

Planning and Development Control Committee Minutes

Wednesday 6 April 2016

PRESENT

Committee members: Councillors Adam Connell (Chair), Iain Cassidy (Vice-Chair), Colin Aherne, Michael Cartwright, Elaine Chumnerly, Lucy Ivimy, Alex Karmel, Natalia Perez and Viya Nsumbu

42. MINUTES

RESOLVED THAT:

The minutes of the meeting of the Planning and Development Control Committee held on 9 March 2016 be confirmed and signed as an accurate record of the proceedings.

43. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Robert Largan.

44. DECLARATION OF INTERESTS

The Chair, Councillor Adam Connell declared a significant interest in respect of Land North of Westfield Shopping Centre, Ariel Way, London, Shepherd's Bush Green 2015/05217/RES as he is employed as an Area HR Manager by Sainsbury's Supermarkets Ltd which are a direct competitor of the John Lewis Partnership, which also has an anchor site in the site covered by the application. He considered that this did give rise to a perception of a conflict of interests and, in the circumstances he would not participate in the discussion and the vote thereon and would withdraw from the meeting whilst the item was considered.

45. DECISION TO RE-ORDER THE AGENDA

In view of members of the public present for particular applications and the need for the Chair to hand over to the Vice-Chair for the Land North of Westfield Shopping Centre, Ariel Way, London, Shepherd's Bush Green 2015/05217/RES, the Chair proposed that the agenda be re-ordered, with which the Committee agreed, and the minutes reflect the order of the meeting.

46. PLANNING APPLICATIONS

46.1 Planning Enforcement Review 2015

During discussions Members requested clarification on the status of the two cases which were ongoing. It was also confirmed by officers that when enforcement is served that the applicant cannot make a retrospective application to further delay the process.

At the request of Councillor Karmel, it was agreed that next year's performance review would include details of (Section 70) cases where applicants had tried to get round enforcement by submitting additional and retrospective applications.

It was also confirmed by officers that enforcement can be a long process taking between 9-12 months in some cases because a reasonable time period has to be allocated. It was also stated that where there are delays the 'Proceeds from Crime Act' only applies once prosecution has taken place.

The Chair thanked officers for their presentation.

RESOLVED:

That the report be noted.

46.2 Oaklands House, Old Oak Common Lane, London NW10 6DU, College Park and Old Oak 2016/00539/OBS

Please see the Addendum attached to the minutes for further details.

The meeting was adjourned at the request of the Chair, between 19.35 and 19.45, to allow time to switch projectors due to some technical difficulties.

The Committee heard representations in support of the application from the Project Director from Genesis Housing on behalf of the applicant. He stated that the scheme benefited the area with their regeneration aspirations and provided a significant infrastructure contribution. He added that it would provide homes and jobs and would also help to achieve housing targets as well as providing a good mix of affordable homes. He concluded by stating that it was a long term investment in the area and that they had worked hard with partners and officers to provide a great quality design which would bring a derelict site back into use.

Councillor Cartwright commented that he was appalled by the proposal. He felt the proposal was being pushed through with indecent haste, therefore, it should be deferred until after the Mayoral elections.. He also felt that it should go back to the OPDC's Design Review Panel as they had only commented on the design at an early point in its development.

Councillor Nsumbu commented that the issue was not the massing or the height but the design process itself. She also felt the building was unattractive and disappointing. She also stated that she felt the affordable housing mix was just

right. Councillor Ivimy commented that the design was appalling and had not been well thought out. She was also concerned about how the proposal sat in the wider context of the Master Plan for the area and that it would be damaging to the setting of the Grand Union Canal. Councillor Cassidy commented that it felt very rushed and that the design aside residents would consider it to have been railroaded through.

Councillor Karmel commented that it maybe appropriate to add a Grampian condition where current access to the site did not take into account future density for the area and was not within the applicant's control. He also stated that there was so much information missing from the proposal and gave the examples of traffic surveys and travel assessments. He also expressed concerns around the proposed nursery provision. He went on to state that it would also be a good idea for the proposal to go before the Hammersmith and Fulham Design and Review Panel. He proposed taking out the 2nd bullet point in 3.1.4 of the report.

Officers advised that a Grampian condition maybe difficult to include in the recommendations.

3.1.4 - 2nd Bullet in the report

Nursery (if provided) - 50% nursery related jobs to be offered to unemployed residents of LBHF with commitment of industry specific training being offered on the back of guaranteed interviews of LBHF residents.

The proposal was put to the vote and members agreed to leave it in.

Vote

For 1

Against 7

Not Voting 1

Councillor Karmel went on to express further concerns regarding the bicycle racks and the arrangements for the disabled parking spaces. He reiterated the need for an assessment of the capacity of local bus routes and new bus routes for the neighbourhood.

Councillor Chumnerly added that the 220 bus needed looking at as well. She also welcomed the additional housing but was mindful of the construction and the access to the site. She requested that more information be provided on the impact to residents. Councillor Aherne stated that the lack of time should be included in the response. He also expressed concern at the level of affordable housing. He also stated that the affordable housing was still too expensive for most local residents.

The Chair asked what would happen after five years to the private rented sector properties. It was confirmed by officers that the details were still to be worked out. The Chair in response to members concerns asked officers to circulate to the Committee a copy of the final comments to the OPDC and to keep members updated on the progress of the section 106 agreement.

Discussing the application members looked at how best to frame their recommendations to the OPDC. The Legal officer advised that they set out their recommendations by breaking them down and that they provide reasons for each of the different options available to them. They should vote on each limb of their recommendations separately.

The Committee voted on planning application 2016/00539/OBS and the results were as follows:

1st Limb

Councillor Cassidy proposed that the Committee recommend that the OPDC defer their decision (scheduled for 28 April 2016 OPDC Planning Committee) due to insufficient information having been provided so that it is not possible for a full and proper assessment of the proposal to have been carried out, so that officers have an opportunity to report any further submitted application details back to members of this committee. This was seconded by Councillor Ivimy. Particular areas of concern include:

- I. Design quality. There are concerns about the quality of the design of the scheme in terms of its scale and massing and architectural approach and harmful impact on the character, appearance and setting of the Grand Union Canal Conservation Area. It is considered that the scheme should be reviewed again by the PLACE Review Panel, particularly as the only review was at an early stage.
- II. Viability and affordable housing. The scheme fails to provide the policy target of 40% affordable housing. Further assessment of scheme viability and negotiation of affordable housing is required.
- III. Lack of provision of local Infrastructure including education, healthcare and public transport provision, including improvements to bus services 266, 228 and 220, to mitigate the impacts of the proposal.
- IV. Lack of information to support how the proposal is complementary to the wider OPDC masterplan.
- V. Air quality assessment is not adequate.

Vote

For 9

Against 0

Not Voting 0

2nd Limb

Councillor Cartwright proposed that the Committee recommend that, in the event that the OPDC decision is not deferred, the OPDC Planning Committee refuse planning permission at its meeting on 28 April 2016, this was seconded by Councillor Ivimy, for the following reasons:

- I. Lack of information to enable a full and proper assessment of the proposal against relevant development plan policies and guidance.
- II. Unacceptable quality of design in terms of its excessive scale and massing and architectural approach and harmful impact on the character, appearance and setting of the Grand Union Canal Conservation Area. Contrary to London Plan (March 2015) policies 7.4, 7.7 and 7.8.

- III. The scheme fails to provide the policy target of 40% affordable housing and the affordable rent units are proposed at rent levels that are not affordable to local residents. There is insufficient justification including on scheme viability for the proposed affordable housing. Contrary to London Plan (March 2015) policies 3.11 and 3.12 and London Plan Housing SPG
- IV. Lack of public transport measures to mitigate the likely impact of the development particularly given its PTAL of 3, there is also likely to be insufficient capacity on bus routes 266, 228 and 220. Contrary to London Plan (March 2015) policies 6.1, 6.2, 6.3, 6.4, 6.7 and 6.11
- V. The proposed new access road through the site does not connect to a highway network to the north and the proposal is therefore not providing adequate highway provision and is likely to have an unacceptable impact on the free flow of traffic in the area. Contrary to London Plan (March 2015) policies 6.1, 6.2, 6.3, 6.4, 6.11 and 6.12.
- VI. Lack of community infrastructure including education, healthcare, recreational and retail provision to serve the development and mitigate the potential adverse impact of the development on existing community infrastructure in the area. Contrary to London Plan (March 2015) policies 3.16, 3.17, 3.18 and 3.19.
- VII. The potential for an unacceptable impact on the amenity of surrounding residents including overshadowing and potential undue loss of daylight. Contrary to London Plan (March 2015) policy 7.7.

Vote
For 7
Against 2
Not Voting 0

3rd Limb

Councillor Karmel proposed that authority be delegated to officers to submit further comments to the OPDC and to supplement this Council's comments following the submission of any further information about the proposal, and to seek any further appropriate mitigation whether by condition or planning obligation. This was seconded by Councillor Nsumbu.

Vote
For 9
Against 0
Not Voting 0

4th Limb

Councillor Aherne proposed that officers be authorised to seek the planning conditions and planning obligations (including that LBHF be signatory to the s106 agreement) noted in the report should the application be granted by the OPDC on 28 April 2016 or at a later date. This was seconded by Councillor Karmel.

Vote
For 9
Against 0

Not Voting 0

RESOLVED THAT:

Officers be authorised to submit comments and details of the Committee's decisions to OPDC.

The Committee made the following decisions and recommendations to the OPDC regarding planning application 2016/00539/OBS.

1. That OPDC defer their decision (scheduled for 28 April 2016 OPDC Planning Committee) due to insufficient information having been provided so that it is not possible for a full and proper assessment of the proposal to have been carried out, so that officers have an opportunity to report any further submitted application details back to members of this committee.

The following reasons were given to support their recommendation;

- i. Design quality. There are concerns about the quality of the design of the scheme in terms of its scale and massing and architectural approach and harmful impact on the character, appearance and setting of the Grand Union Canal Conservation Area. It is considered that the scheme should be reviewed again by the PLACE Review Panel, particularly as the only review was at an early stage.
 - ii. Viability and affordable housing. The scheme fails to provide the policy target of 40% affordable housing. Further assessment of scheme viability and negotiation of affordable housing is required.
 - iii. Lack of provision of local Infrastructure including education, healthcare and public transport provision, including improvements to bus services 266, 228 and 220, to mitigate the impacts of the proposal.
 - iv. Lack of information to support how the proposal is complementary to the wider OPDC masterplan.
 - v. Air quality assessment is not adequate.
2. In the event that the OPDC decision is not deferred, the OPDC Planning Committee refuse planning permission at its meeting on 28 April 2016.

The following reasons were given to support their recommendation;

- I. Lack of information to enable a full and proper assessment of the proposal against relevant development plan policies and guidance.
- II. Unacceptable quality of design in terms of its excessive scale and massing and architectural approach and harmful impact on the character, appearance and setting of the Grand Union Canal Conservation Area. Contrary to London Plan (March 2015) policies 7.4, 7.7 and 7.8.
- III. The scheme fails to provide the policy target of 40% affordable housing and the affordable rent units are proposed at rent levels that are not affordable to local residents. There is insufficient justification including on scheme viability for the proposed affordable housing. Contrary to London Plan (March 2015) policies 3.11 and 3.12 and London Plan Housing SPG

- IV. Lack of public transport measures to mitigate the likely impact of the development particularly given its PTAL of 3, there is also likely to be insufficient capacity on bus routes 266, 228 and 220. Contrary to London Plan (March 2015) policies 6.1, 6.2, 6.3, 6.4, 6.7 and 6.11
- V. The proposed new access road through the site does not connect to a highway network to the north and the proposal is therefore not providing adequate highway provision and is likely to have an unacceptable impact on the free flow of traffic in the area. Contrary to London Plan (March 2015) policies 6.1, 6.2, 6.3, 6.4, 6.11 and 6.12.
- VI. Lack of community infrastructure including education, healthcare, recreational and retail provision to serve the development and mitigate the potential adverse impact of the development on existing community infrastructure in the area. Contrary to London Plan (March 2015) policies 3.16, 3.17, 3.18 and 3.19.
- VII. The potential for an unacceptable impact on the amenity of surrounding residents including overshadowing and potential undue loss of daylight. Contrary to London Plan (March 2015) policy 7.7.

3. That authority be delegated to officers to supplement LBHF's comments following PADCC and any further information submitted with respect to the proposals and that officers be authorised to seek further obligations and or conditions as appropriate (in addition to those noted in the report).

4. That officers be authorised to seek the planning conditions and planning obligations (including that LBHF be signatory to the s106 agreement) noted in the report should the application be granted by the OPDC on 28 April 2016 or at a later date.

46.3 Land North of Westfield Shopping Centre, Ariel Way, London, Shepherd's Bush Green 2015/05684/FUL and 2015/05685/FUL

The meeting was adjourned for 10 minutes between 21.10 and 21.20 to give Members a comfort break.

Please see the Addendum Report for further details.

The above two applications were considered together. During discussions regarding the application Members clarified some of the details of the proposal with officers.

The Committee voted on the planning applications 2015/05684/FUL and 2015/05685/FUL the result was that Members unanimously agreed both applications.

RESOLVED THAT:

Applications 2015/05684/FUL and 2015/05685/FUL be approved subject to the conditions and legal agreement set out in the report and the addendum.

46.4 Land North of Westfield Shopping Centre, Ariel Way, London, Shepherd's Bush Green 2015/05217/RES

Please see the Addendum attached to the minutes for further details.

The Chair, Councillor Connell, withdrew from the meeting. The Vice-Chair, Councillor Cassidy, assumed the role of Chair.

Officers referred members to some changes in the addendum report relating to pages 20 and 86 of the report.

During discussions regarding the application Members clarified some of the details of the proposal with officers. Councillor Karmel expressed concern that the design was bland and that the colouring would fade in the future.

Councillor Chumnerly expressed concern regarding additional cars and the potential impact on air quality and pollution. Councillor Perez asked about employment for residents. She was assured by officers that there would be a greater drive during phase two of the development and that priority for jobs would be given to local residents. Councillor Nsumbu stated that she fully supported the proposals.

The Committee voted on the planning application 2015/05217/RES and the result was that Members unanimously agreed.

RESOLVED THAT:

Application 2015/05217/RES be approved subject to the conditions set out in the report and the addendum.

Councillor Adam Connell declared a significant interest in respect of the application 2015/05217/RES related to Westfield Shopping Centre, Ariel Way, London, Shepherd's Bush Green. He did not participate in the discussions nor vote thereon. He left the meeting whilst the item was considered.

Meeting started: 7.00 pm
Meeting ended: 10.05 pm

Chair

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PLANNING APPLICATIONS COMMITTEE
Addendum 06.04.2016

Reg. Ref	Address	Ward	Page
2015/05217/RES	Land North Of Westfield Shopping Centre Ariel Way London W12	Shepherds Bush Green	11
Page 11	Replace Site Plan		
Page 12	Remove drawing no. W2-AAM-ZA-10-DR-A-08001 P03 from drawing numbers list.		
Page 13	<p>Replace “That the Committee resolve that the Director of Planning and Growth be authorised to determine the application and grant permission up on the completion of a satisfactory legal agreement and subject to the condition(s) set out below” with “That the Committee resolve that the Director of Planning and Growth be authorised to determine the application and grant permission subject to the conditions set out below”</p> <p>Remove drawing no. W2-AAM-ZA-10-DR-A-08001 P03 from Condition 1 (Approved Drawings)..</p> <p>Condition 2: Insert ‘(as defined by approved parameters plan WLD 006)’ after Silver Street.</p>		
Page 17	Replace ‘BS8233:1998’ with ‘BS8233:2014’		
Page 19	<p>Condition 15: Insert ‘(as defined by approved parameters plan WLD 006)’ after Relay Square.</p> <p>Condition 16: Insert ‘(as defined by approved parameters plan WLD 006)’ after Silver Street.</p>		
Page 20	<p>Add the following condition (condition no.20):</p> <p>Prior to the commencement of any part of the development, detailed drawings at a scale of not less than 1:20 in plan, section and elevation of the main entrance at level 20 on the north-west corner of the Anchor Store shall be shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of any part of the development to be constructed above level 20 and above hereby approved (unless otherwise agreed in writing). The works shall be undertaken in accordance with the approved details.</p> <p>Reason: To ensure a satisfactory external appearance, in accordance with policy BE1 of the Core Strategy (2011) and policies DM G1, DM G2 and DM G4 of the Development Management Local Plan (2013).</p>		
Page 35	Replace “In addition to other forthcoming developments at the wider site, the reserved matters application was presented to the LBHF		

Design Review Panel on 23rd March 2015. The DRP comments (on the reserved matters application) will be included within an addendum to this report which shall include an officer response to the comments where applicable”

with

“The application was presented to members of the Design Review Panel on 23rd March 2016. The following comments were made on the application:

Mall Extension:

- It is a convincing building which has been carefully articulated so that it forms an appropriate foil to the listed DIMCO buildings.

Anchor Store:

- The concept of a standalone ‘object’ building for the proposed Anchor Store was welcomed but the design should be more heroic to fulfil its intended role;
- It appears as though it ‘floats in space’, does not have a robust base and the design would be more powerful as a single form;
- Concerns with how the public realm relates to the base and glass was being using in a defensive manner, the base needs to be more open and engaging and the entrance at the north west corner of the building was not successfully integrated into the design;
- The surroundings such as the railway viaduct should inform the architecture;
- Careful consideration should be given to the roof as it will be visible from the high level residential buildings;
- Signage was shown attached in an apparently random manner across the elevation and dilutes the idea of a concept building, the architecture should sign the building.

General:

- The internal elevations of the two buildings within the public room should be distinctive and should appear as a continuation of the external elevations.

Officer response: The internal elevations and glazed entrances will be subject to further reserved matters applications and signage will be subject to future Advertisement Consent applications. Conditions are recommended which would require detailed drawings of the proposed Anchor Store entrance in the north west corner, the base of the Anchor Store building where it meets the public realm and any roof top structures.

Page 86

Paragraph 6.66 (Heads of Terms), replace bullet points 1 and 4 with:

- Road to be built to adoptable standards and to the reasonable satisfaction of the Council;
- Road management and enforcement strategy to prevent the misuse of the bus priority lane and yellow boxes. Cost of linkages and necessary equipment to be covered by the developer and installed to the reasonable satisfaction of the Council.

Reg. Ref	Address	Ward	Page
2016/00539/OBS	Oaklands House, Old Oak Common Lane,	College Park and Old Oak	109

London NW10 6DU

- Page 110 In description, replace “611” with “605” residential units
- Page 111 S106 Agreement
Add “4 f) Highways Authority to have the right to be consulted and approve highways specification and design.”
- Page 111 Matters to be resolved/further information required
Delete nos. 1 to 3 and replace with:
“1. Viability assessment – to identify and secure the maximum reasonable proportion of affordable housing and appropriate contributions toward transport, education and healthcare provision”
- Page 112 Conditions
4. replace “qualitative” with “quantitative”
6. replace with “Demolition and Construction Management Plan”
23. add “submission of an Air Quality Assessment”
24. add “including wind tunnel assessment”
33. Replace with “Demolition and Construction Logistics Plan”
- Page 143 para. 3.170 add “any relevant submission of details applications should be agreed by the council”.
- para 3.175 replace ‘be consulted on’ with ‘agree’
- para 3.197 at end of para add “In order to ensure compliance with the NPPF and Part 2A of the Environmental Protection Act 1990 these submission of detail applications should be agreed by the council”