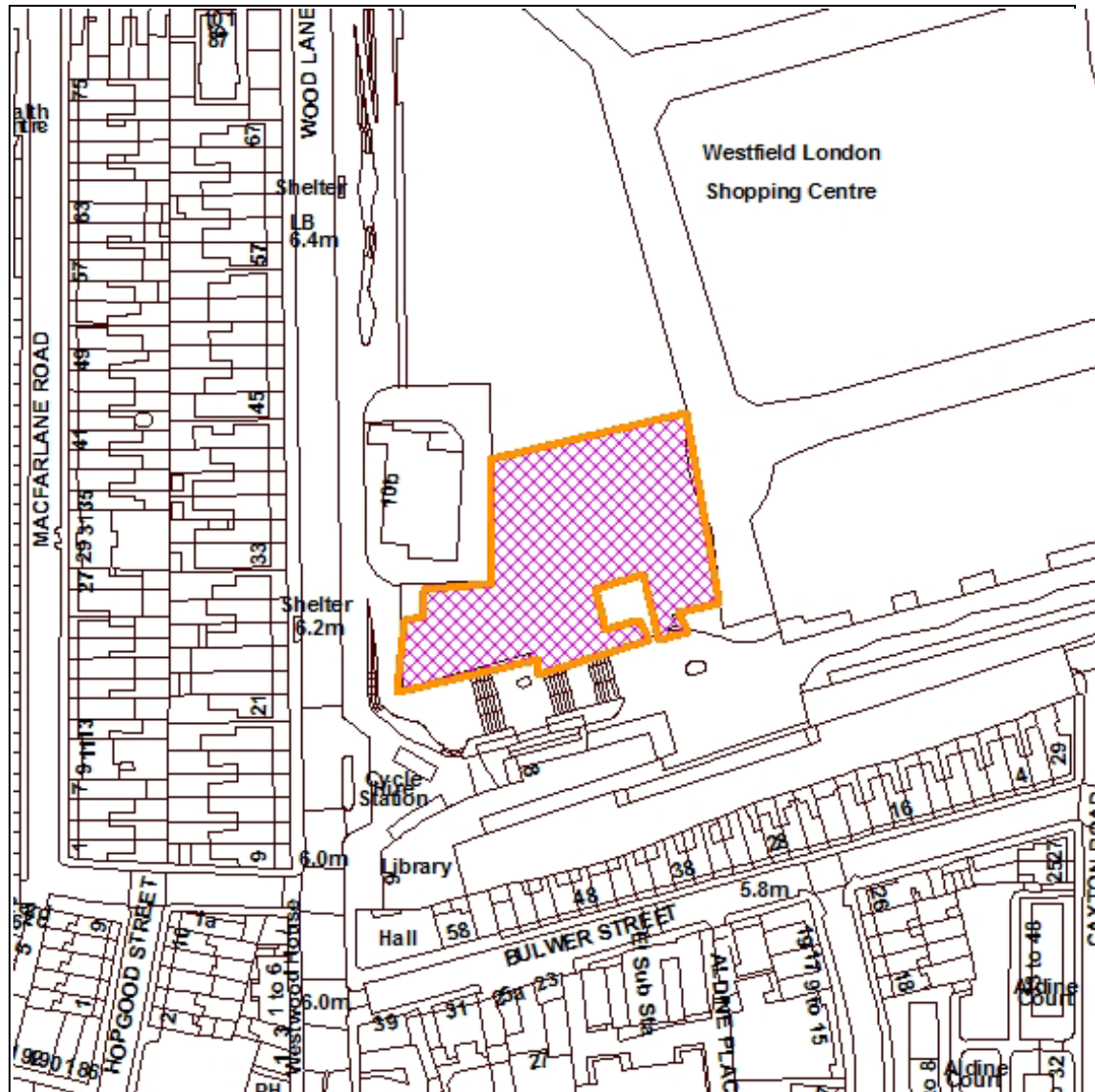

Ward: Shepherd's Bush Green

Site Address:

Westfield London Shopping Centre Ariel Way London



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For identification purposes only - do not scale.

Reg. No:
2024/03073/FUL

Case Officer:
Anisa Aboud

Date Valid:
14.02.2025

Conservation Area:

Committee Date:
10.06.2025

Applicant:

Westfield Europe Limited
c/o Agent Montagu Evans LLP, 70 St Mary Axe EC3A 8BE United Kingdom

Description:

Change of use of part of the existing unit at Level 40 (Southwest part of the Westfield Shopping Centre) from Class E use to dual Class E and Sui Generis (show venue) use.
Drg Nos: See Condition 2.

Application Type:

Full Detailed Planning Application

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 of Legal Services and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed Heads of Terms of the legal agreement or proposed conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

Conditions:

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

DWL-FLA- M6-40- DR-A-08009 P00

Stage 3 Acoustic Design Report dated December 2024 prepared by Studio Danny Lane.

Stage 3 Preliminary Acoustic Sketches (Rev 01) dated December 2024 prepared by Studio Danny Lane.

Operational Management Plan and
Dispersal Policy.

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, CC10, CC11, CC13, T1 and T2 of the Local Plan (2018).

- 3) Prior to occupation of the development hereby permitted, details (including manufacturer specification, installation/commissioning certificates and photographic confirmation) of the installed electric induction cooking stoves in the kitchens of the non-residential uses (Class E, Sui Generis (show venue)) shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interest of air quality improvement and to comply with the requirements of the NPPF, Policy SI 1 of the London Plan and Policy CC10 of the Local Plan (2018).

- 4) Prior to the occupation of the development hereby permitted, details (including manufacturer specification, installation/commissioning certificates and photographic confirmation) of the installed ePM1 90% (F9) particulate filtration for the commercial kitchen ventilation exhaust system for non-residential uses (Class E, Sui Generis (show venue)) shall be submitted to and approved in writing by the Council. Approved details shall be implemented prior to the commencement of the use and thereafter be permanently retained.

In the interest of air quality improvement and to comply with the requirements of the NPPF, Policy SI 1 of the London Plan and Policy CC10 of the Local Plan (2018).

- 5) Prior to occupation of the development hereby permitted, details (including manufacturer specification, installation/commissioning certificates and photographic confirmation) of the installed Commercial Waste Heat Exchanger Recovery System for the commercial kitchen for the non-residential uses (Class E, Sui Generis (show venue)) shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interest of air quality improvement and to comply with the requirements of the NPPF, Policy SI 1 of the London Plan and Policy CC10 of the Local Plan (2018).

- 6) Prior to occupation of the development hereby permitted, details (including manufacturer specification, installation/commissioning certificates and photographic confirmation) of the installed Waste Water Heat Recovery System (WWHRS) for the Sui Generis use (show venue) shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interest of air quality improvement and to comply with the requirements of the NPPF, Policy SI 1 of the London Plan and Policy CC10 of the Local Plan (2018).

- 7) A minimum of one month prior to occupation of the development hereby permitted, an Ultra Low Emission Strategy (ULES) shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:
- a) Procurement policy and processes for contractors and suppliers that will incentivise and prioritise the use of Zero Exhaust Emission Vehicles in accordance with the emission hierarchy of 1) Walking Freight Trolley 2) Cargo bike (3) Electric Vehicle
 - b) Use of Zero Exhaust Emission Vehicles in accordance with the emissions hierarchy (1) Walking Freight Trolleys (2) Cargo bike (3) Electric Vehicle
 - c) Reduction and consolidation of deliveries and collections e.g., Waste
 - d) Re-timing of deliveries and collections outside of peak traffic time periods of 07:00-10:00 and 15:00-19:00 hrs

The ULES shall be monitored and reviewed on an annual basis and any subsequent modifications or alterations to the ULES should be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation and the ULES hereby permitted shall thereafter operate in accordance with the approved details.

In the interests of air quality, in accordance with Policy SI1 of the London Plan (2021) and Policy CC10 of the Local Plan (2018).

- 8) Prior to occupation of the development hereby permitted, details (including manufacturer specification, installation/commissioning certificates and photographic confirmation) of the installed Aerobic Food Digesters (AFD) in the kitchen of the non-residential uses (Class E, Sui Generis (show venue)) to mitigate the impact of air pollution from vehicles associated with the removal of food waste shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of air quality, in accordance with Policy SI1 of the London Plan (2021) and Policy CC10 of the Local Plan (2018).

- 9) The development hereby approval shall not operate other than between the hours of 09:30 to 01:30 Monday - 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).

- 10) 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, DC5 and DC9 of the Local Plan (2018).

- 11) Prior to first occupation of the development hereby approved, a detailed Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Operational Management Plan shall 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. Details shall also include event noise control and monitoring and quiet dispersal procedures. 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).

- 12) Within 6 months of occupation of any part of the development hereby approved, a BREEAM post-completion assessment and certification confirming that the development achieves a minimum 'Excellent' BREEAM rating shall be submitted to and approved in writing by the Local Planning Authority to verify the measures within the approved Sustainability Statement document have been implemented in full.

In the interests of energy conservation, reduction of CO2 emissions and wider sustainability, in accordance with Policies SI 1, SI 2, and SI 3 of the London Plan (2021) and Policies CC1, CC2 of the Local Plan (2018).

- 13) The development shall be carried out and completed in accordance with the submitted Outline Fire Strategy prepared by OFR Consultants dated 23/12/2024 Rev D00. The development shall be implemented in accordance with these details prior to occupation and shall thereafter be permanently retained in this form.

To ensure full compliance with, in accordance with Policy D12 of the London Plan (2021).

- 14) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of sound insulation of the building envelope and other mitigation measures, as appropriate. Details shall demonstrate that noise from uses and activities is contained within the building/ development site and shall not exceed the criteria of BS8233:2014 at neighbouring noise sensitive/ habitable rooms and private external amenity spaces. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

- 15) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council of the installation of acoustic lobbies to entrances and exits which would otherwise allow the emission of internal noise to neighbouring noise sensitive premises.

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

- 16) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the external sound level emitted from plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external sound level emitted from plant, machinery/ equipment will be lower than the lowest existing background sound level by at least 10dBA in order 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. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

- 17) Prior to commencement of the development, a Servicing Management Plan shall be submitted to and approved in writing by the Council. Details shall include times and frequency of deliveries and collections, vehicle movements, silent reversing methods, location of loading bays, quiet loading/unloading measures, etc.

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

- 18) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or the Town and Country Planning (General Permitted Development) Order 2015 (or any orders revoking and re-enacting those orders with or without modification) the development hereby approved shall only be used as a theatre under the Sui Generis Use Class and for no other purposes whatsoever.

In granting this permission, the Council has had regard to the special circumstances of the case. Certain other uses within the same use class may be unacceptable due to effect on residential amenity or traffic generation, in accordance with Policies TLC5, CF1, CF2, CF3, DC1, DC4, HO11, CC11, CC13 and T1 of the Local Plan (2018), and relevant Key Principles of the Planning Guidance SPD (2018).

Justification for Approving the Application:

- 1) 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). Further, the proposed 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. In this regard, the development would respect the principles of good neighbourliness. The proposed development therefore accords with Policies CC11, CC12, CC13, and HO11 of the Local Plan (2018).
- 4) Highways matters: Subject to conditions there would be no adverse impact on traffic generation and the scheme would not result in congestion of the primary road network. The site's proximity to existing public transport facilities and access to walking and cycling routes make it a highly sustainable site. A large proportion of visitors will already be at Westfield and would travel by public transport. In this respect, travel patterns will be covered by the existing Westfield Travel Plan. Furthermore, the excellent level of public transport links is considered to ensure that the proposed change of use of part of the former Debenhams unit would not result in any adverse highways implications. The development would therefore be acceptable in accordance with the NPPF (2024), Policies T1, T3 and T4 of the London Plan (2021), Policies T1, T2, T3, T4, T5, CC7, CC9, CC10, CC11, CC12 and CC13 of the Local Plan (2018) and Policies TR1, TR2, TR3 and WM9 of the Planning Guidance Supplementary Planning Document (2018).
- 5) Safety and Access: The development would provide a safe and secure environment for all users in accordance with London Plan Policy D11 (2021) and Policy DC2 of the Local Plan (2018). The proposal would provide ease of access for all people, including disabled people, in accordance with Policies D5 and D11 of the London Plan (2021), Policies E3 of the Local Plan (2018) and Key Principles DA1, DA6 and DA9 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 December 2024

Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2024
The London Plan 2021
LBHF - Local Plan 2018
LBHF – Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments from:	Dated:
Crime Prevention Design Advisor - Hammersmith	19.03.25
Health And Safety Executive Fire Safety	26.02.25
Active Travel England	28.02.25
Transport For London - Road Network Development	19.03.25

Neighbour Comments:

Letters from:	Dated:
43 Wood Lane London W12 7DP	01.03.25
53 Wood Lane Shepherds Bush London W12 7Dp	10.03.25
53 Wood Lane Shepherds Bush London W12 7Dp	12.03.25
61 Wood Lane London W12 7DP	27.03.25
Hammersmith Town Hall Extension King Street London W6 9JU	03.03.25
42 Bulwer St Shepherds Bush W12 8AP	26.03.25

1.0 SITE DESCRIPTION

- 1.1 The Application site sits within the wider Westfield Masterplan, and comprises part of a former anchor unit to the southwest elevation of Westfield London, previously occupied by Debenhams. The site has been vacant since Debenhams shut in 2020.
- 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 There is an excellent Public Transport Accessibility Level (PTAL) of 6a, one of the highest possible levels. The site is in close proximity to 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 Westfield has a long and complex planning history. The history most relevant to this application is as follows:
 - o 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.
 - o A further outline planning permission (Ref: 2000/01642/OUT) was granted in January 2003 for the south-west corner retail expansion.
 - o 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.

3.0 CURRENT PLANNING APPLICATION

- 3.1 The current application has been submitted by Westfield on behalf of a proposed future tenant.
- 3.2 The Proposed development seeks a change of use of part of the existing Class E retail floorspace within the former Debenhams unit to a dual Class E / Sui Generis use to provide a show venue that will accommodate a theatrical performance of Dancing Dirty! The Party ("DDTP"). The Proposed Development will incorporate a multi-level auditorium for approximately 600 guests.

- 3.3 The DDTP show is an immersive experience with guests seated within a large auditorium based around the theme of the popular film version of Dirty Dancing. Guests will be served a meal and drinks whilst the DDTP shows goes on around them. Following the meal the central tables are cleared away and guests are invited to join in with the full dancing and singing experience of Dirty Dancing! The Party. The 'food and drink' element of the proposal is ancillary to the main use of the building as a theatrical show venue. The public will only be able to dine within the Proposed Development in combination with viewing the show.
- 3.4 The proposal follows the same concept as the Mamma Mia! The Party experience which currently operates at the O2 in Greenwich

4.0 PUBLICITY AND CONSULTATIONS

- 4.1 The application was advertised in the local press and by on-site notices.⁸⁴⁹ notification letters were sent to nearby neighbouring properties.
- 4.2 Four objections from separate addresses have been received raising the following concerns:
- o Concerned about the closing time of 1am and the potential noise implications.
 - o Concerns over anti-social behaviour
 - o Consultation letters not received by all residents.
 - o Concerns over highways implications and subsequent noise disturbances late at night.

External & Statutory Consultees

- 4.3 Transport for London (TfL): no comments to make.
- 4.4 Active Travel England: no comments to make.
- 4.5 HSE: commented that the proposed development does not trigger the requirements for Gateway One consultation.
- 4.6 Crime Prevention: as this is a change of use no comments to make.

5.0 POLICY CONTEXT

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 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.
- 5.3 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).

- 5.4 The statutory development plan comprises the London Plan (2021); the Local Plan (2018) and the Planning Guidance Supplementary Planning Document (2018) (hereafter referred to as Planning Guidance SPD). Several strategic and local supplementary planning guidance and other documents are also material to the determination of the application.

National Planning Policy Framework (2024).

- 5.5 The National Planning Policy Framework (NPPF) (2024) 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 London Plan (2021)

- 5.6 The London Plan was published in March 2021 and is the Spatial Development Strategy for Greater London. The Plan provides the strategic planning policies for London, setting out an integrated economic, environmental, transport and social framework for growth over the next 20-25 years. The proposal has been assessed in line with the policies set out in the Plan.

The Local Plan (2018)

- 5.7 The Council Local Plan was adopted 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) and Affordable Workspace SPD (October 2022) are also a material consideration in determining planning applications.

6.0 PLANNING CONSIDERATIONS

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

- o Land Use and Amenity Impacts (principally noise and disturbance).

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 A Strategic Objective of the Local Plan is to ensure that existing and future residents and visitors have access to a range of high-quality entertainment facilities. Local Plan Policy CF1 (Supporting community facilities and services) seeks new entertainment facilities where appropriate and viable.
- 6.7 Local Plan Policy CF3 (Enhancement and retention of arts, culture, entertainment, leisure, recreation and sport uses) supports the enhancement and retention of arts, culture, entertainment, leisure, recreation and sport uses. It supports the continued presence of venues for these purposes subject to their management without detriment to local residents. New proposals for such venues must be accessible and inclusive and supported with evidence of how their impacts will be assessed, minimised and mitigated.
- 6.8 The proposed development seeks the introduction of dual Class E / Sui Generis use to part of the former Debenhams unit for the use of the site as a show venue for an immersive theatre and dining experience. The floor area of the proposed development totals 3395 sqm. It is anticipated that the development will create up to 150 jobs in a range of occupations including musicians, dancers, waiting staff, kitchen staff, technical and audience management.
- 6.9 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 part of the former Debenhams unit would overall provide vitality and vibrancy to the Shepherd's Bush Town Centre, as well as support the night-time economy. Furthermore, reactivating this large vacant space within the Westfield Shopping Centre would diversify and attract a wider 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, social and cultural 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.

- 6.10 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.
- 6.11 The operating schedule for the venue would be Monday, Wednesday, Thursday and Friday one show only at 19:30 (no show on Tuesday). Saturdays would have two shows (matinee at 14:00 and 19:30) and Sundays only one show at 13:00. The doors are expected to open for matinee performances at 13:00 with the show beginning from 14:00. Doors for evening performances are expected to open from 18:00 with performances beginning at 19:30. The last exit time from the venue following the evening performance will be 01:00. The running time of the performance is approximately 2 hours and 20 minutes including an interval.
- 6.12 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 will be self-contained within the existing retail unit. Nearby existing noise sensitive uses will be protected through the insulation of the building to reduce the emission of noise from the venue during live events. The site is also in an area of high level of public transport accessibility and subject to appropriate conditions it is not considered will cause an adverse impact to local residential amenity to warrant withholding planning permission.
- 6.13 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.
- 6.14 Conditions would be attached any permission to control the hours of operation. 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.
- 6.15 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.
- 6.16 The proposal in terms of visual amenity, environmental nuisance and transport and highway impacts is considered later in this report.

AMENITY IMPACTS

Noise and Vibration

- 6.17 London Plan Policy D14 (Noise) sets out measures to reduce, manage and mitigate noise to improve health and quality of life.
- 6.18 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.
- 6.19 In addition to the above policies Local Plan Policy CC12 seeks to ensure that development proposals include lighting that is appropriate for the intended use, is energy efficient and provides adequate protection from glare and light spill to surrounding residential properties.
- 6.20 The nearest residential properties lie to the east along Wood Lane (in particular no's 5-57) approximately 30m away and sits on a lower level than the application site. Bulwer street lies to the south of the site approximately 50m away with an intervening building in-between the application site. Concern has also been expressed by local residents regarding potential noise generated from visitors of the show particularly when they are leaving the site. The application is supported by a draft Operational Management Plan (OMP). The OMP sets out how the venue would be managed with regards to operational hours, site control and people management. The OMP states that Westfield London operate a security model which is both proactive and robust, this under pins a strategic goal of maintaining a safe and secure environment for all those who live, work and visit the estate. This is achieved through the coordinated use of Active (Security Officers), Physical (built environment features), Environmental (Lighting, Planting, natural surveillance), and Electronic (such as CCTV/Access Control) security. There is a 24-hour operations centre, which monitors the 1100 CCTV cameras we have and intelligently deploys the highly trained security team as needed.
- 6.21 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 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. In addition, a Final Operational Management Plan will be secured by condition which will 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.

- 6.22 The application is also supported by a Dispersal Policy detailing how the visitors to the show will be managed and dispersed through Westfield in the most efficient way possible with minimum disruption to nearby residents. These documents will be conditioned to ensure compliance. Moreover, lighting arrangements will be entirely self-contained within the unit. No additional external lighting is proposed as part of the development.
- 6.23 Overall, in light of the public benefits of the proposal in terms of economic, social and cultural matters, officers consider that subject to appropriate conditions and mitigation, the proposal is not considered to cause an adverse impact to local residential amenity.
- 6.24 Other Planning matters include:
- o Design and Conservation
 - o Highways
 - o Environmental Considerations (Sustainability and Energy; Flood Risk; Land Contamination; Air Quality)

DESIGN AND CONSERVATION

- 6.25 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.

Heritage Impacts

- 6.26 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.
- 6.27 The Proposed Development seeks a straight change of use of part of the existing unit with no external works proposed. The proposals are entirely internal to the existing shopping centre and will not alter the existing building envelope. Thus, there will be no detrimental design or heritage impacts.

HIGHWAYS IMPLICATIONS

- 6.28 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.
- 6.29 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.
- 6.30 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.
- 6.31 No new car parking is proposed as part of this Application, although users would have access to any of the car parks situated within the Westfield site.
- 6.32 Disabled access is available from the lower levels of the centre. Parking bays and the access level are step free, connected via lifts. Externally, escalators and a lift connect Wood Lane with the access level.
- 6.33 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.
- 6.34 The venue will be serviced in the same way as the existing retail unit, utilising the existing back of house corridors, lifts and loading bays. As such, it is considered that satisfactory provision is provided for servicing, appropriate for the scale, form and location of the Proposed Development.
- 6.35 Overall, the site's proximity to existing public transport facilities and access to walking and cycling routes make it a highly sustainable site. A large proportion of visitors will already be at Westfield and would travel by public transport. In this respect, travel patterns will be covered by the existing Westfield Travel Plan. Furthermore, the excellent level of public transport links is considered to ensure that the proposed change of use of part of the former Debenhams unit would not result in any adverse highways implications.

- 6.36 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.

ENVIRONMENTAL CONSIDERATIONS

Sustainability and Energy

- 6.37 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.
- 6.38 As part of their design review process, the applicants have considered the energy performance of the building and given the nature of the proposals involving a straight change of use with no external alterations they have sought to make enhancements and energy efficiency measures to ensure consistency with the current London plan. Details of energy measures and BREEAM will be secured by condition. The current prediction is that a 'Excellent' rating is likely to be achieved.

Flood Risk

- 6.39 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.
- 6.40 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.
- 6.41 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, being a change of use with no increase in floorspace, it is not considered that the proposed development would give rise to flood risk concerns that would require a Flood Risk Assessment.

Land Contamination

- 6.42 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.
- 6.43 London Plan Policy SD1 encourages the strategic remediation of contaminated land.
- 6.44 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.
- 6.45 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

- 6.46 NPPF Paragraph 199 relates to air quality, and states planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan. The council's Air Quality Action Plan 2025-2030 was approved and adopted by the council on the 16th of December 2024.
- 6.47 The site is located within the council's borough wide Air Quality Management Area (AQMA) and within 200m of an GLA Air Quality Focus Area 41 for two pollutants - Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀, PM_{2.5}). The primary sources of these pollutants in the Borough are vehicle traffic and Combustion Plant to provide space heating and hot water. The site is in an area of existing poor air quality due to road traffic emissions from the Westway (A40), Wood Lane (A219), and West Cross Route (A3220).
- 6.48 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's) and GLA Air Quality Focus Area's where development is likely to be used by large numbers of those particularly vulnerable to poor air quality, such as children or older people).
- 6.49 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 proposals related to a change of use of part of an existing retail unit 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. Conditions are recommended to mitigate against the impact of the development on existing poor air quality in the area.
- 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:
- o infrastructure in accordance with the H&F Regulation 123 (R123) List.
 - o projects identified for 'Neighbourhood CIL'; and
 - o CIL administration expenses (no more than the statutory cap).

- 7.2 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 as the development does not involve the creation of any new floorspace.
- 7.3 London Plan Policy DF1 recognises the role of planning obligations in mitigating the effects of development and provides guidance of the priorities for obligations in the context of overall scheme viability.
- 7.4 The NPPF provides guidance for local planning authorities in considering the use of planning obligations. It states that 'authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations and that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition'.
- 7.5 London Plan Policy DF1 (Delivery of the Plan and Planning Obligations) states that: "Development proposals should provide the infrastructure and meet the other relevant policy requirements necessary to ensure that they are sustainable and to support delivery of the Plan."
- 7.6 Local Plan Policy INFRA1 (Planning Contributions and Infrastructure Planning) advises that 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 (CIL) and Section 106 Agreements (s106).
- 7.7 The planning obligations set out in the heads of terms below are considered necessary to make the development acceptable in planning terms, they are related to the development and fairly and reasonable in scale and kind to the development. A Section 106 agreement is therefore required to ensure the proposal is in accordance with the statutory development plan and to secure the necessary infrastructure to mitigate the needs of the Proposed Development.
- 7.8 In view of the fact the Section 106 agreement will be the subject of extended negotiations, officers consider that circumstances may arise which may result in the need to make minor modifications to the conditions and obligations (which may include the variation, addition, or deletion). Accordingly, the second recommendation has been drafted to authorise the Director of Planning and Property, after consultation with the Assistant Director Legal Services and the Chair of the Planning and Development Control Committee, to authorise the changes they consider necessary and appropriate, within the scope of such delegated authority.

Heads of Terms

7.9. The applicant would be required to enter into a legal agreement in the event that planning permission were to be granted. The Legal Agreement would include the following obligations:

- o Total Contributions: £275,000 which includes:
 - LET - £120,000 (Community Safety)
 - CCTV - £20,000 (Community safety)
 - Ask for Angela Campaign - £5,000 (Community Safety)
 - Public Realm improvements - £65,000
 - Economic Development - £65,000
- o Economic Development contributions covers: Employment/Training /Local Procurement Contributions to support delivery of Upstream London the Council's Industrial Strategy for inclusive economic growth (or any successor to it), including to support employment, skills and local procurement activities.
- o At least 10% of the total number of people employed on the construction of the development are local (H&F) residents, including apprenticeships.
- o At least 20% of the total number of people employed in the end use of the development are local (H&F) residents.
- o 10% of the build cost to be spent on businesses based in H&F in the supply chain of the development
- o A commitment to sign up to the Council's Upstream Pathway Bond, a broad menu of opportunities to help businesses play a meaningful role in supporting the local community in which they operate - and encouraging end-users of the development to do so.

7.10 A commitment to meet the costs of the Council's associated legal fees.

8.0 CONCLUSION

- 8.1. In considering planning applications, the Local Planning Authority needs to consider the development plan as a whole and planning applications that accord with the development plan should be approved without delay, unless material considerations indicate otherwise and any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 8.2. In the assessment of the application regard has been given to the NPPF, London Plan, Publication London Plan, and Local Plan policies as well as guidance.
- 8.3 It is considered that 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.
- 8.4 The supporting information addresses the operational issues pertaining to the proposed operations 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.

- 8.5 Officers have taken account of all the representations received and 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, and the completion of a s106 agreement.
- 8.6 In line with the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, Officers have consulted the Applicant on the pre-commencement conditions included in the agenda and the Applicant has raised no objections.

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 recommendations above and legal agreement.