters were not sent as the application site has no immediate adjoining residential neighbours. No representations were received.

External & Statutory Consultees

- 3.2 Transport for London (TfL): TfL has raised no objection to the proposed development, however considered that the following would need to be addressed:
- Cycle Parking details
 - Operational timings to be conditioned
 - Potential impact on the public transport network
 - Annual construction via Marathon Way and deliveries will be outside peak times should be conditioned, if any changes then CLP required.
 - Crowd Management Plan (Dispersal Plan)
 - A Staff Travel Plan

4.0 PLANNING CONSIDERATIONS

Policy Framework

- 4.1. The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England. 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).
- 4.2. In this instance the statutory development plan comprises the London Plan 2021, LBHF Local Plan 2018 and the LBHF Planning Guidance SPD 2018.
- 4.3. The National Planning Policy Framework - NPPF (2021) is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

- 4.4 The London Plan was published in March 2021 and is the Spatial Development Strategy for Greater London. It sets out a framework for how London will develop over the next 20-25 years.
- 4.5 The Council adopted the Local Plan on 28 February 2018. The policies in the Local Plan together with the London Plan make up the statutory development plan for the borough. The Planning Guidance Supplementary Planning Document (SPD) (February 2018) is also a material consideration in determining planning applications. It provides supplementary detail to the policies and is organised around key principles.

5.0 PLANNING ASSESSMENT

- 5.1 The main planning issues raised by the submitted development proposal that should be considered are;
- Land Use;
 - Design and Conservation;
 - Highways Implications;
 - Amenity Impacts (principally noise and disturbance and light pollution);
 - Environmental Considerations (Sustainability and Energy; Flood Risk; Land Contamination; Air Quality);

LAND USE

- 5.2 The site lies within the White City East sub-area of the White City Regeneration Area (WCRA), and the Shepherds Bush Town Centre, as identified in the Borough's Local Plan (2018).
- 5.3 The White City Regeneration Area (WCRA) is also designated as an Opportunity Area in the London Plan, where necessary social and other infrastructure to sustain growth is encouraged including where appropriate, containing a mix of uses (London Plan, Policy 2.13). Local Plan Strategic Policies WCRA and WCRA1 recognise the need to focus regeneration and growth within the WCOA by promoting a range of uses.
- 5.4 The London Plan (2021) sets out that the opening of the Westfield London Shopping Centre has raised the status of Shepherds Bush to a Metropolitan Town Centre and identifies (table A1.1) that Shepherd's Bush has the potential to be upgraded to an International Town Centre within the Town Centre Network. International centres provide London's globally renowned retail and leisure destinations, with excellent levels of public transport accessibility, the environment is of the highest architectural quality, and is interspersed with internationally recognised leisure, culture, heritage, and tourism destinations.
- 5.5 The Application Site sits within the wider Westfield Masterplan, and specifically relates to Westfield Square (or Relay Square), the major public realm space within the Phase 2 extension to the existing Westfield Shopping Centre. The site is a suitable location for leisure, recreation, cultural and entertainment facilities. This activation of the public square is considered to be beneficial to the opportunity area generally. The proposal will add to the existing range of facilities on offer in White City and Shepherd's Bush town centre, as well as complimenting the existing and proposed uses within the various surrounding developments including

Westfield.

- 5.6 The temporary nature of the use is such that its impact would be limited and would operate in line with the original intent of the Square as a public space which offers flexibility in usage, in accordance with both London Plan and Local Plan policies. A condition is attached to ensure that all structures associated with the application will be removed within the time limit period and the site reinstated once the temporary use ceases.
- 5.7 Local Plan Policy TLC5 (Managing the Impact of Food, Drink and Entertainment Uses) controls the hours of operation for Class A3, A4 and A5 uses. Policy TLC5 allows for hours of operation to be extended where the use would not be likely to cause adverse impacts on the amenity of the surrounding area. The policy requires food and drink establishments as well as arts, culture, entertainment and leisure uses to be subject to conditions controlling hours of operation, as follows:
- a. except in predominantly commercial areas, such as parts of town centres - premises shall not be open to customers later than the hour of 23:00; and
 - b. within predominantly commercial areas, such as parts of town centres - premises shall not be open to customers later than the hour of 24:00.
- 5.8 In terms of Policy TLC5, the proposed temporary entertainment use (Christmas events space) is intended to provide further diversity, attracting residents, visitors and tourists to the site. The impact of the activities would be subject to licensing restrictions and would operate in accordance with the submitted planning documentation, which sets controls on the hours of operation to no later than 21:00 hours, Mondays-Sundays less than the policy guidelines for this predominantly commercial location. A condition will be attached to the permission to control the hours of operation.
- 5.9 As the site's planning history demonstrates Westfield Square has successfully been used as a Christmas events space for the wider Westfield Shopping Centre development over the years and it is considered that the proposals would complement the retail outlets of the centre and increase the footfall and the vitality and viability of the centre as an attraction. No objections are raised in terms of land use.
- 5.10 The proposed development is therefore considered to be in accordance with the abovementioned policies which seek to promote entertainment uses that will further diversify the mix of uses within the town centre and provide economic and social regeneration benefits to LBHF and London.
- 5.11 The proposal in terms of visual amenity, environmental nuisance and transport and highway impacts is considered later in this report.

DESIGN AND CONSERVATION

- 5.12 Together with London Plan 2021 Policy HC1, Local Plan policies require development proposals to incorporate exemplary standards of sustainable and inclusive design. Policy DC1 (Built Environment) requires all development

proposals within the borough to create a high-quality urban environment that respects and enhances its townscape context and heritage assets. Policy DC2 (Design of New Build) sets out to ensure that new build development will be of a high standard of design and compatible with the scale and character of existing development and its setting. Policy DC8 (Heritage and Conservation) states that the council will conserve the significance of the Borough's historic environment by protecting, restoring, or enhancing its heritage assets, including the borough's conservation areas.

- 5.13 The character of the area is a busy urban location characterised by a main road highway (Wood Lane) and large-scale commercial property and the height and bulk of Westfield Shopping Centre. In this context the proposed welcome tent/skate exchange structure, associated temporary back of house structures and Christmas Tree are not considered to be unduly obtrusive.
- 5.14 The ice rink is to be located on the upper level of the square with the Christmas tree located centrally within this space and to measure 21m in height. The welcome tent/skate exchange structure is to be located on the lower square and would measure approximately 40m x 12m. The four temporary structures are positioned parallel to the upper square. They measure approximately 2.4m in height with a diameter of 3.7m and are constructed of PVC, polycarbonate and aluminium. The wooden cabins are grouped to the northern area of the square and would each feature a dual pitched roof and measure 2.4m in height, 1.98 width and 2.12m length.
- 5.15 The structures are of a temporary nature and the prefabricated nature of the buildings are supported from an environmental point of view and would lessen any impact on amenity during the short construction period. Given the temporary nature of the structures it is considered that the design is appropriate and broadly complies with the objectives of the London Plan and Policies DC1, DC2 and DC8 of the Local Plan 2018.

Heritage Impacts

- 5.16 The application site is not situated in a Conservation Area, however Wood Lane Conservation Area lies to the north of the site and the former BBC Television Centre (Grade II listed) lies to the west and the DIMCO building to the south (Grade II listed). The proposed development would have a temporary impact on the character and appearance of Wood Lane Conservation Area, in an area which has recently been subject of significant and ongoing development. The proposals would have very limited intervisibility from key views of surrounding heritage assets, including the Grade II Listed Television Centre and the DIMCO building. As such, the development is not considered to result in any harm to adjacent heritage assets; and the character and appearance of the Wood Lane Conservation Area would be preserved by the development.
- 5.17 Officers have assessed the impact of the proposal on the adjacent heritage assets and consider that it is in line with national guidance in the NPPF. Officers also consider that the proposals would be in accordance with Policies DC1, DC2 and DC8 of the Local Plan 2018 and Policy HC1 of the London Plan 2021. The proposed scheme would also accord with Sections 66 and 72 of Planning (Listed Buildings and Conservation Areas) Act 1990.

HIGHWAYS IMPLICATIONS

- 5.18 In determining this application, consideration has been given to the requirements of Policies T1, T2, T4, T5, T6, T6.5 and T7 of the London Plan, as well as the Healthy Streets for London strategy, published by TfL in 2017, in assessing the effects on the local highway network along with the proposed car parking, cycling parking and servicing requirements. London Plan Policy T6 and T6.5 state that proposals should encourage the reduction in the need to travel, especially by car.
- 5.19 Policies T1, T2, T3, T4, T5 and T7 of the Local Plan which relate to traffic impact/transport assessments, car parking standards, cycle parking, encouraging walking have been considered. Policy CC7 sets out the requirements for all new developments to provide suitable facilities for the management of waste.
- 5.20 The site is very well connected to all modes of travel including public transport options, and pedestrian and cycle network facilities, with a Public Transport Accessibility Level (PTAL) of 6a, one of the highest possible levels. A range of public transport facilities are available within a short walk, including bus and underground services. The site is located within close distance of a range of everyday amenities. Staff and visitors accessing the site will therefore benefit from excellent access to public transport. The Site also enjoys excellent accessibility by walking and cycling and is located within close distance of a range of everyday amenities.
- 5.21 The Design and Access Statement confirms that no additional permanent staff would be employed as a result of the Christmas event space. As part of an established retail development, there is capacity within the existing employment figures to operate this seasonal attraction.
- 5.22 The applicant, through experience of operating temporary Christmas events at Westfield Square in the past, do not expect that many visitors will travel by car, however for those that do, car parking is available in privately run car parks located within walking distance to the venue (at Westfields). No car parking is proposed as part of the development, within a high PTAL location, in accordance with the London Plan.
- 5.23 The roads surrounding the site are located in Controlled Parking Zone (CPZ) G with parking restrictions in place Monday to Sunday (incl bank holidays, except Christmas Day and Easter Sunday) 9am to 10pm.O with parking restrictions in place Monday to Saturday from 0900-1700. Due to this they offer short parking opportunities for those visiting the proposed site .

Cycle Parking

- 5.24 There is a Santander Cycle Hire Dock located close to the site on the eastern side of Wood Lane, with 36 bikes available to hire. There is also public cycle parking available, located at Westfield and White City Place. This will provide enough capacity for those wishing to cycle to the venue without impacting on existing users and therefore complies with Policies T3 of the Local Plan 2018.

Trip Generation

- 5.25 The site is located within an area of excellent public transport accessibility, located close to West Kensington London Underground Station. Given the location of the site and excellent public transport links it is expected that few people would need to arrive by car. Furthermore, the level of transport links are considered to ensure that the intensification of the use at the site would not result in any transport capacity issues subject to the measures outlined above.

Installation/De installation works

- 5.26 The applicant states that the tree installation will require a 2 day installation in late October, with the lights also being switched on from early November. The tree will remain in-situ until early January when the lights will be turned off, the de-rig will then start within the second week of January and will be removed in one day.
- 5.27 All construction material for the Christmas tree/ice rink will be delivered through Marathon Way. TfL have commented on the application and requested that the annual construction and any associated deliveries should be made outside of peak times. Should the constructing timescale or routing change from that estimated in this submission, the applicant should be required to submit a CLP with the revised timing/routing/ and trip generation for construction vehicles. This will be secured by condition.
- 5.28 It is noted that signage and marshalling will be provided to minimise impacts on the Westfield estate. TfL has requested that a Crowd Management Plan (Dispersal Plan) that identifies impacts on TfL services should be prepared. Officers consider that due to the temporary nature of the proposed works, the existing Crowd Management Plan secured for the wider Westfield retail development would satisfy this requirement. TfL have also requested a Staff Travel Plan which encourages modal shift for staff, however given that the proposal does not generate additional staff, the ice rink will be operated by existing Westfield hospitality staff, Officers consider this is not necessary as the wider Westfield development has an effective Staff Travel Plan in place, of which this application would fit within.

AMENITY IMPACTS

Daylight, Sunlight and Overshadowing

- 5.29 Local Plan Policy DC2 (Design of New Build) refers to impact generally and the principles of 'good neighbourliness'.
- 5.30 As there are no residential properties in close proximity to the site (within 20m), with the closest existing properties being 200m to the west along Macfarlane Road and wood Lane, a light pollution assessment was not required. Officers consider that the proposal would not result in detrimental impacts in terms of loss of daylight or sunlight nor result in harm from overshadowing given the scale and nature of the development.

Noise and Vibration

- 5.31. London Plan Policy D14 (Noise) sets out measures to reduce, manage and mitigate noise to improve health and quality of life.
- 5.32 Local Plan Policy CC11 (Noise) advises that noise and vibration impacts will be controlled by locating noise sensitive development in appropriate locations and protected against existing and proposed sources of noise through design, layout and materials. Noise generating development will not be permitted if it would materially increase the noise experienced by occupants/users of existing or proposed noise sensitive areas in the vicinity.
- 5.33 The Design and Access statement confirms that the skating sessions will be complemented with appropriate background music. The applicants are willing to accept a condition controlling noise emissions from music to 5bd above normal background levels. This would ensure that the proposal accords with Local Plan policy CC11 and London Plan policy D14 .

Light Pollution

- 5.34 Local Plan Policy CC12 (Light Pollution) seeks to control the adverse impacts of lighting arrangements including that from signage and other sources of illumination.
- 5.35 The ice rink will be lit by 12 no. truss towers, with 2 no. LEDJ Spectra Floodlights (max LUX level of 1.746 @ 2m). The light will be focused on the ice rink with minimal out-spill. The upper square, on which the ice rink is proposed is in any event enclosed on two sides by the large commercial Westfield buildings, with a large internally lit glazed area and an illuminated advertisement facing the Square. Notwithstanding, a condition ensuring that vertical illumination from all external artificial lighting relating to the development shall be in accordance with the recommendations of the Institution of Lighting Professionals in the 'Guidance Note 01/21 for the reduction of obtrusive light 2021'.
- 5.36 As such officers consider that the proposal accords with the requirements of Policies CC12 of the Local Plan 2018.

ENVIRONMENTAL CONSIDERATIONS

Sustainability and Energy

- 5.37 The proposal has been considered against Policies SI 1, SI 3 and SI 4 of the London Plan 2021 and Policies CC1 and CC2 of the Local Plan which promote sustainable design, adaption to climate change and carbon emissions reductions.
- 5.38 Given the temporary nature of the proposals, it is considered that the proposal would not give rise to carbon emissions and would not meet the requirements for BREEAM assessment given their open nature.

Flood Risk

- 5.39 London Plan Policy SI 12 (Flood Risk Management) states that development

proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed.

5.40 Local Plan Policy CC3 (Minimising Flood Risk and Reducing Water Use) requires that new development is designed to take account of increasing risks of flooding.

5.41 The application site is not within a flood risk zone and has a low risk of surface water flooding. Similarly, given the temporary nature of the proposals, it is not considered to give rise to flood risk concerns that would require a Flood Risk Assessment.

Land Contamination

5.42 NPPF Paragraph 183 states planning decisions should ensure that sites are suitable for its new use taking account of ground conditions and after remediation the land should not be capable of being determined as contaminated land.

5.43 London Plan Policy SD1 encourages the strategic remediation of contaminated land.

5.44 Local Plan Policy CC9 ensures that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works.

5.45 Similarly, given the temporary nature of the proposals, no earthworks which involve breaking into the ground are proposed and as such the proposal is not considered to give rise to any land contamination concerns.

Air Quality

5.46 Paragraph 124 of the NPPF states that planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas.

5.47 London Plan Policy SI 1 states that development proposals should minimise increased exposure to existing poor air quality and make provision to address local problems of air quality (particularly within Air Quality Management Areas (AQMAs) and where development is likely to be used by large numbers of those particularly vulnerable to poor air quality, such as children or older people). Policy

5.48 Policy CC10 of the Local Plan explains that the Council will reduce levels of local air pollution and improve air quality in line with the national air quality objectives. The site is located within an Air Quality Management Area which covers the whole borough due to the exceedance of the annual mean nitrogen dioxide (NO₂) in the area. Given the proximity of Wood Lane Underground Station and local bus routes, it is anticipated the majority of visitors to the site would use public transport or other sustainable modes of transport which will help minimise negative air quality impacts from the development. No objection has been raised by the Council's Air Quality Team.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

5.49 Mayoral CIL came into effect in April 2012 and LBHF CIL came into effect on 1 September 2015 and are material considerations to which regard must be had when determining this planning application. This site is exempt from Borough CIL and is not liable for Mayoral CIL due to its temporary nature.

6.0 CONCLUSION

6.1 The proposal would comply with the development plan. The proposal would represent an acceptable temporary use for this Public Square. The proposal is consistent with the Council's policies for the area, in relation to arts, cultural and entertainment uses. The use is considered to be compatible with other cultural, entertainment uses in the vicinity. The proposed use of the site will be beneficial to the wider seasonal economic rejuvenation of the site and wider area. It is considered that the proposed temporary use of Westfield Square for Christmas events space would function in line with the intended use of the Public Square and its flexibility of uses. On this basis it is considered that the proposal is consistent with the requirements of the policies Policy HC5 of the London Plan 2021 and Policy WCRA of the Local Plan 2018.

6.2 The supporting information addresses the issues operational issues pertaining to the proposed use in terms of installation/deinstallation, and noise management. These are recommended to be controlled by a number of conditions to ensure that the event operates in accordance with the documents. Subject to appropriate conditions the temporary use is considered acceptable.

6.3 In overall conclusion for the reasons detailed in this report it is considered, having regard to the development plan as a whole and all other material considerations, that planning permission should be granted subject to the conditions listed.

7.0 RECOMMENDATION

7.1 Therefore, officers support the proposals in line with the recommendations at the start of the report.