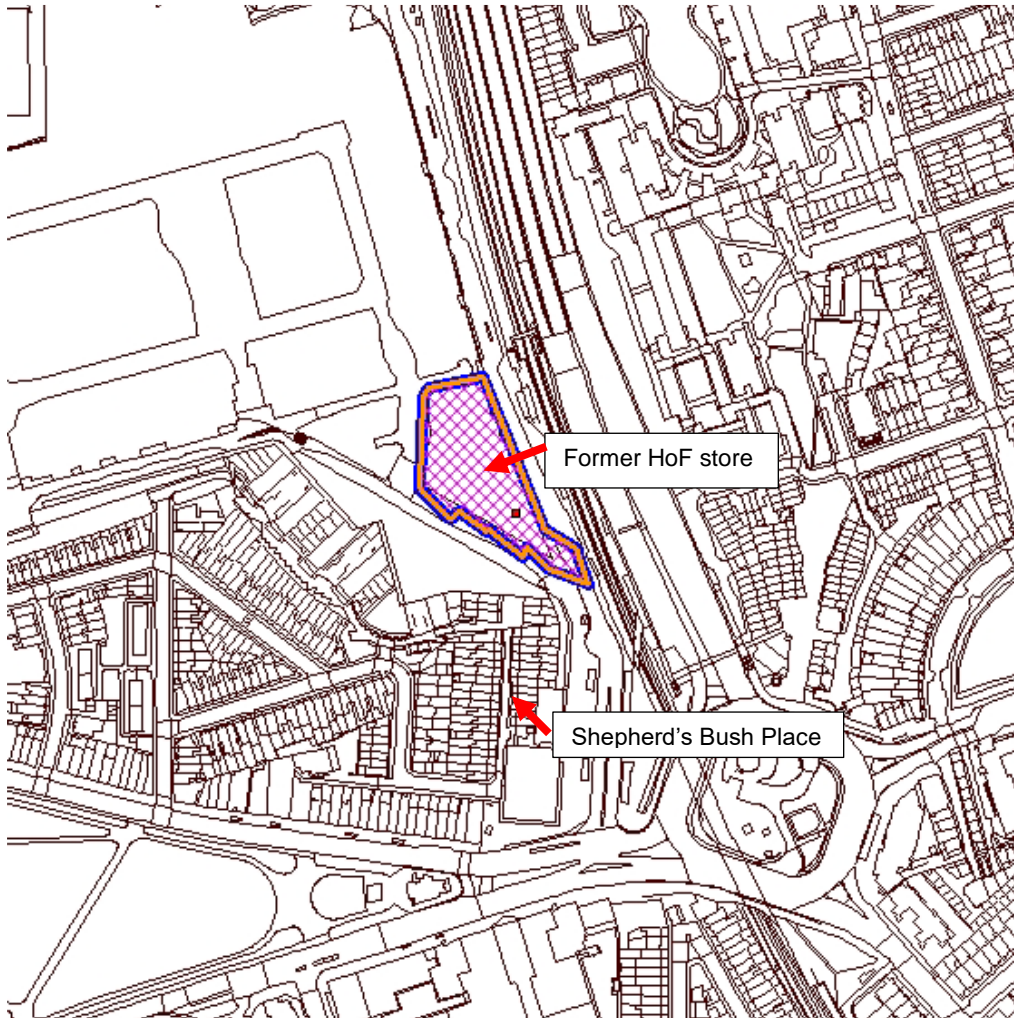


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**Ward:** Shepherd's Bush Green

**Site Address:** Store C - Westfield London Shopping Centre Ariel Way London W12 7GA



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

**Reg. No:**  
2022/03538/FUL

**Case Officer:**  
Jesenska Oezdalga

**Date Valid:**  
06.12.2022

**Conservation Area:**  
N/A

**Committee Date:**  
07.11.2023

**Applicant:**  
Westfield Europe Ltd.  
C/o Agent

**Description:**

Erection of a single storey extension on the upper level (L55), and a roof terrace, enclosed by a perimeter screen of 3m in height; to provide additional food and beverage floorspace (Class E(b)); erection of a ground floor infill extension (L30) to incorporate two reception areas, serving the office space on the upper levels (L40, L50 and L55) and the food and beverage use at (L55); alterations to the south-east and Eat Street facades, replacing the stone and metal composite cladding panels and glazing units with double height glazed windows; and the installation of new plant equipment at roof level (L65) in association with the food and beverage use.

Drg Nos: See Condition No.2

**Application Type:**

Full Detailed Planning Application

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**Officer Recommendation:**

1) That the Committee resolve that the Director of Planning and Property 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 Director of Planning and Property, 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.

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**CONDITIONS****1. Time Limit**

The development hereby permitted shall not commence later than 3 years from the date of this decision.

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

**2. Drawings**

The development hereby permitted shall be carried out and completed in accordance with the following and documents submitted:

MOS-LAH-M9-LL-DR- A- 00000 Rev P01  
MOS-LAH-M9-30-DR-A-6000 Rev P00  
MOS-LAH-M9-30-DR-A-6001 rev P01  
MOS-LAH-M9-55-DR-A-6002 rev P00  
MOS-LAH-M9-55-DR-A-6003 Rev P01  
MOS-LAH-M9-67-DR-A-6004 Rev P01  
MOS-LAH-M9-67-DR-A-6005 Rev P00  
MOS-LAH-M9-40-DR-A-6007  
MOS-LAH-M9-50-DR-A-6008  
MOS-LAH-M9-40-DR-A-20061  
MOS-LAH-M9-50-DR-A-20062  
MOS- LAH-M9-SW-DR-A-21001 Rev P00  
MOS- LAH-M9-EZ-DR-A-22000 Rev P01  
MOS- LAH-M9-EZ-DR-A-22001  
MOS- LAH-M9-SZ-DR-A-21000  
MOS-LAH-M9-55-DR-A-20034 Rev P02  
Design and Access Statement Rev P03 dated November 2022  
Planning Noise Assessment prepared by Suono Consultancy Ltd; and  
Cover letter dated 24 November 2022 prepared by Montague Evans LLP.

To ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policies WCRA, TLC1, TLC2, DC1, DC2, DC4, E1, E4, CC10, CC11, CC13, T1 and T2 of the Local Plan (2018).

### **3. Noise from Use and Activities**

Noise from uses and activities within the building/development site, including the use of the outdoor terrace shall not exceed the criteria of BS8233:2014 at neighbouring noise sensitive/ habitable rooms and private external amenity spaces.

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).

### **4. External noise from machinery, extract/ ventilation ducting, mechanical gates, etc.**

Prior to commencement of the development, final details shall be submitted to and approved in writing by the Local Planning Authority, of the external sound levels emitted from plant/machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external sound level emitted from cumulative plant, machinery/ equipment will be lower than the lowest existing background sound level by at least 10dBA to prevent any adverse impact. The assessment shall be made in

accordance with 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 sound criteria and additional steps to mitigate noise shall be taken, as necessary. Any necessary mitigation measures shall be implemented prior to occupation of the development and thereafter be permanently retained. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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).

## **5. Anti- vibration mounts and silencing of machinery etc.**

Prior to use, machinery, plant or equipment, extract/ ventilation system 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.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by vibration, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

## **6. Hours of use (food and beverage use at L55)**

The food and beverage use (Class E(b)) at level L55 shall not be used other than between the hours of:

- Monday to Friday: Start Time: 07:00 & End Time: 01:00 (next day)
- Saturday: Start Time: 07:00 & End Time: 03:00 (next day)
- Sunday / Bank Holiday: Start Time: 07:00 & End Time: 01:00 (next day)

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise from activities or people at or leaving the site, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

## **7. Hours of use (roof terrace)**

The external roof terrace at level L55 shall not be used other than between the hours of 09:00 to 23:00 Monday to Sunday including Public/Bank Holidays.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise from activities or people at or leaving the site, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

## **8. Maximum Capacity (terrace use)**

The maximum capacity of the terrace hereby permitted shall not exceed 50 guests / visitors in total at any one time.

To ensure that the use would not lead to potential noise and disturbance which could be harmful to the amenities adjoining residents, in accordance with Policies CC11, CC13 and T2 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

## **9. Details of materials**

Prior to commencement of the development, details (and samples where appropriate) of the materials used in the construction of L30 and L55 extensions and the roof terrace perimeter acoustic walls/screens hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, no further alterations or additions shall be made to the appearance or materials of the same without planning permission first being obtained.

To ensure a satisfactory external appearance and to ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise and light pollution, in accordance with Policies DC1, DC4, DC8, CC11, CC12 and CC13 of the Local Plan 2018 of the Local Plan (2018).

### **10.1:20 Detailed drawings**

Prior to the commencement of the development, detailed drawings at a scale not less than 1:20 (in plan, section, and elevation) of window detailing, typical bays, junctions, and facades shall be submitted to and approved in writing by the Local Planning Authority. This shall include detailed drawings of facades that are altered, including the ground floor level. The development shall be carried out in accordance with the details as approved and thereafter permanently retained in this form.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policies DC1, DC4, and DC5 of the Local Plan (2018).

### **11.1:20 Roof Top Plant and Terrace Enclosures**

Prior to commencement of the works to L55 extensions and roof terrace screens, detailed drawings at a scale not less than 1:20 (in plan, section, and elevation) of the roof top plant terrace enclosures for the development shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be used or occupied until the enclosures have been constructed in accordance with the approved details, and the enclosures shall thereafter be permanently retained in this form.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policies D3, D4, D8, D9 and HC1 of the London Plan, Policies DC1, DC2, DC3 and DC8 of the Local Plan (2018).

## **12. Roller Shutters**

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

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policies DC1, DC2, DC4 and DC5 of the Local Plan (2018).

## **13. Level Threshold**

The ground floor entrance doors to the development hereby permitted shall not be less than 1-metre-wide and the threshold shall be at the same level as the adjoining ground level fronting the entrances to ensure level access.

To ensure the development provides ease of access for all users, in accordance with Policy DC1 of the Local Plan (2018).

## **14. Window Glass**

The window glass of the development hereby approved shall be clear and shall not be mirrored, or otherwise obscured.

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

## **15. Self-Closing Doors**

Prior to first occupation of development hereby permitted, all external doors including access to the roof terrace shall be fitted with self-closing devices, which shall be maintained in an operational condition; and at no time shall any external door be fixed in an open position.

To ensure that the amenity of occupiers of the development site and surrounding properties are not adversely affected by noise, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

## **16. External Appearance**

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

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with DC1, DC2, DC4 and CC11 and CC13 of the Local Plan (2018).

## **17.No advertisements**

No advertisements shall be displayed on any elevation of the development (including inside windows) without details of the advertisements having first been submitted to and agreed in writing by the Local Planning Authority.

In order that any advertisements displayed on the building are assessed in the context of an overall strategy, to ensure a satisfactory external appearance and to preserve the integrity of the design of the building, in accordance with Policies DC1, DC4, DC5 and DC9 of the Local Plan (2018).

## **18.External Lighting**

Prior to their installation, details of external artificial lighting shall be submitted to and approved in writing by the Local Planning Authority. Lighting contours shall be submitted to demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations of the Institution of Lighting Professionals in the 'Guidance Note 01/21: Guidance Notes for the Reduction of Obtrusive Light'. Such details shall include the number, exact location, height, design, and appearance of the lights, together with data concerning the levels of illumination and light spillage and the specific measures. Details shall also be submitted for approval of measures to minimise use of internal lighting and prevent glare and sky glow by correctly using, locating, aiming, and shielding luminaires. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the surrounding is not adversely affected by lighting, and to ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policies D9 of the London Plan (2021) and Policies DC1, DC8, and CC12 of the Local Plan (2018).

## **19.Lights off**

Prior to first occupation of the development hereby permitted, a scheme for the control and operation of the proposed lighting within the building, during periods of limited or non-occupation, shall be submitted to and approved in writing by the Local Planning Authority. Details shall be implemented prior to the occupation and be operated only in accordance with the approved details.

To ensure that the building does not cause excessive light pollution and to conserve energy when they are not occupied, in accordance with Policies D9 of the London Plan (2021) and Policy CC12 of the Local Plan (2018).

## **20.Green Roof**

Prior to commencement of the development hereby permitted, details of a green roof to be re-provided within the development; including the identification of further

opportunities for green roofs, and a planting maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme has been carried out in accordance with the approved details and shall thereafter be permanently retained in this form.

To ensure the provision of green roofs in the interests of sustainable urban drainage and habitat provision, in accordance with Policies SI 12, S1 13, G1 and G6 of the London Plan (2021) and Policy OS5 and CC4 of the Local Plan (2018).

## **21. Cycle Parking**

Prior to the first occupation, details of external lockable cycle storage areas at the ground floor level shall be submitted to and approved in writing by the Local Planning Authority. Cycle storage shall be designed in accordance with The London Cycling Design Standards (LCDS).

To ensure cycling is promoted and to comply with Policy T5 Cycling of the London Plan 2021 and Policy T3 of the Local Plan (2018).

## **22. Construction Method Statement**

Prior to commencement of the development hereby permitted, a method statement for the construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. Details shall include control measures for dust, noise, vibration, lighting, delivery times/location, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 - 1300 hrs 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. Approved details shall be implemented throughout the project period.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting, or other emissions from the site, in accordance with Policies T1, T6, CC11, CC12 and CC13 of the Local Plan (2018)

## **23. Operational Management Plan**

Prior to first occupation of the development hereby approved, an Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Operational Management Plan shall include details of hours of operation for the different permitted uses, including details relating to the operational hours and management of the food and beverage use, the terrace space including restriction on the number of smokers permitted outside on the terrace at any one time and new plant (individually and cumulatively) in terms of operational hours and appropriate mitigation measures. The Operational Management Plan shall also include a commitment to conduct regular Community Liaison meetings and provide on-site numbers/contact



details in the event of any noise/disturbance issues that may arise from the premises. The development shall be implemented in accordance with the approved details prior to occupation and shall thereafter be permanently retained in this form.

To ensure that the amenities of surrounding occupiers are not unduly affected by noise and other disturbances, in accordance with Policies T1, CC11, CC12, and CC13 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

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**Justification for Approving the Application:**

- 1) The proposed development is acceptable in land use terms. The proposal is compatible with the objectives of the White City Regeneration Area which is well served and accessible by public transport. 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 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. In this respect the proposal complies with Policies WCRA, TLC1, TLC2, T1, CC10, CC11, CC12 and CC13 of the Local Plan (2018) and relevant Key Principles of the Planning Guidance Supplementary Planning Document (2018).
  - 2) The proposed alterations to the existing anchor unit are considered of an acceptable in visual amenity terms and do not cause 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).
  - 3) Residential Amenity: The impact of the proposed development upon adjoining occupiers is considered acceptable. Subject to conditions and obligation, the proposal would not have an adverse impact on neighbouring residential amenity in terms of noise and disturbance, loss of sunlight, daylight, overshadowing or outlook and loss of privacy to cause undue detriment to the amenities of neighbours. In this regard, the development would respect the principles of good neighbourliness. The proposed development therefore accords with Policies CC11, CC12, CC13, and DC2 of the Local Plan (2018) and Key Principle HS6 and HS7 of the Planning Guidance SPD.
-

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

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

Application form received: 5 December 2022

Drawing Nos: see above.

**Policy documents:**

National Planning Policy Framework (NPPF) 2021

The London Plan 2021 and

LBHF - Local Plan and Supplementary Planning Guidance Document 2018

**Consultation Comments:**

**Dated:**

**Comments from:**

Royal Borough of Kensington and Chelsea

03.03.23

**Neighbour Comments:**

**Dated:**

**Objection Letters from:**

1 Shepherd's Bush Place London W12 8LX	12.02.23
12 Shepherd's Bush Place London W12 8LX	10.02.23
19 Shepherd's Bush Place London W12 8LX	12.02.23
20 Shepherd's Bush Place London W12 8LX	10.02.23
21 Shepherd's Bush Place London W12 8LX	10.02.23
22 Shepherd's Bush Place London W12 8LX	10.02.23
23 Shepherd's Bush Place London W12 8LX	10.02.23
24 Shepherd's Bush Place London W12 8LX	10.02.23
24A Shepherd's Bush Place London W12 8LX	10.02.23

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## 1.0 SITE DESCRIPTION AND SURROUNDINGS

- 1.1 The application site ('the site') forms part of the Westfield London Shopping Centre in White City, which opened in 2008 and specifically relates to one of the original main anchor department stores: Also known as 'the South-East Anchor Store' or 'Store C'.
- 1.2 Store C was most recently occupied by the House of Fraser (HoF) retail department store. The unit is located in the southeast corner of Westfield Shopping Centre and comprises approximately 9,900 sqm (GIA) floorspace, and span across four levels. The lowest level (L30) comprises the main entrance level from Eat Street with escalators leading up to three upper floors (L40, L50 and L55). The three floors comprise broadly similar sized levels of retail accommodation. The existing unit also benefits from internal access via The Village Mall, within the Westfield London Shopping Centre.
- 1.3 The site is bounded to the north and east by existing retail units and public malls forming part of the Westfield Shopping Centre. To the west and south is the existing Southern Terrace and Eat Street, with numerous restaurants and links to adjacent amenities. Residential streets are located to the east and south of the Westfield Shopping Centre and include properties in Shepherd's Bush Place south of Eat Street.
- 1.4 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.



c/o Google Earth

- 1.5 The site is located within the White City Regeneration Area (WCRA). The WCRA is also designated as an Opportunity Area in the London Plan (WCOA). The

framework for the WCRA marks the site as one for housing, commercial, creative & academic uses as part of a mixed-use area.

- 1.6 The site is not within any of the borough's Conservation Areas; however, the Wood Lane Conservation Areas sits to the North of the wider site context and the Shepherds Bush Conservation is located to the south and includes the neighbouring residential streets. The site is close to both the DIMCO buildings (Grade II listed) and the former BBC Television Centre (Grade II listed).
- 1.7 The site benefits from an excellent Public Transport Accessibility Level (PTAL) of 6a, the highest possible level. The Westfield London SE Anchor scheme is served by the London Underground (LU), railway and bus services. Shepherds Bush Rail Station is a 500m walk to the proposed entrance. Wood Lane Underground station is 1000m walk from Westfield London SE Anchor and has step-free access from the street to the platform.

## **2.0 RELEVANT PLANNING HISTORY:**

- 2.1 Westfield has a long and complex planning history. The history most relevant to this application is as follows:
  - 29 March 1996 – (Ref: 1993/01830/OUT) - Redevelopment comprising: (a) A shopping centre including uses falling within Class A1 A2 A3; (b) Leisure buildings including multi-screen cinema; (c) Residential dwellings; (d) Workshop accommodation; (e) A bus station/stand; (f) A railway station; (g) New buildings for the Vanderbilt Racquet Club; (h) Multi-storey surface and rooftop car parking; (i) Together with associated alterations to the LUL depot and track (including electricity sub-station) highways works pedestrian walkway network public open areas and landscaping; (j) Ancillary facilities including shoppers' creche and workplace nursery.
  - A further outline planning permission (Ref: 2000/01642/OUT) was granted in January 2003 for the south-west corner retail expansion.
  - Several applications have been made in relation to reserved matters and to vary conditions attached to those previous and subsequent permissions that relate to Westfield as a whole, such as various change of use application. None of these applications however relate directly to the site and thus have not been included.
  - (Ref: 2020/00795/FUL) – Detailed application for the subdivision and change of use of the former House of Fraser store from retail (Class A1) into 2 separate units comprising of retail (Class A1) and office (Class B1a). The application was considered and reported to committee on the 21 July 2020 with a resolution to grant planning permission subject to the completion of a S106 Agreement and conditions. The legal agreement was not finalised, and no planning decision notice was issued. The application was subsequently lapsed.
  - 10 August 2020 – (Ref: 2020/01703/FUL) - External façade alterations to the Southwest and East elevations of the former House of Fraser store. Permission not implemented.

- 2 December 2022 – (Ref: 2022/01716/CLP) - Application for a Lawful Development Certificate for a proposed use or development (CLPUD) for the change of use of the existing retail store (previously occupied by House of Fraser) - Class E(a), was granted to an office use - Class E(g)(i), gym - Class E(d) and F&B provision - Class E(b); defined under Class E of the Town and Country Planning (Use Classes) (Amendment) (England) Regulation. Granted 2 December 2022.
- Enforcement planning history (Ref: 2023/00091/ADVERT): Complaints received in respect of bright lights from the former House of Fraser store and building works taking place (not in accordance with ref: 2022/01716/CLP). In addition, complaint received in respect to a full-motion digital, large-format advertising panel by the southeast entrance and exit to the Westfield Shopping Centre. Officers visited the site on 12 March 2023. Confirmed internal works were in progress and there is no breach of the planning control. The LED sign has been in situ for some time - since at least 2014 and therefore, would be lawful through time. (Section 171B TCPA 1990). Case was closed.

### **3.0 CURRENT PLANNING APPLICATION**

- 3.1 Application submitted by Westfield on behalf of a proposed future tenant: "The Ministry". The Ministry are a world renowned global entertainment and hospitality brand (also known as the Ministry of Sound) who intend to bring a unique concept of combining workspace and hospitality in the space currently occupied by the former House of Fraser store. Internal construction works are currently in progress and is due to open 2024. The Ministry operate a similar use in Borough Road (L.B Southwark) and is a popular place to work and network in London. The Ministry state that the use would provide a state-of-the-art flexible office space for over 1,200 people with a varied cultural programme including social events, professional development, education, and wellness, alongside a health and fitness offer open to the public and designed event space and meeting room suite with the latest technology to host events and gatherings of up to 300 persons and a dedicated members bar and 150 cover rooftop bar & restaurant also open to the public.
- 3.2 The proposal seeks full planning permission for extensions and external alterations to the former House of Fraser department store within the Westfield Shopping Centre, to create additional Class E floorspace, together with amendments to the façade, the formation of a roof terrace/screening and associated roof top plant.
- 3.3 A Certificate of Lawfulness of Proposed Development was granted in December 2022 on behalf of The Ministry. The CLPUD confirm that the existing lawful use of the site falls within Class E, meaning that a flexible shared workspace with supporting facilities/amenities including a food and beverage use fall within the lawful permitted Use Class and do not require planning permission.
- 3.4 The current application seeks planning permission only for the erection of minor extensions and external alterations to the building, to provide additional Class E

floorspace. The purpose of the works are to provide dedicated access and additional food and beverage provision open to the general public and members of the workspace. The following works are proposed:

- A single storey infill extension (88 sqm floorspace) on the lowest (ground floor) level and street entrance off Eat Street (L30). The extension would incorporate two main reception areas leading to the proposed office spaces on the upper levels (L40, L50 and part L55) and a proposed restaurant use (L55) and replacement escalators.
- A single storey roof top extension (167 sqm floorspace) at level L55, to provide additional Class E floorspace (food and beverage space). The proposed extension would sit atop an existing 'prow' like element comprising a flat sedum roof which is situated on the southeast corner of the unit (known as 'the Shard') and directly above Ariel Way and adjacent to the train line.
- The provision of an outdoor roof terrace, linked to the bar and restaurant use at L55. The triangular shaped roof terrace would extend off the proposed extension. The roof terrace would measure 128 sqm in area, with a seating capacity for approximately 50 patrons. The terrace would be 'enclosed' to the sides by a 3 metres high perimeter screen. The outdoor terrace would be closed at 11pm and will only be accessed for smoking after this time via a doorway in the corridor to the restaurant space to minimise any noise breakout.
- Alterations to the south-east and Eat Street facades, replacing part of the existing stone and metal composite cladding panels and glazing units with double height glazed windows, thereby introducing natural light to the converted offices on L40 and 50. Planning permission was granted on 10 August 2020 previously for similar façade works, (ref. 2020/01703/FUL)
- Installation of additional plant equipment at roof level on (L65) associated with the restaurant use.

#### **4.0 PUBLICITY AND CONSULTATION**

4.1 The application was advertised by way of a site notice and 540 notification letters sent to neighbouring properties.

4.2 **Royal Borough of Kensington and Chelsea (RBKC):**  
RBKC has raised no objection to the proposed development.

##### **Residents and Amenity Groups**

4.3 9 representations received all from residents in Shepherd's Bush Place, objecting to the proposals. The objections can be summarised as follows:

- The Ministry of Sound is the proposed new tenant and was originally a music / night club company. Reference made to their existing development at the Ministry Borough Road and associated late-night music events held in the bar and terrace.

- The existing application building should not be permitted to be extended and there should be no public use of the existing high level outside areas for proposed terraces.
- The proposed roof terrace will directly overlook the residential houses in Shepherd's Bush Place.
- The proposed outside terraces / public areas used by customers associated with the proposed use would have a detriment impact on the amenity of local residents in Caxton Village, including Shepherd's Bush Place, Bourbon Lane, and Sterne Street.
- The provision of additional food and beverage floor space within the building and a roof terrace will result in an adverse impact on neighbouring residential amenity in terms of overlooking and loss of privacy.
- The proposed alterations to the building will increase noise disturbance - whether music or people – potentially at all hours of the day and into the night.
- Light pollution associated with new exterior bright lighting (and signage) and any light spillage / projections into nearby homes will impact on residential amenity and heritage assets.
- The proposal would result in a considerable increase of people using the surrounding area at night which already has problems of people noise, litter, and all types of other anti-social behaviour.
- Shepherd's Bush Place is the nearest street parking street, and visitors to the proposal would take up residents' parking spaces outside the CPZ times.
- Local residents have already lived through years of noise and disturbance since Westfield was built.
- Adverse residential amenity already experience from an existing LED billboard, which constantly shines into neighbouring bedrooms. Light spillage from the proposed roof terrace will make this situation worse.

## **5.0 POLICY CONTEXT**

- 5.1 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.
- 5.2 Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act). In this instance the statutory development plan comprises the London Plan 2021, LBHF Local Plan 2018 and the LBHF Planning Guidance SPD 2018.
- 5.3 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.

- 5.4 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.
- 5.5 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.

## **6.0 PLANNING CONSIDERATIONS**

- 6.1 The main planning issues raised by the submitted development proposal that should be considered are:

- Land Use
- Design and Conservation
- Highways
- Amenity Impacts (principally noise and disturbance and light pollution)
- Environmental Considerations (Sustainability and Energy; Flood Risk; Land Contamination; Air Quality)

### **LAND USE**

- 6.2 The site lies within the White City Regeneration Area (WCRA), as identified in the Borough's Local Plan (2018). Local Plan Strategic Policy WCRA recognises the need to focus regeneration and growth within the WCOA by promoting a range of uses.
- 6.3 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 SD1).
- 6.4 The London Plan (2021) sets out that the opening of the Westfield London Shopping Centre has raised the status of Shepherd's Bush to a Metropolitan Town Centre and identifies (in 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.
- 6.5 London Plan Policy GG2 seeks to make the best use of land by enabling development of brownfield land, prioritising Opportunity Areas and sites which



are well-connected within town centres. Therefore, intensifying the land uses on site, should be proactively explored. London Plan Policy GG5 seeks to conserve and enhance London's global economic competitiveness, promoting its existing strengths and potential and seeking economic diversity.

- 6.6 The proposed development seeks the introduction of additional Class E floorspace, providing an extension to an existing flat roof area together with an infill extension at ground level. The combined area of the two proposed extensions totals 167 sqm. The combined area of the food and beverage extension and the associated outdoor terrace totals 295 sqm. The proposal is estimated to provide a further 51 full time equivalent jobs, in addition to the other 99 jobs The Ministry anticipates providing as part of the wider use on the site.
- 6.7 The Local Plan identifies the need to regenerate town centres, specifically through the better utilisation of sites, to ensure the continued provision of a wide range of high-quality retailing, services, arts, and cultural and other leisure facilities to serve local residents, visitors, and workers. The proposed development forms part of a wider component which has been closed for over a year. The repurposing of the former House of Fraser department store would overall provide vitality and vibrancy to the Shepherd's Bush Town Centre, as well as support the night-time economy. Furthermore the proposals would support local businesses still seeking to recover from the impacts of COVID-19. Reactivating this large vacant space within the Westfield Shopping Centre would diversify and attract a wide range of new users to the area and would be beneficial to the regeneration of the area generally. The proposal will add to the existing range of facilities on offer in White City and Shepherd's Bush Town Centre, in terms of both employment and social space and will complement the existing and proposed uses within the various surrounding developments. Accordingly, the proposed development is considered acceptable in terms of the vitality and viability of the Westfield Shopping Centre and wider town centre.
- 6.8 Local Plan Policy TLC5 (Managing the Impact of Food, Drink and Entertainment Uses) controls the hours of operation for Class E uses (former 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 use 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.
- 6.9 The restaurant use is intended to operate: Monday to Friday: Start Time: 07:00 / End Time: 01:00; Saturday: Start Time: 07:00 / End Time: 03:00 and Sunday / Bank Holiday: Start Time: 07:00 / End Time: 01:00. The roof terrace is proposed to be operated at reduced hours, with no serving of food or drinks proposed after

2300 on any day. These proposed operating hours would be applied as part of a separate Licensing application.

- 6.10 Exceptions to the normal closing times are possible provided the activities proposed are not likely to cause an impact especially on local residents and that appropriate measures would be put in place to prevent this. Regard is also given to the cumulative impact from similar activities, the public transport accessibility and car parking demand. In terms of Policy TLC5, it is noted that the proposed development would form a small part of a wider co-working space with ancillary facilities, permissible in planning terms to be operational 24/7. The site is also in an area of high level of public transport accessibility and subject to appropriate conditions is not considered will cause an adverse impact to local residential amenity to warrant withholding planning permission.
- 6.11 The proposed use is intended to provide further diversity, attracting local community and visitors 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 proposes. The Applicant has also added:
- Co-working space with ancillary activities, as a whole, intends to operate within Store C providing access for its members on a 24/7 basis.
  - It is anticipated that not all of the ancillary activities of the co-working space will be operational or manned at all times. The front desk would be manned 0700 to 2000 during weekdays, with a 24/7 security presence and card access for members. Similarly, the deli counters and gym are unlikely to be manned during the night, and opening hours for these activities are anticipated to be demand led.
  - The applicant intends to pursue a separate licensing application that will stipulate hours of use and sale of alcohol.
  - The terrace has been designed with the addition of the acoustic barriers to limit noise transfer to residents and would be used up to 2300.
- 6.12 Condition would be attached any permission to control the hours of operation of both the restaurant use and associated roof terrace.
- 6.13 It is considered that the proposals would overall 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.
- 6.14 The proposed development is therefore considered to be in accordance with the abovementioned policies which seek to promote sustainable uses that will further diversify the mix of uses within the town centre and provide economic and social regeneration benefits to LBHF and London.
- 6.15 The proposal in terms of visual amenity, environmental nuisance and transport and highway impacts is considered later in this report.

## DESIGN AND CONSERVATION

- 6.16 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 DC4 (Alterations and Extensions) requires a high standard of design in all alterations and extensions to existing buildings, which should be compatible with the scale and character of the existing development, neighbouring properties, and their setting, successfully integrate into the architectural design and be subservient, never dominating the parent building in bulk, scale, materials, or design. 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.
- 6.17 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 extension at the ground (L50) and roof level (L55) and alterations to the façade to allow for more glazed areas are considered to be subservient, and do not dominate the parent building in terms of bulk, scale, materials, or design and are not considered to be unduly obtrusive.
- 6.18 The proposed alterations to the ground floor Entrance Lobby at Level 30 consist of an infill extension, extending the building line and forming an entrance within the glazed façade. The proposed alterations to Level 55 consists of extending the building line over part of an existing flat roof forming a single storey extension, with a glazed frontage onto a proposed terrace area. The materials would match the existing adjacent insulated cladding panels. A flat roof will be installed with short parapets to match existing. A new 3m high painted plaster effect wall to the perimeter would create a wall garden effect on the terrace. The wall will contain access points/doors that are required to clean and maintain the existing facade below. The proposed replacement plant on Level 65 would remain within existing roof and behind existing screens.
- 6.19 Officers consider that the scale and massing of the roof extension with the materiality to match the existing would not overwhelm the existing proportions and form of the Westfield Centre building. Alterations to the façade were previously approved in 2020 and this proposal seeks similar changes. The new entrance would enhance and improve the appearance of the building and bring life and visual interest to the south-eastern corner of the overall facade. The

windows are proportionate and take reference from existing vertical and horizontal emphasis and partitions have been carefully considered.

- 6.20 It is considered that the design is appropriate and broadly complies with the objectives of the London Plan and Policies DC1, DC2 and DC4 of the Local Plan 2018.

#### Heritage Impacts

- 6.21 The application site is not situated in a Conservation Area; however, Wood Lane Conservation Area lies to the north and the Shepherd's Bush Conservation Area to the south of the site, whilst the former BBC Television Centre (Grade II listed) lies to the west and the DIMCO building to the north (Grade II listed). 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. Whilst the proposed extension would be visible in some views from the south and east, these are limited in scale, such that it is likely to have an impact on its setting. 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 and the Shepherd's Bush Conservation Areas would be preserved by the development.

#### Advertisements

- 6.22 Local Plan Policy DC9 requires high standard design of advertisements. The existing House of Fraser signage is to be removed, and new signage will come forward for the tenant 'The Ministry', pursuant to a separate advertisement application process.
- 6.23 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, DC4 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**

- 6.24 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.

- 6.25 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.
- 6.26 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.
- 6.27 No new car parking is proposed as part of this proposal. Accessible car parking bays are provided within the existing car parking area for Westfield London with Monday -Sunday opening hours of 05:00 - 03:00. Taxi and private vehicle drop-off areas are provided within the car parking area for Westfield London on Level 20. Staff would be encouraged to travel to the site using sustainable transport modes.
- 6.28 The roads surrounding the site are in Controlled Parking Zone (CPZ) "G" with parking restrictions in place Monday to Sunday (including bank holidays, except Christmas Day and Easter Sunday) from 9am to 10pm "J" with parking restrictions in place on Monday to Sunday between 9am and 9pm, "OO" Monday to Sunday between 9am and 10pm and "O" Monday to Saturday from 0900-1700. Due to these parking restrictions, the existing CPZ zones offer short parking opportunities for those visiting the proposed site.
- 6.29 Waste would be segregated at source for recycling and deposited via goods lift route into Landlord bins within the service yard.
- 6.30 Deliveries to the restaurant / office levels will be via the Service Yard, the goods are routed via the goods lift and then transferred in the landlords BOH corridors at levels 40, 50 & 55.

#### Cycle Parking

- 6.31 There are three locations of Santander Cycle Hire Dock located close to the site along Wood Lane, Ariel Way and to the south of the site. These will provide enough capacity for those wishing to cycle to the venue without impacting on existing users. The submitted Design and Access Statement indicates that external lockable cycle storage areas would be provided on the pavements around and adjacent to the office entrance on Level 30, however such details were not provided at the application stage and would therefore be conditioned in order for the proposal to comply with Policy T5 Cycling (London Plan 2021) and Policy T3 of the Local Plan 2018.

## Trip Generation

- 6.32 The site is located within an area of excellent public transport accessibility. 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 is 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.
- 6.33 Officers consider that the proposed development would be acceptable and in accordance with Policies T1, T2, T4, T5, T6, T6.5 and T7 of the London Plan and Policies T1, T2, T3, T4, T5 and T7 of the Local Plan.

## AMENITY IMPACTS

### Daylight, Sunlight and Overshadowing

- 6.34 Local Plan Policy DC2 (Design of New Build) refers to impact generally and the principles of 'good neighbourliness'.
- 6.35 Sun path analysis and an overshadowing assessment was provided within submitted Design and Access Statement. Officers consider the additional floorspace at L55 is unlikely to give rise to any daylight/sunlight impacts on neighbouring residential properties. The extended area forms a triangle shaped extension that projects eastwards towards the northern road and railway. Due to the position, orientation and distance of the proposed extension and terrace screening to existing neighbouring residential properties to the south, the proposal would not result in detrimental impacts in terms of loss of daylight or sunlight nor result in harm from overshadowing on surrounding residential properties.

### Noise and Vibration

- 6.36 London Plan Policy D14 (Noise) sets out measures to reduce, manage and mitigate noise to improve health and quality of life.
- 6.37 Local Plan Policy DC1 and DC2 seeks to protect the amenity of existing neighbours and the visual amenity of the community as a whole. This is measured in terms of potential impacts in relation to outlook and privacy, noise and disturbance, lighting, and impacts during construction. 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.
- 6.38 Residential properties are located in close proximity to the site. A Planning Noise Assessment prepared by Suono (dated 21 November 2022) was submitted with the application. The assessment refers to potential noise from new replacement plant and the use of the roof terrace. It notes that new plant details are indicative

at this stage for complete assessment to be undertaken. Therefore, a condition is recommended, to secure further details in terms of type of plant and potential noise emission with proposed mitigation measures, including an assessment of the cumulative impact details of both the existing plant plus plant associated with the restaurant plant.

- 6.39 The main consideration relates to potential impact of noise and disturbance associated with the use of the extensions in respect to activities inside the building, the use of the roof terrace, visitors arriving or leaving the site and associated plant use. Full details of how events would be managed to minimise impacts on residential amenity would be controlled via an Operational Management Plan and Noise conditions. The objections received by nearby residents in terms of the noise impact relate primarily from the use of the outdoor roof terrace. It is noted that the roof terrace would include a high perimeter screen (acoustic wall) to reduce potential impact in terms of noise overspill. The submitted noise assessment and modelling confirms that, with the proposed screen, noise levels from the roof terrace are not expected to exceed relevant noise limits. Further details of material and screen performance would be secured by condition. This would ensure that the proposal accords with Local Plan policy CC11 and London Plan policy D14.
- 6.40 Concern has also been expressed by local residents regarding neighbourhood security, and that the proposed food and beverage use would result in an increase in anti-social behaviour, crime, and drugs. The operator will be required to submit a final Operational Management Plan (OMP) which will be secured by condition. The OMP will deal with how the venue would be managed with regards to operational hours, site control and people management. Staff monitoring would be required to operate to ensure that visitors leave the event as quickly and quietly as possible. No drinks will be permitted outside the premises. A 'soft closure' approach would also allow a gradual flow of customers arriving and leaving throughout the evening, reducing the potential for noise or disturbance. A S106 contribution has also been secured towards improvements towards public realm and public safety which will also serve the needs of local residents and the wider community; and make tangible improvements to connectivity and public safety in the wider regeneration area.
- 6.41 No objection has been raised by the Council's Noise and Nuisance officers to the proposed development subject to compliance with conditions relating to noise levels and monitoring to control any sound impact outside the site. The proposal is therefore considered to comply with Policies CC11 and CC13 the Local Plan.

#### Light Pollution

- 6.42 Local Plan Policy CC12 (Light Pollution) seeks to control the adverse impacts of lighting arrangements including that from signage and other sources of illumination.
- 6.43 No specific details were submitted in terms of any potential external lighting; however, concerns were raised by local residents in terms of light overspill from

the roof terrace and glazed office areas. A condition would be secured that details of any external artificial lighting within the development shall be designed in accordance with the recommendations of the Institution of Lighting Professionals in the 'Guidance Note 01/21 for the reduction of obtrusive light 2021' and submitted to the council for approval. Furthermore, to prevent light pollution and conserve energy a condition would be added to secure control and management details for lights to be turned off when not in use.

- 6.44 As such officers consider that the proposal accords with the requirements of Policies CC12 of the Local Plan 2018.

## **ENVIRONMENTAL CONSIDERATIONS**

### **Sustainability and Energy**

- 6.45 The proposal has been considered against Policies SI 1, SI 2, 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.
- 6.46 As part of their design review process, the applicants have considered the energy performance of the building and although this is not a major application (with a policy requirement to meet sustainability targets) they have sought to make enhancements and energy efficiency measures to ensure consistency with the current London plan. Details of energy measures and BREEAM are set out in the submitted DAS. The current prediction is that a 'Very Good' rating is likely to be achieved.

### **Flood Risk**

- 6.47 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.
- 6.48 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.
- 6.49 The application site is not within a flood risk zone and has a low risk of surface water flooding. Given the nature of the proposals, it is not considered to give rise to flood risk concerns that would require a Flood Risk Assessment.

### **Land Contamination**

- 6.50 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.
- 6.51 London Plan Policy SD1 encourages the strategic remediation of contaminated land.



- 6.52 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.
- 6.53 Similarly, given the 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

- 6.54 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.
- 6.55 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 (AQMA) 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).
- 6.56 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 (NO<sub>2</sub>) in the area. Given the proposed alterations are contained within the existing building and due to the proximity of Wood Lane Underground Station and local bus routes, it is anticipated most 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.

#### Green Roof

- 6.57 Policy G5 (Urban Greening) of The London Plan states that the inclusion of urban greening measures in new development will result in an increase in green cover and should be integral to planning the layout and design of new buildings and developments. Policy OS4 (Nature Conservation) of the Local Plan states that proposals should enhance the nature conservation interest through initiatives such as new green infrastructure and habitats, tree planting and brown and green roofs and protect any significant interest on the site and any nearby nature conservation area, appropriate to the scale and nature of the development.
- 6.58 Officers note that approx. 167 sqm of the existing green roof at the level L55 would be lost due to the proposed extension. Whilst officers recognise the size and scale of the existing provision of green roofs across the wider Westfield site, the loss of green roof is regrettable. Therefore, it is considered that there is an opportunity within the proposed development (on the top of proposed extension) or elsewhere within the wider Westfield site for a green roof to be re-provided. This would be secured by suitably worded condition.

## **7.0 SECTION 106 HEADS OF TERMS AND COMMUNITY INFRASTRUCTURE LEVY (CIL)**

7.1 Local Plan Policy INFRA1 (Planning Contributions and Infrastructure Planning) states: 'The Council will seek planning contributions to ensure the necessary infrastructure to support the Local Plan is delivered using two main mechanisms: 'Community Infrastructure Levy the Council will charge CIL on developments in accordance with the CIL Regulations (as amended) and the LBHF CIL Charging Schedule. The Council will spend CIL on:

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

7.2 The application Heads of Terms are as follows:

- **Public Realm and Public Safety Contribution: £125,000**

7.3 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 development is exempt from Borough CIL and is not liable for Mayoral CIL due to its minor nature.

## **8.0 CONCLUSION**

8.1 The proposal would comply with the development plan. The proposal is consistent with the Council's policies for the area. The use is considered to be compatible with other retail, cultural and entertainment uses in the vicinity. On this basis it is considered that the proposal is consistent with the requirements of Policy WCRA of the Local Plan 2018.

8.2 The supporting information addresses the operational issues pertaining to the proposed extensions, alterations, plant, and hours of use in terms of noise and light management. These are recommended to be controlled by a number of conditions to ensure that the proposal operates in accordance with the documents. Subject to appropriate conditions the proposal is considered acceptable.

## **9.0 RECOMMENDATION**

9.1 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 completion of a satisfactory legal agreement based on the Heads of Terms outlined above and the conditions listed at the beginning of the report.