

London Borough Of Hammersmith & Fulham

Planning Applications Committee

Agenda for 9th November 2016

Index of Applications, Enforcement Actions, Advertisements etc.

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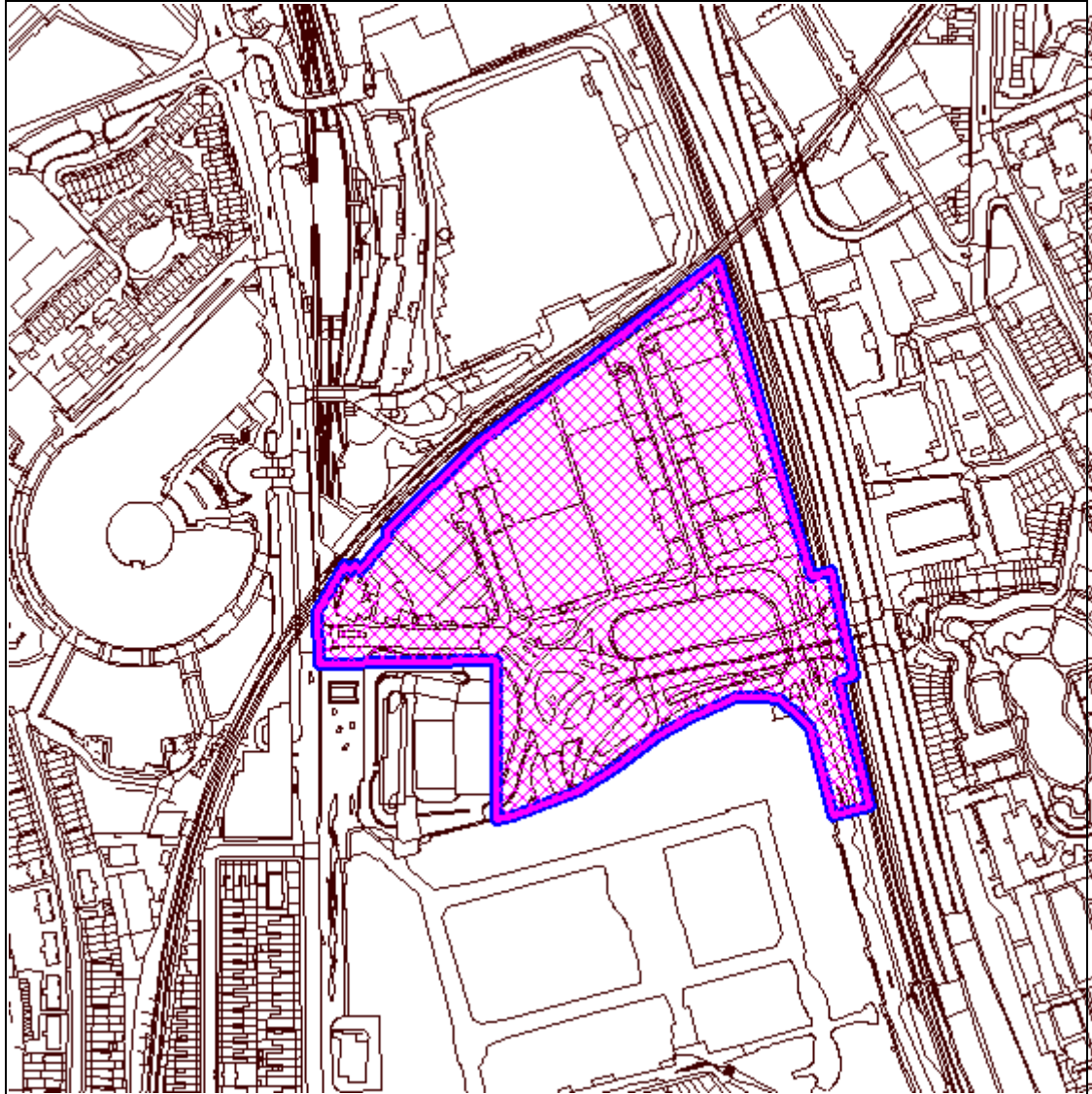
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Ward: Shepherd's Bush Green

Site Address:

Land North Of Westfield Shopping Centre Ariel Way London



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For identification purposes only - do not scale.

Reg. No:
2016/03944/VAR

Case Officer:
Sally Shepherd

Date Valid:
02.09.2016

Conservation Area:

Committee Date:
09.11.2016

Applicant:

Westfield Europe Limited
C/o Agent

Description:

Variation of conditions 2, 3, 5 and 49 of Outline Permission (as amended) 2015/02565/VAR granted on 13th October 2015. Amendments include an increase in the maximum building height for Plot K from 8 (43.05m AOD) and 14 (62.4m AOD) storeys to 10 (48.1m AOD) and 16 (70.2m AOD); an increase in the maximum height of the energy centre flue from 67.4m AOD to 75.2m AOD; a reduction in leisure (Class D2) and food/drink use (Classes A3-A5) and an increase in retail use (Class A1) resulting in an overall reduction in the total proposed floorspace by 42.4sqm; reduction to the limit of deviation of the south eastern façade of Plot D from +/- 5m to -5m; increase to the limit of deviation of the western canopy of the east-west link of Plot A from +/- 5m to +11m/-5m. The revisions result in a proposal comprising: a mixed use scheme including the construction of new buildings and structures ranging from 2-23 storeys and up to 87.975m AOD in height, providing a net increase of up to 68, 406sqm of retail use (Class A1); up to 3,462sqm (GEA) of food/drink use (Classes A3-A5); up to 1,600sqm of community/health/cultural use (Class D1); up to 3,557sqm of leisure use (Class D2); up to 1,347 residential units (Class C3) and 1,736 car parking spaces together with associated development including new pedestrian routes and landscaping, cycle parking, vehicular access and servicing facilities.

Drg Nos: WLD 015 Green and Brown Roofs W2-WEL-ZA-00-DR-A-08015 Rev A; Parameters Report by Montagu Evans dated August 2016; WLD 001 Existing Site 684_07_001 Rev A; WLD 002 Planning Application Area 684_07_002 Rev A; WLD 003 Existing Site Levels 684_07_003 Rev B; WLD 004 Demolition 684_07_004 Rev A; WLD 005 Development Plots: Ground W2-WEL-ZA-00-DR-A-08005 Rev A; WLD 006 Development Plots: Plinth W2-WEL-ZA-00-DR-A-08006 Rev A; WLD 007 Proposed Site Levels 684_07_007 Rev E; WLD 008 Building Lines W2-WEL-ZA-00-DR-A-08008 Rev B; WLD 009 Maximum Building Heights W2-WEL-ZA-00-DR-A-08009 Rev B; WLD 010 Minimum Elevational Height W2-WEL-ZA-00-DR-A-08010 Rev A; WLD 011 Ground Floor Uses Along Public Realm 684_07_011 Rev C; WLD 012 Landscaping W2-WEL-ZA-00-DR-A-08012 Rev A; WLD 013 Basements 684_07_013 Rev A; WLD 014 Access 684_07_014 Rev F;

Application Type:

Vary or Delete Conditions Full/Outline

Officer Recommendation:

That the Committee resolve that the Lead Director of Planning and Development 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:

1) TIME LIMITS AND SUBMISSION OF RESERVED MATTERS

- i) No part of the development hereby permitted by this outline planning permission shall be commenced on Development Plots A, C, D, and K (as identified on drawing number WLD: 006 Development Plots: Plinth W2-WEL-ZA-00-DR-A-08006 Rev A) unless and until an application or applications for written approval of

the matters reserved by this planning permission in respect of the relevant Development Plot have been made to and approved in writing by the Local Planning Authority. The reserved matters applications shall include detailed plans, sections and elevations showing:

Access;
Layout;
Scale;
Appearance; and
Landscaping.

ii) Application(s) for approval of the reserved matters for the relevant Development Plot referred to in paragraph (i) above must be made no later than the expiration of the following from the date of the original permission (from 5th September 2014):

Three years for Development Plot A and associated public realm;
Ten years for Development Plots C and K and associated public realm;
Fifteen years for Development Plot D and associated public realm

iii) Development of Development Plots A, C, D, and K and associated public realm for that plot to which this permission relates must be begun not later than the expiration of TWO YEARS from the final approval of reserved matters of the relevant Development Plot, or, in the case of approval on different dates, the approval of the last such matter to be approved.

Reason: To comply with Article 2 of the Town and Country Planning (Applications) Regulations 1988 as amended by the Planning (Applications for Planning Permission, Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2006 and Section 92 of the Town and Country Planning Act 1990 (as amended).

2) IN ACCORDANCE WITH APPROVED PLANS AND DOCUMENTS

i) The planning permission relating to the components of the development hereby permitted (i.e. those parts that are not to be subject to reserved matters) shall not be constructed unless in accordance with the following Parameter Plans, Parameters Report and schedules therein:

Parameter Plans

WLD 001 Existing Site: 684-07-001 Rev A;
WLD 002 Planning Application Area: 684-07-002 Rev A;
WLD 003 Existing Site Levels: 684-07-003 Rev B;
WLD 004 Demolition: 684-07-004 Rev A;
WLD 005 Development Plots Ground: W2-WEL-ZA-00-DR-A-08005 Rev A;
WLD 006 Development Plots Plinth: W2-WEL-ZA-00-DR-A-08006 Rev A;
WLD 007 Proposed Site Levels: 684-07-007 Rev E;
WLD 008 Building Lines: W2-WEL-ZA-00-DR-A-08008 Rev B;
WLD 009 Maximum Building Heights: W2-WEL-ZA-00-DR-A-08009 Rev B;
WLD 010 Minimum Elevational Height: W2-WEL-ZA-00-DR-A-08010 Rev A;
WLD 011 Ground Floor Uses Along Public Realm: 684-07-011 Rev C;

WLD 012 Landscaping: W2-WEL-ZA-00-DR-A-08012 Rev A;
WLD 013 Basements: 684-07-013 Rev A;
WLD 014 Access: 684-07-014 Rev F;
WLD 015 Green and Brown Roofs: W2-WEL-ZA-00-DR-A-08015 Rev A;

Parameter Report with the following schedules:

Table 1 - Maximum Quantum of Floorspace by Use (GEA)
Table 2 - Unit Mix by Tenure

There shall be no changes to the amount of retail floorspace demolished, unless details are submitted to and approved in writing by the Local Planning Authority.

Reason: 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 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9 and 7.21 of the London Plan (2016) and policies BE1 of the Core Strategy (2011) and policies DMG1, DMG3, DMG6, DMG7, DMG8 of the Development Management Local Plan (2013).

3) IN ACCORDANCE WITH DAS AND DESIGN CODES

All reserved matters applications shall include a statement to demonstrate compliance with the principles and parameters set out in the Design and Access Statement prepared by Allies and Morrison (dated May 2015), amended General Design Codes and amended Design Codes for Plots A, C, D and K prepared by Allies and Morrison (dated August 2015), the Design Codes for Courtyards prepared by Townshends Landscape Architects (dated November 2013), the Design Code for the Public Realm prepared by Townshends Landscape Architects (dated November 2013) and the Parameters Report by Montagu Evans (dated August 2016), or other such versions that are subsequently agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is constructed in accordance with the Design Guidelines on which this decision is based and to be consistent with the principles of good masterplanning, in accordance with policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 7.18, 7.19 and 7.21 of the London Plan (2016), policies A, BE1, WCOA and WCOA1 of the Core Strategy (2011) and policies DMG1, DMG4, DMG6 and DMG7 of the Development Management Local Plan (2013).

4) PHASING PROGRAMME

The construction, completion and occupation of Plots A and P, including the associated public realm and landscaping, shall be phased in accordance with the phasing programme approved under details application 2015/01547/DET dated 02/10/2015. Prior to the commencement of any subsequent phase of the development hereby approved, a phasing programme for the construction, completion and occupation of Plots C, D, and K, including the associated public realm and landscaping, shall be submitted to, and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development accords with the provisions and assessment of the approved Environmental Statement and to ensure that the development is carried out in a satisfactory manner in accordance with policy BE1 of the Core Strategy (2011).

5) FLOOR SPACE - D2 USE

No less than 2000sqm and up to a maximum of 3557.6sqm (GEA) of Class D2 floorspace shall be provided within the development. The floorspace shall be provided within any one or more development plots.

Reason: To ensure a sustainable mix of uses is delivered within the development, to create a high quality environment with active and vibrant streets and a range of land uses which would complement Shepherds Bush Town Centre and the White City Opportunity Area, in accordance with policies 7.1 and 7.3 of the London Plan (2016), policies BE1, WCOA and WCOA1 of the Core Strategy (2011) and policy DM C1 of the Development Management Local Plan (2013).

6) DETAILS OF D1 AND D2 USES

The details of the provision of Class D1 (Non-residential Institution) and Class D2 (Leisure) floorspace shall be submitted to the Local Planning Authority for approval in writing, for the relevant Plots, prior to the submission of the reserved matters application for the relevant Plots. Where provided the details shall include the proposed location, layout, amount of floorspace (sqm) and description of the facilities and any other relevant information relating to the provider or use. The relevant phase shall not be implemented until the submitted details have been approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details and permanently retained thereafter.

Reason: To ensure a sustainable and viable mix of uses is delivered within the development, to create a high quality environment with active and vibrant streets and a range of land uses which would complement Shepherds Bush Town Centre and the White City Opportunity Area, in accordance with policies 7.1 and 7.3 of the London Plan (2016), policies BE1, WCOA and WCOA1 of the Core Strategy (2011) and policy DM C1 of the Development Management Local Plan (2013).

7) DETAILS AND SAMPLES OF MATERIALS

Prior to the commencement of each phase of the development or relevant part thereof, details and samples of materials to be used for that phase (or relevant part thereof) on all external faces and roofs of the buildings, shall be submitted to and approved in writing by the Local Planning Authority and no part of that phase (or relevant phase thereof) shall be used or occupied prior to the implementation of the approved details. Each phase or part thereof, of the development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and to prevent harm to the visual amenity of the street scene and public realm, in accordance with policies 7.1 and 7.5 of the London Plan (2016), policy BE1 of the Core Strategy (2011) and policies DM G1, DM G2, DM G6 and DM G7 of the Development Management Local Plan (2013).

8) DETAILS AND SAMPLES OF EXTERNAL HARD SURFACES AND BOUNDARY MATERIALS

Prior to the commencement of each phase of the development, or relevant part thereof, details and samples, where appropriate, of all paving and external hard surfaces, boundary walls, railings, gates, fences, and other means of enclosure for that phase (or relevant part thereof) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to occupation or use of that phase (or relevant part thereof) and shall be permanently retained thereafter.

Reason: To ensure a satisfactory external appearance, in accordance with policies 7.1 and 7.5 of the London Plan (2016), policy BE1 of the Core Strategy (2011) and policies DM G1 and DM G2 of the Development Management Local Plan (2013).

9) DETAILS OF TYPICAL BAYS

The development of each relevant phase or part thereof shall not commence before detailed drawings of that relevant phase or part thereof, at a scale no less than 1:20 in plan, section, and elevation, of a typical bay of each proposed building type to show details of proposed cladding, fenestration, balconies, entrances, and shopfronts, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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).

10) DETAILS OF HARD AND SOFT LANDSCAPING

No relevant phase of the development, or part thereof, shall commence prior to the submission and approval in writing by the Local Planning Authority of full details of the proposed hard and soft landscaping for that relevant phase, or part thereof, including samples of surface treatments, planting schedules and details of the species, height and maturity of any trees and shrubs and proposed landscape maintenance. The approved details shall be implemented in the next winter planting season following completion of the building works for the relevant phase of the development of part thereof, or before the occupation or use of that relevant phase, or part thereof, whichever is the earlier, and the landscaping shall thereafter be retained and maintained in accordance with the approved details.

Reason: To ensure a satisfactory external appearance in accordance with policies 7.1, 7.2, 7.5 of the London Plan (2016), policies BE1 and OS1 of the Core Strategy (2011) and policies DM G1, DM E3 and DM E4 of the Development Management Local Plan (2013).

11) GREEN AND BROWN ROOFS

Prior to the commencement of the relevant phase of the development, details of green/brown roofs, including planting and maintenance schedules, and ecological

enhancement measures for that phase shall be submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved details prior to the occupation or use of the phase and shall be permanently retained thereafter.

The details will demonstrate how the development shall make provision for green and brown roofs in accordance with Parameter Plan WLD 015 Green and Brown Roofs W2-WEL-ZA-00-DR-A-08015 Rev A. Such roof treatments shall be laid out in as many parts of the buildings, for each phase, as possible.

Reason: To ensure the provision of green and brown roofs in the interests of sustainable urban drainage and habitat provision, in accordance with policies 5.11, 5.13 and 7.19 of the London Plan (2016), policies OS1, CC1, CC4 and H4 of the Core Strategy (2011) and policies DM E3, DM E4, DM H2 and DM H4 of the Development Management Local Plan (2013), and to promote sustainable design in accordance with policies 5.1, 5.2, 5.3, 5.11, 5.13 and 7.19 of the London Plan (2016), policies OS1, CC1, CC4 and H4 of the Core Strategy (2011) and policies DM E3, DM E4, DM H2 and DM H4 of the Development Management Local Plan (2013).

12) REPLACEMENT OF TREES AND SHRUBS

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

Reason: To ensure a satisfactory provision for planting, in accordance with policy 7.21 of the London Plan (2016), policy OS1 of the Core Strategy (2011) and policy DM E4 of the Development Management Local Plan (2013.)

13) TELEVISION INTERFERENCE

If any television interference is identified to be caused by the proposed development, the remediation measures as approved under details application 2015/02699/DET dated 14/07/2015 shall be implemented immediately for each phase.

Reason: To ensure that any television interference caused by the development is remediated, in accordance with policy 7.7 of the London Plan (2016), policy BE1 of the Core Strategy (2011) and policy DM G2 of the Development Management Local Plan (2013).

14) CHANGES TO EXTERNAL APPEARANCE

Details of any material changes to the external appearance of the building, including the installation of air-handling units, ventilation fans or extraction equipment, must be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall be implemented in accordance with the approved details and permanently retained thereafter.

Reason: To ensure a satisfactory external appearance and prevent harm to the street scene, and to safeguard the amenities of neighbouring residential occupiers, in accordance with policy 7.6 of the London Plan (2016), policy BE1 of the Core Strategy (2011) and policies DM G1, DM G2, DM G3, DM G6 and DM G7 of the Development Management Local Plan (2013) and the Council's Planning Guidance Supplementary Planning Document (2013).

15) SHOPMOBILITY FACILITIES

The Shopmobility facilities for Plot A (retail extension) approved under details application 2016/01540/DET dated 10/06/2016 shall be implemented in accordance with the approved details prior to occupation of use of Plot A and shall be permanently retained thereafter.

Reason: To ensure that the proposal provides an inclusive and accessible environment in accordance with policies 2.15 and 7.2 of the London Plan (2016), policy T1 of the Core Strategy (2011), and SPD Transport Policy 22 of Planning Guidance Supplementary Planning Document (2013).

16) CAR PARKING DESIGN LAYOUT AND LOCATION

Prior to the commencement of each relevant phase, details shall be submitted which shall include detail of but not be limited to the numbers, detailed design, phasing plan, layout, and location of car park(s) and proposed reservoir parking shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the design and location of blue badge parking spaces. The development shall be implemented in accordance with the approved details prior to occupation or use, and permanently retained thereafter.

Reason: To ensure the suitable provision of car parking within the development to meet the needs of future site occupiers and users, in accordance with policies 6.13 and 7.2 of the London Plan (2016), policy T1 of the Core Strategy (2011), policies DM J2 and DM J4 of the Development Management Local Plan (2013) and the Council's Planning Guidance Supplementary Planning Document (2013).

17) TAXI RANK

Details of the location, capacity, layout, and design of a new taxi drop-off bay in plot A shall be submitted to the Local Planning Authority prior to occupation of the relevant phase of the development for approval. The development shall be implemented in accordance with the approved details prior to occupation or use, and permanently retained thereafter.

Reason: To ensure there are adequate facilities for taxis serving the development, in accordance with policy T1 of the Core Strategy (2011) and policy DM J1 of the Development Management Local Plan (2013).

18) STREET FURNITURE AND SIGNAGE

Prior to the occupation of the relevant phase of the development or part thereof, details including the locations of the benches, litter bins and signage for the relevant phase of the development (or part thereof), shall be submitted to and

approved in writing by the local planning authority. The development shall not be open to users or occupants until the benches, litter bins and signage as approved have been provided, and must be permanently retained thereafter.

Reason: To ensure the satisfactory provision of facilities, in accordance with policies 3.1 and 7.2 of the London Plan (2016), policy OS1 of the Core Strategy (2011) and policies DM E1 and E2 of the Development Management Local Plan (2013) and to ensure the development is fully inclusive and accessible for all users, in accordance with policy T1 of the Core Strategy (2011) and the Council's Planning Guidance Supplementary Planning Document. (2013).

19) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

Prior to the commencement of Plots C and D of the development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The development of Plots A, P and K shall be carried out in accordance with the Construction Environmental Management Plan (CEMP) as approved under details application 2015/00767/DET dated 06/08/2015.

The CEMP shall include:

- A demolition method statement and details including but not limited to methods of piling and steps to be taken to re-use and re-cycle demolition waste and measures proposed to minimise the impact of the demolition processes on the existing amenities of neighbouring occupiers, including monitoring and control measures for dust, noise, vibration, lighting and working hours (including 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) unless otherwise agreed in writing by the Local Planning Authority;
- Waste classification and disposal procedures and locations, as well as details on waste classification, dust and noise monitoring and control, provisions within the site to ensure that all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed;
- A commitment to 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;
- A risk assessment based on the Mayor's of London SPG 'The Control of Dust and Emissions during Construction and Demolition' (July 2014). It should include an inventory and timetable of dust generating activities; dust and emission control methods for construction traffic and Non Road Mobile Machinery (NRMM). Air quality monitoring of PM10 should be undertaken where appropriate and used to prevent levels exceeding predetermined Air Quality threshold trigger levels. The assessment should take into account residential receptors on-site and off-site of the development. Developers must ensure that on-site contractors follow best practicable means to minimise dust and emissions at all times.

Reason: To ensure that no unacceptable adverse effect on the amenity of surrounding occupiers in accordance with policies 5.18, 5.19, 5.20, 5.21, 5.22 and 7.14a-c of the London Plan (2016), policy CC4 of the Core Strategy (2011) and

policies DM G1, DM H5, DM H8, DM H9, DM H10 of the Development Management Local Plan (2013).

20) AIR QUALITY IMPACTS ASSESSMENT

Prior to the commencement of the relevant phase(s) of development, an assessment of the air quality impacts from the chosen energy plants must be submitted to and approved in writing by the Local Planning Authority. The air quality assessment must include dispersion modelling of the stack emissions of NO₂ and PM₁₀ and show the impacts on concentrations of these pollutants at the different heights where receptors are to be located (i.e. balconies and terraces).

Reason: To comply with the requirements of the NPPF (2012), policies 7.14a-c of the London Plan (2016) and policy DM H8 of the Development Management Local Plan (2013).

21) LOW EMISSIONS STRATEGY

Prior to the commencement of the relevant phase of the development a Low Emission Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Low Emission Strategy must address the results of the Air Quality Assessment from condition 20 (Air Quality Impacts Assessment) and detail the remedial action and mitigation measures that will be implemented to protect receptors (e.g. abatement technology for energy plant, design solutions). This Strategy must make a commitment to implement the mitigation measures (including NO_x emissions standards for the chosen energy plant) that are required to reduce the exposure of future residents to poor air quality and to help mitigate the development's air pollution impacts, in particular the emissions of NO_x and particulates from on-site transport and energy generation sources. Evidence must also be submitted to and approved in writing by the Local Planning Authority to show that the CHP units installed within the energy centre comply with the relevant emissions standards in the Mayor's Sustainable Design and Construction Supplementary Planning Document (2014). The submitted evidence must include the results of NO_x emissions testing of each CHP unit by an accredited laboratory.

The strategy must re-assess air quality neutral as agreed in the Air Quality Assessment in accordance with the Mayor of London SPG 'Sustainable Design and Construction' (April 2014) guidance. It must also identify mitigation measures as appropriate to reduce building emissions to below GLA benchmark levels. D1 calculations must be provided from ground level to inform the height of energy plant chimneys.

Reason: To comply with the requirements of the NPPF (2012), policies 7.14a-c of the London Plan (2016), policy CC4 of the Core Strategy (2011) and policy DM H8 of the Development Management Local Plan (2013).

22) COMPLIANCE WITH EMISSIONS STANDARDS

Prior to the occupation of the relevant phase of the development, details must be submitted and approved in writing by the Local Planning Authority, that demonstrate the CHP units, abatement technologies and boilers installed comply with the approved Air Quality Assessment and the emissions standards set out

within the agreed Low Emission Strategy. The CHP plant shall meet a minimum Band 'B' emissions standard of 95mg/Nm² (at 5% O₂). The submitted evidence must comply with the Major of London SPG 'Sustainable Design and Construction', April 2014 guidance and include the results of NO_x emissions testing of the CHP unit by an accredited laboratory. Where any combustion plant does not meet the relevant standard it should not be operated without the fitting of suitable NO_x abatement equipment or technology (evidence of installation shall be required)

To comply with the requirements of the NPPF, Policies 7.14 a-c of The London Plan (2016), Core Strategy 2011 Policy CC4 and Policy DM H8 of the Development Management Local Plan (2013).

23) EXTRACTION CONTROL SYSTEMS AND ODOUR ABATEMENT

Prior to the commencement of each phase of the development, or relevant part thereof, details of the installation, operation, and maintenance of the best practicable odour abatement equipment and extract system to the commercial kitchens shall be submitted to and approved in writing by the Local Planning Authority for the relevant phase of the development (or part thereof). The details shall include the height of the extract duct and vertical discharge outlet, in accordance with the 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' January 2005 by DEFRA. Approved details shall be implemented prior to the commencement of the use and thereafter be permanently retained, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the amenity nearby premises and occupiers are not unduly affected by odour and disturbance in accordance with policy CC4 of the Core Strategy (2011) and policies DM H8, DM H9 and H11 of the Development Management Local Plan (2013).

24) NOISE ASSESSMENT

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

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise in accordance with policy CC4 of the Core Strategy (2011) and policies DM H9 and H11 of the Development Management Local Plan (2013).

25) SOUND INSULATION

Prior to the commencement of each phase of the development, or relevant part thereof, details of the sound insulation of the floor /ceiling /walls separating the commercial part(s), plant room, car park, communal facilities etc from dwellings/noise sensitive premises shall be submitted to and approved in writing by the Local Planning Authority for the relevant phase of the development (or part thereof). Details shall demonstrate that the sound insulation value $D_{nT,w}$ [and $L'_{nT,w}$] is enhanced by at least 15-20dB above the Building Regulations value, unless agreed in writing by the Local Planning Authority and, where necessary, additional mitigation measures implemented to contain commercial noise within the commercial premises and to achieve the 'Good' criteria of BS8233:2014 within the dwellings/ noise sensitive premises. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the amenity of occupiers of the development site/ adjacent dwellings/ noise sensitive premises is not adversely affected by noise, in accordance with policies DM H9 and H11 of the Development Management Local Plan (2013).

26) ENHANCED SOUND INSULATION SCHEME

Prior to the commencement of the relevant phase of the development, details shall be submitted to and approved in writing by the Local Planning Authority for the relevant phase of the development (or part thereof), of an enhanced sound insulation value $D_{nT,w}$ [and $L'_{nT,w}$] of at least 5dB above the Building Regulations value, unless agreed in writing by the Local Planning Authority, for the floor/ceiling /wall structures separating different types of rooms/ uses in adjoining dwellings (e.g. living room and kitchen above/below bedroom of separate dwelling). Approved details shall be implemented prior to occupation of the relevant phase of the development, or part thereof, and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise, in accordance with policies DM H9 and H11 of the Development Management Local Plan (2013).

27) LAYOUT AND INTERNAL ARRANGEMENT OF RESIDENTIAL UNITS

Prior to the commencement of each relevant phase or part thereof, details shall be submitted to and approved in writing by the Local Planning Authority, of the layout and internal arrangement within the building(s) for the relevant phase of the development (or part thereof). Details shall ensure that where possible: -

- o Large family units are not situated above smaller units;
- o Similar types of rooms in neighbouring dwellings are stacked above each other or adjoin each other; and
- o Halls are used as buffer zones between sensitive rooms and main entrances, staircases, lift shafts, service areas and other areas for communal use.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by household/neighbour noise transmission to adjoining

dwellings at unreasonable levels due to unsuitable layout and arrangement of rooms and communal areas, in accordance with policies DM H9 and H11 of the Development Management Local Plan (2013).

28) NOISE AND VIBRATION OF PLANT, MACHINERY AND EQUIPMENT

Prior to the commencement of each phase of the development, or relevant part thereof, details of the noise and vibration level of any proposed plant/machinery/equipment, including details of appropriate mitigation measures to ensure that the external noise level at the nearest and/or most affected noise sensitive premises is 10dBA Leq below background noise level (and by 15dBA where the source is tonal), as assessed according to BS4142:2014, with all machinery operating, and that internal room and external amenity noise standards will be achieved in accordance with BS8233:2014, shall be submitted to and approved in writing by the Local Planning Authority for the relevant phase of the development (or part thereof). A post installation noise assessment shall be carried out where required to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken, as necessary. No part of the development shall be used or occupied prior to the implementation of the approved details, which shall thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the site/surrounding premises is not adversely affected as a result of noise or vibration from any proposed plant/machinery/equipment, in accordance with policy CC4 of the Core Strategy (2011) and policies DM H9 and DM H11 of the Development Management Local Plan (2013).

29) BUILDING VIBRATION LEVELS

Prior to the commencement of the relevant phase of development, details shall be submitted to and approved in writing by the Local Planning Authority for the relevant phase of the development (or part thereof), of building vibration levels and, together with appropriate mitigation measures where necessary. Details shall demonstrate that vibrations will meet a level that has low probability of adverse comment and the assessment method shall be as specified in BS 6472:2008. No part of the development shall be occupied until the approved details have been implemented. Approved details shall thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/surrounding premises is not adversely affected by ground- or airborne vibration, in accordance with policy CC4 of the Core Strategy (2011) and policies DM H9 and H11 of the Development Management Local Plan (2013).

30) TEMPORARY FENCING AND ENCLOSURE

Prior to the commencement of development for Plots K, C and D details of temporary fencing and/or enclosure of the site in each phase of the works shall be submitted to and approved in writing by the Local Planning Authority for the relevant phase of the development and shall be retained as approved for the duration of the construction works. The temporary fencing associated with Plots A and P shall be erected in accordance with approved details application 2016/02894/DET dated 26/09/2016.

Reason: To ensure that the site remains in a tidy condition during the construction phase and to prevent harm to the street scene and character and appearance of the adjoining conservation area, in accordance with policy BE1 of the Core Strategy (2011) and policy DM G7 of the Development Management Local Plan (2013).

31) ARBORICULTURAL METHOD STATEMENT

Prior to the commencement of the relevant phase of the development or part thereof, an arboriculture method statement setting out the method(s) of tree protection during construction for the relevant phase of the development (or part thereof), shall be submitted to and approved in writing by the Local Planning Authority. The methods of tree protection shall be implemented as approved.

Reason: To ensure that the retained trees are protected during the construction processes to prevent their unnecessary damage or loss, in accordance with Policy 7.21 of the London Plan (2016), policy OS1 of the Core Strategy (2011) and policies DM E3 and DM E4 of the Development Management Local Plan (2013).

32) TREE WORKS

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

Reason: To ensure that the Council is able to properly assess the impact of the development on any trees and to prevent their unnecessary loss, in accordance with policy 7.21 of the London Plan (2016), policy OS1 of the Core Strategy (2011) and policies DM E3 and DM E4 of the Development Management Local Plan (2013).

33) TELECOMMUNICATIONS EQUIPMENT

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any part of the development hereby permitted, without planning permission first being obtained.

Reason: To ensure that the visual impact of telecommunication equipment can be considered in accordance with policy BE1 of the Core Strategy (2011), policy DM G1 of the Development Management Local Plan (2013) and SPD Design Policy 39 of the Council's Planning Guidance Supplementary Planning Document (2013).

34) ECOLOGICAL MANAGEMENT PLAN

Each phase of the development shall be carried out in accordance with the Ecological Management Plan as approved under details application 2015/02698/DET dated 06/08/2015.

Reason: To ensure the biodiversity of the site is protected and enhanced where possible, in accordance with policy 7.19 of the London Plan (2016), policies OS1

and CC4 of the Core Strategy (2011) and policies DM E3 and DM H2 of the Development Management Local Plan (2013).

35) SOLAR PANELS

Prior to the commencement of the relevant phase of the development, or part thereof, details of the proposed solar panels for the relevant phase of the development (or part thereof) including the angle of the solar panels relative to the surface of the roof and a plan showing their location on the roof of the building(s) as identified in the approved Energy Strategy, shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be implemented prior to occupation of the relevant phase and permanently retained thereafter.

Reason: To ensure that the development is consistent with the Mayor's sustainable design objectives in accordance with policies 5.1, 5.2, 5.3, 5.7 and 5.8 of the London Plan (2016) and to ensure that the visual impact of the equipment is satisfactory in accordance with the policies BE1 and CC1 of the Core Strategy (2011) and policies DM G1 and DM H2 of the Development Management Local Plan (2013).

36) WATER INFRASTRUCTURE IMPACT STUDY

The development shall be carried out in accordance with recommendations of the Westfield Phase 2 Development Modelling Report by Atkins dated February 2015 (ref. 5112682/62/DG/053) as approved under details application 2015/03472/DET dated 17/09/2015.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand in accordance with policies 5.14 and 5.15 of the London Plan (2016), policy CC2 of the Core Strategy (2011) and policy DM H3 of the Development Management Local Plan (2013).

37) EXTERNAL LIGHTING

Prior to the commencement of the relevant phase of the development or part thereof, details of all proposed external lighting, including security lights for the relevant phase of the development (or part thereof) shall be submitted to and approved in writing by the Local Planning Authority. The residential buildings shall not be occupied nor the non-residential use(s) commence until the lighting has been installed in full accordance with the approved details. Such details shall include the number, exact location, height, design, and appearance of the lights, together with data concerning the levels of illumination and light spillage and the specific measures, having regard to the recommendations of the Institution of Lighting Engineers in the 'Guidance Notes for the Reduction of Light Pollution 2005' to ensure that any lighting proposed does not harm the existing amenities.

Reason: To ensure a satisfactory external appearance and to prevent harm to the occupiers of neighbouring properties, in accordance with policies 7.3 and 7.13 of the London Plan (2016), policies BE1 and CC4 of the Core Strategy (2011) and policy DM H10 of the Development Management Local Plan (2013).

38) REFUSE AND RECYCLING ARRANGEMENTS AND STORAGE

Prior to the occupation of the relevant phase of the development, or part thereof, details of the refuse arrangements for the relevant phase of the development (or part thereof) including storage, collection and recycling shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented prior to the use or occupation of any part of the development and maintained permanently thereafter.

Reason: To ensure the satisfactory provision for refuse storage and recycling in accordance with policy CC3 of the Core Strategy (2011) and policy DM H5 of the Development Management Local Plan (2013) and the Council's Planning Guidance Supplementary Planning Document (2013).

39) SUSTAINABLE URBAN DRAINAGE

The development of Plots K, C, D shall not commence until details of sustainable urban drainage system (SUDS) and a maintenance plan for that phase or part thereof, have been submitted to and approved in writing by the Local Planning Authority. The SUDS and maintenance plan for Plots A and P shall be carried out in accordance with details application 2015/05211/DET dated 20/10/2016. The SUDS scheme shall comply with the overarching site-wide Sustainable Urban Drainage Strategy, as required and partially approved under condition 76. The SUDS scheme shall be implemented in accordance with the approved details prior to first occupation of the relevant phase of development or part thereof hereby permitted, and thereafter permanently retained.

Reason: To ensure that surface water run-off is managed in a sustainable manner, in accordance with policy 5.13 of The London Plan (2016), policy CC2 of the Core Strategy (2011) and policies DM H3 and DM H4 of the Development Management Local Plan (2013).

40) SURFACE WATER RUNOFF

The development shall be carried out in accordance with measures set out in the 'Drainage Conditions Report' approved under details application 2015/05210/DET dated 20/10/2016 to reduce the surface water runoff from the site to a maximum of 614l/s. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements set out in the approved details or within any other period as may subsequently be agreed, in writing, by the local planning authority. The surface water run-off measures shall comply with the overarching site-wide Sustainable Urban Drainage Strategy, as required and partially approved under condition 76.

Reason: To prevent flooding by ensuring the satisfactory management of surface water run-off from the site in accordance with policy 5.13 of the London Plan (2016), policy CC2 of the Core Strategy (2011) and policy DM H3 and DM H4 of the Development Management Local Plan (2013).

41) DRAINAGE STRATEGY

The development shall be carried out in accordance with the drainage strategy approved under details application 2015/05209/DET dated 20/10/2016. No discharge of foul or surface water from the relevant part of the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. The drainage scheme shall comply with the over-arching site-wide Sustainable Urban Drainage Strategy, as required partially approved under condition 76.

Reason: To prevent any increased risk of flooding and to ensure the satisfactory storage of/disposal of foul or surface water from the site in accordance with policies 5.11, 5.12, 5.13, 5.14 of the London Plan (2016), policy CC2 of the Core Strategy (2011) and policy DM H3 and DM H4 of the Development Management Local Plan (2013).

42) SECURED BY DESIGN

Prior to the commencement of the relevant phase of the development or part thereof, a statement of how "Secured by Design" requirements are to be adequately achieved within that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out prior to occupation of the development hereby approved and permanently maintained thereafter.

Reason: To ensure a safe and secure environment in accordance with policy 7.3 of the London Plan (2016), policy BE1 of the Core Strategy (2011) and policy DM G1 of the Development Management Local Plan (2013).

43) ACCESSIBLE, ADAPTABLE AND WHEELCHAIR USER DWELLINGS

Prior to the commencement of the relevant part of the development, or part thereof, details of the provision of 90% of residential units as 'accessible and adaptable dwellings' in accordance with Building Regulation requirement Part M4 (2) and details of the provision of 10% of residential units as 'wheelchair user dwellings' in accordance with Building Regulations requirement Part M3 (3) shall be submitted to and approved in writing by the Local Planning Authority for the relevant phase of the development (or part thereof). The development shall accord with the details as approved.

Reason: To ensure that the development provides for the changing circumstances of occupiers and responds to the needs of people with disabilities, in accordance with policy 3.8 of the London Plan (2016).

44) ADVERTISEMENTS

No advertisements shall be displayed on or within any elevation of the building itself, without details of the advertisements having first been submitted to and agreed in writing by the Local Planning Authority.

Reason: 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 that integrity of the design of the building, in accordance with policy BE1 of the Core Strategy (2011) and policy DM G8 of the Development Management Local Plan (2013).

45) PLAY AREAS

Prior to the commencement of each relevant residential phase, a scheme detailing the play equipment, boundary treatments and ground surface treatment of the outdoor play spaces for that phase shall be submitted to and approved in writing by the local planning authority. The play equipment will be designed to be fully inclusive to ensure the play areas are accessible to all. The development shall be implemented in accordance with the approved details prior to occupation or use of the relevant phase and shall be permanently retained thereafter.

Reasons: In order to ensure equal life chances for all, and to prevent groups such as blind people and disabled children being excluded from use of public realm and other amenities by designs failing in detail to take specific needs into account, in accordance with policy 3.1 of the London Plan (2016), policy OS1 of the Core Strategy (2011), policy DM E2 of the Development Management Local Plan (2013) and the Council's Planning Guidance Supplementary Planning Document (2013) as well as any other relevant best practice guidance including the Councils We Want to Play Too (2012).

46) ENTRANCE DOORS AND THRESHOLDS

The ground floor entrance doors to all the residential buildings, all retail and non-residential units and integral lift/stair cores, hereby approved shall not be less than 1-metre-wide and the threshold shall be at the same level as the path fronting the entrance to ensure level access.

Reason: To ensure the development provides ease of access for all users, in accordance with Policy 3.1 and 7.2 of the London Plan (2016), policy BE1 of the Core Strategy (2011), policy DM G1 of the Development Management Local Plan (2013) and the Council's Planning Guidance Supplementary Planning Document (2013).

47) INCLUSIVE ACCESS - PUBLIC REALM

There shall be a minimum of three new fully inclusive and accessible integral/external lift cores to facilitate the vertical movement of people from the ground level up to podium level. The details and location of these areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to occupation or use of the relevant phase and shall be permanently retained thereafter.

Reason: To ensure the development provides ease of access for all users, in accordance with Policies 3.1 and 7.2 of the London Plan (2016), policy BE1 of the Core Strategy (2011), policy DM G1 of the Development Management Local Plan (2013) and the Council's Planning Guidance Supplementary Planning Document (2013).

48) INCLUSIVE ACCESS - COMMUNAL GARDENS

The communal garden areas to all private residential courtyards will be inclusively designed to accommodate all disability and mobility impaired user groups including wheelchair users and blue badge holders. The details and location of these areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to occupation or use of the relevant phase and shall be permanently retained thereafter.

Reason: To ensure the development provides ease of access for all users, in accordance with Policy 3.1 and 7.2 of the London Plan (2016), policy BE1 of the Core Strategy (2011), policy DM G1 of the Development Management Local Plan (2013) and the Council's Planning Guidance Supplementary Planning Document (2013).

49) PUBLIC REALM - MINIMUM WIDTHS

Notwithstanding the levels of deviation identified in the approved drawings WLD 005 Development Plots Ground: W2-WEL-ZA-00-DR-A-08005 Rev A and WLD 006 Development Plots Plinth: W2-WEL-ZA-00-DR-A-08006 Rev A, there shall be no reduction in the minimum widths of the public realm.

Reason: To provide sufficiently wide public open spaces and to ensure that the development provides a high quality public realm across the development in accordance with policies 7.1 and 7.5 and London Plan (2016), policy BE1 of the Core Strategy (2011) and policies DM E1 and DM E2 of the Development Management Local Plan (2013).

50) ENERGY CENTRE

Prior to the commencement of the relevant phase of the development, detailed plans, elevations, and section drawings showing the design, location and specifications of the energy centre comprising the Combined Heat and Power Plant and associated structures shall be submitted to and approved in writing by the Local Planning Authority. Such plans and specification shall be implemented in accordance with the detail as approved, and shall be permanently retained therefore unless agreed in writing by the local planning authority.

Reason: To ensure that the development is consistent with the Mayor's sustainable design objectives in accordance with Policies 5.1, 5.2, 5.3, 5.5, 5.6, 5.7, 5.8 and 5.9 of the London Plan (2016) and to ensure that the visual impact of the energy centre is satisfactory in accordance with policy BE1 of the Core Strategy (2011) and policies DM G1 and DMG7 of the Development Management Local Plan (2013).

51) AIRWAVES INTERFERENCE STUDY

There shall be no construction above the first floor to any phase or relevant part thereof until the following information has been submitted to the Local Planning Authority for the relevant phase of the development (or part thereof):

- o The completion of a Base-Line Airwaves Interference Study (the Base-Line Study) to assess airwave reception within/adjacent to Westfield Shopping Centre; and
- o The implementation of a Scheme of Mitigation Works for the purpose of ensuring nil detriment during the construction for the development identified by the Base-Line Study. Such a Scheme of Mitigation Works shall be first submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented in accordance with the approved details prior to occupation or use of the relevant phase and shall be permanently retained thereafter.

Reason: To ensure that the existing airwaves reception at the adjacent police station is not adversely affected by the proposed development, in accordance with policy 7.13 of the London Plan (2016), policy BE1 of the Core Strategy (2011) and policy DM G1 and DM G2 of the Development Management Local Plan (2013).

52) POST CONSTRUCTION AIRWAVES STUDY

There shall be no occupation of any phase of the development, or relevant part thereof until the following information has been submitted to the Local Planning Authority for the relevant phase of the development (or part thereof):

- o The completion of a Post-Construction Airwaves Study (the Post-Construction Study) to ensure nil detriment to airwaves reception attributable to the development; and
- o The implementation of a Scheme of Mitigation Works for the purpose of ensuring nil detriment to the airwave reception attributable to the development identified by the Post-Construction Study. Such a Scheme of Mitigation Works shall be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the existing secured s reception within/adjacent to the site is not adversely affected by the proposed development, in accordance with policy 7.13 of the London Plan (2016), policy BE1 of the Core Strategy (2011) and policies DM G1 and DM G2 of the Development Management Local Plan (2013).

53) TEMPORARY LAND USES OR STRUCTURES

Details of any temporary land uses or structures including sales/marketing suites within the site shall be submitted to and approved in writing by the Local Planning Authority for the relevant phase of the development (or part thereof) prior to the commencement of the relevant phases of the development. Any interim structures, uses and buildings shall be implemented in accordance with the approved details, for a specified period set out in the details and shall be discontinued/revised once the temporary period has expired.

Reason: To ensure that any temporary uses/structures do not create un-neighbourly impacts in accordance with Policy BE1 of the Core Strategy (2011) and policy DM G7 of the Development Management Local Plan (2013).

54) SUSTAINABLE HOMES

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

(i) The Sustainable Design and Construction Statement shall confirm the details of the measures that have been implemented on the site, within the relevant phase, that ensures high standards of sustainable design and construction have been achieved in compliance with the Mayor's Supplementary Planning Guidance.

(ii) Where necessary, evidence (e.g. photographs, copies of installation contracts and as-built worksheets prepared under SAP or the National Calculation Method), including the details of the internal water consumption of the development must be submitted to the Local Planning Authority to demonstrate that the development has been carried out in accordance with the approved energy strategy, and to reduce the consumption of potable water through the use of water efficiency and recycling systems, unless otherwise agreed in writing by the local planning authority.

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

Reason: In the interests of sustainability, in accordance with policies 5.15 of the London Plan (2016), policy DM H3 of the Development Management Local Plan 2013 and the Mayor's Supplementary Planning Guidance on Sustainable Design and Construction.

55) BREEAM

Prior to the commencement of the use of any non-residential component of the development, a BREEAM assessment report (2011 or any such further current iteration as relevant at the time of submission) shall be submitted to the BRE (with a copy of the report provided to the Local Planning Authority) demonstrating that the building(s) would achieve at least 'Very Good' BREEAM rating. The applicant shall submit to the Council confirmation in the form of a post-construction BREEAM Certification showing compliance with the minimum BREEAM Rating required by this condition.

Reason: In the interests of energy conservation, reduction of CO2 emissions and wider sustainability, in accordance with policies 5.1, 5.2, 5.3, 5.6 and 5.7 of the London Plan (2016), policy CC1 of the Core Strategy (2011) and policies DM H1 and DM H2 of the Development Management Local Plan (2013).

56) CYCLE PARKING

Prior to the commencement the relevant phase of development or part thereof, details of secure cycle storage for that phase or part thereof shall be submitted to and approved in writing by the Local Planning Authority. Development shall accord with the details as approved, and the cycle parking provision shall be retained thereafter.

Reason: To ensure the suitable provision of cycle parking within the development to meet the needs of future site occupiers and users, in accordance with policies

6.9 and 6.13 of the London Plan (2016), policy T1 of the Core Strategy (2011), policies DM J2 and DM J5 of the Development Management Local Plan (2013) and the Council's Planning Guidance Supplementary Planning Document (2013).

57) FIRE HYDRANTS

Prior to the occupation or use of the relevant phase(s) of development the applicant shall install additional fire hydrants for that phase in accordance with London Fire Brigade letter dated 25th February 2014 and the attached marked up plan WLD 014 or any alternative agreed in writing by the Local Planning Authority, in consultation with the London Fire Brigade.

Reason: To ensure compliance with fire safety requirements in accordance with policy B1 of the Core Strategy (2011).

58) REMEDIATION METHOD STATEMENT

Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until a remediation method statement is submitted to and approved in writing by the Council. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Reason: To ensure that no acceptable risks are caused to humans, controlled waters of the wider environment during and following the development works, in accordance with policy 5.21 of the London Plan (2016), policy CC4 of the Core Strategy (2011) and policies DMH4, DMH6, and DMH7 of the Development Management Policies Local Plan (2013).

59) VERIFICATION REPORT

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

Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Reason: To ensure that no acceptable risks are caused to humans controlled waters of the wider environment during and following the development works, in accordance with policy 5.21 of the London Plan (2016), policy CC4 of the Core Strategy (2011) and policies DMH4, DMH6, and DMH7 of the Development Management Policies Local Plan (2013).

60) ONWARD LONG TERM MONITORING

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

Reason: To ensure that no acceptable risks are caused to humans controlled waters of the wider environment during and following the development works, in accordance with policy 5.21 of the London Plan (2016), policy CC4 of the Core Strategy (2011) and policies DMH4, DMH6, and DMH7 of the Development Management Policies Local Plan (2013).

61) WORKS IN PROXIMITY TO LONDON UNDERGROUND INFRASTRUCTURE

Any works forming part of the development hereby permitted that are within thirty metres (in any direction) of London Underground infrastructure shall not be commenced until the related detailed design and method statement have been submitted to and approved in writing by the local planning authority (in consultation with London Underground Limited).

These detailed design and method statements shall:

- a) provide details on all works proposed within the area described above including, without limitation details of any proposed loadings on London Underground structure which are at shallow depth in places;
- b) accommodate the location of the existing London Underground structures and tunnels;
- c) control and mitigate ground movement arising from the construction; and
- d) mitigate the effects of noise and vibration arising from the adjoining operations.

The development shall thereafter be carried out in all respects in accordance with the approved details.

Reason: To ensure that the development does not impact on existing London Underground transport infrastructure in accordance with Table 6.1 of the London

Plan (2016) and the Land for Industry and Transport Supplementary Planning Guidance (2012).

63) PRIVATE ROAD LAYOUT, DESIGN AND SAFETY AUDIT

The design, layout and materials of the private road layout shall be carried out in accordance with planning permission 2015/05684/FUL. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure appropriate road design and safety in accordance with policy T1 of the Core Strategy (2011) and policy DM J6 of the Development Management Local Plan (2013).

64) VERTICAL CLEARANCE

The vertical clearance of the bus layover shall be 6m as approved under application 2015/05685/FUL. The vertical clearance of the new private road 're-aligned Ariel Way' where buses will operate should be in accordance with the details approved under application 2015/05684/FUL.

Reason: In the interest of highway safety in accordance with policy T1 of the Core Strategy (2011) and policy DM J6 of the Development Management Local Plan (2013).

65) PUBLIC SPACE MANAGEMENT

Prior to the occupation of the development, details of the management of the public spaces throughout the development, including the maintenance of a 24-hour access to the covered area of the east-west route shall be submitted to and approved in writing by the local planning authority and maintained permanently thereafter in accordance with the approved plans.

Reason: To ensure suitable public access through the site at all times in accordance with policies T1 and BE1 of the Core Strategy (2011) and policies DMJ5 and DMG1 of the Local Development Management Plan (2013).

66) BUS PRIORITY MEASURES

Prior to the commencement of the relevant part of the development, details of a scheme for bus priority measures on Ariel Way shall be submitted to and approved in writing by the local planning authority, in consultation with TfL, and permanently retained in accordance with the approved details.

Reason: To ensure the free flow of traffic and reduce potential delays to bus journey times in accordance with policy T1 of the Core Strategy (2011).

67) VEHICLE ENTRY TO ANCHOR STORE

Prior to commencement of the relevant phase of the development, or part thereof, details of a scheme for left hand turn only to the Anchor Store car park from Ariel Way, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with TfL, and permanently retained in accordance with

the approved plans. Such details should provide for left hand turn entry only to the Anchor Store, unless otherwise agreed in writing by the Local Planning Authority, in consultation with TfL.

Reason: To ensure the free flow of traffic and reduce potential delays to bus journey times in accordance with policy T1 of the Core Strategy (2011).

68) VEHICLE DYNAMICS ASSESSMENT

Prior to the occupation of the development a Vehicle Dynamics Assessment (VDA) carried out by an appropriately qualified and experienced person and details of holistic Hostile Vehicle Mitigation (HVM) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the commercial areas of the development are protected appropriately from vehicle impact events in accordance with policy 7.3 of the London Plan (2016), policy BE1 of the Core Strategy (2011) and policy DM G1 of the Development Management Local Plan (2013).

69) WIND/MICROCLIMATE

Prior to the commencement of the relevant phase of the development, or part thereof, details of the mitigation measures for that relevant phase of the development, or part thereof relating to wind/micro-climate impacts to entrances, pedestrian thoroughfares and external amenity spaces and any proposed balconies/roof terraces for that phase, shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to occupation or use of the relevant phase or part thereof and shall be permanently retained thereafter.

Reason: To ensure a comfortable pedestrian and external amenity environment for users of the development in accordance with policies 7.6 and 7.7 of the London Plan (2016), policy BE1 of the Core Strategy (2011) and policy DM G2 of the Development Management Local Plan (2013).

70) CONSTRUCTION LOGISTICS AND MANAGEMENT PLAN

Prior to the commencement of Plots C, D and K of the development, a Construction Logistics Management Plan (CLMP) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with TfL. Construction works within Plots A and P, including the associated public realm, shall be carried out in accordance with the Construction Logistics Management Plan (CLMP) approved under details application 2015/00768/DET dated 02/10/2015.

The CLMP shall be prepared in accordance with TfL's 'Construction Logistics Plan - Guidance for Developers' document and at a minimum shall include details of:

- a) proposed access routes for construction traffic;
- b) permitted hours of access for construction;
- c) proposed on-site management measures to ensure that movement of vehicles in and out of the site is safe (and in forward gear);

- d) using freight operators who can demonstrate their commitment to best practice
- e) consolidating deliveries so fewer journeys are needed;
- f) using more sustainable delivery methods;
- g) cycle safety measures to be implemented during construction

Approved details shall be implemented throughout the project period.

Reason: To ensure that no unacceptable adverse effect on the amenity of surrounding occupiers in accordance with policies 5.18, 5.19, 5.20, 5.21 and 5.22 of the London Plan (2016), policy CC4 of the Core Strategy (2011) and policies DM G1, DM H5, DM H8, DM H9, DM H10 of the Development Management Local Plan (2013).

71) PERMITTED DEVELOPMENT RIGHTS RESTRICTION - CHANGE OF USE

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no change of use shall occur without the written consent of the local planning authority.

Reason: To ensure a suitable mix of uses throughout the site and to safeguard community, leisure and office uses in accordance with policies WCOA, WCOA1, LE1 and BE1 of the Core Strategy (2011) and policies DM B1, DM C4, DM C6, DM D1 and DM D2 of the Development Management Local Plan (2013) and the White City Opportunity Area Planning Framework (2013).

72) RESERVED MATTERS DETAILS FOR PLOT A

The phasing of Plot A is as defined in the phasing diagram approved under details application 2015/01547/DET on 2nd October 2015.

i. All reserved matters applications relating to Phase C shall include indicative details of:

- (a) the north facing Mall elevation (Block A1), and;
- (b) the south facing anchor store elevation (Block A3).

ii. All reserved matters applications relating to Phase D shall include detailed drawings in plan, section and elevation at a scale of not less than 1:50 of facing elevations to the covered area of the east-west link, including link bridges; details of internal materials including material samples relating to the elevations, floorspace and roofscape, including the link bridges; details of signage, lighting, street furniture, mechanical ventilation, plant and servicing within the covered area of the east-west link, and; detailed drawings of the layout of an unobstructed pedestrian route through the covered area of the east-west link.

iii. No development on Phase D shall commence until such details have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to occupation or use and thereafter permanently retained. No alterations or additions to the approved details shall take place without the prior written agreement of the Council.

Reason: To ensure a satisfactory appearance to the public realm where it is enclosed by the roof and to secure an unobstructed and well-designed covered east-west pedestrian route and to ensure visual transparency and continuity, in accordance with policy 7.1 and 7.5 of the London Plan (2016), policy BE1 of the Core Strategy (2011), policy DM G1 and DM G4 of the Development Management Local Plan (2013) and the objectives of the White City Opportunity Area Planning Framework.

73) SETBACKS

Notwithstanding the Parameters Plans hereby approved, the upper floors above the 8 storey datum level to Blocks C5 and C6 shall be set back by 2 metres from the parapet edge on all sides; the upper floors above the 8 storey datum level to Block C2 shall be set back from the west elevation of the floor below by 5 metres at intervals of two storeys. For the avoidance of doubt the 8 storey datum level is measured above podium level and not above ground level

Reason: To ensure a satisfactory external appearance, in accordance with policies 7.1 and 7.5 of the London Plan (2016), policy BE1 of the Core Strategy (2011) and policies DM G1 and DM G4 of the Development Management Local Plan (2013).

74) BREAK IN PLOT D

Notwithstanding the Parameters Plans hereby approved, the 10 storey maximum and 12 storey maximum elements of Plot D shall be separated at the north east corner of the plot by an 8 metre break for a minimum of four storeys beneath the parapet level of the tallest building on the Plot.

Reason: To ensure a satisfactory external appearance, in accordance with policies 7.1 and 7.5 of the London Plan (2016), policy BE1 of the Core Strategy (2011) and policies DM G1 and DM G4 of the Development Management Local Plan (2013).

75) IMPLEMENTATION OF ENABLING WORKS

Development shall not commence on any subsequent phase of the development, as approved in this outline planning application and including any subsequent reserved matters, prior to the completion of the approved enabling works (specified within planning application re: 2013/05350/FUL dated 15th July 2014). Details of any subsequent phases of development that will overlap with the approved enabling works (ref: 2013/05350/FUL) should be carried out in accordance with the construction programme approved under details application 2015/03250/DET dated 17/09/2015.

Reason: To ensure that the outline development accords with the provisions and assessment of the approved Environmental Statement (August 2016) and to ensure that the development is carried out in a satisfactory phased manner in accordance with policies BE1 and CC4 of the Core Strategy (2011).

76) SUSTAINABLE URBAN DRAINAGE STRATEGY

The development of Plots K, C and D shall not commence until details of an overarching sustainable urban drainage strategy and maintenance plan for the whole

site has been submitted to and approved in writing by the Local Planning Authority. The detailed design of the Sustainable Urban Drainage Systems (SUDS), the Surface Water Run-Off measures and other Drainage Works associated with each subsequent phase of development shall be implemented in accordance with the approved Strategy and thereafter be permanently retained. The Sustainable Urban Drainage Strategy approved under details application 2015/05206/DET dated 20/10/2016 shall be implemented in accordance with the approved details for Plot A and P.

Reason: To ensure that surface water run-off is managed in a sustainable manner, in accordance with policy 5.13 of the London Plan (2016), policy CC2 of the Core Strategy (2011) and policies DM H3 and DM H4 of the Development Management Local Plan (2013).

77) BUSINESS RELOCATION PLAN

Prior to commencement of each relevant phase of the development hereby approved, or part thereof, a relocation plan for any existing businesses being relocated as part of that phase, or part thereof, shall be submitted to, and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved relocation plan.

Reason: To ensure that satisfactory assistance is provided to the existing businesses in relocation in accordance with policies 4.4 of the London Plan (2016), policy LE1 of the Core Strategy (2011) and policy DM B1 of the Development Management Local Plan (2013).

78) PEDESTRIAN LINK TO H-JUNCTION

Notwithstanding the potential pedestrian and cycle routes shown on the approved parameters plan WLD 014, no part of the development shall become operational until a scheme which provides a fully accessible and inclusive pedestrian crossing linking Ariel Square with the existing pedestrian crossing on raised part of the H-Junction, has been agreed with the council (in consultation with TfL) and implemented. The details of the new crossing shall be submitted to and approved in writing by the local planning authority, before works on the public realm, at podium level have commenced. The details shall include the following information:

- Detailed design and layout of the crossing;
- Method of signal controls (i.e.: green man lighting);
- Tactile paving details at the kerb edges (to ensure inclusive access);
- Details of the connection to the wider H-junction pedestrian crossing
- A Programme of Delivery;

The details shall be implemented in full accordance with the approved plans and shall be permanently retained thereafter.

Reason: To ensure satisfactory linkages to the wider area are provided and to enable inclusive access to and from the site in accordance with Policies 3.1 and 7.2 of the London Plan (2016), Policies T1, BE1, WCOA and WCOA1 of the Core Strategy (2011), Policies DMJ5 and DMG1 of the Local Development

Management Plan (2013) and the Council's Supplementary Planning Document (2013).

79) PERMANENT LOCATION OF FLUE

Notwithstanding the indicative location of the Energy Centre flue on Plot K, as shown on the amended parameter plans, the location, detailed design and route of the permanent Energy Centre Flue shall be submitted to and approved in writing by the local planning authority, prior to submission of the first reserved matters application for Plot C. The details shall demonstrate the CHP units, abatement technologies and boilers installed comply with the approved Air Quality Assessment and the emissions standards set out within the agreed Low Emission Strategy. The CHP plant shall meet a minimum Band 'B' emissions standard of 95mg/Nm² (at 5% O₂). The submitted evidence must comply with the Major of London SPG 'Sustainable Design and Construction', April 2014 guidance and include the results of NO_x emissions testing of the CHP unit by an accredited laboratory. Where any combustion plant does not meet the relevant standard it should not be operated without the fitting of suitable NO_x abatement equipment or technology (evidence of installation shall be required)

To comply with the requirements of the NPPF, Policies 7.14 a-c of The London Plan (2016), Core Strategy 2011 Policy CC4 and Policy DM H8 of the Development Management Local Plan (2013).

80) NON-ROAD MOBILE MACHINERY

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

To comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2016), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

81) MECHANICAL VENTILATION

Prior to the commencement of the relevant part of the development, detailed information on the mechanical ventilation system to be installed in the residential development, shall be submitted to and approved in writing by the Council and thereafter carried out in accordance with these details, including details of where air intakes would be located to avoid areas of NO₂ or PM₁₀ exceedance. Chimney/boiler flues and ventilation extracts must be positioned a suitable distance away from ventilation intakes, balconies, roof gardens, terraces and receptors to reduce exposure to occupants to acceptable levels. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained in good working order. The

maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications and shall be the responsibility of the primary owner of the building.

To comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2016), Core Strategy 2011 Policy CC4, and Policy DM H8 of the Development Management Local Plan (2013).

Justification for Approving the Application:

- 1) Principle of Development/Regeneration: The comprehensive mixed use redevelopment of the site (as amended by the variation of conditions 2, 3, 5 and 49) which includes retail, residential, leisure and community floorspace is in accordance with national, regional and local planning policies which are designed to maximise the development potential of brownfield sites to help to meet local and strategic housing needs and improve the vitality and viability of town centres. The proposed development (as revised) is generally in accordance with Strategic Policy C and Strategic Policy WCOA of the Core Strategy as the implementation of the development would contribute to the regeneration of the area, improve the vitality and viability of Shepherds Bush Metropolitan Town Centre, improve employment opportunities and promote sustainable economic growth. The application has demonstrated that the profile of the retail floorspace forming part of the proposed development (as revised) cannot be accommodated within the existing Town Centre and can only be accommodated on land to the north of Westfield London. The size, profile and location of the revised retail floorspace provision which includes a reduction in the maximum floorspace for leisure uses is considered to be acceptable and would not compromise the vitality or viability of the existing centre, or of surrounding centres. The redevelopment of this site would enhance links to the northern part of the White City Opportunity Area and would provide for a transition from the town centre and retail uses to residential, community and leisure uses. The proposed development (as revised) is considered to be an appropriate use within the White City Opportunity Area which is highly accessible by public transport. The proposed development (as revised) is therefore considered to be acceptable and would be in accordance with policies 2.13, 2.15, 3.3, 3.4 of the London Plan (2016) and Strategic Policies WCOA, WCOA1, B, C, LE1 and H1 of the Core Strategy (2011) and policies DM A1, DM C1, DM D1 and DM D2 of the Development Management Local Plan (2013).
- 2) Housing: The proposed development (as revised) would contribute towards providing much needed additional housing, in accordance with London Plan policies 3.3B, 3.3D and 3.3E and would help the borough meet its housing targets in accordance with Table 3.1 of the London Plan (2016). Strategic Policy H1 of the Core Strategy (2011) promotes the development of new housing within the Strategic Sites. Within the White City Opportunity Area an indicative housing target of 5,000 homes is proposed across the plan period. The site is also defined within the White City Opportunity Area Planning Framework as an area for residential intensification. The density of the development provided falls comfortably within the parameters expressed by the London Plan for sites in a Central location with a PTAL rating of 4 - 6. The principle and density of residential development proposed is considered to be acceptable and would be in accordance with London Plan (2015) Policies 3.3 and 3.4 and Core Strategy (2011) Strategic Policies H1, H3, A and WCOA1. The proposed development (as

revised) is considered to comprise an appropriate mix of dwelling sizes and would therefore be acceptable, in accordance with policy 3.8 of the London Plan (2015) and policy H4 of the Core Strategy (2011). In the context of these policies and having regard to the Viability Assessment, the provisions of the section 106 agreement requiring development viability to be reviewed at future stages during implementation, the individual circumstances of the site and the planning and regeneration benefits arising it is considered that the proposed provision of affordable housing would be the maximum reasonable amount, which the development can support at this time, and is acceptable in accordance with London Plan (2015) Policies 3.8, 3.10, 3.11 and 3.12 and Core Strategy (2011) Policies H1 and H2 and policies DM A1, DM A2, DM A3, DM A4 and DM A9 of the Development Management Local Plan (2013).

3) Design and Conservation: The proposed development (as amended by the variation of conditions 2, 3, 5 and 49) would be a high quality development which would make a positive contribution to the character and appearance of the White City Opportunity Area. The principle of the overall design, scale, massing and layout as set out in the amended parameters plans is considered to be acceptable, as established by way of the extant planning permission, including the additional maximum height of Plot K. The proposed amendments to the design of the development are not considered to adversely affect the design of the scheme or the setting of the nearby heritage assets and wider townscape. As such, it is considered that the proposed development (as revised) would positively contribute to the skyline of this part of White City. The proposed development (as revised) is therefore considered to be acceptable and would be in accordance with policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7 and 7.8 of the London Plan (2016), policies BE1, WCOA, WCOA1, BE1 of the Core Strategy (2011) and DM G1, DM G2, DM G6 and DM G7 of the Development Management Local Plan (2013), The Royal Borough of Kensington and Chelsea Consolidated Local Plan (2015) policy CL11, and; English Heritage/CABE "Guidance on tall buildings" (2007) .

4) Residential Amenity: The proposed development (as revised) would have a negligible impact upon the amenities of adjoining occupiers in terms of light, outlook, privacy, overshadowing and no adverse impacts on air quality or noise. In this regard the development would respect the principles of good neighbourliness. High quality living conditions would be provided, with all units benefiting from good levels of daylight/sunlight, outlook and privacy. The proposed development (as revised) is therefore considered to be acceptable and would be in accordance with policies 3.5, 3.6, 3.8, 7.3, 7.6, 7.7, 7.14 and 7.15 of the London Plan (2016), policies H3 and CC4 of the Core Strategy (2011) and policies DM A9, DM G1, DM H8, DM H9 and DM H10 of the Development Management Local Plan (2013).

5) The overall traffic impact of the proposed development (as amended by way of the variation of conditions 2, 3, 5 and 49) would not be materially different from the traffic impacts, established in the Extant Permission, across all three peak periods (weekday am, weekday pm and Saturday), including in the Sensitivity Test. It thereby follows that the traffic impacts would be in accordance with what was allowed for to/from this zone under Scenario B as defined by the White City Opportunity Area Planning Framework. (Three scenarios of housing and employment growth for the White City Opportunity Area were defined by the GLA in a development capacity study in December 2009. Scenario B was considered to be an acceptable level of development and is 6,300 additional homes and 8,400

additional jobs at White City). Scenario B is considered acceptable in terms of traffic impact, subject to appropriate mitigation measures. A planning obligation will require detailed traffic modelling and car parking management strategies post consent to ensure that the instances where the impacts exceed those outlined in Scenario B can be minimised. It therefore follows that the proposed development (as revised) is acceptable. Acceptable provision will be made for cycle parking, subject to future reviews which would increase capacity as required. The level of car parking is the same as consented, and is considered to be acceptable subject to the provisions of the s106 agreement that require a car park management plan (for the retail component) and would be in accordance with the standards set by the Development Plan. The proposed development (as revised) would enhance pedestrian linkages to the north-south and west-east of the site and represent a significant benefit to the wider White City Opportunity Area. The site is highly accessible and is well served by public transport. Any impacts arising from the development will be mitigated by conditions and s106 obligations to contribute towards sustainable transport infrastructure measures within the White City Opportunity Area and prevent undue increase in on-street parking pressures in surrounding roads. In addition, a car park management, servicing, road safety and travel planning initiatives would be implemented in and around the site to mitigate against potential transport impacts. The proposed development (as revised) is therefore considered acceptable in accordance with policies 6.1, 6.3, 6.9, 6.10, 6.11, 6.13, of the London Plan (2016), policy T1 of the Core Strategy (2011) and policies DM J1, DM J2, DM J3, DM J4 and DM J5 of the Development Management Local Plan (2013).

6) Sustainability: The proposed development (as revised) has been designed to have a BREEAM rating of Very Good. The proposed development would contain a decentralised energy centre which would provide the heating requirements for the whole development through Gas fired CHP units with back up Gas Boilers and cooling requirements from Absorption Chillers with back up Electric Water Cooled Chillers. The use of renewable energy to supplement the provision of gas fired CHP units would be achieved through the use of PV cells. This would result in a significant reduction of CO2 emissions beyond the Building Regulations 2010 compliant level. The proposed development (as revised) is therefore considered to be acceptable and would be in accordance with policies 5.1, 5.2, 5.3, 5.6, 5.7, 5.8, 5.9, 5.11, 5.12, 5.13, 5.14, 5.15, and 7.19 of the London Plan (2016), policies CC1 and H3 of the Core Strategy (2011) and policies DM H1 and DM H2 of the Development Management Local Plan (2013).

7) Flood Risk: A Flood Risk Assessment (FRA) has been submitted and has considered risks of flooding to the site and adequate preventative measures have been identified. The proposed development (as revised) would therefore be acceptable in accordance with Policies 5.12 and 5.13 of the London Plan (2016) and policies DM H3 and DM H4 of the Development Management Local Plan (2013).

8) Environmental Impacts: All Environmental Impacts have been assessed with regards to Planning and Land Use, Socio-Economics, Archaeology, Townscape, Heritage and Visual Impact, Transport and Access, Air Quality, Noise and Vibration, Ground Conditions, Water Resources, Hydrology and Flood Risk, Ecology, Sunlight Daylight and Overshadowing, Wind, Telecommunications, Waste, Cumulative Effects set out in the Environmental Statement in accordance

with the EIA Regulations 2011. The Environmental Statement and their various technical assessments together with the consultation responses received from statutory consultees and other stakeholders and parties, enable the Council to determine this application with knowledge of the likely significant environmental impacts of the proposed development (as revised).

9) Legal Agreement: The application seeks to ensure that the impacts arising from the proposed development (as revised) are mitigated by way of a comprehensive package of planning obligations to fund improvements that are necessary as a consequence of the increased use arising from the population yield from the development and additional new land uses. The financial contributions will go towards the enhanced provision of education, health, employment, community facilities, accessibility and sustainable transport, highways (including pedestrian and cycle routes) and the public realm. The proposed development (as revised) would therefore mitigate external impacts and would accord with London Plan (2016) Policy 8.2, Core Strategy (2011) Policies CF1, WCOA and WCOA1 and the White City Opportunity Area Planning Framework (2013).

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

All Background Papers held by Andrew Marshall (Ext: 3340):

Application form received: 1st September 2016
Drawing Nos: see above

Policy documents: National Planning Policy Framework 2012
The London Plan 2015
Core Strategy 2011
The Development Management Local Plan 2013
Planning Guidance Supplementary Planning Document July 2013

Consultation Comments:

Comments from:
London Underground Limited

Dated:
15.09.16

Neighbour Comments:

Letters from:

Dated:

Transport And Technical Services Town Hall Extension King Street London W6 9JU
15.09.16

1.0 BACKGROUND

1.1 This report accompanies a planning application to vary the extant planning permission 'the Extant Scheme' (2015/02565/VAR) for the comprehensive phased redevelopment of land to the north of Westfield Shopping Centre comprising the expansion of Westfield London Shopping Centre to provide circa 80,000 sqm of retail/leisure floorspace including the provision of up to 1347 residential units and associated public realm. The proposed variations to the Extant Scheme permit minor material amendments to the parameters plans to facilitate the submission of further planning applications for reserved matters and additional extensions, pursuant to and additional to the 'consented development'. This application has been submitted under Section 73 of the Town and Country Planning Act (1990) as amended, which permits minor material amendments to planning permissions.

1.2 The proposed amendments comprise modifications to the parameter plans and parameters report which requires varying conditions 2, 3, 5 and 49. The changes to the parameters plans include amending the 'approved' levels of deviation for plots D and K, and a modification to the mall entrance canopy in Plot A. The changes to the floorspace schedule in the parameters report permits a reduction in Class D2 (leisure) use and a re-provision of the Class A1 and A3 floorspace (within the maximum permitted floorspace as approved in the outline permission).

Concurrent Reserved Matters Application for Plot K (Residential):

1.3 The principal purpose of this application is to facilitate an increase of the maximum height of plot K to permit the 'early delivery' of baseline affordable rented residential units within the building above the recently consented reserved matters application for Plot K which comprised 74 units (2016/02642/RES) - the '74 Unit RMA Scheme'. The applicant has submitted a second reserved matters (RMA) application for additional 'affordable' units (the 89 Unit Scheme) for the detailed design, scale, layout, access, and landscaping of Plot K (Ref: 2016/04020/RES) which is to be considered in conjunction with this s73 minor material amendment application '2016 S73 Scheme'. The current reserved matters submission (for Plot K) can only be considered, following any approval of this minor material amendment (subject to this s73 application) as the minor amendments to the parameter plans exceed those in the Extant Scheme. Therefore, it is necessary to amend the permitted levels of deviation in the Extant Scheme to facilitate the submission (and consideration of) the current reserved matters application for plot K.

Concurrent Applications for 'Amended Retail Component' and New 'Restaurant Scheme':

1.4 The applicant has also sought to amend the approved levels of deviation of Plot D to facilitate the submission of a full planning application for a further retail extension to the approved Retail Extension (Plot A) to create additional floorspace (the Restaurant Scheme - Block 2A). The applicant will submit an amended reserved matters application in due course (for the retail extension to accompany the Restaurant Scheme application (Ref: 2016/04062/FUL). The amended RMA will allow the retail extension to extend beyond the approved building line (as per the approved RMA for Plot A) and connect with the proposed 'Restaurant Scheme'. The detailed design of the Retail Extension and the details of the Restaurant Scheme are not subject to consideration in this report and this assessment does not pre-judge the acceptability of these planning applications.

Planning History of the Outline Planning Permission

1.5 In March 2012, outline planning permission was granted (Ref. 2011/02940/OUT 'the 2012 Consent') for the redevelopment of the land to the north of the existing shopping centre including residential, retail, restaurant, office, leisure and community floorspace. An alternative scheme was subsequently permitted in September 2014 (Ref. 2013/05115/OUT - 'the 2014 Consent') to increase the level of retail, leisure, restaurant/café and office floorspace.

1.6 Since the second scheme was permitted, an application was granted in October 2015 (Ref. 2015/02565/VAR - 'the 2015 Consent') for various amendments to the masterplan, this included the removal of office (B1) floorspace, covering of the east-west link connecting Ariel Walk and Relay Square, alterations to floorspace quantities and the amalgamation of Plots A and B.

The current '2016 S73 Scheme'

1.7 This planning application is for a minor material amendment (s73) application to vary the planning permission reference number 2015/02565/VAR which was granted on 13th October 2015. This application carries forward the amendments to the 2014 outline consent secured by way of the 2015 Consent This report should be read in conjunction with the officers report for the latest outline permission ref. 2015/02565/VAR.

1.8 The amendments sought to the 2015 Consent (as amended under non-material amendment application ref. 2016/03604/NMAT) are as follows:

- Increase in proposed net retail floorspace (Use Class A1) from 64,852 sqm to 68,406 sqm;
- Reduction in proposed net retail floorspace (Use Class A3-A5) from 4,285 sqm to 3,462 sqm;
- Reduction in proposed net leisure floorspace (Use Class D2) from 6,331 sqm to 3,557.6 sqm;
- Reduction in total proposed floorspace by 42.4 sqm;
- Revision to the limit of deviation of the south eastern façade of Plot D to - 5.0m only and confirmation of a minimum separation distance of 12.0m from the nearest adjacent building facade;
- Revision to the limit of deviation of the western canopy/entrance in Plot A from +/- 5m to +11m and -5m;
- Revision to the maximum building heights for Plot K from 8 and 14 storeys to 10 and 16 storeys and from +4 3.05m AOD and +62.4m AOD to +48.1m AOD and +70.2m AOD; and
- Revision to the maximum height of the energy centre flue from +67.4m AOD to +75.20m AOD.

1.9 This report sets out the officer assessment of the above minor material amendments, proposed in the 2016 S73 Scheme only. It does not prejudge or pre-empt the recommendations or approval of the above subsequent and current planning applications identified in paragraphs 1.3 and 1.4.

2.0 SITE DESCRIPTION

The Application Site

2.1 The application site is located to the north of the existing Westfield London Shopping Centre and comprises an area of 7.64 hectares. The site lies partly within and immediately adjacent to Shepherds Bush Town Centre, which is identified as a Metropolitan Town Centre within the London Plan.

2.2 The north and north-western boundary of the site is formed by the Hammersmith and City Railway Line and Viaduct, while the London Overground railway line and the West Cross Route (A3220) form the eastern boundary. To the west is Wood Lane (the A219) and to the south is the existing Westfield shopping centre (Westfield London).

2.3 Immediately to the east of Wood Lane and just north of the existing Westfield Shopping centre is the DIMCO Buildings which house a substation to serve the London Underground. The DIMCO Buildings are Grade II listed. The DIMCO buildings and the adjacent White City Bus Station do not form part of the application red line boundary site.

2.4 The current Public Transport Accessibility Level (PTAL) rating of the Site ranges between 5 and 6 (Very Good - Excellent), indicating high public transport accessibility.

2.5 Full planning permission was granted in July 2014 for 'enabling works' pursuant to the comprehensive redevelopment of the site. The enabling works included the demolition of existing buildings and associated structures, the closure and temporary diversion of highways, construction of temporary highways, excavation and construction of a tunnel and support structures to connect to the existing Westfield London basement, utilities diversions and other associated works.

2.6 In addition to this, reserved matters have been approved for the formation of the basement (ref. 2015/01447/RES) pursuant to the 2014 Consent and the structure and envelope of Block A (ref. 2015/05217/RES) pursuant to the 2015 Consent. In April 2016 LBHF Planning Committee resolved to grant permission for the construction of a new road and the erection of a bus layover facility on the site, subject to the signing of a Section 106 Agreement. Various works have been undertaken on the site in accordance with the various consents.

2.7 Within the southern extent of the site, a section of the existing shopping centre, amounting to approximately 11,304 sqm (GEA), is also included within the red line boundary. This inclusion is necessary to allow works of demolition and rebuilding in this area to facilitate the physical linking of the new development to the north and the existing centre to the south.

The Surrounding Area

2.8 The site falls within a larger parcel of land sandwiched between Wood Lane (the A219) to the west, the Westway (A40) to the north, the West Cross Route (the A3220) and railway lines to the east and Shepherds Bush Green to the south. This area is generally occupied by large footprint buildings, including the existing Westfield Shopping Centre, warehouses and office buildings.

2.9 The West Cross Route (A3220) is a dual carriage way connecting the Westway (A40) and Holland Park Roundabout. It is set at an elevated level for much of its length, therefore acting as a major physical barrier between the areas either side of it.

2.10 The area immediately to the east of the West Cross Route is largely occupied office buildings including the Yellow Building occupied by the Head Quarter offices of Monsoon Accessorize Ltd; the White Building occupied by Talk-Talk and the Studio Building.. These buildings are large scale and define the urban context of the immediate area, which is particularly relevant to the development site. To the west of the site, Wood Lane (A219) links the Westway to the north and Uxbridge Road to the south, varying in character and scale along its length. There are a mix of commercial and residential buildings along Wood Lane including the BBC Television Centre which is Grade II Listed. The White City Estate is situated north of the BBC TV Centre and the BBC Media Village is located beyond that which contains large buildings set around pedestrian streets and a public space. The Wood Lane Conservation Area lies directly to the north and west of the site.

2.11 South of the site, the eastern side of Wood Lane is occupied by the existing Westfield London Shopping Centre, and by residential development. The western element is residential in character, dominated by terraced housing, largely Victorian in origin. The streets to the south west of the site are set on a regular and tight grid and are largely aligned in a north-south direction. These streets are predominantly occupied by two to three storey terraced houses.

2.12 In terms of local transport links, Wood Lane Underground Station is directly to the north-west corner of the Site and is served by the Hammersmith and City Line. Shepherds Bush Underground Station is located approximately 455m to the south of the Site, and is served by the Central Line. Adjacent to Shepherds Bush Underground Station is an integrated bus station interchange and Shepherds Bush Overground station.

2.13 White City Underground Station is located approximately 280m to the north of the site and served by the Central Line.

3.0 PLANNING HISTORY

Planning History of the Application Site

White City Industrial Estate

3.1 The planning records for the White City Industrial Estate, which used to occupy the site, show various approvals since the early 1980s for minor operations and alterations, including the replacement of doors and windows, installation of ventilation ducts and air conditioning units, installation of signage, alterations to elevations, and small scale change of use. These applications are not considered to be of relevance to this proposal.

3.2 On 8th May 1997, planning permission was granted for the 'Use of the estate for Class B1, B2 and B8 purposes' (ref. 97/00131). Conditions attached to the planning permission prevent the use of the buildings for Class B1a Offices.

Existing Westfield London Shopping Centre

3.3 On 29th March 1996, planning permission (ref. 1993/01830/OUT) was granted for the creation of what is now the Westfield London Shopping Centre. This included the land to the south of Ariel Way to provide the access and servicing roads to the shopping centre.

3.4 On 23rd December 2002, a further outline planning permission (ref. 2000/01642/OUT) was granted for the southwest corner retail extension which delivered additional retail floorspace, community facilities and an art gallery.

3.5 On 29th May 2013, full planning permission (ref. 2013/01074/FUL) was granted for the extension of the existing shopping centre at roof level to comprise 3,092 sqm (Gross Internal Area (GIA)) retail floorspace (A1 Use Class) and 7,249 sqm (GIA) leisure floorspace (D2 Use Class), (spilt over a full floor and mezzanine level) to be occupied by a Children's Education and Entertainment use ("the CEE Attraction") (known as Kidzania), located above the new M&S floor. The application also included identification of external signage zones, relocation of existing plant and addition of new plant and other associated works.

3.6 On 31st July 2013, full planning permission (ref. 2013/01768/FUL) was granted for the extension of the existing shopping centre at roof level comprising additional office floorspace (1490.34sqm) (Class B1), relocation of existing plant and addition of new plant and other associated works.

Westfield Phase 2 Extension

3.7 On 29th March 2012, outline planning consent (ref. 2011/02940/OUT) was granted for the redevelopment of land to the north of Ariel Way to allow a mixed use scheme consisting of new additions and alterations to the existing Westfield London shopping centre. The permitted scheme comprises up to 50,855 sqm Class A1 (Retail), up to 5,070 sqm Classes A3, A4 and A5 (Restaurants, Cafes, Bars, Hot-food Take-away use), up to 540 sqm Class B1 (Offices), up to 1,520 sqm Class D1 (Community use) and up to 1,758 sqm Class D2 (Leisure use) floorspace, as well as up to 1,522 residential units.

3.8 On 5th September 2014, a second outline planning permission (ref. 2013/05115/OUT) was granted for the comprehensive redevelopment of the site to the north of the existing Westfield Shopping Centre including construction of new buildings (ranging from 2 - 23 storeys) and structures (including podium) up to 87.975m (AOD) to provide up to 61,840sqm (GEA) retail use (A1) including an anchor department store; up to 8,170sqm (GEA) restaurant and café use (A3 - A5); up to 2065sqm (GEA) office use (B1); up to 1,600sqm (GEA) community/health/cultural use (D1); up to 3500sqm (GEA) leisure use (D2) and up to 1,347 residential units.

3.9 On 15th July, an associated enabling works consent (ref. 2013/05350/FUL) connected to the outline application (ref. 2013/05115/OUT) was granted including demolition of existing buildings and associated structures, the closure and temporary diversion of highways, construction of temporary highways, excavation and construction of a tunnel and support structures to connect to the existing Westfield London basement, utilities diversions and other associated works.

3.10 On 1st July 2015, reserved matters application (2015/01447/RES) was granted to discharge access, scale and layout pursuant to condition 1 of the outline planning permission (ref. 2013/05515/OUT) for Phase A (engineering and construction operations comprising the formation of the basement and facilitating the future layout of the basement only) of the Westfield London development.

3.11 On 7th October 2015, planning permission was granted for a non-material amendment application (ref. 2015/01569/NMAT) to the outline permission 2013/05115/OUT comprising amendments to the wording of the following conditions; 9 - Details of Typical Bays, 10 - Details of Hard and Soft Landscaping, 24 - Noise Assessment, 26 - Enhanced Sound Insulation Scheme, 66 - Bus Priority Measures, 67 - Vehicle Entry to Anchor Store, 69 - Wind / Microclimate, 77 - Business Relocation Plan, to require approval of details prior to commencement of the relevant phase of development, or part thereof.

3.12 On 13th October 2015, a Section 73 application (ref. 2015/02565/VAR) was granted to vary conditions 2, 3, 5 and 49 of the outline planning permission (ref. 2013/05115/OUT). The amendments included alterations to: site levels; the public realm; increase in massing affecting building footprint and building height; a 107sqm (GEA) overall reduction in total floorspace and changes to its apportionment to approved land uses including deletion of 2,065 sqm (GEA) B1 Office floorspace; reduction in non-residential car parking spaces. The current application seeks to amend the parameter plans approved under this consent.

3.13 On 6th April 2016, members of the planning committee resolved to grant planning permission subject to a s106 legal agreement for the realignment of Ariel Way to include provision of a new point of egress from White City Bus Station to the proposed bus layover located under block C; provision of a taxi / valet drop-off area to the north of Ariel Way; formation of a solid central reservation prohibiting a right-turn from Ariel Way onto the short connecting link between Ariel Way and the main exit from Westfield London Car Park; the separation of access and egress to the relocated bus layover facility; a shortened bus lane, with the bus lane extending from the bus layover egress to the priority T-junction providing access to White City Bus Station; one service vehicle lay-by at the eastern end of Ariel Way; demolition and provision of new cleaning facilities on a new island site opposite the West Dimco building. The s106 is yet to be signed and so the application is currently pending determination.

3.14 On 29th April 2016, reserved matters application (2015/05217/RES) was granted for the submission of reserved matters relating to appearance, scale, access and layout for Phases B and C (Plot A structure and envelope) of the outline permission 2015/02565/VAR comprising 75,019 sqm of A1 floorspace, 4,285sqm of A3-A5 floorspace; 2,456 sqm of D2 leisure floorspace and 518 non-residential car parking spaces at level 60 and 63 pursuant to outline planning permission dated 13th October 2015 (ref. 2015/02565/VAR).

3.15 On 14th September 2016, non-material amendment application (Ref. 2016/03604/NMAT) was granted for amendment to planning permission 2015/02565/VAR dated 13th October 2015 for the relocation of the energy centre flue stack from Plot C to Plot K including a reduction in the height of the flue stack and amendments to the building line and building height of Plot K to allow the construction of the flue stack.

3.16 On 14th September 2016, members of the planning committee resolved to grant planning permission subject to a Deed of Variation to the s106 (Ref. 2016/02642/RES) for submission of reserved matters relating to layout, scale, appearance, access and landscaping for Plot K comprising 74 residential units (30 x 1 bed, 35 x 2 bed, 9 x 3 bed) pursuant to condition 1 of outline planning permission 2015/02565/VAR dated 13th October 2015.

3.17 On 28th September 2016, planning permission (Ref. 2015/05685/FUL) was granted for erection of a covered bus layover facility beneath the Westfield London Phase 2 podium to provide 21 layover spaces and a drivers' facility, associated with the relocation of the existing White City bus layover facility from the East Dimco building.

3.18 Following the determination of the applications listed above, several approval of details applications have also been granted permission.

Planning History of Surrounding Sites

3.19 The following section provides a summary of the most recently approved developments which are in the immediate vicinity of the application site.

BBC Television centre

3.20 In July 2014, Stanhope PLC secured planning permission for the comprehensive redevelopment of the former BBC Television Centre site (ref: 2013/02355/COMB) which was subsequently varied in February 2015 (ref: 2014/04720/VAR) alongside the relevant accompanying listed building consents. The proposals include 943 residential units, 56,801sqm of B1 floorspace and 11,053 sqm of A1/A2/A3/A4 floorspace and includes a tall building of 25 storeys, lying directly to the west of Wood Lane. Works began on site in 2015.

St James, White City

3.21 The land immediately to the north of the Westfield application site is the former M&S site which was acquired by St James in 2013. On 19th May 2015, LBHF planning committee resolved to grant part outline/detailed planning permission, subject to any subsequent direction from the Mayor of London, and subject to planning conditions and s106 for the comprehensive redevelopment of the site. The permission approved the erection of new buildings ranging from 10 to 28 storeys; up to 1,465 residential units; provision of a mix of commercial uses (A1 - A5, B1, D1 and D2); provision of new accessible open space; provision of new pedestrian and vehicle routes, accesses and amenity areas.

Former Dairy Crest Site

3.22 The large site immediately to the north of the St James site comprises the former Unigate Dairy Crest factory and distribution centre. On 21st November 2014, LBHF's Planning Committee resolved to grant planning permission for the comprehensive redevelopment of the former Dairy Crest site off Wood Lane. This permission approved the demolition of all existing buildings on site and the development of up to 1,150 new homes, 19,623sqm of office accommodation and 2,320 sqm of retail floorspace. The former Unigate Dairy Crest site was previously owned by Aviva Investors / Helical Bar plc. and was sold to Imperial College London in August 2013.

Imperial West

3.23 In November 2010, LBHF granted permission (ref. 2010/02218/FUL) for the redevelopment of part of the Imperial College Campus at Woodlands (Phase 1), comprising 608 self-contained flats for post graduate students, nine 3-bed flats for academics and 120 sqm of Class D1 floorspace. The development comprised the erection of four interconnected buildings ranging from three to ten storeys. This development has been completed and occupied since September 2012.

3.24 Permission was subsequently granted in July 2012 (ref. 2011/04016/COMB) for Phase 2, comprising the erection of six buildings of up to 35 storeys to provide A1, A3, B1, C1, C3, D1 and D2 floorspace. In August 2013, Imperial College completed the purchase of the former Dairy Crest Site, increasing its land holdings to a total of 22.75 acres across one contiguous site. It is anticipated that a revised planning application for the site will come forward at a later date.

3.25 In March 2016, permission was granted (ref. 2015/01329/FUL) for the erection of a Biomedical Engineering Research Hub (Block E) which would be a 13-storey building plus two levels of basement comprising research laboratories and offices (Class B1) together with a clinical facility, lecture theatre and other ancillary uses, as well as a ground floor shop / café (flexible A1 - A3 use).

4.0 CURRENT APPLICATION

4.1 The applicant is entitled to apply for an amendment to the extant scheme permission, under S73 of the Town and Country Planning Act (As Amended).

4.2 Section 73 of the Act can be used, amongst other things, to approve minor material amendments to an existing planning permission by amending a condition (or conditions) upon which the permission was granted. In law, a section 73 application results in the grant of a new planning permission affecting the same site that is subject to the relevant amended conditions.

4.3 The Government introduced the 'minor material amendment' procedure in 2009 when it streamlined the procedure for section 73 applications. Best Practice accompanying guidance was published at the time on how best to achieve flexibility with planning permissions by allowing minor material amendments to planning permissions without the need for the submission of entirely new planning applications. The overriding purpose of the streamlined procedure and guidance was to avoid the burden that would fall on both planning authorities and developers if a fresh planning application had to be submitted every time that a development is materially amended.

4.4 The guidance is now contained in the Department for Communities and Local Government's National Planning Practice Guidance. Amongst other things the guidance states that a minor material amendment is likely to include any amendment whose scale and/or nature results in a development which is not substantially different from the one which has been approved.

4.5 The applicant contends that the proposed changes to the development as set out in the s73 proposals will not result in a scheme which is substantially different from that which is the subject of the Outline Permission (as amended) (ref: 2015/02565/VAR).

4.6 The applicant has evidenced that, cumulatively, the various modifications to the (i) horizontal levels of deviation of Plot D and Plot A, (ii) the vertical levels of deviation of K and (iii) the floorspace schedule on Table 1 of the Parameters Report; would result in minor material changes to the eastern elevation in Plot D, the maximum height (of Plot K) and only a very marginal decrease in floor space (in relation to the permitted total across the site). Officers concur with the view put forward by the applicant that the amendments, cumulatively, would not substantially change the overall appearance or design of the development, in context with the other development plots, or the overall quantum or character of development as approved.

4.7 In accordance with the S73 procedure, the variation of conditions 2, 3, 5 and 49 pursuant to the extant planning permission would necessitate the need to issue a new planning permission. The new planning permission would take the same outline form as the extant scheme, although it would have a new reference no. (Ref: 2016/03944/VAR).

Planning Conditions to be amended by way of the Section 73 (Minor Material Amendment) application:

4.8 The applicant is seeking amendments to conditions 2, 3, 5 and 49 of the outline permission.

4.9 Condition 2 reads:

IN ACCORDANCE WITH APPROVED PLANS AND DOCUMENTS

i) The planning permission relating to the components of the development hereby permitted (i.e. those parts that are not to be subject to reserved matters) shall not be constructed unless in accordance with the following Parameter Plans, Parameters Report and schedules therein:

Parameter Plans

WLD 001: Existing Site	684_07_001 Rev A
WLD 002: Planning Application Area	684_07_002 Rev A
WLD 003: Existing Site Levels	684_07_003 Rev B
WLD 004: Demolition	684_07_004 Rev A
WLD 005: Development Plots: Ground	684_07_005 Rev G
WLD 006: Development Plots: Plinth	684_07_006 Rev G
WLD 007: Proposed Site Levels	684_07_007 Rev E
WLD 008: Building Lines	684_07_008 Rev F
WLD 009: Maximum Building Heights	684_07_009 Rev E
WLD 010: Minimum Elevational Height	684_07_010 Rev E
WLD 011: GF Uses Along Public Realm	684_07_011 Rev C
WLD 012: Landscaping	684_07_012 Rev C
WLD 013: Basements	684_07_013 Rev A
WLD 014: Access	684_07_014 Rev F
WLD 015: Green and Brown Roofs	684_07_015 Rev E

Parameter Report with the following schedules:

Table 1 - Maximum Quantum of Floorspace by Use (GEA)

Table 2 - Unit Mix by Tenure

There shall be no changes to the amount of retail floorspace demolished, unless details are submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9 and 7.21 of the London Plan (2015) and policies BE1 of the Core Strategy (2011) and policies DMG1, DMG3, DMG6, DMG7, DMG8 of the Development Management Local Plan (2013).

4.10 The applicant has submitted the following 'revised' parameters plans which replace the former approved plans (as listed above):

WLD 005 - Development Plots: Ground W2-WEL-ZA-00-DR-A-08005 Rev A;
WLD 006 - Development Plots: Plinth W2-WEL-ZA-00-DR-A-08006 Rev A;
WLD 008 - Building Lines W2-WEL-ZA-00-DR-A-08008 Rev B;
WLD 009 - Maximum Building Heights W2-WEL-ZA-00-DR-A-08009 Rev B;
WLD 010 - Minimum Building Height W2-WEL-ZA-00-DR-A-08010 Rev A;

4.11 It should also be noted that the applicant has obtained permission for specified non-material minor amendments to the extant planning permission under ref: 2016/3604/NMAT in respect of the relocation of the flue to Plot K. Therefore, in addition to the drawings listed in paragraph 4.12, the following drawing replaces the drawing listed in the above condition in para 4.11:

WLD 012 - Landscaping W2-WEL-ZA-00-DR-A-08012 Rev A;

4.12 Condition 3 reads:

IN ACCORDANCE WITH DAS AND DESIGN CODES

All reserved matters applications shall include a statement to demonstrate compliance with the principles and parameters set out in the Design and Access Statement prepared by Allies and Morrison (dated May 2015), amended General Design Codes and amended Design Codes for Plots A, C, D and K prepared by Allies and Morrison (dated August 2015), the Design Codes for Courtyards prepared by Townshends Landscape Architects (dated November 2013), the Design Code for the Public Realm prepared by Townshends Landscape Architects (dated November 2013) and the Parameters Report by Montagu Evans (dated May 2015), or other such versions that are subsequently agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is constructed in accordance with the Design Guidelines on which this decision is based and to be consistent with the principles of good masterplanning, in accordance with Policies A, BE1, WCOA and WCOA1 of the Core Strategy (2011), policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 7.18, 7.19 and 7.21 of the London Plan (2015) and policies DMG1, DMG4, DMG6 and DMG7 of the Development Management Local Plan (2013).

4.13 This current s73 application proposes to update the above approved 'parameters report' from May 2015 to August 2016.

4.14 Condition 5 reads:

FLOOR SPACE - D2 USE

No less than 2000sqm and up to a maximum of 6331sqm (GEA) of Class D2 floorspace shall be provided within the development. The floorspace shall be provided within any one or more development plots.

Reason: To ensure a sustainable mix of uses is delivered within the development, to create a high quality environment with active and vibrant streets and a range of land uses which would complement Shepherds Bush Town Centre and the White City Opportunity Area, in accordance with policies 7.1 and 7.3 of the London Plan (2015), policies BE1, WCOA and WCOA1 of the Core Strategy (2011) and policy DM C1 of the Development Management Local Plan (2013).

4.15 The proposed s73 application seeks to vary the wording in the above condition to decrease the maximum Class D2 floorspace provision by 2773.4sqm (from 6331 sqm) to 3,557,6sqm. The proposed minimum level would be retained.

4.16 Condition 49 reads:

PUBLIC REALM - MINIMUM WIDTHS

Notwithstanding the levels of deviation identified in the approved drawings WLD 005 Rev G and WLD 006 REV G, there shall be no reduction in the minimum widths of the public realm.

Reason: To provide sufficiently wide public open spaces and to ensure that the development provides a high quality public realm across the development in accordance with policies 7.1 and 7. 5 and London Plan (2015), policy BE1 of the Core Strategy (2011) and policies DM E1 and DM E2 of the Development Management Local Plan (2013).

4.17 The s73 application proposes to vary the wording of the condition wording to delete reference to the former 'approved parameters plans' and replace them with the amended parameters plans WLD 005 and WLD 006. These plans relate to the approved levels of deviation of the ground and plinth floor levels.

S73 Scheme Application Contents

4.18 The applicant has submitted the following information for approval:

Parameters Report by Montagu Evans dated August 2016;

Parameter Plans:

- WLD 001 Existing Site 684_07_001 Rev A;
- WLD 002 Planning Application Area 684_07_002 Rev A;
- WLD 003 Existing Site Levels 684_07_003 Rev B;
- WLD 004 Demolition 684_07_004 Rev A;
- WLD 005 Development Plots: Ground W2-WEL-ZA-00-DR-A-08005 Rev A;

- WLD 006 Development Plots: Plinth W2-WEL-ZA-00-DR-A-08006 Rev A;
- WLD 007 Proposed Site Levels 684_07_007 Rev E;
- WLD 008 Building Lines W2-WEL-ZA-00-DR-A-08008 Rev B;
- WLD 009 Maximum Building Heights W2-WEL-ZA-00-DR-A-08009 Rev B;
- WLD 010 Minimum Elevational Height W2-WEL-ZA-00-DR-A-08010 Rev A;
- WLD 011 Ground Floor Uses Along Public Realm 684_07_011 Rev C;
- WLD 012 Landscaping W2-WEL-ZA-00-DR-A-08012 Rev A;
- WLD 013 Basements 684_07_013 Rev A;
- WLD 014 Access 684_07_014 Rev F;
- WLD 015 Green and Brown Roofs W2-WEL-ZA-00-DR-A-08015 Rev A;

4.19 The applicant has submitted the following documents in support of the application which are to be read in conjunction with the approved Design Codes and relevant planning application documents submitted with the extant permission (2015/02565/VAR) and the original outline planning permission (2013/05115/OUT):

- Planning Statement by Montagu Evans dated August 2016;
- Retail Statement by Montagu Evans dated August 2016;
- Sustainability Statement by Ramboll Environ dated August 2016 (Ref. UK11-23478);
- Environmental Statement comprising:
 - Volume 1 - Non-Technical Summary
 - Volume 2 - ES Main Report;
 - Volume 3 - Townscape, Heritage, and Visual Impact Assessment;
 - Volume 4A - Technical Appendices;
 - Volume 4B - Transport Assessment; and
- Application form;
- CIL Additional Information form;
- Covering letter from Montagu Evans dated 31st August 2016;

The Proposed 'Amended' Development (The 2016 S73 Scheme);

4.22 The 2014 Consent established the principle of the comprehensive redevelopment and regeneration of the site to create a vibrant town centre mixed use retail and residential led extension to the existing Westfield London shopping centre, while the 2015 Consent (the Extant Scheme) secured minor material amendments, including design updates and changes to the quantum of proposed development.

4.23 The 2016 s73 Scheme (This Application) proposes some minor material amendments to the 2015 Extant Scheme (as amended under non-material amendment application ref. 2016/03604/NMAT), comprising the following:

- Increase in proposed net retail (Use Class A1) from 64,852 sqm to 68,406 sqm;
- Reduction in proposed retail (Use Class A3-A5) from 4,285 sqm to 3,462 sqm;
- Reduction in proposed leisure (Use Class D2) from 6,331 sqm to 3,557.6 sqm;
- Reduction in total proposed floorspace by 42.4 sqm;
- Revision to the limit of deviation of the south eastern façade of Plot D to - 5.0m only providing for a minimum separation distance of 12.0m from the restaurant scheme façade;
- Revision to the limit of deviation of the western canopy/entrance to Plot A from +/- 5m to +11m and -5m;

- Revision to the maximum building heights for Plot K from 8 and 14 storeys to 10 and 16 storeys and from +43.05m AOD and +62.4m AOD to +48.1m AOD and +70.2m AOD; and
- Revision to the maximum height of the energy centre flue from 67.4m AOD to +75.20m AOD.

4.25 The resulting (revised) development would comprise:

Minor Material Amendment under Section 73 to vary conditions 2, 3, 5 and 49 of Section 73 Permission 2015/02565/VAR approved pursuant to Outline Planning Permission (all matters reserved) 2013/05115/OUT granted on 5th September 2014 for the comprehensive redevelopment of the site to include demolition of existing buildings and associated structures, the closure and alteration of highways, engineering works and construction of new buildings (ranging from 2 - 23 storeys) and structures (including podium) up to 87.975m (AOD) to provide up to 64,852sqm (GEA) (net increase) retail use (A1) including an anchor department store; up to 4,285sqm (GEA) restaurant and café use (A3 - A5); up to 0sqm (GEA) office use (B1); up to 1,600sqm (GEA) community/health/cultural use (D1); up to 6,331sqm (GEA) leisure use (D2); and up to 1,347 residential units (up to 127,216sqm (GEA)) (C3); plus creation of a basement, an energy centre together with ancillary and associated development, new pedestrian routes and open spaces, cycle parking, car and motorcycle parking and vehicular access and servicing facilities granted on 13 October 2015.

4.26 As per the 2015 Extant Scheme, four main development plots (A, C, D & K) and the Plinth (Plot P) are proposed, positioned within the site to provide new pedestrian streets and connectivity routes from east to west (Ariel Walk) and north-south (Marathon Way and Silver Street). The configuration of the development plots also allows the creation of landscaped space immediately to the south of the Hammersmith and City Line viaduct, contributing to the creation of the wider White City Green as envisaged within the White City Opportunity Area Planning Framework ('WCOAPF').

4.27 The configuration of the buildings within each plot is controlled by the Parameter Plans and the relevant sections of this Parameters Report. As above, future design on a plot by plot basis and for the public realm would be controlled by the relevant submitted Design Codes and the various planning conditions and planning obligations pursuant to any planning permission being granted.

Floorspace

4.28 Permission is sought for the following uses across the Site:

- Residential (Use Class C3);
- Retail (Use Classes A1 - A5);
- Community (Use Class D1);
- Leisure (Use Class D2);
- Car parking;
- Hard and soft landscaping and open space; and
- Public realm.

4.29 The floorspace area breakdown of the uses proposed is as follows:

Table 1 - Maximum Quantum of Floorspace by Use (GEA)

Use	Maximum quantum (GEA)
Retail (A1)	79,710 sqm
Demolition of Retail (A1)	11,304 sqm
Net increase in Retail (A1)	68,406 sqm
Restaurant/Café (A3)	3,462 sqm
Residential (C3)	127,216 sqm/up to 1,347 units
Community/Health/Cultural (D1)	1,600 sqm
Leisure (D2)	3,557.6 sqm
Car Parking	1,736 space (608 residential, 1,128 non-residential)
Total Maximum Floorspace	215,545.6 sq m

Land Uses

Retail Uses

4.30 Retail uses will include a mix of A1 - A5 uses. Flexibility is provided in the parameters plans and report to allow for differing unit sizes to provide commercial accommodation for varying types of retailer. A3 uses are to be dispersed throughout the site. Flexibility is retained to allow the location of A3 uses to come forward as part of reserved matters. The proposals include provision for a retail food store which will provide a complementary retail offer. The floor area parameters set down in the area schedule at Table 1 above restrict the amount of floorspace for this use.

Community Use

4.31 It is proposed to include community uses of up to 1,600 sqm (GEA) within the application site. It is anticipated that some of this floorspace might be accommodated at public realm level within Plots C and D to provide vibrant and active frontages to the public realm.

Leisure Use

4.32 Provision is made for up to 3,557.6 sqm (GEA) of leisure floorspace. This is anticipated to be predominantly located where Block A meets the existing mall.

Residential Development

4.33 The scheme will provide up to a maximum of 1,347 residential dwellings. The mix of units proposed is set out below, and remains unchanged from the 2015 Consent:

Table 2: Unit Mix by Tenure

	Studio	1 bed	2 bed	3 bed	Total
Market	22	400	716	47	1,185
DMS		27	27	13	67
Rent		38	38	19	95
Total	22	465	781	79	1,347

4.34 Final layouts and residential unit sizes will be determined at reserved matters stage. The applicant has confirmed that all the residential dwellings will be designed (at the reserved matters stage) to meet standards set out in the London Plan 2016 and the Mayor's Housing SPG 2016. 10% of the dwellings will be designed to meet Building Regulation requirement M4(3) 'wheelchair user dwellings' with 90% of the dwellings will be designed to the Building Regulation requirement M4(2) 'accessible units'.

Amenity Space

4.35 Amenity space on the site has been broken down into three types: private amenity space, shared private amenity space and public amenity space.

4.36 Private and Shared Private Amenity Space: The Proposed Development includes the provision of 4,855 sqm of private and communal space which remains as consented.

4.37 Public Amenity Space: The proposals offer a range of different public spaces including the pedestrianised streets, the southern part of White City Green located immediately to the south of the viaduct, Relay Square adjacent to Block D, and Ariel Square adjacent to the eastern edge of the Site.

4.38 The overall concept is to provide a permeable, connected and robust network of streets and public open spaces. The parameters seek to define a pattern of distinct and separate development plots, as well as the character and hierarchy of streets and squares and green spaces.

Playspace

4.39 The proposed development generates a requirement for approximately 1,845 sqm of playspace. Play space will be provided throughout the public realm areas and different age groups will make use of the space.

Parking

4.40 The development will provide dedicated car parking areas at roof level and at the base of Block A and at the base of Block C. Parameter Plans 009 and 013 identify the maximum building height and maximum depth of the basement construction. Dedicated vehicular access will be provided from the A3220 Wood Lane and is defined for approval on Parameter Plan 014.

4.41 As per the Extant Consent, a maximum of 1,736 car parking spaces will be provided. Of these, 608 will be dedicated for use by residential occupiers. 1,128 spaces will be provided as short stay shopper/non-residential parking spaces (public spaces). As per the 2015 Consent, a total of 2,385 cycle parking spaces will be provided. 2,260 of these spaces will be provided for residents and 125 for users of the retail/community/leisure floorspace.

Green and Brown Roofs

4.42 The development will provide green and brown roofs, the potential locations for which are shown on Parameter Plan WLD 012. As per the 2015 Consent, 5,893 sqm of green and brown roofs will be provided across the Site.

Servicing and Delivery Provisions

4.43 The principles of delivery and servicing (waste storage and collection) are set out within Appendix H of the Transport Assessment (Delivery and Servicing Management Plan). The existing service yard provision for the centre will be supplemented by the provision of a new service yard to be provided on the ground floor level of Plot A with vehicular access from the existing access route from the A3220.

4.44 Servicing for the commercial elements of the scheme will take place from this new service yard together with the existing servicing yards within Westfield London Shopping Centre which has capacity. Deliveries for the residential units will be via the perimeter streets within the scheme and existing streets.

4.45 There are no changes proposed to the site-wide servicing and deliveries provisions set out in the strategy documents submitted as part of the 2015 Extant Scheme.

Public Access and Security

4.46 All parts of the public realm (including the 24 enclosed public route in Plot A) will be accessible to the public. There are no changes proposed to the access provisions set out in the parameters report submitted as part of the 2015 Extant Scheme.

Sustainable Homes

4.47 Although the Code for Sustainable Homes has been withdrawn and is therefore no longer applicable to the proposed development, the applicant has confirmed that high standards of sustainable design and construction will be ensured across the residential parts of the Site in line with the current guidelines set out in the Mayor's Housing SPG (2016).

BREEAM

4.48 The proposed development will meet a BREEAM Very Good Rating.

Waste and Recycling

4.49 There shall be a dedicated space for segregation and storage of operational recyclable waste volumes. The Application shall recycle 50% of non-hazardous construction waste. The proposed development will provide on-site facilities to recycle more than 35% of household waste. A dedicated waste storage area will be provided for commercial waste. Residential waste and storage facilities will be designed to be close to access cores within the residential blocks. A Construction Environmental Management Plan (CEMP), including a Site Waste Management Plan, was submitted to partially discharge Condition 19 of the 2014 Consent. Accordingly, Condition 19 attached to the 2015 Consent states that "the development shall be carried out in accordance with the Construction Environmental Management Plan (CEMP) as approved under details application 2015/00767/DET dated 06/08/2015". This condition would be attached to any forthcoming consent.

Local Employment and Training

4.50 Schedule 9 of the S106 Agreement accompanying the 2015 Consent sets out details of measures to secure employment and training. The S106 includes a requirement for an Employment and Training Strategy which aims to prioritise and maximise access to employment opportunities and skills training, primarily for local residents, during the lifetime of the development. No changes to the Employment and Training Strategy are proposed as part of this application.

Flood Risk

4.51 It is proposed to connect the Site's surface water drainage at a rate of 614 L/s. This is equivalent to a 73% reduction in comparison with pre-development runoff rates at peak times. The runoff rates are the same as the consented development.

Water

4.52 Water meters shall be installed throughout the development. The Applicant shall undertake a feasibility study into the use of grey water flushing for WC, and for rainwater recycling. There are no changes to the water provisions in this application.

Ecology

4.53 A minimum of 120 new trees shall be planted within communal landscaped areas across the Site. Soft landscaping shall cover 3,414 sqm. There are no changes to the site-wide strategies in terms of ecological initiatives.

Lighting

4.54 Detailed lighting design for the proposed development shall include measures to avoid light spill vertically into the sky or horizontally into adjacent habitats. These matters are subject to reserved matters or conditional assessment, subject to planning permission being granted for the 2016 s73 Scheme.

Air Quality

4.55 The flue for the proposed energy centre shall be located in Block K and the final stack height shall be a maximum of 5 m above the maximum building height.

5.0 PUBLICITY AND CONSULTATION

5.1 The application was advertised as a Major Development and an ES development which adjoins a Conservation Area and may affect the setting, character or appearance of a Grade II listed building.

5.2 The application was advertised via the following methods:

- Press notice published from 14/09/2016 to 11/10/2016
- Site notices displayed from 20/09/2016 to 11/10/2016
- 57 neighbours were consulted by letter
- 19 consultees were consulted by letter

5.3 The consultation responses are summarised below:

External consultees

5.4 Greater London Authority

The GLA responded stating that given the scale and nature of the proposals, the amendments are not considered to give rise to any new strategic planning issues and that therefore under article 5(2) of the Town & Country Planning (Mayor of London) Order 2008 the GLA does not need to be consulted further on this application.

5.5 Transport for London

TfL responded stating that they have no objection to the variation of the conditions as they consider that there will be no significant adverse effect on footway, cycleway, bus, rail and underground services and the performance of the networks will not change because of the revisions to the scheme.

5.6 London Underground Limited

LUL responded stating that they have no comment to make on the application, except that the developer should continue to work with London Underground engineers.

5.7 Thames Water

Thames Water responded stating that they have no comments as the amendments to the conditions do not affect them.

5.8 Environment Agency

The Environment Agency responded stating that they will not be providing a formal response as the variation of conditions does not relate to conditions we requested.

5.9 Royal Borough of Kensington and Chelsea: No response received at time of writing report.

Internal consultees

5.10 Land Contamination Team

No objection subject to relevant enabling works conditions being agreed and discharged before commencement.

5.11 Environmental Protection

No objection.

5.12 Planning Policy

No objection.

5.13 Environmental Policy

The Environmental Policy team responded stating the following:

- The proposed variations would not impact the sustainability performance of the site;
- The proposed amendments will contribute to the achievement of the commitments previously given on managing surface water management;
- The CO₂ reduction achieved by the site has been calculated to achieve a 15.96% improvement over the Building Regulations (using 2010 as baseline). This indicates a shortfall from meeting the CO₂ reduction target by 24%, although this could be improved if other sites connected into the network. These provisions are consistent with the extant permission.

5.14 Air Quality

The Air Quality have reviewed the application and advised the following:

- The CHP should not be used until the flue for the CHP is in the tallest building within the development (Plot C - 23 storeys) to ensure adequate dispersion of pollutants and mitigate against the impact of the CHP;
- The residential units in Plot K from plinth to fifth floor level with any habitable rooms (bedrooms, living rooms) with south elevations (car park access ramps) and east elevations (West Cross Route (A3220)) will require additional ventilation to mitigate for exceedances of the NO₂ objective.

Officer's response: Officers consider the first requirement (to locate the flue within Plot C) would unduly restrict the opening of the retail or the occupation of affordable housing within Plot K, which is unreasonable in planning terms given this is a phased development. Therefore, officers consider, that the S73 Scheme includes an additional planning condition which requires the permanent position of the Energy Centre flue to be submitted to and approved in writing prior to the commencement of works on Plot C. The location of the flue need not be secured within this section 73 application, as it relates to the detailed design. Further conditions are recommended to deal with the requirement for additional ventilation.

6.0 ENVIRONMENTAL IMPACT ASSESSMENT

6.1 The original outline planning permission (Ref: 2013/05115/OUT) was considered EIA development in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (As Amended). An Environmental Statement (ES) was submitted as part of this planning application.

6.2 The subsequently submitted 2015 Extant Scheme considered the various amendments by way of an ES Addendum by Ramboll Environ, which was considered alongside the original ES.

6.3 The current 2016 S73 Scheme comprises EIA development, which has the potential to give rise to environmental impacts at a local and strategic scale. Given the current proposals for the wider site include the additional proposed extension (Restaurant Scheme), the applicant has determined that a new ES is required which considers the known details of the current proposals. The ES therefore considers the combined impacts of the following proposals:

- 2016 S73 Scheme (This Application)
- RMA 89 Unit Scheme: Plot K
- RMA Amended Retail Extension: Plot A
- Restaurant Scheme: Block 2A (Full Planning Application)

6.4 The current ES (2016) comprises the following components:

- Volume 1: Non-Technical Summary
- Volume 2: Main ES Report
- Volume 3: Townscape, Heritage and Visual Impact Assessment
- Volume 4A: ES Technical Appendices; and
- Volume 4B: ES Transport Assessment

6.5 The Council appointed Treweek Environmental Consultants to undertake an independent review of the 2016 ES. This review considered the performance of the ES against good practice criteria. Some minor concerns were identified in relation to elements of communication of consultation comments and influence of mitigation upon significance of effects. However, for a Section 73 application for variation of consent, and additions to an existing consented scheme the ES was considered overall to perform well against good practice.

6.6 The ES (section 2) was found to be deficient in two areas in relation to 'consultation' (section 2 of the review table). However, this reflected the absence of consultee responses and officers are advised that this is not significant. Under section 3 'assessment' Treweek advises that the occasional grouping of negative effects findings in some tables potentially reduces the prominence of negative attributions compared with positive. In addition, it was noted that for mitigation measures referred to in the ES (but not yet fully defined or developed), it would be good practice to provide an assessment of significance of effects prior to actionable mitigation being applied and following implementation to convey the effect or importance of the mitigation proposed.

6.7 It was noted that section 4 contained insufficient information within the main text of the ES on the anticipated lifespan or operational hours of elements of the completed development and Treweek advises it is difficult to judge whether this might affect long term effects of the proposal.

6.8 Officers are advised by Treweek that the highlighted issues are not EIA Regulatory concerns as they relate to good practice methods, which would ensure the transparency of the documents. Officers agree with Treweek's conclusions that the issues identified above could be appropriately addressed at Reserved Matters stage for the outline elements of the scheme.

6.9 In conclusion, officers are advised by Treweek that, from their experience as IEMA ES Quality Mark Assessors, meeting most of the criteria under section 1-4 of the review,

the ES is consistent with current good practice for large mixed-use urban regeneration schemes. Sufficient information on the revised design parameters has been supplied with worst case scenarios employed and assumptions/limitations underpinning revised assessments stated. Treweek advised that information pertaining to Reserved Matters is highlighted and commitment to identified mitigation and monitoring is strong, with general mechanisms for delivery highlighted. Additional information relating to the potential environmental effects and the proposed mitigation measures could be included in the Reserved Matters applications. Officers (and our environmental consultants) are satisfied that sufficient information has been supplied to enable understanding of the environmental effects of the proposed 2016 S73 Scheme to aid the decision making process.

7.0 PLANNING CONSIDERATIONS

Principle of Development

7.1 It is considered that the former planning permissions establish the principle of a comprehensive mixed use redevelopment of the site that would be in accordance with national, strategic, and local planning policies, which advocate making the most efficient use of brownfield land in sustainable locations and would help meet local and strategic housing needs. The proposed development (as revised) would contribute to the regeneration of the White City Opportunity Area by increasing the range of employment opportunities, improve linkages and connections within the area and would promote sustainable economic growth. The proposed development, which includes a reduction in the maximum Class D2 leisure use and the re-provision of A1 and A3 uses, would contain appropriate land uses that are compatible with the White City Opportunity Area which is well served and accessible by public transport. The proposed development is therefore considered acceptable (in Strategic terms) in accordance with policies 2.13, 2.15, 3.3, 3.4 of the London Plan (2016) and Strategic Policies WCOA, WCOA1, A, B, C and H1 of the Core Strategy (2011) and White City Opportunity Area Planning Framework (2013).

7.2 This application seeks approval for minor material amendments to the parameter plans that relate to Plots D and K in addition to modifications to the floorspace Table 1 (in the Parameters Report). The applicant is also proposing a minor adjustment to the entrance canopy to the mall (in Plot A). This application does not seek detailed approval for any development element relating to Plot D or K. Rather, it proposes amendments to the outline parameters (specifically, the parameter plans and the parameters report) to enable the subsequent submission and approval of reserved matters pursuant to the (amended) outline planning permission.

7.3 The applicant has submitted reserved matters applications for Plot K (the first residential block) and will submit an RMA for the amended retail component (to accompany the Restaurant Scheme) shortly. The Plot K 89 Unit Scheme is recommended for approval and is presented alongside this S73 report. Subject to the acceptability of the 2016 s73 Scheme, officers consider that the 89 Unit Scheme (subject to its acceptability) could therefore be approved, pursuant to this new permission. The reserved matters application for plot A and its corresponding full planning application for the Restaurant Scheme will be considered concurrently. The approval of this 2016 s73 Scheme, would enable the Amended RMA for Plot A to be processed as being pursuant to the New Extant Permission (2016 s73 Scheme). The approval of the amended RMA for Plot A would then facilitate the consideration of the

Restaurant Scheme which could only be implemented subject to approval of the amended RMA.

Matters to be screened out of the Planning Assessment:

7.4 Given there are no other changes to any other development plots proposed or the consented provisions relating to energy, transport and car parking, housing, waste management, noise, crime, amenity space, density, socio-economic, flood risk/surface water drainage strategy, ground conditions, archaeology or ecology, this report does not seek to re-assess these established principles or repeat an assessment of these matters which are sufficiently addressed within the reports associated with the Extant Scheme (ref: 2015/02565/VAR) in addition to the original outline permission (ref: 2013/05115/OUT). Officers consider that planning conditions and s106 obligations set out in the 2015 Extant Scheme are sufficient to enable compliance with the current Development Plan policies. Furthermore, the 2016 ES comprises an up-dated objective technical assessment of the forecasted environmental impacts which officers consider is sufficiently robust and contains mitigation measures to address the adverse impacts which are manifest in the planning conditions and s106 obligations that cover these topics.

Main Planning Considerations in respect of the 2016 s73 Scheme

7.5 Although the principle of the redevelopment of the site is well established, an assessment of the minor changes to the parameters and additional decrease in overall floorspace, within the context of the overall scheme is set out in this report. The first issue to be addressed is to determine whether the proposed amendments to the parameters plans (in c with Plots D and K) constitute material amendments to the approved development subject to the Extant Scheme.

7.6 As is set out earlier in this report, Section 73 of the Act can be used, amongst other things, to approve minor material amendments to an existing planning permission by amending a condition (or conditions) upon which the permission was granted. In law, a section 73 application results in the grant of a new planning permission affecting the same site that is subject to the relevant amended conditions.

7.7 Officers are of the view that the proposed changes to the parameters plans for Plots A, D and K would not cumulatively result in a scheme which is substantially different from that which is the subject of the extant permission. The applicant has evidenced that the floorspace amendments result in a net loss of floorspace within the development, which is immaterial. Officers accept that the additional height (two extra floors on Plot K), modified mall entrance canopy and amended building line (Plot D) combine to form a material change to the appearance of the buildings, irrespective of their detailed design. It is considered that these amendments are minor in the context of the whole scheme.

7.8 It is considered that the proposed alterations would not be of a fundamentally different nature to the consented extant scheme, within the overall context of the comprehensive development. Officers therefore consider that the proposed changes could appropriately be dealt with as a minor material amendment to the extant permission using section 73 of the Act.

7.9 It is considered that the Planning Application documentation provided in the Revised Parameters Report and Planning Statement (Montagu Evans), 2016 Environmental Statement (Ramboll Environ) and other documents (All dated August 2016) submitted in support of the Section 73 Application form a satisfactory basis to assess the amended development proposals.

7.10 The preceding sections of this report set out an assessment of the proposed amendments to the Extant Scheme, which would be permitted subject to varying conditions 2, 3, 5 and 49. The main amendments relate to:

- Floorspace Reprovision
- Vertical Levels of Deviation of Plot K
- Horizontal Levels of Deviation of Plot D
- Western Mall Entrance Canopy
- Other Planning Matters

Floorspace Changes

7.10 The proposed amendments to Table 1 in the Parameters Report comprise the following:

- An Increase in proposed net retail (Use Class A1) from 64,852 sqm to 68,406 sqm (+3554 sqm);
- Reduction in proposed retail (Use Class A3-A5) from 4,285 sqm to 3,462 sqm (823 sqm);
- Reduction in proposed leisure (Use Class D2) from 6,331 sqm to 3,557.6 sqm;

7.11 The proposed amendments result in an overall net reduction in total proposed floorspace in the development by 42.4 sqm. The floorspace modifications do not manifest in any further changes to the parameter plans. Therefore, the applicant is seeking permission for the amended land use provisions in the updated Parameters Report Table 1. Compliance with Table 1 is secured in conditions 2 and 3.

Leisure Uses (Class D2)

7.12 Although the proposals result in the provision of less leisure floorspace (-2,773.4sqm), provision is made for 3,557.6 sqm of Class D2 leisure floorspace within the development which ensures the scheme still makes a significant contribution towards new leisure uses. Officers consider that the resulting provision would compliment the existing leisure uses within the Centre including Kidzania, the Vue Cinema and Bars and Restaurants which demonstrate that the area is well-served by such uses. As such, it is considered that the lower maximum provision of Class D2 leisure is acceptable. It is the officer's view that the reduction in the maximum level of leisure floorspace would not result in a reason to refuse planning permission.

Retail Use (A1) and Restaurant Use(A3)

7.13 The net increase of 3,554 sqm (Class A1) and reduction of 823 sqm (Class A3) are considered in the Retail Statement (2016) submitted with the current s73 scheme. The current application seeks to vary the 2015 Extant Scheme to facilitate the Restaurant Scheme extension (subject to a concurrent full planning application). The Retail Statement (2016) also considers the effect of the additional retail floorspace

contained within the Restaurant Scheme, in addition to the maximum floorspace set out in this s73 Scheme.

7.14 The Retail Statement (2016) does not identify any unacceptable levels of trade diversion that would affect the vitality and viability of other town centres. The Retail Statement assesses the impact of the August 2016 Proposed Development- i.e. the Section 73 and the detailed Restaurant Scheme application. The Council's Policy Officers have reviewed the Retail Statement and raise no objections to the amended retail provisions.

7.15 It should be noted that as an extension to an existing Metropolitan Town Centre, the site is an appropriate location to accommodate specialist retail attractions such as the proposed department store, as well as the associated new retail units. The proposed mix of uses will also meet the Council's key objective of achieving a comprehensive redevelopment of the site that will provide attractive, active, and inviting linkages across the site and to the established town centre uses to the south, including both with the Westfield London Shopping Centre and the rest of Shepherds Bush Town Centre.

7.16 As per the 2015 Consent, the S73 Application seeks to secure the delivery of a range of town centre uses including retail, leisure and community facilities which are essential to the vitality of the town centre and the future viability of the location. These will serve local needs of both the existing and new residents of the White City community. On this basis, it is considered that the Application does not significantly deviate from the 2015 Consent, in terms of the retail impact, and is in accordance with the up to date Development Plan. It is therefore considered to be acceptable with regards to the Council's Regeneration Area and Town Centre planning policies.

Amended Vertical Levels of Deviation of Plot K:

7.17 The proposed parameter plans include modifications to the vertical levels of deviation in respect of Plot K. The proposals comprise revisions to the maximum building heights for Plot K which increase the approved 8 and 14 storeys to 10 and 16 storeys. This translates to the maximum heights rising from +43.05m AOD and +62.4m AOD to +48.1m AOD and +70.2m AOD. The proposals also include a revision to the maximum height of the energy centre flue from 67.4m AOD to +75.20m AOD (which sits 5m above the highest part of the building). The principle of a part 8 part 14 storey building to contain residential dwellings is established through the Extant Scheme permission. Officers are therefore only considering the potential additional height of Plot K comprising the two extra floors (and additional flue height).

7.18 The applicant has submitted a revised townscape assessment as part of the 2016 ES which demonstrates the effect of the additional height of Plot K. It is considered that the townscape assessment identifies that the increased height and massing of Plot K would appear inconsequential as it would form part of the group of buildings on the development site which contains larger buildings (within Plot C). The additional height does not affect any nearby heritage assets within LBHF (such as the Wood Lane Conservation Area or the Grade II Listed Dimco Buildings). The closest assets in RBKC are some distance from the site and the townscape assessment reveals that there would be no change to the views as assessed in the 2015 Extant Scheme.

7.19 Officers note that the two additional floors would be of the same footprint of the lower floorplan. Therefore, architecturally, it is anticipated that the building form would be a continuation of the consented building which benefits from a resolution to grant planning permission (the 74-Unit RMA Scheme for Plot K). In design terms, officers consider the proposed additional height could be acceptable, subject to detailed design. The RMA for the 89-Unit Scheme for Plot K demonstrates 'one version' of how the buildings might appear as illustrated in the Design and Access Statement (submitted under ref: 2016/04020/RES). Officers consider the indicative visual images of Plot K (the 89 Unit Scheme) demonstrate that the height increase as detailed in the parameter plans would be appropriate without adversely affecting the indicative forms of the adjacent buildings as planned within the wider masterplan for the site.

7.20 The proposed amended maximum height of the Plot K building has been assessed with regards to the daylight, sunlight and over-shadowing impacts within the 2016 ES. The ES concludes that the development would not result in any material adverse daylighting, sunlighting or over-shadowing impacts to the nearest existing residential properties to the east (on Hunt Close). These properties are located over 50m from Plot K and the additional height would only result in minor and marginal level changes to the daylight and sunlight conditions within the properties.

7.21 It is considered that the proposed height increases to Plot K would be minimal when viewed in context with the wider masterplan development. As such, officers consider the amended parameter plans to be acceptable, in respect of the maximum permitted building height of Plot K.

7.22 The amended parameter plans include the provision of a flue on the south western corner of the 16 storey element within Plot K. The outline planning permission did not specify the location or size of the proposed flue as it was not known at the time. The flue will serve the Energy Centre plant within the basement, which provides and collects heat for the whole development. The Energy Centre comprises a CHP plant has been designed to allow the future phases/buildings to connect with the CHP. The CHP is also designed to plug into the wider District Heating Network in White City (which might serve the various Regeneration Area development schemes), should a scheme be developed.

7.23 The CHP would need to be operational by the time the development is first occupied, which is anticipated to be the retail component in October 2017. The residential units within Plot K (subject to approval) would also require the CHP to function prior to occupation. The applicant has therefore proposed to locate the flue in the highest part of the development site which will be built out in October 2017, to ensure emissions from the CHP which disperse from the flue at a height 5m above the maximum building height. The proposed parameter plan WLD 009 identifies the location of the flue and the maximum height (75.20m AOD).

7.24 It is considered that the proposed location of the flue is considered acceptable in design terms by reason of its location and height, subject to detailed design and specifications. Notwithstanding this the air quality officer advises that the use of the CHP's should be restricted until the flues for the CHP's are located in the tallest proposed building within the whole development (Plot C-23 storey building) to ensure adequate dispersion of pollutants and mitigate against the impact of the CHP. The proposed location of the flue in Plot K would not be the tallest part of the site, if Plot C is built to its maximum parameters.

7.25 Officers consider the air quality officer's requirement would unduly restrict the opening of the retail or the occupation of affordable housing within Plot K. However, officers recommend that the S73 Scheme includes an additional planning condition which requires the permanent position of the Energy Centre flue to be submitted to and approved in writing prior to the commencement of works on Plot C.

7.26 In summary, it is considered the amended parameter plans in respect of the modifications to Plot K are acceptable in principle, subject to detailed design. The proposals are not anticipated to give rise to unacceptable environmental impacts in terms of noise, air quality, townscape, heritage, amenity or light pollution.

Amended Horizontal Levels of Deviation of Plot D

7.27 The 2016 s73 Scheme includes a revision to the horizontal limit of deviation of the south eastern façade of Plot D to - 5.0m. The change has been made to respond to the emerging proposals for the Restaurant Scheme which extends into the public realm to the west of Plot A (north of the east-west Ariel Way route under the main retail extension). The resulting modified building line (as detailed in parameters plans WLD - 005 and WLD 006) would ensure there would be a minimum separation distance of 12.0m from the proposed Restaurant Scheme façade (which would extend westwards from Plot A). The amendment in effect creates a smaller building Plot D which would be located 12m from the nearest adjacent façade in the proposed Restaurant Scheme facade. This move has no further implications in terms of daylight, sunlight, overshadowing or other environmental impacts of the amended development scheme.

7.28 Officers consider that the proposed amendments to the horizontal limits of deviation at the ground and plinth levels (associated with Plot D) would result in sufficient areas of public realm adjacent to the facades of both Plots A and D with or without the proposed Restaurant Scheme in-situ. Officers are not judging the acceptability of the Restaurant Scheme in this Section 73 application. However, it is recognised that the move to amend the south-eastern building lines of Plot D would ensure the potential to develop the Restaurant Scheme is safeguarded.

7.29 In summary, it is considered that the proposed alterations to the parameter plans in respect of the horizontal lines of deviation (for Plot D) are acceptable in design terms and would not undermine the established masterplan principles, or compromise future reserved matters submissions (for this plot) or the adjacent public realm.

Western Mall Entrance Canopy

7.30 The proposed parameter plans WLD-005 and WLD-006 proposes further revision to the limit of deviation of the western canopy/entrance to Plot A from +/- 5m to +11m and -5m. The proposed western mall entrance canopy is shown on the parameter plans between the mall extension and the department store (within Plot A). The Extant Scheme allows the canopy to project +5m maximum. The 2016 S73 Scheme would permit a maximum projection of +11m. The applicant states that this change is proposed to ensure the mall entrance is sufficiently prominent within the public realm should the proposed Restaurant Scheme extension be built out.

7.31 Officers consider the amendment neither harms or contributes significantly to the development, with or without the Restaurant Block in situ. Therefore, officers raise no

objections to the proposed amendment to the parameters plans in design or environmental terms. Subject to the detailed design, officers consider the amended parameter plans are acceptable in respect of this change.

Other Planning Matters

7.32 The applicant has carried out significant works on the development site as they continue to push for the opening of the retail component in 2017. The applicant has carried out works associated with the following components of the development:

- Excavations and Implementation of the basement level (Approved RMA Phase A);
- Erection of structures and facades associated with the Retail Component including the Mall and Department Store (Approved RMA Phases B and C);
- Implementation of temporary road running around boundary of site (as approved in the Enabling Works application);
- Erection of Bus Layover Facility (for TfL) - due to open in November 2016 (approved full planning application) (The existing bus layover in the DIMCO buildings will be decommissioned);
- Ariel Way has been stopped up and re-aligned under the Plot A structures connecting the bus layover facility with White City Station and Shepherd's Bush stations (via the eastern access road) (committee resolved to grant full planning permission subject to a s106) There are no defined pedestrian routes east-west at the grade level between the eastern access road and Wood Lane (under the podium construction which includes part of Plot K);
- Erection of Structures associated with Plot K development;

7.33 The various approvals do make any provision for designated pedestrian routes under the podium structure between the existing pedestrian facilities and connections at the raised H-junction to/from Hunt Close and the development site (at podium level or under). The precise details would not have been known when the former outline permissions were issued but it is understood that the east to west route is a clear strategic policy objective. One of the key planning policy objectives set out in the WCOAPF and the Core Strategy policies WCOA and WCOA1 requires new development to improve pedestrian linkages across the Opportunity Area. Hence, it is considered that there is an opportunity to improve the pedestrian access, in principle, as part of this s73 scheme.

7.34 The current access to the shopping centre from the east is provided from Hunt Close, to the H-junction which includes a pedestrian crossing. The crossing leads to a lift that provides access to the ground level and to the eastern access road at the side of the existing shopping centre. Given Plot K is in the process of being built out with the public realm adjacent to the plot, officers consider that an opportunity exists to connect this part of the site with the wider locality to the east in RBKC. Currently Plot K is inaccessible for pedestrians traveling from the east (from Hunt Close and beyond)

7.35 It is considered that the provision of a pedestrian connection to the raised pedestrian crossing at the H-junction level could be secured, partly by way of a condition (within the outline red-line boundary) and partly by way of s278 highways works where the applicant would enter legal agreements with the Highways Authority (TfL) and Council. Officers consider the works necessary to mitigate the impacts of the development on pedestrian flows, and to ensure adequate pedestrian infrastructure is

provided to serve the wider area. Officers recommend that the design details of the crossing/connection are conditioned and included in the list of s278 Highways works in the Appendices of the Section 106 Agreement. Officers consider that the works should be approved in writing prior to the commencement of the public realm works at podium level (part of Construction Phase E).

Summary of Minor Amendments

7.36 Officers have considered the main design and environmental impacts of the proposed amended parameter plans and modified floorspace schedule. It is concluded that the amendments are broadly acceptable and would not significantly deviate from the 2015 Extant permission.

7.37 In coming to this view, officers have had due regard to the following policies in the Core Strategy 2011 (WCOA, WCOA1, BE1, CF1, H1, H3, H4, OS1, T1, CC1 and CC4), Development Management Local Plan 2013 (DM H1, H2, J1, J5, A2, A3, E1, E2, G1, G2 and G7) and London Plan 2016 (2.13, 3.1, 3.3, 3.4, 3.5, 3.6, 3.8, 3.11, 3.12, 3.16, 5.1, 5.2, 5.3, 5.5, 5.6, 5.7, 6.1, 6.2, 6.3, 6.4, 6.6, 6.7, 6.9, 6.10, 6.11, 6.12, 7.1, 7.2, 7.3, 7.4 and 7.7) and the Council's Supplementary Planning Document (2013) and White City Opportunity Area Planning Framework (2013).

Equalities Impacts

7.38 This planning application is required to be in accordance with the Development Plan, which comprises the London Plan (2016), the Hammersmith and Fulham Core Strategy (2011) and the Hammersmith and Fulham Development Management Local Plan (2013), unless material considerations indicate otherwise. Overall, the Equality Impact Analysis concludes that the scheme would not be designed in such a way to exclude or have any significant detrimental impact on any groups in society and therefore it is considered that the proposed development would not contravene the Equality Act (2010).

7.39 Section 149 of the Equality Act requires the Council to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. This means that the Council must have regard for the impact of the development on protected groups when exercising its functions, and case law establishes that this must be proportionate and relevant. Out of the three tests outlined above, the latter two tests are of most importance but regard has been had to all three.

7.40 In accordance with the provisions of the Equality Act (2010), the Council is required to have due regard for the potential of all phases of the proposal to affect the various needs of protected 'characteristics' and groups. Consistent with these objectives, for example, the proposal (as amended) would continue to secure extensive areas of public realm, play space (with inclusive play equipment) and an internal shopping environment that would be accessible by all user groups, including those with mobility impairments such as wheelchair users or the visually impaired. Additional on-going commitment to equalities are built in to the s106 agreement which enables the Council in partnership with the applicant, GLA and local access groups to set up a

Strategic Access Group to review the development against up-to-date accessibility standards and guidance. 90% of all units would be built to Building Regulation Standard M4(2) and 10% of units would be designed to be accessible/readily adaptable to full wheelchair housing standard set out in Building Regulation Standard M4(3). Lift access is provided throughout all buildings and where there is a change in level in the public realm between ground (level 20) and the podium (level 40)

7.41 The original 2014 Outline Scheme included a full Equalities Impact Assessment which reported the adverse, positive and neutral impacts on the various protected groups. There are no resultant changes to the proposals which would improve or worsen the impacts on the various groups, as stated in the previous EqIA. Officers conclude that in considering the proposed amended development, LBHF has complied with section 149 of the Equality Act and has had due regard to provision of the Equality Impact of the proposed development in its consideration of this minor material amendment application.

Section 106 Agreement

7.42 The London Plan (2016) policy 8.2 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. Policy CF1 of the Hammersmith and Fulham Core Strategy (2011) requires that new development makes contributions towards or provides for the resulting increased demand for community facilities.

7.43 Section 106 of the Town and Country Planning Act provides the ability to address externalities arising from development that would otherwise render a development unacceptable, by means of commitments set out by the applicant and if necessary the Local Authority and any other concerned party, in a legal agreement. The underlying principle of the enabling legislation is to maximise sustainable development through the best allocation of resources.

7.44 The former guidance on planning obligations of Circular 05/2005 has now been captured within Section 122 of the Community Infrastructure Levy regulations. Reg. 122 requires that a planning obligation is:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development

7.45 The s106 legal agreement pursuant to the extant outline planning permission scheme incorporates heads of terms (identified in paragraph 5.382 of the officer report) which set out a comprehensive package of planning obligations designed to mitigate the effects of the development. It is considered that the 2016 s73 'amended' Scheme would be acceptable subject to the same planning obligations set out in the previous S106 agreement. These obligations can be carried over by a Deed of Variation of the s106 Agreement or by up-dating the Agreement to delete the former s106 and replace with a new Section 106 Agreement for the development.

7.46 The Agreement would serve mainly to update references within the established legal agreement in accordance with the amendments to the scheme and would also bring into the agreement, the provisions recommended as part of the Plot K 89 Unit Scheme (ref: 2016/04020/RES).

7.47 Officers have also recommended approval of the reserved matters for the 89 Unit Plot K Scheme (as detailed in the report 2016/04020/RES), subject to conditions and a satisfactory legal agreement. The Plot K report sets out additional Heads of Terms which includes an additional financial contribution (towards affordable housing), amendments to the affordable housing unit mix, a lower rental cap for 7 of the affordable rented units, a new obligation to ensure that Ariel Square and Ariel Walk are completed prior to occupation of the residential uses in Plot K and the first viability review is deferred until the first residential in Plot C is brought forward as a RMA. It is also recommended that the s278 works specify that the pedestrian crossing at the H-junction is included within the appendix in the s106.

7.48 If PADCC deem that the 2016 S73 Scheme AND the RMA for Plot K is acceptable, officers recommend that the 2016 S73 Scheme is approved subject to a satisfactory legal agreement, which incorporates the provisions of the Plot K 89 Unit Scheme (Ref: 2016/04020/RES) as set out in the Heads of Terms in this report.

7.49 If PADCC deem that the RMA for Plot K is unacceptable but the 2016 S73 is acceptable, officers recommend that the 2016 S73 Scheme is approved subject to a satisfactory legal agreement, which incorporates the provisions of the Plot K 74 Unit Scheme (currently subject to a Deed of Variation as per Ref: 2016/02642/RES).

London Borough of Hammersmith and Fulham and Mayoral CIL

7.49 On 20 May 2015, pursuant to section 213 of the Planning Act 2008, the Hammersmith & Fulham Council approved the borough CIL Charging Schedule. The borough CIL came into effect on 1 September 2015. This means that CIL liable development proposals approved on or after 1 September 2015 will need to pay the borough CIL in addition to the Mayoral CIL.

7.50 This is a material consideration to which regard must be had when determining the application. Officers and the applicant have estimated a Borough CIL levy of approximately £0 (subject to a formal CIL Liability being calculated upon any final grant of planning permission, and indexation), due to the application falling within the nil rated White City East designation within the borough CIL Charging schedule.

7.51 The Mayor of London's CIL came into effect on 1 April 2012. This is a material consideration to which regard must be had when determining the application. Officers and the applicant have estimated a Mayoral CIL levy of approximately £9m (subject to a formal CIL Liability being calculated upon any final grant of planning permission, and indexation).

8.0 CONCLUSIONS AND RECOMMENDATIONS

8.1 Officers have considered the main design and environmental impacts of the proposed amended parameter plans and modified floorspace schedule. It is concluded that the amendments are broadly acceptable and would not significantly deviate from the Extant Consent.

8.2 In coming to this view, officers have had due regard to the following policies in the Core Strategy 2011 (WCOA, WCOA1, BE1, CF1, H1, H3, H4, OS1, T1, CC1 and CC4), Development Management Local Plan 2013 (DM H1, H2, J1, J5, A2, A3, E1, E2, G1,

G2 and G7) and London Plan 2016 (2.13, 3.1, 3.3, 3.4, 3.5, 3.6, 3.8, 3.11, 3.12, 3.16, 5.1, 5.2, 5.3, 5.5, 5.6, 5.7, 6.1, 6.2, 6.3, 6.4, 6.6, 6.7, 6.9, 6.10, 6.11, 6.12, 7.1, 7.2, 7.3, 7.4 and 7.7) and the Council's Supplementary Planning Document (2013) and White City Opportunity Area Planning Framework (2013).

8.3 Officer recommendation is that the Committee resolve that the Lead Director of Planning and Development grant planning permission for the proposed minor material amendments to the Extant Planning Permission and are recommended for approval subject to conditions and EITHER;

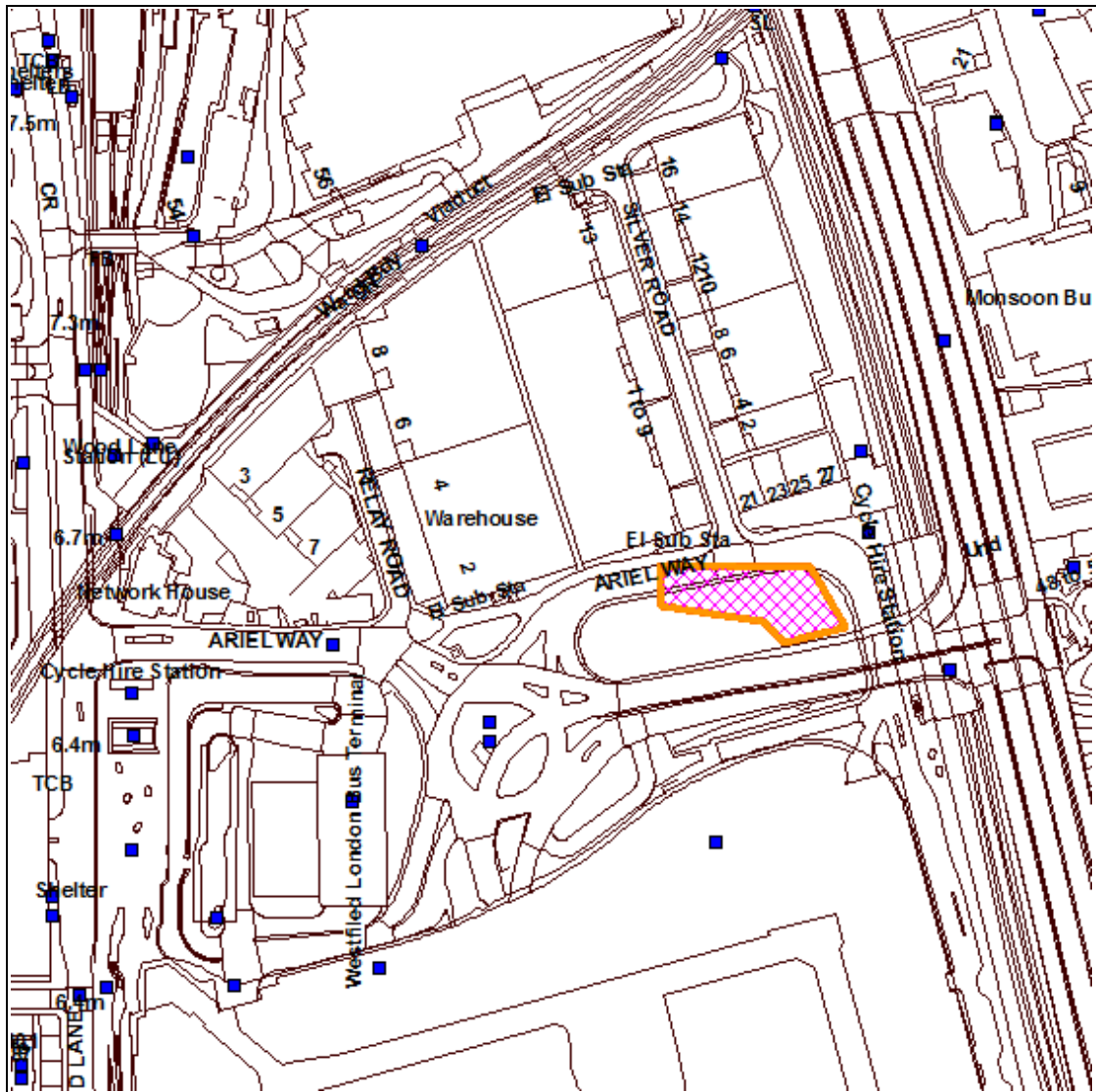
(i) [if members resolve to approve the s73 Scheme AND the RMA 89 Unit Scheme] a new Section 106 Agreement (if PADCC resolves to approve both the 2016 S73 Scheme and Plot K 89 Unit Scheme) which incorporates the provisions as recommended in the 89 Unit RMA Scheme (as per Ref: 2016/04020/RES)); OR

(ii) [if members resolve to approve the s73 Scheme BUT not the RMA 89 Unit Scheme] a new Section 106 Agreement (which carries over the 74 Unit RMA Scheme planning obligations (per ref: 2016/02642/RES)).

Ward: Shepherd's Bush Green

Site Address:

Land North Of Westfield Shopping Centre Ariel Way London



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For identification purposes only - do not scale.

Reg. No:
2016/04020/RES

Case Officer:
Sally Shepherd

Date Valid:
23.09.2016

Conservation Area:

Committee Date:
09.11.2016

Applicant:

Westfield Europe Limited
c/o Agent

Description:

Submission of reserved matters relating to layout, scale, appearance, access and landscaping for Plot K comprising the erection of a part 10, part 16 storey building to provide 89 residential units (33 x 1bed, 45 x 2 bed, 11 x 3 bed) pursuant to outline planning application 2016/03944/VAR.

Drg Nos: W2 SRA R1 00 DR A 08101; W2 SRA R1 00 DR A 08102; W2 SRA R1 20 DR A 08103; W2 SRA R110 DR A 08110; W2 SRA R1 20 DR A 08120; W2 SRA R1 40 DR A 08140; W2 SRA R1 41 DR A 08141; W2 SRA R1 42 DR A 08142; W2 SRA R1 43 DR A 08143; W2 SRA R1 44 DR A 08144; W2 SRA R1 45 DR A 08145; W2 SRA R1 46 DR A 08146; W2 SRA R1 47 DR A 08147; W2 SRA R1 48 DR A 08148; W2 SRA R1 49 DR A 08149; W2 SRA R1 50 DR A 08150; W2 SRA R1 51 DR A 08151; W2 SRA R1 52 DR A 08152; W2 SRA R1 53 DR A 08153; W2 SRA R1 54 DR A 08154; W2 SRA R1 55 DR A 08155; W2 SRA R1 56 DR A 08190; W2 SRA R1 56 DR A 08191; W2 SRA R1 56 DR A 08100; W2 SR R1 EN DR A 08156; W2 SRA R1 ES DR A 08157; W2 SR R1 EZ DR A 08158; W2 SRA R1 EZ DR A 08160; W2 SRA R1 SZ DR A 08165; W2 SRA R1 SZ DR A 08166; W2 SRA R1 SZ DR A 08167; W2 SRA R1 SZ DR A 08168; W2 SRA R1 00 DR A 08170; W2 SRA R1 00 DR A 08171; W2 SRA R1 00 DR A 08172; W2 SRA R1 00 DR A 08173; Letter of EIA compliance prepared by Ramboll Environ dated 31/08/2016 (Ref. LUK11 22852_Block K 2nd RMA); Internal Daylight assessment prepared by JLL dated 12th July 2016; Stage 3 Acoustic Report prepared by RBA Acoustic dated 7th July 2016 (Ref. 7270/ARK Rev 4); Air Quality and Low Emission Strategy prepared by Ramboll Environ dated August 2016 (Ref. UK11 22852); Wind Microclimate Assessment prepared by Ramboll Environ dated June 2016 (Ref. UK11 22852); Transport Statement prepared by Vectos dated September 2016; Waste Management Strategy prepared by WSP dated September 2016;

Application Type:

Submission of Reserved Matters

Officer Recommendation:

That the Committee resolve that the Lead Director of Planning and Development 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:

1) APPROVED DRAWINGS

The development shall be carried out and completed in accordance with the following approved drawings and documents:

W2 SRA R1 00 DR A 08101; W2 SRA R1 00 DR A 08102;
W2 SRA R1 20 DR A 08103; W2 SRA R110 DR A 08110;
W2 SRA R1 20 DR A 08120; W2 SRA R1 40 DR A 08140;
W2 SRA R1 41 DR A 08141; W2 SRA R1 42 DR A 08142;
W2 SRA R1 43 DR A 08143; W2 SRA R1 44 DR A 08144;
W2 SRA R1 45 DR A 08145; W2 SRA R1 46 DR A 08146;

W2 SRA R1 47 DR A 08147; W2 SRA R1 48 DR A 08148;
W2 SRA R1 49 DR A 08149; W2 SRA R1 50 DR A 08150;
W2 SRA R1 51 DR A 08151; W2 SRA R1 52 DR A 08152;
W2 SRA R1 53 DR A 08153; W2 SRA R1 54 DR A 08154;
W2 SRA R1 55 DR A 08155; W2 SRA R1 56 DR A 08190;
W2 SRA R1 56 DR A 08191; W2 SRA R1 56 DR A 08100;
W2 SR R1 EN DR A 08156; W2 SRA R1 ES DR A 08157;
W2 SR R1 EZ DR A 08158; W2 SRA R1 EZ DR A 08160;
W2 SRA R1 SZ DR A 08165; W2 SRA R1 SZ DR A 08166;
W2 SRA R1 SZ DR A 08167; W2 SRA R1 SZ DR A 08168;
W2 SRA R1 00 DR A 08170; W2 SRA R1 00 DR A 08171;
W2 SRA R1 00 DR A 08172; W2 SRA R1 00 DR A 08173;
Letter of EIA compliance prepared by Ramboll Environ dated 31/08/2016 (Ref. LUK11 22852_Block K 2nd RMA);
Internal Daylight assessment prepared by JLL dated 12th July 2016;
Stage 3 Acoustic Report prepared by RBA Acoustics dated 7th July 2016 (Ref. 7270/ARK Rev 4);
Air Quality and Low Emission Strategy prepared by Ramboll Environ dated August 2016 (Ref. UK11 22852);
Wind Microclimate Assessment prepared by Ramboll Environ dated June 2016 (Ref. UK11 22852);
Transport Statement prepared by Vectos dated September 2016; and
Waste Management Strategy prepared by WSP dated September 2016.

Reason: To ensure full compliance with the application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policy BE1 of the London Borough of Hammersmith and Fulham Core Strategy (2011) and Policies DM G1 and DM G7, of the Development Management Local Plan (2013).

2) CCTV

Prior to the commencement of the relevant part of the development hereby approved, details (including size, height and design) and locations of all CCTV cameras shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the CCTV cameras have been installed in accordance with the approved details. The CCTV cameras shall be permanently retained thereafter.

Reason: To ensure a safe and secure environment, in accordance with policy 7.3 of the London Plan (2016), policy BE1 of the Core Strategy (2011) and policy DM G1 of the Development Management Local Plan (2013).

3) LIFT IN DUPLEX UNIT - K.40.01

Notwithstanding the information in the approved plan W2-SRA-R1-40-DR-A-08040, passive provision shall be made for the installation of an inclusive and accessible lift, associated equipment and fittings in the adaptable duplex unit K.40.01 to facilitate the vertical movement of a wheelchair occupier from level 40 to 41. If the lift is required by a wheelchair occupant, it must be installed prior to the occupation of the unit.

Reason: In order to ensure the development provides ease of access for all users, in accordance with Policies 3.1 and 7.2 of the London Plan (2016), policy BE1 of the Core Strategy (2011) and policies DM A4 and DM G1 of the Development Management Local Plan (2013).

4) RAMP TO DUPLEX UNIT - K.40.01

Notwithstanding the information in the approved plan W2-SRA-R1-40-DR-A-08040, passive provision shall be made for the installation of an accessible ramp which shall provide access from Ariel Walk to the garden of the duplex unit K.40.01. Detailed drawings in plan, section and elevation at a scale of 1:50 of the ramp, including its gradient and width and the provision of boundary treatment and railings shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the accessible unit by a wheelchair occupant. If the ramp is required by a wheelchair occupant, the ramp and associated alterations to the front boundary treatment to the unit must be installed prior to the occupation of the unit in accordance with the approved details.

Reason: In order to ensure the development provides ease of access for all users, in accordance with Policies 3.1 and 7.2 of the London Plan (2016), policy BE1 of the Core Strategy (2011) and policies DM A4 and DM G1 of the Development Management Local Plan (2013).

5) DETAILS AND SAMPLES OF MATERIALS

Notwithstanding the details shown on the approved drawings, prior to the commencement of the relevant part of the development hereby approved, details and samples of the materials to be used on all external faces including size of terracotta panels, size of glazing panels to southern walkway, ratio of clear to opaque glass in glazing panels to southern walkway, railings, balcony soffits and roofs of the buildings shall be submitted to and approved in writing by the Local Planning Authority. A sample panel of the materials shall also be built on site for inspection and approval of the Local Planning Authority's Urban Design and Conservation Officer prior to the commencement of development. The development shall be implemented in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and to prevent harm to the visual amenity of the street scene and public realm, in accordance with policies 7.1 and 7.5 of the London Plan (2016), policy BE1 of the Core Strategy (2011) and policies DM G1, DM G2, and DM G7 of the Development Management Local Plan (2013).

6) DETAILS OF FENESTRATION

Notwithstanding the details shown on the approved drawings, prior to the commencement of the relevant part of the development hereby approved, detailed drawings at a scale of not less than 1:20 in plan, section and elevation of typical fenestration details including method of opening shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and to prevent harm to the visual amenity of the street scene and public realm, in accordance with policies 7.1 and 7.5 of the London Plan (2016), policy BE1 of the Core Strategy (2011) and policies DM G1, DM G2 and DM G7 of the Development Management Local Plan (2013).

7) FAÇADE ACCESS AND MAINTENANCE STRATEGY

Prior to the commencement of the relevant part of the development hereby approved, a façade access and maintenance strategy including details of any building maintenance units shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the details included within the maintenance strategy and any maintenance units have been implemented in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and to prevent harm to the visual amenity of the street scene and public realm, in accordance with policies 7.1 and 7.5 of the London Plan (2016), policy BE1 of the Core Strategy (2011) and policies DM G1, DM G2 and DM G7 of the Development Management Local Plan (2013).

8) SERVICING AND DELIVERY ARRANGEMENTS

Notwithstanding the details provided within the Transport Statement prepared by Vectos dated September 2016, full details of the servicing and delivery arrangements for Plot K shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. These details shall include:

- Details of how service and delivery vehicles obtain access to the service lane (including how the vehicles enter through the barrier);
- Provision of entry phone system at L20;
- Details of instructions to delivery drivers including the provision of displays/signage;
- Postal arrangements including details of where the post van would park and how post would be taken up to the podium level.

The development shall be implemented in accordance with the approved details prior to the occupation of the development.

Reason: To ensure that adequate servicing and delivery provision is provided for future occupiers in accordance with policy DM J1 of the Development Management Local Plan (2013) and SPD Transport Policy 43 of the Supplementary Planning Guidance (2013) and in the interest of highway safety in accordance with policy T1 of the Core Strategy (2011) and policy DM J6 of the Development Management Local Plan (2013).

9) TAXI DROP-OFF AND DROP-OFF FACILITIES FOR OCCUPIERS/VISITORS TO THE WHEELCHAIR USER DWELLINGS

Notwithstanding the information within the Service Management Plan and Transport Assessment, details of taxi drop-off and drop-off facilities for occupiers

of the wheelchair user dwellings shall be submitted and approved in writing by the Local Planning Authority prior to the occupation of the development. The development shall be implemented in accordance with the approved details and permanently retained thereafter.

Reason: To ensure that the development is accessible and inclusive and responds to the needs of people with disabilities, in accordance with policy 3.8 of the London Plan (2016), policy H4 of the Core Strategy (2011), policy DM G1 of the Development Management Local Plan (2013) and the Council's Planning Guidance Supplementary Planning Document (2013).

10) TELECOMMUNICATIONS

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any part of the development hereby permitted, without planning permission first being granted.

Reason: To ensure that the Council can fully consider the effect of telecommunications equipment upon the appearance of the building, in accordance with Policies G1 and G7 of the Development Management Local Plan (2013) and Policy BE1 of the Core Strategy 2011.

11) EXTERNAL ALTERATIONS TO THE BUILDING

No alterations shall be carried out to the external appearance of the building, including the installation of air conditioning units, ventilation fans, and extraction equipment not shown on the approved drawings, without permission first being obtained from the Local Planning Authority. Any such changes shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policy BE1 of the Core Strategy (2011) and Policies DM G1 and G7 of the Development Management Local Plan (2013).

12) FIXTURES TO THE BUILDING

Save for the details shown on the approved drawings, no plumbing, extract flues or pipes, other than rainwater pipes shall be fixed on the external elevations of the development hereby approved, unless otherwise agreed in writing by the Council.

To ensure a satisfactory external appearance and to prevent harm to the street scene and the conservation area, in accordance with Policy BE1 of the Core Strategy (2011) and policies G1 and G7 of the Development Management Local Plan (2013).

13) NO PLANT OR WATER TANKS

No plant, water tanks, water tank enclosures or other structures that are not shown on the approved plans shall be erected upon the roofs of the building hereby permitted.

To ensure a satisfactory external appearance, in accordance with Policies G1 and G7 of the Development Management Local Plan (2013) and policy BE1 of the Core Strategy 2011.

14) ADVERTISEMENTS

No advertisements shall be displayed on or within any elevation of the building itself, without details of the advertisements having first been submitted to and agreed in writing by the Local Planning Authority. The display of any advertisements shall be carried out in accordance with the approved details.

Reason: 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 that integrity of the design of the building, in accordance with policy BE1 of the Core Strategy (2011) and policy DM G8 of the Development Management Local Plan (2013).

Justification for Approving the Application:

- 1) 1. Land use: The principle of a residential led development will be established by the concurrent 2016 S73 Scheme (Ref. 2016/03944/VAR) and this reserved matters application is compliant with this aspect of the outline permission. Subject to the Deed of Variation to the s106, the overall quantum of development would accord with the policy requirement to optimise the use of the site and the dwelling mix and affordable housing provision would accord with policy guidance and the outline application permission. The proposed development therefore accords with the NPPF (2012), London Plan (2016) policy 3.3, Core Strategy policies WCOA, WCOA1, H1, H2, H3, H4, policies DM A1 and DM A3 of the Councils Development Management Local Plan (2013) and the WCOAPF (2013).
2. Design: The proposed development constitutes a high quality design which would make a positive contribution to the urban environment in this part of the Borough and considered suitable in relation to the sites location and context within an Opportunity Area/Regeneration Area. The development would therefore be acceptable in accordance with the NPPF (2012), London Plan (2016) Policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6 and 7.7, Core Strategy Policy BE1 and Policies G1, G2, and G6 of the Development Management Local Plan (2013) which seek a high quality in design and architecture, requiring new developments to have regard to the pattern and grain of existing development.
3. Residential Amenity: The internal design and layout of the new residential units including the provision of amenity space is satisfactory and has regard to Mayors Housing SPG (2016), London Plan (2016) Policies 3.4, 3.5 and 3.8, Core Strategy Policies H2, H3 and H4 and Policy DM A9 of the Development Management Local Plan (2013).

4. Impact on Neighbouring Properties: It is anticipated that the development would not result in significant adverse environmental impacts, in terms of noise, overlooking, loss of sunlight or daylight or outlook. As such the development would not cause undue detriment to the amenities of neighbours within adjacent residential or commercial properties. The impact of the proposed development upon adjoining occupiers is considered acceptable and in this regard, the development would respect the principles of good neighbourliness. The development would therefore be acceptable in accordance with Policies DM G1, DM H9, DM H10 and DM H11 of the Development Management Local Plan (2013).

5. Safety and Access: The development would provide a safe and secure environment for all users in accordance with London Plan Policy 7.3 and Policy G1 of the Development Management Local Plan (2013). Subject to conditions attached to the outline planning permission and conditions recommended as part of this reserved matters application, the proposal would provide inclusive access for all people, including disabled people, in accordance with London Plan (2016) Policy 3.8, the Mayors Housing SPG (2016), Core Strategy Policy H4 and Policy A4 of the Development Management Local Plan (2013).

6. Transport: The development of Plot K and the provision of 6 blue badge car parking spaces would not result in any significant adverse impacts on traffic generation or congestion of the road network. Subject to conditions, satisfactory provision would be made for servicing, storage and collection of refuse and recyclables. The development would therefore be acceptable in accordance with the NPPF (2012), London Plan (2016) Policies 6.3, 6.9, 6.10, 6.11, 6.13, Core Strategy Policy T1 and CC3, and Policies H5, J1, J2, J3 and J5 of the Development Management Local Plan (2013).

7. Sustainability: Sustainability measures for sustainable design and construction will be incorporated into Plot K and it is anticipated that the development would have a Code for Sustainable Homes rating of 4 based on its current design. In addition, measures are secured by conditions pursuant to 2016 S73 Scheme to reduce CO2 emissions. The development would therefore be acceptable in accordance with London Plan (2016) Policies 5.1, 5.2, 5.3, 5.6, 5.7, 5.8 and 5.9, Core Strategy Policies CC1, CC2 and H3 and Policies H1, H2 and H3 of the Development Management Local Plan (2013).

8. Contamination: Conditions secured by the 2016 S73 Scheme will ensure that the site would be remediated to an appropriate level for the sensitive residential uses throughout the wider application site. The proposed development therefore accords with policy 5.21 of the London Plan (2016), policy CC4 of the Core Strategy and Policy H7 of the Development Management Local Plan (2013).

9. Archaeology: Conditions secured by the 2016 S73 Scheme will ensure that archaeological watching briefs are carried out throughout the wider application site throughout relevant construction times. The proposed development therefore accords with policy 7.8 of the London Plan (2016), Policy BE1 of the Core Strategy and Policy G7 of the Development Management Local Plan (2013).

10. Planning Obligations: A comprehensive package of planning obligations including financial contributions have been secured through a S106 legal agreement pursuant to the Extant Permission. Subject to a Deed of Variation of

the S106 agreement, which includes a commuted payment for affordable housing, minor amendments to the affordable housing provisions and securing the delivery of the Plot K public realm before it is occupied, the proposed development would therefore mitigate external impacts because of the development, and would accord with London Plan (2016) Policy 8.2, Core Strategy Policy CF1 and Policy E1 of the Development Management Local Plan (2013).

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

All Background Papers held by Andrew Marshall (Ext: 3340):

Application form received: 8th September 2016
Drawing Nos: see above

Policy documents: National Planning Policy Framework 2012
The London Plan 2015
Core Strategy 2011
The Development Management Local Plan 2013
Planning Guidance Supplementary Planning Document July 2013

Consultation Comments:

Comments from:
Network Rail

Dated:
06.10.16

Neighbour Comments:

Letters from:

Dated:

1.0 BACKGROUND AND SITE DESCRIPTION

Background

1.1 This reserved matters application relates to 'Plot K' which forms part of the outline planning permission (ref: 2015/02565/VAR) ("Extant Scheme") for the mixed-use redevelopment of the Land to the North of Westfield Shopping Centre. The redevelopment is being implemented in Phases and the phases are often referred to as 'Plots'.

1.2 This report relates to a second reserved matters application for development on Plot K. The Planning Applications Development Control Committee (PADCC) resolved to grant planning permission subject to a Deed of Variation (ref: 2016/02642/RES) for the first reserved matters application for Plot K ("74 Unit RMA Scheme") on 14th September 2016. The first reserved matters application comprises details pursuant to

the Extant Scheme (ref: 2015/02565/VAR) and is currently pending completion of a Deed of Variation of the S106 agreement attached to the outline permission. PADCC has resolved to grant planning permission for the layout, scale, appearance, access and landscaping of Plot K which would comprise 74 affordable rented residential units (30 x 1 bed, 35 x 2 bed, 9 x 3 bed) within a part 8 part 14 storey building. The committee resolved to grant planning permission on the basis that 10% of the units would be let at social rent levels and the rest at affordable rent levels.

1.3 Although the officer's recommendation was supported by members, officers have subsequently held further discussions with the applicant in order to investigate whether it is possible to increase the provision of affordable housing, earlier on, in the development programme. The applicant tabled a further development scheme for additional residential units on Plot K, which comprised adding two storeys. To facilitate this iteration of Plot K, the maximum vertical building heights set out in the parameters plans need to be increased to ensure the reserved matters would be compliant with the approved outline planning permission.

1.4 Consequently, on 7th September 2016, the applicant submitted an application for minor material amendments to the outline scheme (ref: 2016/03944/VAR) ("2016 S73 Scheme") which is currently under consideration by the Council. The 2016 s73 Scheme application will be presented to Planning and Development Control Committee alongside the reserved matters submission, assessed within this report. In addition to the above amendments to the outline permission, the 2016 S73 Scheme seeks to amend the Extant Scheme permission by proposing a number of other minor material amendments. Further amendments to the Extant Scheme have been sought to also facilitate the submission of an additional retail extension to the approved retail extension (as consented in 2015/02565/VAR). These amendments are listed in the corresponding report (re: 2016/03944/VAR) as they are of limited relevance to the consideration of the RMA for Plot K.

1.5 This reserved matters application (Ref: 2016/04020/RES) ("89 Unit RMA Scheme") has been submitted pursuant to the 2016 S73 Scheme set out above. Members are requested to note that it can only be approved as per the officer recommendation if the Council grants approval for the 2016 S73 Scheme (2016/03944/VAR). It should be noted that this reserved matters application has been assessed on the basis that the 2016 S73 Scheme is approved.

1.6 Similarly to the approved 74 Unit RMA Scheme, the current application seeks reserved matters approval for access, appearance, landscaping, layout and scale. However, 89 units are proposed rather than 74 and the block will have two additional storeys to accommodate the additional 15 units. The 2016 S73 Scheme proposes to amend the vertical levels of deviation of Plot K to allow for the increase in height. The RMA would permit the applicant to build to the increased maximum building heights specified in the revised parameters plans, pursuant to the 2016 S73 Scheme.

Site Description

1.7 The reserved matters application site (known as Plot K) comprises an area of approximately 0.119 hectares and is in the south east corner of the outline masterplan approved under the Extant Scheme. The site is located to the west of the West Cross Route (A3220) which runs north-south along the eastern boundary of the overall Westfield London estate. The site is bound by the Westfield retail extension (Plot A) to

the west and the helical vehicle ramp up to the retail extension (Plot A) car park directly to the south. 'Plot C' is located to the north of the site and will comprise residential blocks of various heights. Reserved matters details of Plot C are yet to come forward. Two of the three edges of Plot K are formed by the new street pattern of the consented outline masterplan, known as 'Ariel Walk' and 'Ariel Square'.

1.8 The application site for the outline Extant Scheme and the proposed 2016 S73 Scheme is approximately 7.64 hectares and is situated to the north of the Westfield London Shopping Centre in Shepherd's Bush. The north and north-western boundary of the Extant Scheme site is formed by the Hammersmith and City railway line and viaduct, while the London Overground railway line and the West Cross Route (A3220) form the eastern boundary. To the west of the site is Wood Lane (the A219) and to the south is the existing Westfield London Shopping Centre. The Public Transport Accessibility Level (PTAL) rating of the outline site ranges between 5 (very good) and 6 (excellent).

1.9 In March 2012, outline permission ("2012 Consent") was granted for the redevelopment of the land to the north of the existing shopping centre including residential, retail, restaurant, office, leisure and community floorspace. This permission was subsequently varied in September 2014 ("2014 Consent") for an alternative scheme to increase the level of retail, leisure, restaurant/café and office floorspace. In October 2015, planning permission was granted for further amendments to the outline scheme which included the removal of office (B1) floorspace (2016 S73 Scheme).

1.10 Planning permission was granted for various enabling works pursuant to the comprehensive redevelopment of the site in July 2014 ("Enabling Works Consent"). The enabling works included the demolition of the existing buildings and structures, highway works and the construction of a tunnel to connect to the existing Westfield London Shopping Centre basement, utilities diversions and other associated works.

1.11 Immediately to the north of Westfield London Shopping Centre are the various vehicular access roads which serve the visitors car park and servicing areas of Westfield London. Access would normally be via Ariel Way from the West Cross Route to the east and Wood Lane to the west. However, the junction between Ariel Way and Wood Lane is currently closed to through traffic as work is under way to construct the retail extension and a new re-aligned road to replace Ariel Way. LBHF planning committee resolved to grant planning permission, subject to a s106 for the re-aligned road in April 2016. A temporary perimeter road has been installed around the north of the site which was granted permission under the enabling works application.

1.12 Immediately to the east of Wood Lane is White City Bus Station and the Grade II listed DIMCO Buildings which house a substation serving London Underground. The outline planning permission site excludes the White City Bus Station and the DIMCO buildings from the redevelopment site.

The Surrounding Area

1.13 The outline site falls within a larger parcel of land sandwiched between Wood Lane (the A219) to the west, the Westway (A40) to the north, the West Cross Route (the A3220) and railway lines to the east and Shepherds Bush Green to the south. This area is generally occupied by large footprint buildings, including the existing Westfield Shopping Centre, warehouses and office buildings.

1.14 The West Cross Route (A3220) is a dual carriage way connecting the Westway (A40) and Holland Park Roundabout. It is set at an elevated level for much of its length, therefore acting as a major physical barrier between the areas either side of it.

1.15 The area immediately to the east of the West Cross Route is largely occupied by offices. Three office buildings including the Yellow Building occupied by the Head Quarter offices of Monsoon Accessorize Ltd; the White Building occupied by Talk-Talk and the Studio Building lie opposite the site across from the West Cross Route and are connected to it via the existing H junction. These buildings are large scale and define the urban context of the immediate area, which is particularly relevant to the development site. To the west of the Site, Wood Lane (A219) links the Westway to the north and Uxbridge Road to the south, varying in character and scale along its length. There are a mix of commercial and residential buildings along Wood Lane including the BBC Television Centre which is Grade II Listed. The White City Estate is situated north of the BBC TV Centre and the BBC Media Village is located beyond that which contains large buildings set around pedestrian streets and a public space. The Wood Lane Conservation Area lies directly to the north and west of the Site.

1.16 South of the site, the eastern side of Wood Lane is occupied by the existing Westfield London Shopping Centre, and by residential development. The western element is residential in character, dominated by terraced housing, largely Victorian in origin. The streets to the south west of the site are set on a regular and tight grid and are largely aligned in a north-south direction. These streets are predominantly occupied by two to three storey terraced houses.

1.17 In terms of local transport links, Wood Lane Underground Station is directly to the north-west corner of the site and is served by the Hammersmith and City Line. Shepherds Bush Underground Station is located approximately 455m to the south of the Site, and is served by the Central Line. Adjacent to Shepherds Bush Underground Station is an integrated bus station interchange and Shepherds Bush Overground station.

1.18 White City Underground Station is located approximately 280m to the north of the site and served by the Central Line.

2.0 PLANNING HISTORY

2.1 White City Industrial Estate

2.2 The planning records for the White City Industrial Estate, which forms the bulk of the site, show various approvals since the early 1980s for minor operations and alterations, including the replacement of doors and windows, installation of ventilation ducts and air conditioning units, installation of signage, alterations to elevations, and small scale change of use. These applications are not considered to be of relevance to this proposal.

2.3 On 8th May 1997, planning permission was granted for the "Use of the estate for Class B1, B2 and B8 purposes" (ref: 97/00131). Conditions attached to the planning permission prevent the use of the buildings for Class B1a Offices.

Existing Westfield London Shopping Centre

2.4 On 29th March 1996, planning permission (ref: 1993/01830/OUT) was granted for the creation of what is now the Westfield London Shopping Centre. This included the land to the south of Ariel Way to provide the access and servicing roads to the shopping centre.

2.5 On 23rd December 2002, a further outline planning permission (ref: 2000/01642/OUT) was granted for the southwest corner retail extension which delivered additional retail floorspace, community facilities and an art gallery.

2.6 On 29th May 2013, full planning permission (ref: 2013/01074/FUL) was granted for the extension of the existing shopping centre at roof level to comprise 3,092 sqm (Gross Internal Area (GIA)) retail floorspace (A1 Use Class) and 7,249 sqm (GIA) leisure floorspace (D2 Use Class), (spilt over a full floor and mezzanine level) to be occupied by a Children's Education and Entertainment use ("the CEE Attraction") (known as Kidzania), located above the new M&S floor. The application also included identification of external signage zones, relocation of existing plant and addition of new plant and other associated works.

2.7 On 31st July 2013, full planning permission (ref: 2013/01768/FUL) was granted for the extension of the existing shopping centre at roof level comprising additional office floorspace (1490.34sqm) (Class B1), relocation of existing plant and addition of new plant and other associated works.

Land to the North of Westfield Shopping Centre ("Phase 2 Extension")

2.8 On 29th March 2012, outline planning consent (ref: 2011/02940/OUT) was granted for the redevelopment of land to the north of Ariel Way to allow a mixed use scheme consisting of new additions and alterations to the existing Westfield London shopping centre. The permitted scheme comprises up to 50,855 sqm Class A1 (Retail), up to 5,070 sqm Classes A3, A4 and A5 (Restaurants, Cafes, Bars, Hot-food Take-away use), up to 540 sqm Class B1 (Offices), up to 1,520 sqm Class D1 (Community use) and up to 1,758 sqm Class D2 (Leisure use) floorspace, as well as up to 1,522 residential units.

2.9 On 5th September 2014, a second outline planning permission (ref: 2013/05115/OUT) was granted for the comprehensive redevelopment of the site to the north of the existing Westfield Shopping Centre including construction of new buildings (ranging from 2 - 23 storeys) and structures (including podium) up to 87.975m (AOD) to provide up to 61,840sqm (GEA) retail use (A1) including an anchor department store; up to 8,170sqm (GEA) restaurant and café use (A3 - A5); up to 2065sqm (GEA) office use (B1); up to 1,600sqm (GEA) community/health/cultural use (D1); up to 3500sqm (GEA) leisure use (D2) and up to 1,347 residential units.

2.10 On 15th July, an associated enabling works consent (ref: 2013/05350/FUL) connected to the outline application (ref: 2013/05115/OUT) was granted including demolition of existing buildings and associated structures, the closure and temporary diversion of highways, construction of temporary highways, excavation and construction of a tunnel and support structures to connect to the existing Westfield London basement, utilities diversions and other associated works.

2.11 On 1st July 2015, reserved matters application (2015/01447/RES) was granted to discharge access, scale and layout pursuant to condition 1 of the outline planning permission (ref: 2013/05515/OUT) for Phase A (engineering and construction operations comprising the formation of the basement and facilitating the future layout of the basement only) of the Westfield London development.

2.12 On 7th October 2015, planning permission was granted for a non-material amendment application (ref: 2015/01569/NMAT) to the outline permission 2013/05115/OUT comprising amendments to the wording of the following conditions; 9 - Details of Typical Bays, 10 - Details of Hard and Soft Landscaping, 24 - Noise Assessment, 26 - Enhanced Sound Insulation Scheme, 66 - Bus Priority Measures, 67 - Vehicle Entry to Anchor Store, 69 - Wind / Microclimate, 77 - Business Relocation Plan, to require approval of details prior to commencement of the relevant phase of development, or part thereof.

2.13 On 13th October 2015, a Section 73 application (ref: 2015/02565/VAR) was granted to vary conditions 2, 3, 5 and 49 of the outline planning permission (ref: 2013/05115/OUT). The amendments included alterations to: site levels; the public realm; increase in massing affecting building footprint and building height; a 107sqm (GEA) overall reduction in total floorspace and changes to its apportionment to approved land uses including deletion of 2,065 sqm (GEA) B1 Office floorspace; reduction in non-residential car parking spaces.

2.14 On 6th April 2016, members of the planning committee resolved to grant planning permission subject to a s106 legal agreement for the realignment of Ariel Way to include provision of a new point of egress from White City Bus Station to the proposed bus layover located under block C; provision of a taxi / valet drop-off area to the north of Ariel Way; formation of a solid central reservation prohibiting a right-turn from Ariel Way onto the short connecting link between Ariel Way and the main exit from Westfield London Car Park; the separation of access and egress to the relocated bus layover facility; a shortened bus lane, with the bus lane extending from the bus layover egress to the priority T-junction providing access to White City Bus Station; one service vehicle lay-by at the eastern end of Ariel Way; demolition and provision of new cleaning facilities on a new island site opposite the West Dimco building. The s106 is yet to be signed and so the application is currently pending determination.

2.15 On 29th April 2016, reserved matters application (2015/05217/RES) was granted for the submission of reserved matters relating to appearance, scale, access and layout for Phases B and C (Plot A structure and envelope) of the outline permission 2015/02565/VAR comprising 75,019 sqm of A1 floorspace, 4,285sqm of A3-A5 floorspace; 2,456 sqm of D2 leisure floorspace and 518 non-residential car parking spaces at level 60 and 63 pursuant to outline planning permission dated 13th October 2015 (ref: 2015/02565/VAR).

2.16 On 7th September 2016, application ref: 2016/03944/VAR was submitted for 'Variation of conditions 2, 3, 5 and 49 of Outline Permission (as amended) 2015/02565/VAR granted on 13th October 2015. Amendments include an increase in the maximum building height for Plot K from 8 (43.05m AOD) and 14 (62.4m AOD) storeys to 10 (48.1m AOD) and 16 (70.2m AOD); an increase in the maximum height of the energy centre flue from 67.4m AOD to 75.2m AOD; a reduction in leisure (Class D2) and food/drink use (Classes A3-A5) and an increase in retail use (Class A1) resulting in an overall reduction in the total proposed floorspace by 42.4sqm; reduction to the limit

of deviation of the south eastern façade of Plot D from +/- 5m to -5m; increase to the limit of deviation of the western canopy of the east-west link of Plot A from +/- 5m to +11m/-5m. The revisions result in a proposal comprising: a mixed use scheme including the construction of new buildings and structures ranging from 2-23 storeys and up to 87.975m AOD in height, providing a net increase of up to 68, 406sqm of retail use (Class A1); up to 3,462sqm (GEA) of food/drink use (Classes A3-A5); up to 1,600sqm of community/health/cultural use (Class D1); up to 3,557sqm of leisure use (Class D2); up to 1,347 residential units (Class C3) and 1,736 car parking spaces together with associated development including new pedestrian routes and landscaping, cycle parking, vehicular access and servicing facilities'. The application is pending determination and is referred to as the "2016 S73 Scheme".

2.17 On 14th September 2016, members of the planning committee resolved to grant planning permission subject to a Deed of Variation to the s106 (Ref: 2016/02642/RES) for submission of reserved matters relating to layout, scale, appearance, access and landscaping for Plot K comprising 74 residential units (30 x 1 bed, 35 x 2 bed, 9 x 3 bed) pursuant to condition 1 of outline planning permission 2015/02565/VAR dated 13th October 2015.

2.18 On 14th September 2016, non-material amendment application (Ref: 2016/03604/NMAT) was granted for amendment to planning permission 2015/02565/VAR dated 13th October 2015 for the relocation of the energy centre flue stack from Plot C to Plot K including a reduction in the height of the flue stack and amendments to the building line and building height of Plot K to allow the construction of the flue stack.

2.19 On 28th September 2016, planning permission (Ref: 2015/05685/FUL) was granted for erection of a covered bus layover facility beneath the Westfield London Phase 2 podium to provide 21 layover spaces and a drivers' facility, associated with the relocation of the existing White City bus layover facility from the East Dimco building.

2.20 On 7th September 2016, the 2016 S73 Scheme (Ref: 2016/03944/VAR) was submitted and is pending determination. Permission is sought for: Variation of conditions 2, 3, 5 and 49 of Outline Permission (as amended) 2015/02565/VAR granted on 13th October 2015. Amendments include an increase in the maximum building height for Plot K from 8 (43.05m AOD) and 14 (62.4m AOD) storeys to 10 (48.1m AOD) and 16 (70.2m AOD); an increase in the maximum height of the energy centre flue from 67.4m AOD to 75.2m AOD; a reduction in leisure (Class D2) and food/drink use (Classes A3-A5) and an increase in retail use (Class A1) resulting in an overall reduction in the total proposed floorspace by 42.4sqm; reduction to the limit of deviation of the south eastern façade of Plot D from +/- 5m to -5m; increase to the limit of deviation of the western canopy of the east-west link of Plot A from +/- 5m to +11m/-5m.

2.21 On 19th October 2016, the "Restaurant Scheme" application was submitted (Ref: 2016/04602/FUL). At the time of writing this report, the application is currently being assessed for validation and so it has not yet been registered.

2.22 On 18th October 2016, a reserved matters application for details of the 24 hour east-west link was submitted (Ref: 2016/04581/RES) pursuant to the 2016 S73 Scheme. At the time of writing this report, the application is currently being assessed for validation and so it has not yet been registered.

2.23 On 24th October 2016, a reserved matters application was submitted for details of the public realm (Ref: 2016/04664/RES) pursuant to the 2016 S73 Scheme. At the time of writing this report, the application is currently being assessed for validation and so it has not yet been registered.

2.24 Following the determination of the applications listed above, several approval of details applications have also been granted permission.

3.0 THE CURRENT APPLICATION

3.1 The current application seeks reserved matters approval for the access, appearance, landscaping, layout and scale of Plot K pursuant to condition 1 of 2016 S73 Scheme application 2016/03944/VAR which will replace the Extant Scheme.

3.2 Condition 1 of application 2016/03944/VAR reads:

i) No part of the development hereby permitted by this outline planning permission shall be commenced on Development Plots A, C, D, and K (as identified on drawing number WLD: 006 Development Plots: Plinth W2-WEL-ZA-00-DR-A-08006 Rev A) unless and until an application or applications for written approval of the matters reserved by this planning permission in respect of the relevant Development Plot have been made to and approved in writing by the Local Planning Authority. The reserved matters applications shall include detailed plans, sections and elevations showing:

Access;
Layout;
Scale;
Appearance; and
Landscaping.

ii) Application(s) for approval of the reserved matters for the relevant Development Plot referred to in paragraph (i) above must be made no later than the expiration of the following from the date of the original permission (from 5th September 2014):

Three years for Development Plot A and associated public realm;
Ten years for Development Plots C and K and associated public realm;
Fifteen years for Development Plot D and associated public realm

iii) Development of Development Plots A, C, D, and K and associated public realm for that plot to which this permission relates must be begun not later than the expiration of TWO YEARS from the final approval of reserved matters of the relevant Development Plot, or, in the case of approval on different dates, the approval of the last such matter to be approved.

Reason: To comply with Article 2 of the Town and Country Planning (Applications) Regulations 1988 as amended by the Planning (Applications for Planning Permission, Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2006 and Section 92 of the Town and Country Planning Act 1990 (as amended).

3.3 Condition 2 of the 2016 S73 Scheme 2016/03944/VAR scheme is also relevant to the current reserved matters application as it requires the outline permission to be built

in accordance with the parameters plans, parameters report and schedules therein approved under the outline permission.

3.4 Condition 2 reads:

i) The planning permission relating to the components of the development hereby permitted (i.e. those parts that are not to be subject to reserved matters) shall not be constructed unless in accordance with the following Parameter Plans, Parameters Report and schedules therein:

Parameter Plans

WLD 001 Existing Site: 684-07-001 Rev A;
WLD 002 Planning Application Area: 684-07-002 Rev A;
WLD 003 Existing Site Levels: 684-07-003 Rev B;
WLD 004 Demolition: 684-07-004 Rev A;
WLD 005 Development Plots Ground: W2-WEL-ZA-00-DR-A-08005 Rev A;
WLD 006 Development Plots Plinth: W2-WEL-ZA-00-DR-A-08006 Rev A;
WLD 007 Proposed Site Levels: 684-07-007 Rev E;
WLD 008 Building Lines: W2-WEL-ZA-00-DR-A-08008 Rev B;
WLD 009 Maximum Building Heights: W2-WEL-ZA-00-DR-A-08009 Rev B;
WLD 010 Minimum Elevational Height: W2-WEL-ZA-00-DR-A-08010 Rev A;
WLD 011 Ground Floor Uses Along Public Realm: 684-07-011 Rev C;
WLD 012 Landscaping: W2-WEL-ZA-00-DR-A-08012 Rev A;
WLD 013 Basements: 684-07-013 Rev A;
WLD 014 Access: 684-07-014 Rev F;
WLD 015 Green and Brown Roofs: W2-WEL-ZA-00-DR-A-08015 Rev A;

Parameter Report with the following schedules:

Table 1 - Maximum Quantum of Floorspace by Use (GEA)

Table 2 - Unit Mix by Tenure

There shall be no changes to the amount of retail floorspace demolished, unless details are submitted to and approved in writing by the Local Planning Authority.

Reason: 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 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9 and 7.21 of the London Plan (2016) and policies BE1 of the Core Strategy (2011) and policies DMG1, DMG3, DMG6, DMG7, DMG8 of the Development Management Local Plan (2013)

3.5 Condition 3 requires any reserved matters applications to demonstrate compliance with the approved parameters plan, parameters report, the design and access statement and design codes. This reserved matters application will assess compliance with this condition.

3.6 Condition 3 reads:

All reserved matters applications shall include a statement to demonstrate compliance with the principles and parameters set out in the Design and Access Statement prepared by Allies and Morrison (dated May 2015), amended General Design Codes

and amended Design Codes for Plots A, C, D and K prepared by Allies and Morrison (dated August 2015), the Design Codes for Courtyards prepared by Townshends Landscape Architects (dated November 2013), the Design Code for the Public Realm prepared by Townshends Landscape Architects (dated November 2013) and the Parameters Report by Montagu Evans (dated August 2016), or other such versions that are subsequently agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is constructed in accordance with the Design Guidelines on which this decision is based and to be consistent with the principles of good masterplanning, in accordance with policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 7.18, 7.19 and 7.21 of the London Plan (2016), policies A, BE1, WCOA and WCOA1 of the Core Strategy (2011) and policies DMG1, DMG4, DMG6 and DMG7 of the Development Management Local Plan (2013).

Application description

3.7 This Reserved Matters Application seeks approval for layout, scale, appearance, access and landscaping for residential Plot K. The application seeks to provide a total of 89 residential units within the affordable rented tenure, with a mix of one, two and three bedroom units from ground level upwards. The unit mix is set out in the following table:

Table 1: Plot K Reserved Matters Unit Mix

<u>Unit Type</u>	<u>Reserved Matters application mix (89 affordable rent units)</u>
1B 2P	33 (37%)
2B 3P	30 (34%)
2B 4P	15 (17%)
3B 4P	4 (4%)
3B 5P	7 (8%)
3B 6P	0 (0%)
Total	89

3.8 The proposed building is architecturally the same as the 74-unit scheme and comprises two distinct elements: a lower element that rises to ten storeys (ground plus seven storeys) and a higher 'tower' element to the east which rises to sixteen storeys (ground plus fifteen storeys). The layouts of the apartments the lower element is linked to the Retail Extension at its western end and will form a long frontage to 'Ariel Walk' (the podium level pedestrian east-west route). The tower element is to the east of the site and will front onto Ariel Square (the publicly accessible pocket park).

3.9 The main pedestrian entrance to the apartments will be at podium level at the eastern end at the base of the tower element. The dwelling sizes meet or exceed the GLA minimum space requirements and are to be built to Part M standards with 10% of dwellings wheelchair adaptable. A total of 6 blue badge holder parking spaces are proposed as well as 148 cycle parking spaces.

3.10 Whilst the application seeks the approval of landscaping, it is only the landscaping which relates to Plot K itself (i.e. the ground floor private gardens fronting Ariel Walk that lie within the Plot K red line) which is included in the proposal. The applicant has

provided illustrative/conceptual material of the landscaping within Ariel Walk and Ariel Square. Details of this will come forward via a separate reserved matters application and the timing for the implementation of the scheme (with regards to the public realm adjacent to Plot K) will be secured by way of the S106 agreement.

Application Submission

3.11 To demonstrate compliance with conditions 1, 2 and 3 of the 2016 S73 Scheme and the relevant approved documents, the applicant has submitted the following information in support of the application:

Application form for approval of reserved matters following outline approval and certificates, duly signed and dated;

CIL additional information form;

Planning and Compliance Statement prepared by Montagu Evans dated September 2016;

Design and Access Statement prepared by Sheppard Robson dated 15th July (Ref: W2 SRA R1 00 RP A 00006);

Letter of EIA compliance prepared by Ramboll Environ dated 31/08/2016 (Ref: LUK11 22852_Block K 2nd RMA);

Internal Daylight assessment prepared by JLL dated 12th July 2016;

Stage 3 Acoustic Report prepared by RBA Acoustics dated 7th July 2016 (Ref: 7270/ARK Rev 4);

Air Quality and Low Emission Strategy prepared by Ramboll Environ dated August 2016 (Ref: UK11 22852);

Wind Microclimate Assessment prepared by Ramboll Environ dated June 2016 (Ref: UK11 22852);

Transport Statement prepared by Vectos dated September 2016;

Waste Management Strategy prepared by WSP dated September 2016;

Floorspace schedules: NIA W2 SRA R1 00 SH A 01700; GIA W2 SRA R1 00 SH A 01701; GEA W2 SRA R1 00 SH A 01702;

Drawings:

W2 SRA R1 00 DR A 08101; W2 SRA R1 00 DR A 08102;

W2 SRA R1 20 DR A 08103; W2 SRA R110 DR A 08110;

W2 SRA R1 20 DR A 08120; W2 SRA R1 40 DR A 08140;

W2 SRA R1 41 DR A 08141; W2 SRA R1 42 DR A 08142;

W2 SRA R1 43 DR A 08143; W2 SRA R1 44 DR A 08144;

W2 SRA R1 45 DR A 08145; W2 SRA R1 46 DR A 08146;

W2 SRA R1 47 DR A 08147; W2 SRA R1 48 DR A 08148;

W2 SRA R1 49 DR A 08149; W2 SRA R1 50 DR A 08150;

W2 SRA R1 51 DR A 08151; W2 SRA R1 52 DR A 08152;

W2 SRA R1 53 DR A 08153; W2 SRA R1 54 DR A 08154;

W2 SRA R1 55 DR A 08155; W2 SRA R1 56 DR A 08190;

W2 SRA R1 56 DR A 08191; W2 SRA R1 56 DR A 08100;

W2 SR R1 EN DR A 08156; W2 SRA R1 ES DR A 08157;

W2 SR R1 EZ DR A 08158; W2 SRA R1 EZ DR A 08160;

W2 SRA R1 SZ DR A 08162; W2 SRA R1 EZ DR A 08163;

W2 SRA R1 EZ DR A 08164; W2 SRA R1 EZ DR A 08161;

W2 SRA R1 SZ DR A 08165; W2 SRA R1 SZ DR A 08166;

W2 SRA R1 SZ DR A 08167; W2 SRA R1 SZ DR A 08168;

W2 SRA R1 00 DR A 08169; W2 SRA R1 EZ DR A 08180;

W2 SRA R1 EZ DR A 08181; W2 SRA R1 00 DR A 08170;

W2 SRA R1 00 DR A 08171; W2 SRA R1 00 DR A 08172;
W2 SRA R1 00 DR A 08173.

4.0 PUBLICITY AND CONSULTATION

4.1 The application was advertised as a Major Development which adjoins a Conservation Area and may affect the setting, character or appearance of a Grade II listed building.

4.2 The application was advertised via the following methods:

- o Press notice published from 11/10//2016 to 01/11/2016
- o Site notices displayed from 11/10/2016 to 01/11/2016
- o 57 neighbours were consulted by letter
- o 11 statutory consultees were consulted by letter

4.3 The consultation responses are summarised below:

Statutory consultees

4.4 Transport for London: No response received at time of writing report (31/10).

4.5 Environment Agency: No objection to the proposals provided that the alterations do not prevent the function of the drainage scheme agreed under the outline application referenced 2013/05115/OUT.

4.6 Metropolitan Police: No response received to date. However, officers consider that the comments provided for the 74 Unit RMA Scheme are relevant for this application. The comments were: The proposal should be built to Secured by Design standards. The development should mitigate any impact upon Police radio systems including under the deck area. CCTV should cover entrance points from the public realm into the building.

4.7 Network Rail: The developer/applicant must ensure that their proposal, both during construction and after completion of works on site, does not:

- o encroach onto Network Rail land;
- o affect the safety, operation or integrity of the company's railway and its infrastructure;
- o undermine its support zone;
- o damage the company's infrastructure;
- o place additional load on cuttings;
- o adversely affect any railway land or structure;
- o over-sail or encroach upon the air-space of any Network Rail land; or
- o cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

4.8 London Underground: No comment.

Community consultees

4.9 Hammersmith and Fulham Action on Disability:

- o All wheelchair units should be wheelchair accessible units not wheelchair adaptable units on completion as the Council has nomination rights;

Ensure:

- o Dimensions for accessible units including turning circles, transfer space, corridor & stair widths, length of kitchen counter should be marked up on plans for M4(3) wheelchair accessible dwellings and should comply with both M4(2) and M4(3);
- o Step free access throughout including balconies and refuse area/arrangements and deliveries;
- o Balconies have a minimum clear width of 1500mm and provides a minimum 1500mm level clear turning circle
- o lifts compliant with current standards and lift cores fire rated or refuge areas provided in all floors except ground;
- o 24/7 lift maintenance contract to ensure no one trapped on upper floors;
- o accessible arrangements for internet deliveries and post boxes provided;
- o storage and charging points for mobility scooters provided;
- o alternatives to minimize the shortage of blue badge parking for wheelchair units and access 24/7 to those bays from plot K and wheelchair compliant connection route.

Internal consultees

4.10 Urban Design and Conservation: No objection - comments within 'Design' section in planning considerations below.

4.11 Highways: No objection - comments within 'Access and Highways' section in planning considerations below.

4.12 Public Protection and Safety: No objection or comments.

4.13 Environmental Policy: No detailed comments on these matters. Flood risk, SUDs and sustainability are covered by conditions attached to the outline permission.

4.14 Land Contamination: No objection.

4.15 Waste and Recycling: No objection

4.16 Air Quality: The CHP flue should be installed in the tallest proposed building within the development (23 storey building) to ensure adequate dispersion of pollutants and mitigate against the impact of the CHP. The energy centre flue attached to Plot K should be a temporary measure and a new flue should be constructed within Plot C when it is built.

If the energy centre has to be relocated to plot K this means that the CHP installed will have to have greater degree of NO_x emission Control than proposed in order to minimise the impact of its use on the local air quality of existing and future residential occupiers both on-site and off-site.

Neighbours

4.17 No neighbour responses received.

4.18 All relevant material comments received in relation to appearance, scale, layout and access have been taken into account in the assessment of the scheme and are presented in the relevant sections below. Any new issues of concern received following the completion of this report will be reported by way of addendum.

5.0 OVERALL CONFORMITY WITH OUTLINE CONSENT

5.1 This application for Reserved Matters Approval can therefore be assessed in accordance with the parameters and Design Codes set out in the 2016 S73 Scheme and other policy and material considerations.

5.2 Condition 1 sets out the timescales for the submission of reserved matters applications. For Plot K (and associated public realm), condition 1 states that the submission must be made no later than 10 years from the date of the original permission.

5.3 The application was submitted on 8th September 2016 and validated on 27th September 2016 and therefore complies with the timescale set out in condition 1 as it has been submitted within 10 years of 5th September 2014.

5.4 Condition 3 requires all reserved matters applications submitted in respect of each plot to be in accordance with the parameters report (including parameters plans) and design codes approved under the outline consent. The application has been submitted with a Planning and Compliance Statement and a Design Statement to explain how the application broadly conforms to the parameters and Design Codes for Plot K.

5.5 A summary of the application proposals and conformity with the parameters is provided below. A detailed assessment on compliance with the Design Codes is provided in the design assessment within the report.

Land use quantum

5.6 Table 1 of the parameters report submitted with the 2016 S73 Scheme sets out the maximum quantum of permissible floorspace allowed under the outline consent. Table 2 below sets out the quantum proposed in this reserved matters application compared with the approved maximum quantum of floorspace and the previous reserved matters application for Plot A.

Table 2: Permitted floorspace comparison

Use	Maximum quantum (GEA) under 2016 S73 Scheme (2016/03944/VAR)	Quantum (GEA) approved in Plot A RM application (Phases B & C)	Quantum proposed in Plot K (GEA)	Remaining Floorspace
Retail (A1)	79,710 sqm	75, 019 sqm	0 sqm	4,691 sqm
Demolition of Retail (A1)	11,304 sqm	11, 304 sqm	0 sqm	0 sqm
Net increase in Retail (A1)	68,406 sqm	63, 715 sqm	0 sqm	4,691 sqm
Restaurant/Café (A3)	3,462 sqm	3,000 sqm	0	462 sqm
Residential (C3)	127,216 sqm/up to 1,347 units	0 sqm/ 0 units	9,854 sqm/ 89 units	118, 974/ 1273 units
Community/ Health/Cultural (D1)	1,600 sqm	0 sqm	0 sqm	1,600sqm
Leisure (D2)	3,557.6 sqm	2,456 sqm	0 sqm	3, 875 sqm
Car Parking	1,736 space (608 residential, 1,128 non-residential)	518 non-residential spaces	6 residential spaces	1,212 spaces (602 residential/ 610 non-residential)

5.7 Table 2 (above) confirms that the proposed development, in isolation and cumulatively with the approved Plot A reserved matters application, accords with the outline consent as varied by the 2016 S73 Scheme. It also demonstrates that there is sufficient permitted floorspace remaining for future residential phases of the development (i.e. Plots C and D) can be delivered.

Existing site and planning application area

5.8 The reserved matters site plan sits comfortably within the red line plan for both parameters plans WLD 001 and WLD 002.

Plot Boundaries

5.9 Parameter Plans WLD 005 and WLD 006 show the development plots at ground (level 20) and plinth (level 40) and confirm the area extent within which building plots can occupy (+/- 5m). The reserved matters application for Plot K fits deviates marginally from the approved plot at level 40 on the southern building line. This is due to the relocation of the energy centre flue from Plot C to Plot K as the support structure would be incorporated at this level. The applicant submitted a concurrent non-material amendment application 2016/03604/NMAT to regularise the deviation which was approved on 14/09/2016. Officers consider this slight deviation and amendment to the parameter plan to be acceptable. Aside from the flue, the plot K building lines are all contained within the development plot boundary parameters (+/- 5m).

Site levels

5.10 Parameter Plan WLD 007 sets the ground levels for the development across the site. The approved site level is +4m AOD (Above Ordnance Datum) with a provision for deviation of ground levels of +/- 5m. The parameters plan does not include any set levels for Plot K as it will be accessed from the podium and not the ground level.

Building lines

5.11 Parameter Plan WLD 008 identifies the building lines at upper levels. Plot K falls within the maximum limits of deviation.

Building heights

5.12 Parameter Plan WLD 009 sets out the maximum height for the development plots in metres Above Ordnance Survey Datum Levels (AOD). The heights given are the maximum of the built form tested through the EIA. This parameter plan is the one which has changed in under the 2016 S73 Scheme in relation to the Plot K as the maximum height parameter has been extended to increase the height by two floors.

5.13 The maximum parameter height for the tower of Plot K is 70.2m AOD and is 75.2m AOD for the flue. The maximum parameter height for the lower block is 48.1m AOD. The height of the tower detailed within this reserved matters application is 67.73m AOD and the flue is 69.73m AOD. The lower element would have a total height of 48m AOD. Therefore the proposed scale complies with the height parameters set out in the 2016 S73 Scheme. However, this application can only be approved if the Council grants approval for the 2016 S73 Scheme as the height is above the previously consented height within the Extant Scheme ref: 2015/02565/VAR.

Minimum Elevational height

5.14 Parameter Plan WLD 010 shows the minimum façade heights above the finished public realm levels along each of the development plot boundaries. For the northern elevation of Plot K (facing Ariel Walk), the approved minimum façade height is 19.5m above the adjacent finished public realm for 80% of the façade length. For the tower block on the eastern end, the approved minimum face height is 27.5m above the public realm for 80% of the façade. The proposed elevational height of the 10 storey block will be 33.6m high above the public realm and the proposed elevational height of the 16 storey block is 53.2m above the public realm which are within the tolerances of the levels of deviation. Both blocks therefore exceed the minimum heights set out in the parameters plans and are compliant.

Ground floor uses along the public realm

5.15 Parameter Plan WLD 011 sets out the ground floor uses along the public realm. For Plot K, the parameters plan shows the ground floor as predominantly A/D uses. The reserved matters proposal deviates from the parameters plan as it proposes residential units along the ground floor.

Landscaping

5.16 Parameter Plan WLD 0012 sets out the landscaping for the site. Illustrative landscaping details have been submitted for Ariel Walk and Ariel Square. However, the formal landscaping submission will be via a separate reserved matters application. The current submission only seeks approval for the landscaping which relates to Plot K itself (i.e. the ground floor private gardens fronting Ariel Walk that lie within the Plot K red line). Parameters plan WLD 002 states that Ariel Walk should be predominantly hard landscaping and the front gardens comply with this requirement.

Access

5.17 Parameters plan WLD 014 sets out the approved vehicular and cycle access routes into and within the site. The proposals for Plot K comply with this plan.

Accessible, green and brown roofs

5.18 Parameters plan WLD 012 (Landscaping) and WLD 015 (Green and Brown Roofs) set out the locations and areas of green, brown and accessible roofs within the outline site. The roof of Plot K is not earmarked as a green/brown roof but is labelled as an accessible roof. The applicant has advised that the roof would not be accessible to residents as private amenity space has been provided for each dwelling as well as communal space in Ariel Square.

Environmental Impact Assessment

5.19 The original outline planning permission (Ref: 2013/05115/OUT) was considered EIA development in accordance with the of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (As Amended). An Environmental Statement (ES) was submitted as part of this planning application.

5.20 The subsequent 2015 Extant Scheme considered the various amendments by way of an ES Addendum by Ramboll Environ, which was considered alongside the original ES.

5.21 The 89 Unit Scheme subject to this RMA corresponds to the 2016 S73 Scheme. In addition to the other concurrent minor material amendments to the Extant Scheme, it is considered that the proposals would comprise EIA development, which has the potential to give rise to environmental impacts at a local and strategic scale. A new ES was submitted with the 2016 S73 Scheme which considers the impacts of the current reserved matters application as well as the forthcoming application for the 'restaurant scheme'.

5.22 The ES concludes that the development is appropriate in terms of its the environmental impact and that any environmental impact would be suitable subject to a range of mitigation measures being secured by planning conditions or planning obligations attached to the outline planning permission.

5.23 The application is considered to be a "subsequent application" as defined in Regulation 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended in 2015).

5.24 The applicant has submitted a statement of compliance with the 2016 S73 Scheme ES prepared by Ramboll Environ which considers the potential environmental effects of the reserved matters application against the environmental parameters set out in the August 2016 Environmental Statement. The statement concludes that the reserved matters application accords with all of the parameters assessed in the 2016 S73 Scheme. The environmental considerations are assessed in more detail in the planning considerations section. The Council appointed Treweek Environmental Consultants to undertake an independent review of the 2016 Scheme ES to confirm whether the ES is technically robust and meets good practice guidance in order to

provide a comprehensive assessment of the environmental impacts of the development. As the ES review relates to the whole development, officers have set out this assessment within the s73 Scheme report rather than repeat its conclusions here.

Equality Act

5.25 Section 149 of the Equality Act (2010) which sets a Public Sector Equality Duty (PSED) came into force in April 2011 and requires the Council to consider the equality impacts on all protected groups when exercising its functions. In the case of planning, equalities considerations are factored into the planning process at various stages. The first stage relates to the adoption of planning policies (national, strategic and local) and any relevant supplementary guidance. A further assessment of equalities impacts on protected groups is necessary for development proposals which may have equality impacts on the protected groups.

5.26 With regards to this application, all planning policies in the London Plan, Core Strategy, DM Local Plan and National Planning Policy Framework (NPPF) which have been referenced, where relevant, in this report have been considered with regards to equalities impacts through the statutory adoption processes, and in accordance with the Equality Act 2010 and Council's PSED. Therefore, the adopted planning framework which encompasses all planning policies which are relevant in officers assessment of the application are considered to acknowledge protected equality groups, in accordance with the Equality Act 2010 and the Council's PSED. Given the proposals constitute major development which would be of strategic importance to the Borough, an Equalities Impact Assessment (EqIA) has been previously undertaken in respect of the outline planning permission which identifies the key equalities issues. A summary of the equalities impacts on protected groups is set out in the 'Equalities Impact' section of this report. This draws from the outcomes set out in the EqIA which forms a comprehensive assessment of the equalities impacts of the development.

6.0 PLANNING POLICY FRAMEWORK

6.1 The following policies set the planning policy background which the application has been considered against.

National Guidance

6.2 The National Planning Policy Framework (NPPF) was adopted in 2012. It sets out the Government's approach to planning matters and is a material consideration in the determination of this planning application. A central theme running through the NPPF is a presumption in favour of sustainable development whilst ensuring that heritage assets are conserved.

Statutory Framework

6.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the policies of the statutory development plan, unless other material considerations indicate otherwise.

6.4 The statutory development plan for the site comprises:

- o The London Plan (2016)

- o Hammersmith and Fulham Local Development Framework Core Strategy (2011)
- o Hammersmith and Fulham Local Development Framework Development Management Local Plan (2013).

6.5 The Council's regeneration strategy is set out within Chapter 7 of the Core Strategy. The application site forms the southern part of Strategic Site WCOA1 (White City East), designated within the Core Strategy. Strategic Site WCOA1 also comprises the BBC Television Centre, the Dairy Crest Site, M&S Mock Shop and Imperial College.

6.6 LBHF, the GLA and TfL adopted The White City Opportunity Area Planning Framework (WCOAPF) in October 2013. This document builds upon the Core Strategy Regeneration policies and promotes the regeneration of the wider White City area. The WCOAPF encompasses an overarching strategy for urban design, land use, housing, transport, social and environmental and provides policy guidance for developers and landowners in order to ensure a comprehensive approach is taken in the redevelopment of the area.

6.7 Within the Local Development Framework, the Council adopted the Planning Guidance SPD in 2013 which provides supplementary guidance to support the policies in the Core Strategy and the Local Plan.

6.8 The development plan policies form the primary basis against which officers have assessed this application along with other material planning considerations including the Equalities Act (2010) and regional and local relevant supplementary planning guidance.

Planning (Listed Buildings and Conservation Areas) Act 1990

6.9 It is key to the assessment of these applications that the decision making process is based on the understanding of specific duties in relation to listed buildings and Conservation Areas required by the relevant legislation, particularly the Section 66 and Section 72 duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 set out below together with the requirements set out in the NPPF. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that: 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.' Section 72 of the above Act states in relation to Conservation Areas that: 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

6.10 Officers acknowledge that there is a strong statutory presumption under the Planning (Listed Building and Conservation Areas) Act 1990 and as reflected in recent case law against the grant of planning permission for any development which would either (1) fail to preserve the setting or special architectural or historic character of a listed building or (2) fail to preserve the character or appearance of a conservation area. The desirability of preserving the special architectural or historic interest of a listed building or its setting, or the character or appearance of a Conservation Area or its setting are therefore matters to be given considerable importance and weight in the assessment of any development proposals. Officers have considered the revised

proposals for Plot K and whether any part of the proposed development harms the setting of the Wood Lane Conservation Area and/or the DIMCO buildings and former Television Centre which are both Grade II Listed. Officers have concluded that no harm to the setting of heritage assets would be caused by the proposed development. Officers' assessment of the level of harm to the character and appearance of the conservation area and setting of the Grade II Listed Building is a matter of planning judgement and the following sections will address these matters in detail.

7.0 PLANNING CONSIDERATIONS

Principle of residential land use

7.1 Outline planning permission was granted to provide a maximum of 1,347 residential units across the whole site as part of the wider regeneration aspirations for the area.

7.2 At the national level, the NPPF advocates policy that seeks to significantly boost the supply of housing (paragraph 49), and states that: "housing applications should be considered in the context of the presumption in favour of sustainable development".

7.3 The London Plan (2016) policy 3.3 (Increasing Housing Supply) states that there is a pressing need for more homes in London and that boroughs should seek to exceed the minimum target through the intensification of brownfield land for housing capacity in Opportunity Areas. Policy 3.3B states that an annual average of 42,000 net additional homes should be delivered per annum in London. Within this overall aim, Table 3.1 sets an annual target of 1,031 net additional dwellings for Hammersmith and Fulham (excluding an increment in provision in the Earls Court West Kensington Opportunity Area).

7.4 Policy 3.3D of the London Plan states that boroughs should seek to achieve and exceed the housing targets set out in Table 3.1 of the plan. The site falls within the White City Opportunity Area whereby there is identified capacity for at least 6,000 homes. This regeneration objective is reinforced by the Core Strategy at Policy WCOA which states that new homes built in White City will be expected to provide a local ladder of affordable housing opportunity. Core Strategy Policy H1 "Housing Supply" also confirms the Council's objective of the delivery of 5000 new homes within the WCOA.

7.5 Core Strategy Policy H1 (Housing Supply) confirms the Council's objective of the delivery of 5,000 new homes within the WCOA.

7.6 The adopted WCOAPF is consistent with national, regional and local policy in that the WCOAPF Land Use Strategy (Figure 2.1) and promotes mixed use development comprising housing, commercial, creative and academic uses. As such, the principle of the provision of residential development is embedded within national, regional and local policy.

7.7 The use of Plot K is determined by the approved outline Parameter Plans and Plot K Design Code which suggests Class A1 use at podium level and Class C3 to the upper floors. The proposed building deviates from the approved parameters as the use is solely residential from podium level upwards. The applicant has stated that the rationale behind this decision is that a commercial unit would be difficult to rent in this location. The residential units at the ground floor level would have front gardens which are set at

a slightly higher level to the public realm. It is considered that the ground floor residential units will activate Ariel Walk and provide passive surveillance and the deviation from the approved parameters is considered to be acceptable in this instance.

7.8 The application proposes 89 affordable residential units and so it is in accordance with the national, regional and local objectives of securing residential development.

Residential density

7.9 The NPPF (paragraph 47) states that in order to boost significantly the supply of housing, local planning authorities should set out their own approach to housing density to reflect local circumstances.

7.10 London Plan Policy 3.4 (Optimising Housing Potential) seeks to ensure that development optimises housing output for different types of location taking into account local context and character, design principles and public transport capacity.

7.11 The Site benefits from a PTAL rating of 6a, reflecting its proximity to excellent public transport links. In addition, the Site is located immediately adjacent to the Metropolitan Town Centre.

7.12 In accordance with the density matrix contained within the London Plan (Table 3.2), the Site falls within the 'Central' category ('Central' sites are defined in notes to Table 3.2 of the London Plan as 'areas with very dense development, a mix of different uses, large building footprints and typically buildings of four to six storeys, located within 800 metres walking distance of an International, Metropolitan or Major town centre). Table 3.2 identifies that central sites with a PTAL rating of between 4 and 6 would be appropriate for residential development within the density range of 140 to 450 units per hectare, or 650 to 1100 habitable rooms per hectare.

7.13 Importantly, it is expressly stated that Table 3.2 should not be applied mechanically when assessing proposals for residential development. Building on this, the Mayor's Housing SPG (May 2016) provides further guidance on the issue of housing density. It states at paragraph 1.3.50 that "meeting London's housing requirements will necessitate residential densities to be optimised in appropriate locations with good public transport access. Consequently, the London Plan recognises the particular scope for higher density residential and mixed use development in town centres, opportunity areas and intensification areas, surplus industrial land and other large sites".

7.14 Similarly, at the local level, Core Strategy Policy H3 (Housing Quality and Density) notes that: "The council will expect all housing development to respect the local setting and context, provide a high quality residential environment, be well design and energy efficient in line with the requirements of the Code for Sustainable Homes, meet satisfactory internal and external space standards and (subject to the size of the scheme) provide a good range of housing types and sizes. Acceptable housing density will be dependent primarily on an assessment of these factors, taking account of London Plan policies and subject to public transport and highway impact and capacity". The policy further notes that: "some high density housing with limited car parking may be appropriate in locations with high levels of public transport accessibility (PTAL 4-6)".

7.15 The Development Management Local Plan (2013) Policy DM A2 "Housing Quality and Density" states that: "in assessing the appropriate density of a housing or mixed

use scheme that includes housing, the Council will apply the Core Strategy and London Plan policies and guidance relating to residential density".

7.16 The WCOAPF supports medium and high density housing as part of mixed use development.

7.17 The delivery of Plot K will provide 89 residential units and the site is approximately 0.119 hectares. Using the standard density calculation method of dividing the total number of units by the total site area, Plot K has a residential density of 747 units per hectare which is above the relevant 'Central' density range set out in Table 3.2 of the London Plan. The Mayor's Housing SPG (May 2016) sets out circumstances where it may be acceptable for a scheme to exceed the ranges in the density matrix which are:

- o location of a site in relation to existing and planned public transport connectivity (PTAL), social infrastructure provision and other local amenities and services;
- o the need for development to achieve high quality design in terms of liveability, public realm, residential and environmental quality, and, in particular, accord with the housing quality standards set out in Part 2 of this SPG;
- o a scheme's overall contribution to local 'place making', including where appropriate the need for 'place shielding';
- o depending on their particular characteristics, the potential for large sites to define their own setting and accommodate higher densities;
- o the residential mix and dwelling types proposed in a scheme, taking into account factors such as children's play space provision, school capacity and location;
- o the need for the appropriate management and design of refuse/food waste/ recycling and cycle parking facilities; and
- o whether proposals are in the types of accessible locations the London Plan considers appropriate for higher density development (e.g. town centres, opportunity areas, intensification areas, surplus industrial land, and other large sites).

7.18 The site has an excellent public transport accessibility rating and is located within the White City Opportunity Area. A significant amount of physical change will take place within the WCOA which will result in increased connectivity to the immediate area and surrounding town centres as new routes will be created. The proposal is considered to be of a high quality design which will contribute to the 'place making' in the area.

7.19 In conclusion, whilst the proposed density is very high and has a higher density than the approved 74 unit scheme, officers consider it to be acceptable, given the location and good transport accessibility of the site and the resultant acceptable quality of the residential accommodation which will deliver affordable rented homes. Furthermore, the proposals would contribute towards delivering the council's vision for the Opportunity Area by making improvements to connectivity with the wider area and the provision of new affordable housing. The proposed residential density is considered to be acceptable and would accord with London Plan policy 3.4 , Core Strategy Policy H3, Local Plan Policy DM A2 and the guidance within the WCOAPF and the Mayors Housing SPG.

Housing Mix

7.20 The NPPF requires new development to deliver sustainable, inclusive and mixed communities in accessible locations. To achieve mixed communities, the NPPF advises that a variety of housing should be provided in terms of size, type, tenure and price and

also a mix of different households such as families with children, single-person households, people with disabilities, service families and older people.

7.21 London Plan Policy 3.8 (Housing Choice) requires new development to offer a range of housing sizes and types. This policy is complemented by the Mayor's Housing Strategy (2014), which emphasises the delivery of family sized affordable homes.

7.22 The 2014 London Strategic Housing Market Assessment (SHMA) shows there is considerable need for affordable housing with an annual requirement of around 18,000 new affordable homes a year, most of them social housing.

7.23 Borough Wide Strategic Policy H4 of the Core Strategy (Meeting Housing Needs) states that: "there should be a mix of housing types and sizes in development schemes, especially increasing the proportion of family accommodation. The precise mix in any development will be subject to the suitability of the site for family housing in terms of site characteristics, the local environment and access to services".

7.24 Policy DM A3 of the DM LP (Housing Mix) states that: "all new housing provided as part of new major development should provide a mix housing, including family housing. In respect of the affordable/social rented provisions which are relevant in the case of this RMA submission, developments should aim to meet the following mix subject to viability, locational characteristics and site constraints being considered on a site by site basis as follows:

- o Where social rented housing is replacing existing social rented housing the new housing should meet the needs of the relocating tenants;
- o For affordable rented approximately: 1 bedroom: 10% of units; 2 bedrooms: 40% of units; 3 bedrooms: 35% of units; 4+ bedrooms 15% of units.

7.25 The WCOAPF supports the unit-mix identified within the Development Management Local Plan, and qualifies this in terms of the objectives of bringing about estate regeneration, allowing existing residents of estates within White City West to move to a home within any of the new developments. The WOCAPF is explicit, however, that while the framework explores the potential for estate regeneration, it does not set out proposals.

7.26 The reserved matters application seeks to deliver a total of 89 affordable rented units within Plot K. Part A, Schedule 7 of the Section 106 legal agreement attached to the Extant Scheme requires the delivery of 162 base affordable housing units comprising 67 discount market sale (DMS) and 95 affordable rented.

7.27 The Section 106 legal agreement sets out the required housing mix for the 95 base affordable rented units. The table below compares the base mix of affordable rented units and the Plot K reserved matters application mix. It also sets out the remaining number of affordable rented units for future phases.

Table 3: Proposed Affordable Rented Housing Mix compared with S106 requirement

<u>Unit Type</u>	<u>S106 requirement Mix (95 affordable rent units)</u>	<u>Plot K Reserved Matters Application mix (89 affordable rent units)</u>	<u>Affordable Rent units left for future phases</u>
1B 2P	38 (40%)	33 (37%)	5
2B 3P	19 (20%)	30 (34%)	-11
2B 4P	19 (20%)	15 (17%)	4
3B 4P	7 (7%)	4 (4%)	3
3B 5P	6 (6%)	7 (8%)	-1
3B 6P	6 (6%)	0 (0%)	6
Total	95	89	6

7.28 The proposal will provide 93% of the base number of affordable rent units required under the s106. The table shows that the number of 2B 3P and 3B 5P exceed the amount required by the s106. Officers consider this to be acceptable given the early provision of affordable units and the potential for uplift in the number of base units through future viability appraisal reviews.

7.29 It is acknowledged that no 3B 6P units are proposed within the scheme. However, the block includes 11 x 3B 4 and 5 person units allowing for the provision of affordable family sized dwellings as set out in Policy DM A3 of the DMLP. The proposal provides a range of affordable rent unit sizes which are considered to respond positively to the site characteristics and the wider masterplan. The proposed housing mix is considered to be acceptable and in accordance with the relevant planning policies.

Affordable Housing

7.30 The London Plan (2016) Policy 3.9 (Mixed and Balanced Communities) states that a more balanced mix of tenures should be sought in all parts of London, particularly in neighbourhoods where social renting predominates and there are concentrations of deprivation.

7.31 Paragraph 3.61 of the London Plan (2016) Policy 3.10 defines affordable housing as: "social rented, affordable rented and intermediate housing (see para 3.61), provided to eligible households whose needs are not met by the market. ..."

7.32 The definitions of each associated tenure type are as follows:

- o Social Rented Housing: Rented housing owned and managed by local authorities or registered providers, for which guideline target rents are determined through the national rent regime. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority as a condition of grant.
- o Affordable Rented Housing: Rented housing let out by local authorities or registered providers of social housing and is subject to controls requiring a rent of no more than 80% of the local market rent (including service charges where applicable). Under the extant outline permission, the affordable rent units shall not exceed the lower

of 80% of market rent or Local Housing Allowance level. In LBHF, the Local Housing Allowance levels would typically be between 50-65% of the market rent.

o Intermediate Housing: Housing at prices and rents above those of social rent but below market price or rents. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rent. Households whose annual income is in the range £18,100-£66,000 should be eligible for new intermediate homes. For homes with more than two bedrooms, which are particularly suitable for families, the upper end of this eligibility range will be extended to £80,000.

7.33 Policies 3.11 (Affordable Housing Targets) and 3.12 (Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes) of the London Plan (2016) set out the approach to negotiating affordable housing. The policy states that the Mayor will, and boroughs and other relevant agencies and partners should, seek to maximise affordable housing provision. Notwithstanding that it is also recognised that regard should be had to a number of factors, including the need to encourage rather than restrain residential development, and that negotiations should take account of individual site circumstances including development viability.

7.34 Part B of Policy 3.12 states that: "Negotiations on sites should take account of their individual circumstances including development viability, the availability of public subsidy, the implications of phased development including provisions for re-appraising the viability of schemes prior to implementation ('contingent obligations'), and other scheme requirements".

7.35 Strategic Policy H2 of the Core Strategy (2011) states that 40% of the new housing should be affordable and provide a better overall mix of unit sizes to help alleviate overcrowding in existing accommodation. Policies WCOA and WCOA1 of the Core Strategy are more specific to the site and all development within White City. The policy confirms that development of land in White City East should provide a sufficient mix and quantity of social rented housing (approximately 25% of all new housing units) to enable the opportunity for a proportion of existing estate residents to be re-housed in better accommodation. The policy envisages this will contribute towards the creation of a more mixed and sustainable community across the area within which the existing community can thrive as a result.

7.36 In terms of the split within the affordable housing provision Policy 3.11 of the London Plan seeks that 60% of the affordable housing on offer be for social and affordable rent and 40% be for intermediate rent or sale.

7.37 Part B of Borough Wide Core Strategy Policy H2 (Affordability) is not strictly aligned with this requirement, stating that: "the council would prefer all additional affordable housing to be intermediate and affordable rented housing". Paragraph 30 of the Inspector's Report on the examination into the Core Strategy states that: "the absence of a direct reference to the "split" in the H2 policy wording is not a critical flaw that renders it unsound or of general conformity with the [London Plan]. In practice, such considerations will inevitably form part of the detailed assessment of planning proposals for larger new housing schemes to be resolved on a case by case basis according to site specific circumstances. The clear strategic impetus towards the provision and promotion of mixed and balanced communities, as in policies 3.10 and

3.12 [of the London Plan], will also have to be borne in mind, alongside the local context whereby some areas in the borough have concentrations of particular housing types".

7.38 Core Strategy Policy 'Strategic Site 1 - WCOA - White City East' sets a target of 40% affordable housing, with approximately 25% of housing to be social rented. This requirement is reiterated in the WCOAPF, which sets a target of 40% affordable housing and no loss in overall quantity of social rented housing but a better overall mix of unit sizes. It is specified that development east of Wood Lane will be required to provide approximately 25% social rented housing, 15% intermediate housing.

Affordable housing provisions within Section 106 Agreement (pursuant to the outline scheme)

7.39 The outline scheme requires the provision of 162 Affordable Housing Units (Base AHUs). Of the 162 base AHUs, 95 shall be Affordable Rented Units and 67 shall be Discount Market Sales units, representing 12% of the total residential development. The s106 requires 81 affordable housing units (50%) to be completed before the completion of the 550th market dwelling. The remaining affordable housing units (81) should be constructed prior to the completion of the 770th market unit (57% of the total residential units). A Financial Viability Appraisal prepared by Gerald Eve was submitted with the Extant Scheme which sought to justify the level of affordable housing proposed in the application.

7.40 The level of affordable housing within the outline scheme was permitted on the basis that three viability reviews would be carried out before the submission of reserved matters applications for the three development areas. The first development area is 0 - 400 dwellings; the second 401 - 943 dwellings and the third development area is 944 - 1347 dwellings. In respect of Plot K, which comprises part of the first residential phase of development (i.e. - within the first 400 units), the s106 requires LBHF/Westfield to determine whether any additional affordable housing can be provided in the first residential phase subject to approval of the First Viability Review, prior to submission of the first residential reserved matters application.

7.41 Officers consider that the previous resolution of the PADCC applies to the consideration of the 89 Unit Scheme RMA, in permitting the reserved matters application to be considered prior to the First Viability Review being carried out. Officers welcome the early delivery of affordable homes within the development programme which would provide over 50% of the baseline affordable housing provisions, in addition to the off-site affordable housing contribution detailed below.

Early delivery of affordable housing and deferral of first viability review

7.42 Notwithstanding the provisions in the s106 agreement, officers are of the opinion that there are a number of advantages of processing the proposed RMA for Plot K without requiring the First Viability Review to be submitted at this point in the process. The purpose for the s106 obligation (which requires the Viability Reviews) is to determine whether any additional affordable housing can be provided, in the event the development financial viability improves beyond an agreed target threshold. The s106 agreement review mechanism provisions were designed to ensure that the first 400 residential units (including market housing) were considered as part of the review process in order to ascertain whether additional affordable housing could be provided in that phase.

7.43 The proposed development in Plot K comprises 89 affordable rent units which would make a significant early contribution to providing affordable homes on the site, in advance of any market housing. Subject to the timing of the First Viability Review being deferred (prior to the submission of RMA for the remaining part of the first development area (i.e.: units 90-400), officers do not consider that the ability to review the development viability has been unduly restricted. As such, subject to the s106 provisions being amended to require the deferral of the First Review (prior to submission of RMA for residential units 90-400), the council will retain its ability to review the viability of the first development area at a later stage when more information is known about the residential development proposed in later phases.

The applicant's case for submission of Plot K

7.44 The applicant has advised that an early approval of Plot K is necessary in order to build this element of the development out to coincide with the opening of the retail extension (October 2017). This is because Plot K includes part of the podium structure which will accommodate the raised section of the east-west 24 hour route/public realm. The applicant is therefore looking to secure reserved matters approval for Plot K at the earliest opportunity to ensure construction of this part of the development commences shortly afterwards. The applicant advises that a 12 month construction programme should be allowed to build out Plot K. The above matters apply in the context of the 89-Unit Scheme and the 74 Unit Scheme.

7.45 Proposed amendments to the affordable housing provisions

7.46 The Plot K housing provision comprises 89 affordable rented units, 15 more than the approved 74 unit scheme. Of the 89 units 7 would be provided at a social rent level to improve affordability, which is the same quantum as the provisions in the 74-Unit Scheme. The rent levels of the other units will be capped at the Local Housing Allowance Levels which are typically between 50-65% of market rents. The rental levels would be significantly lower than the London Plan policy cap (80% of Market Rent).

7.47 Although the early delivery of more AHUs within Plot K is welcomed, officers are mindful that the additional two floors to Plot K will potentially create more floorspace within Plot C for additional market housing. The applicant has sought to respond to this and improve the affordable housing offer by offering a commuted payment of £2.25 million which would be ring-fenced for the provision of additional affordable dwellings within the borough. The affordable housing contribution in lieu of on-site delivery would be paid earlier on in the programme and would support the Council's Housing Initiatives in accordance with the Borough's Housing Strategy.

7.48 Housing officers have confirmed that the commuted payment sum will go towards the provision of approximately 9 additional affordable homes within the Borough. The combined provision of 7 social rent units and a contribution which equates to approximately 9 affordable units is considered to contribute to the Council's primary objective to maximise affordable housing provision and improve affordability within the Borough. The amendment to the affordable rent provisions and financial contribution will be secured via planning obligations which would also include amending the provisions relating to the timing of the First Viability Review.

7.49 Subject to the above affordable housing package to be secured in planning obligations, officers consider that deferring the first viability review would not undermine the Council's primary objective which is to deliver the maximum reasonable level of affordable housing units within the Borough. The first viability review will take place prior to the submission of reserved matters relating to (parts of) Plot C which is likely to be the next phase of residential development.

7.50 In conclusion, the proposed reserved matters application would contribute towards providing much needed affordable housing, in accordance with London Plan policies 3.3B and would help the borough meet its housing targets in accordance with Table 3.1 of the London Plan (2016). Strategic Policy H1 of the Core Strategy (2011) promotes the development of new housing within the Strategic Sites. Within the White City Opportunity Area an indicative housing target of 5,000 homes is proposed across the plan period. The site is also defined within the White City Opportunity Area Planning Framework as an area for residential intensification. In the context of these policies and having regard to the provisions of the s106 agreement requiring development viability to be reviewed at future stages during implementation, the individual circumstances of the site and the planning and regeneration benefits arising, it is considered that the proposed provision of affordable housing is acceptable in accordance with the relevant planning policy.

Standard of accommodation

Size of units

7.51 The London Plan (2016) policy 3.5 requires new residential development to provide a high quality of internal living environment. The Mayor's Housing SPG was adopted in March 2016 and sets out guidance on the implementation of housing policies set out in the 2016 London Plan and the 2016 Minor Alterations to the Plan (MALP). Policy H3 of the Core Strategy and policies DM A2 and DM A9 of the Development Management Local Plan (2013) require new residential development to provide high quality living conditions for future occupiers.

7.52 The application proposes 11 standard apartment types with an alternative Category 3 (adaptable dwellings) arrangement for three of the types. As set out in Table 4 below, all of the proposed apartments meet and exceed the national space standards in the 2016 Minor Alterations to the London Plan and the minimum standards set out in Schedule 7, Part A, paragraph 2.1 of the approved Section 106 legal agreement.

Table 4: Proposed space standards in comparison with the approved s106 space standards and the London Plan minimum standards (GIA)

<u>Unit Type</u>	<u>S106 requirement Mix (95 affordable rent units)</u>	<u>Plot K Reserved Matters Application mix (89 affordable rent units)</u>	<u>Affordable Rent units left for future phases</u>
1B 2P	38 (40%)	33 (37%)	5
2B 3P	19 (20%)	30 (34%)	-11
2B 4P	19 (20%)	15 (17%)	4
3B 4P	7 (7%)	4 (4%)	3
3B 5P	6 (6%)	7 (8%)	-1
3B 6P	6 (6%)	0 (0%)	6
Total	95	89	6

Outlook/Aspect/Layout to Proposed Residential Units

7.53 All of the apartments will benefit from private amenity space in the form of a balcony or garden. Whilst the south elevation of the low rise parts of the building could potentially receive more daylight, none of the residential apartments have been planned with a south facing aspect. This is because the immediate proximity of the proposed retail car park ramp would leave the apartments being subject to poor air quality levels with a substandard aspect that would be unsuitable for a residential use.

7.54 The block has therefore been designed as north facing with a 'saw tooth' to provide north and north-east facing apartments to improve outlook and daylight without compromising privacy. The southern elevation of the low rise block has been designed with an enclosed glazed walkway which will provide access to each flat. The walkway will be transparent in parts and opaque in other areas. Details of the glass fritting has not been provided with the application and so Condition 5 is recommended which requires details of the ratio of opaque/transparent glass and the size of the glass panels to ensure the glazing is acceptable. A series of voids off the walkway are included through all levels of the low rise block to assist with redirecting 'borrowed' light between floors and passive cooling.

7.55 In the low rise block, all bedrooms and living rooms are located at the front/north facing elevation of the building, whilst the bathrooms and store cupboards located towards the south side where the light is compromised. The kitchens are also located away from the windows on the north elevation; however they are open plan to increase daylight levels. In the high rise block, there are a number of different arrangements, although habitable rooms have been designed to face east and south as this block is not compromised by the car park ramp.

7.56 It is considered that each of the habitable rooms within the development would provide adequate outlook and privacy for future occupants. The northern edge will typically provide a more attractive residential outlook, addressing both Ariel Walk and the future Plot C development. The high rise eastern edge will have an unimpeded view across Ariel Square towards Kensington Gardens and central London.

Internal Daylight

7.57 With regards to the potential for daylight within the proposed residential units, a full detailed technical assessment has been carried out. The BRE Guidance 'Site layout for Daylight and Sunlight' sets out three different methods of assessing daylight to or within a room, the Vertical Sky Component (VSC) method; the No-Sky Line Contour (NSC) and the Average Daylight Factor (ADF). The first two assessments are primarily used for the assessment of existing buildings, whilst the ADF test is used for the assessment of new buildings.

7.58 The quality of daylight within the proposed development Plot K has been assessed using the ADF and NSC assessments. The 1.5% ADF target has been used for living/kitchen/dining rooms as the apartments have open plan layouts.

Table 5: Number of rooms that pass or fail the ADF criteria with 1.5% ADF target for L/K/D spaces and 1% ADF for bedrooms

Rooms	ADF (1.5% L/K/D and 1% Bedrooms)		Rooms that meet NSC target (>80%)	
	Pass / fail	%	No. of rooms	%
Living / Kitchen / Dining	65 / 89	73%	67	75%
Bedroom	110 / 156	71%	81	52%
Total	175 / 245	71%	148	60%

7.59 The assessment of daylight within Plot K demonstrates that using the 1.5% ADF target for L/K/D and 1% for bedrooms, the majority of habitable rooms (71%) would have what the BRE guidelines consider to be an appropriate level of light. Some rooms would surpass the BRE and British Standard guidance criteria.

7.60 With the exception of 2 bedrooms, all rooms that fall below the BRE targets are located beneath, behind or adjacent to external balconies. The balconies provide the apartments they serve with external amenity but inhibit the amount of daylight available. The 2 bedrooms which are not located below, behind or adjacent to an external balcony achieve an ADF of 0.9 % which is only marginally below the 1% ADF target. There is therefore a direct trade-off between the amenity provided by the balconies and the lower potential for daylight.

7.61 The BRE guide states in its introduction that developments within dense urban environments, that need to match the height and scale of other surrounding buildings, may have difficulty attaining the prescribed levels of daylight and that a balance needs to be struck between natural light and other design constraints. Plot K has a number of physical constraints such as its close proximity to a major road network, the existing phase 1 shopping centre and the proposed vehicular ramp up to the phase 2 car park. In parallel to the physical constraints of the site, the environmental challenges are clear. Whilst the southern boundary is likely to receive a significant amount of daylight throughout the year, the aspect and air quality are poor. Consequently, the development has been designed as a north/north-east facing plot with balconies overlooking the more attractive part of the site. Officers recognise there is a trade of between the proposed orientation of the dual fronted units and the provision of the balconies with the resultant

lighting levels in some units in the lower floor apartment being below the target standards.

7.62 Whilst the daylight levels to a number of rooms are lower than the suggested BRE target, the use of an outdoor amenity space is considered to be equally beneficial to the future occupants. The amenity benefits associated with the balconies combined with the increased levels of acoustic/air quality when compared with the south elevation are considered to offset the lower daylight levels.

7.63 In addition, the BRE guide gives the following statement in its introduction, which is repeated at various points through the document: "The advice given here is not mandatory and the document should not be seen as an instrument of planning policy. Its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly because natural lighting is only one of many factors in site layout design."

7.64 In light of the above, officers consider that the provision of daylight within the proposed units is considered to be acceptable, given the physical and environmental constraints of the site. The anticipated levels of daylight for Plot K are assessed as part of Environmental Impact Assessment submitted with the 2016 S73 Scheme. On the basis of the above, the ES confirms that there would be no significantly different daylight, sunlight and overshadowing effects predicted to arise as part of the revised Plot K development over and above those previously reported in the Extant Scheme, or in the 74 Unit Scheme for Plot K.

Private amenity space

7.65 In terms of private amenity space, Standard 26 of the Mayor's Housing SPG (2016) requires that a minimum of 5 sqm of private outdoor amenity space should be provided for 1 -2 person dwellings and an extra 1 sqm should be provided for each additional occupant.

7.66 At the local level, Core Strategy (2011) Policy H3 (Housing Quality and Density) requires that all housing provides a high quality residential environment with satisfactory external space. Development Management Local Plan (2013) Policy DM A2 (Housing Quality and Density) states that: "ground level family housing should have access to private gardens/amenity space and family housing on upper floors should have access to a balcony and/or terrace, subject to acceptable amenity and design considerations, or to shared amenity space and to children's playspace".

7.67 Reflecting this, the WCOAPF sets out a requirement for a variety of small parks, squares and gardens, which provide communal, semi-private and private amenity space. Homes must be carefully designed and laid out to have satisfactory access to open space.

7.68 SPD Housing policy 1 advises that every new family dwelling should have access to amenity or garden space of not less than 36sqm. Dwellings with accommodation at ground floor level should have at least one area of private open space with direct access to it from the dwelling. For family dwellings on upper floors this space may be provided either as a balcony or terrace and/or communally within the building's curtilage.

7.69 All of the units above the podium level will have access to private amenity space in the form of a balcony. All of the balconies exceed the minimum space standard with the majority being oversized (8sqm) and all have level access. The triangular shape of the balconies is derived from the need to maximise sunlight/daylight into the apartments and to improve privacy and views from the living spaces as the 'deeper' space has been positioned away from the living areas. The widest point of the balconies would be 2m from the elevation and the podium level gardens below would be 3.5m deep so they would not be completely overshadowed by the balconies.

7.70 The balcony balustrade is formed of two materials (i) laminated translucent glazing to the 'narrow' area and (ii) flat profile balusters to the 'deeper' area. The flat profile balusters are rotated, reflecting the orientation of the opposite development Block C in order to reduce views into the private amenity space of Plot K and maximise the views out for the Plot K users. This approach is applicable to all balconies.

7.71 All of the podium level duplex apartments have individual gardens which face Ariel Walk and provide degrees of separation from the public realm. The 3p, 5p adaptable unit would have a 36sqm garden in compliance with SPD housing policy 1. The 1b, 2p units would all have gardens with an area of 17sqm which would comply with the London Plan and LBHF standards. The gardens would be in the form of a courtyard and a 1.5m dividing brick wall will be installed between each garden for privacy between neighbours. There will be level access from all the podium level apartments to the garden and then stepped access down to Ariel Walk for the 1b, 2p dwellings. The 3b, 5P adaptable dwelling would have a ramp instead of steps and details of this ramp and its installation have been requested by condition 4. The ramp will ensure the unit is accessible and inclusive in line with London Plan policy 7.2.

7.72 Illustrative details have been submitted with regards to the layout and design of the gardens and boundary treatments. Condition 10 of the outline permission requires details of all hard and soft landscaping including surface treatments and planting to be submitted to the Council. Condition 8 of the outline permission requires details of boundary treatments.

Wheelchair user dwellings

7.73 The Housing Standards in the 2015 London Plan were amended when the March 2016 London Plan was adopted to include national space standards. Policy 3.8 of the London Plan (as amended in 2016) now requires 90% of new housing to meet Building Regulation M4 (2) 'accessible and adaptable dwellings' and 10% to meet Building Regulation M4 (3) 'wheelchair user dwellings'.

7.74 This requirement has replaced the previous London Plan requirement for Lifetime Homes and 10% wheelchair accessible or easily adaptable. LBHF Local Plan (2013) policy DM A4 requires all new housing to be built to Lifetime Homes standards with 10% wheelchair accessible or easily adaptable. However, policy HO6 of the draft Local Plan which is due to be adopted in 2017 is in line with the London Plan and similarly requires 90% of new housing to meet Building Regulation M4 (2) 'accessible and adaptable dwellings' and 10% to meet Building Regulation M4 (3) 'wheelchair user dwellings' otherwise referred to as a Category 3 dwelling.

7.75 The reserved matters application proposes 89 residential units, 9 of which (10%) will be wheelchair adaptable units which complies with the Part M (3) requirement.

Planning condition 43 of the approved outline permission requires the provision of 10% of the units to be either wheelchair housing standard or easily adaptable to this standard in compliance with the Mayor's Housing SPD and that details are submitted for approval. The applicant has provided plans which show how the 9 units can be adapted to be wheelchair accessible. The units will be converted to the adapted state before occupation if the need has been specified in the nominations process.

7.76 The 9 adaptable units are spread throughout the building at the following levels, offering a variety of layouts:

- o Level 40: 1 x 3b, 5p unit (K.40.01)
- o Level 42: 2 x 2b, 3p units (K.42.01; K.42.02)
- o Level 43: 2 x 2b, 3p units (K.43.01; K.43.02)
- o Level 46: 1 x 3b, 4p unit (K.46.08)
- o Level 47: 1 x 3b, 4p unit (K.47.08)
- o Level 48: 1 x 3b, 4p unit (K.48.08)
- o Level 49: 1 x 3b, 4p unit (K.49.08)

7.77 The largest duplex apartment at the Podium level (L40) (3b, 5p) is a Category 3 unit which includes 30sqm of private amenity space. To be compliant with Part M (3) 'wheelchair user dwellings' a step-free approach route should be provided to all private entrances. The plans submitted with the application show a stepped approach to the garden and front door of the duplex unit. As the steps would not comply with this requirements, a condition has been added which requires the applicant to install a ramp (as shown on plan (W2-SRA-R1-00-DR-A-08110 P00) prior to occupation and provide details of the ramp to the Council before installation.

7.78 Similarly, as the duplex unit is two storeys, the applicant has submitted plans have been marked up to show there is sufficient space for a lift to be installed with enough room for a wheelchair user to enter and exit the lift. Officers consider that the proposed lift and the associated equipment and fittings should be fitted out prior to completion of the unit if it is required by a wheelchair occupant. Planning condition 3 is recommended which ensures this provision is secured.

7.79 The rest of the Category 3 units are single level and are located within the low rise of the building L42, L43, L46, L47, L48 and L49. All apartments are oversized to allow for conversion to accessible units. Based on the 10% adaptable units, it is a requirement to provide the same number of accessible parking spaces. As a result of the constrained site below podium level where the parking bays are located, the design could accommodate only six accessible car spaces. Further assessment on this is discussed in the 'Blue badge holder parking' section of this report. The residential parking of Plot K sits at Level 20 (existing ground floor level). The access to it from the apartments will be through the main circulation core.

Tall Buildings

7.80 London Plan Policy 7.7 (Location and Design of Tall Buildings) sets out those circumstances where tall buildings may be appropriate and sets out the criteria for assessing applications for tall buildings. It is stated that tall and large buildings should generally be limited to: "sites in the Central Activities Zone, opportunity areas, areas of intensification or town centres that have good access to public transport [and should]

only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building".

7.81 It is also stated that tall buildings should include the highest standards of architecture and materials and contribute to improving the permeability of the site and wider area.

7.82 Strategic Policy WCOA of the Core Strategy notes that the Council will expect most new development to be low to medium rise, although it is noted that: "a limited number of tall buildings of exceptionally good design may be acceptable, in particular, close to the A40 and A3220 and in any other areas identified in the White City OA planning framework tall buildings strategy".

7.83 Policy BE1 of the Core Strategy refers to the Built Environment and states that proposals for tall buildings will need to respect the existing townscape context, demonstrate tangible urban design benefits, and be consistent with the Council's wider regeneration objectives.

7.84 Furthermore, it is noted that any buildings that are visible from the Royal Borough of Kensington and Chelsea should have regard to that borough's Core Strategy policy CL2 which states that tall buildings should be of very high design quality and be compatible with the scale, rhythm, mass, bulk and character of its context.

7.85 The DM LP builds on the borough's tall building policy with the introduction of Policy GM2 (Tall Buildings). This policy sets a number of criteria for determining the acceptability of tall buildings.

7.86 The potential location of tall buildings is considered in Chapter 3 of the WCOAPF which recognises that well-designed taller buildings can make positive contributions to townscape and play a valuable role in place-shaping.

7.87 Plot K would be 16 storeys (67.7m AOD (69.7m AOD for energy centre flue)) at its highest point facing RBKC and the West Cross Route and 10 storeys (48m AOD) along Ariel Walk. The current reserved matters application provides an additional two floors compared with the 74 Unit RMA Scheme. Plot K is opposite the tallest building within the outline scheme which is in Plot C and is 84.9m AOD. The height of the proposed block is considered to be acceptable as it would form an appropriate transition between the scale of the 23 storey building in Plot C on the north side of Ariel Square and the retail component. The block would form a marker in view from within RBKC on the opposite side of the West Cross Route, aiding legibility along the east-west pedestrian route connecting the two Boroughs and signing the entrance to the development and the wider WCOA.

7.88 The applicant submitted a revised townscape assessment as part of the 2016 ES which demonstrates the effect of the additional height of Plot K. It is considered that the townscape assessment identifies that the increased height and massing of Plot K would appear inconsequential as it would form part of the group of buildings on the development site which contains larger buildings (within Plot C). The additional height does not affect any nearby heritage assets within LBHF (such as the Wood Lane Conservation Area or the Grade II Listed Dimco Buildings). The closest assets in RBKC are some distance from the site and the townscape assessment reveals that there would be no change to the views as assessed in the 2015 Extant Scheme

Design

7.89 The NPPF states that good design is a key aspect of sustainable development, and should contribute positively to making places better for people. Part 7 of the NPPF outlines the requirement for good design and sets out that development should:

- o Function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- o Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- o Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- o Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- o Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- o Are visually attractive as a result of good architecture and appropriate landscaping.

7.90 Chapter 7 of the London Plan sets out the Mayor's policies on a range of issues regarding places and space, setting out fundamental principles for design. Policy 7.1 (Lifetime neighbourhoods) states that 'the design of new buildings and the spaces they create should help reinforce or enhance the character, legibility, permeability, and accessibility of the neighbourhood.' Policy 7.2 (An Inclusive Environment) requires all new development in London to achieve the highest standards of accessible and inclusive design. Policy 7.3 (Designing out crime) seeks to ensure that developments reduce the opportunities for criminal behaviour and contribute to a sense of security, without being overbearing or intimidating.

7.91 Policies 7.4 (Local character), 7.5 (Public realm) and 7.6 (Architecture) of the London Plan (2016) promote the high quality design of buildings and streets. Policy 7.4 states that 'development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings' whilst policy 7.6 (Architecture) states that 'buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings'. Policy 7.8 (Heritage assets and archaeology) states that 'development affecting heritage assets and their setting should conserve their significance by being sympathetic to their form, scale, materials and architectural detail'.

7.92 The Core Strategy (2011) strategic Policy BE1 (Built environment) states that all development within the borough should create a high quality urban environment that respects and enhances its townscape context and heritage assets. The Core Strategy policy WCOA also states that the WCOA will be a 'model of high quality urban design, sustainable architecture and construction situated within a first class permeable, accessible and inclusive public realm'.

7.93 Chapter G (Design and Conservation) of the Development Management Local Plan (2013) sets out to preserve and enhance the quality, character and identity of the borough's natural and built environment. Policy DM G1 (Design of a new build) states that 'new build development will be permitted if it is of a high standard of design and

compatible with the scale and character of existing development and its setting'. Policy DM G7 seeks to protect, restore or enhance the quality, character, appearance and setting of the borough's heritage assets.

7.94 The WCOAPF (2013) provides guidance on development within the White City Opportunity Area, relevant to the Westfield Site which reinforces the aspirations set out in the Core Strategy and London Plan. It sets out the Urban Design Strategy for the area and sets out the following three principal design objectives: creating areas of new public realm and open space; maximising connectivity; and quality urban design that responds to context.

7.95 The NPPF also notes (paragraph 59) that local authorities should consider the use of design codes to help deliver high quality outcomes. The outline application was supported by six Design Codes which set out the design principles relevant to each of the plots and the public realm within the development. An assessment of the Plot K proposal against the relevant design codes is included within the assessment below.

Layout

7.96 The application seeks to discharge the layout of Plot K (and part of Plot P). This detail is reserved by condition 1 of the extant outline permission which would be carried over into the new 2016 s73 Scheme, if consented. Section G3 of the approved Design Codes sets out the principles for the general layout of the outline development and Section K3 sets out the principles of the layout of Plot K.

7.97 Plot K consists of one block which addresses Ariel Walk to the north and provides a 'visual marker' within the wider Phase 2 neighbourhood to the east whilst maintaining the masterplan's townscape relationship with the adjacent Plot C high rise (in its indicative proposed form).

7.98 There are no changes to the 'layout' of Plot K within the 89 Unit Scheme RMA, from the layout of the 74 Unit Scheme, which has a resolution to grant planning permission. Although the principle of the layout is considered to be acceptable given the resolution to grant permission, a detailed assessment of the proposed details are included in this report as Plot K does not benefit from planning permission at the time of writing this report.

7.99 Design Code K3.2 states that the northern Building Line should be straight in plan and should be a continuation of the northern Building Line of Block A1. The proposal deviates slightly from this design code as the residential apartments are rotated twenty degrees to the street edge, exposing the corner of the living space to provide dual aspect units as well as creating a distinct 'sawtooth' appearance on the northern façade. This revised approach maximises daylight to living spaces and bedrooms, and ensures all habitable rooms are located away from the constrained southern boundary. The building layout, geometry and form has been evolved to provide a more site responsive building that is suitable for residents in line with design code K3.5 which acknowledges that the site constraints for residential development in this location.

7.100 Duplexes are located at the podium level (L40) and single level apartments above. The main entrance for all the apartments is located at the corner of Ariel Walk and Ariel Square on the eastern elevation of the high rise tower consistent with design code K3.4. Entrances to the ground floor duplexes are also proposed on the northern

elevation overlooking Ariel Walk. The proposal presents an 'active' façade to the north and a communal walkway to the south facing the road network and the Phase 1 retail.

7.101 At ground floor level, a secure cycle and mobility scooter store (connected to the entrance lobby internally) is to be provided, while below podium and entrance level, car parking, servicing and plant is to be accommodated.

7.102 All habitable rooms overlook the public realm and the private landscaped gardens (dedicated to each duplex apartment) provide a distinct residential character at Podium Level. There are opportunities for 'garden gates' providing residents of the duplex apartments with potential access directly onto Ariel Walk encouraging a sense of 'Front Doors' facing the street. The gates coupled with ground floor entry into the flats will naturally increase passive surveillance. This will encourage pedestrians to moderate their behaviour as it is clear they are walking through a residential neighbourhood.

7.103 The building comprises two distinct elements: (i) the high rise with a central lobby and (ii) the low rise with a communal walkway. There is a maximum of 8 apartments per floor and the apartments are configured to be as wide and as shallow as possible in order to maximise the extent of facade facing the landscaped pedestrian street and square. This also maximises the amount of daylight within and views from the living rooms. Given the poor quality of the southern boundary, the building is organised to ensure all apartments have dual aspect from living rooms (albeit north-east and north-west). Windows are proposed on the southern edge of the apartments (facing onto the communal walkway) to provide secondary source for daylight to kitchen areas and to provide passing cooling of the walkway.

7.104 The high rise is a compact plan form with a maximum of three apartments per floor arranged around a central lobby. All apartments have a dual aspect from the living rooms. The northern balconies are a similar triangular shape to the low rise element, whilst the eastern and southern-facing balconies are designed to provide shading to the living spaces and reduce solar gain. The southern balconies are shaped to shade the living spaces and present the functional space at the optimum location for views.

Scale

7.105 The application seeks to discharge the scale of Plot K (and part of Plot P) Section G4 of the approved Design Codes sets out the principles for the scale of the development and Section K4 refers specifically to the scale of Plot A.

7.106 The maximum height, width and length of Plot K is set out in the parameters plans WLD 008, WLD 009 and WLD 010 submitted under the 2016 S73 Scheme. The proposal seeks to build out to the maximum parameters. The tower element will include screening around the top of the roof which will result in the building being 67.7m AOD. The screening is set in from the edge of the main building line of the tower which will be 65.875m AOD. The lower element would be 48m AOD in height. The additional two floors on both blocks would have the same architectural finish as the approved 74 Unit RMA Scheme for Plot K and officers consider that this finish is appropriate for the scale of the building. The reserved matters proposal therefore complies with the maximum parameters and it has been designed to acknowledge the scale and height of the surrounding buildings and special characteristics of the site.

7.107 The building complies with the general design code for scale which states that all buildings should have a clearly distinguishable base. The ground floor duplex apartments and gardens on the main northern elevation provide activity as well as the main entrance doors to the apartments and cycle storage on the eastern elevation. The building has a vertical composition in line with design code G4.5 and no upper parts of the elevation project beyond the lower levels in accordance with design code G4.6. At the roof level, the lift and stair overrun project above the main building line on the high rise block. However, they are set in from the parapet so they would not be visible from the street level. No plant is proposed at the roof level and condition 10 is recommended reminding the applicant that any plant/machinery installations at roof level will require planning permission.

7.108 There is only one design code which specifically relates to the scale of Plot K and it states that 'the parapet to the northern elevation should align with the parapet of the middle part of the northern elevation of block A1' (K4.1). The proposal deviates from this design code as the northern parapet of Plot K is now higher than the Plot A parapet. The justification for this deviation is that the layout, geometry and form of Plot K has evolved to provide a more responsive building that is more suitable for residents which has resulted in a higher quality of residential amenity. Design officers are comfortable with this departure as it is considered that it is acceptable for the Plot K parapet to be higher than the neighbouring retail building in order to define its separate character.

Appearance

7.109 The principle of the proposed appearance of Plot K, as detailed in the current 89 Unit Scheme is considered to be acceptable given the resolution to grant permission for the 74 Unit Scheme. A detailed assessment of the proposed details of the appearance are included in this report, for completeness, as Plot K does not benefit from planning permission at the time of writing this report.

7.110 Section G6 of the approved Design Codes sets out the principles for the appearance of the development and Section K6 refers specifically to the appearance of Plot K. The Design Codes combined with the approved parameters plans and parameters report address the proposed appearance.

7.111 It is important to note that whilst the proposed materials are described in the assessment, all materials at this stage are illustrative only. Officers recommend condition 4 which requires details, samples and mock up panels of each external material to be used in the proposal to be submitted to and approved by the Council.

7.112 The indicative facade design proposes three materials, which articulate the response to the adjacent context, whilst defining the order and proportion of the building holistically. The indicative materials included in the proposal are:

- o Material 1 - Principal facade cladding - lightweight ceramic (masonry character)
- o Material 2 - Walkway facade cladding - glazed panels
- o Material 3 - Accent panel and floor band detail - aluminium.

7.113 It is recognised that the building occupies a significant position within the emerging Phase 2 of the wider development, and as such the quality of the materials must be commensurate with the adjacent residential neighbourhood and retail development.

North elevation

7.114 The building's appearance when viewed obliquely within the street will possess a predominantly vertical proportion due to its 'saw-tooth' form. This form will ensure a visual relief to the street, defining the transition into the residential neighbourhood. The interface of the Plot K with the neighbouring retail extension is addressed through the 'saw-tooth' facade. The rotation at the western edge recesses back from the street edge and presents a definitive corner with the retail extension. This set-back creates a natural break rather than an artificial 'joint' or transition between buildings of different uses, form and facade character.

7.115 The building has a distinct secondary horizontal character due to the balcony and floor band detail. This secondary horizontal character is carried across all three facades of the building providing an over-arching continuity and consistency to all facades, whilst allowing each facade to respond visually to the different environmental demands of each boundary.

7.116 Windows within the apartments are floor-to-ceiling. The larger window panes are fixed to maximise views and daylight with a full-height opening to the side. This opening will be screened externally with external louvres/solar shading. The glazed corners of the living rooms are of a size that will allow residents to stand within the frame of the window and look eastwards towards Ariel Square.

7.117 The triangular cantilevered balconies reinforce the horizontal planes of the building, whilst directing the eye to the principal glazed corner of each apartment's living space. The balconies are light in tone to maximise reflection and daylight within the north facing environment. In contrast, the window reveals are a darker tone to articulate the fenestration.

7.118 At street level the private gardens, which are elevated from Ariel Walk are protected by a landscaped defensible space within Ariel Walk. This will provide a 'green edge' to the base of the building and provide privacy to the residents.

East elevation

7.119 Within the setting of the proposed landscaped Ariel Square, the high rise will be the most visible component of the building. Its scale, form, cladding and fenestration will emphasise the verticality of the building in this location to provide a direct relationship with the proposed neighbouring Plot C high rise.

7.120 The same elements from the north facade wrap the east façade of Plot K. Fenestration is generally aligned and the windows are recessed from the outer face of the shaped and textured ceramic cladding. The window reveals are lined with an aluminium frame. The recess provides some solar shading and the choice of darker tone contrasts with the lighter primary cladding. Condition 5 is recommended which requires detailed drawings of the windows at 1:20 and opening method.

7.121 The corner of Ariel Walk and Ariel Square is highlighted clearly with the building, through the use of the deeply recessed private balconies which sit above the entrance to the building. The proportions of the recess are single-height above Podium Level for six floors, and, once above this height, the recess becomes double-height in

proportion. Care is taken within the recessed balcony area to limit overlooking between the balcony and the proposed neighbouring Plot C buildings.

7.122 The base of the south-eastern corner presents a conflicting urban character. It is highly visible, yet is positioned immediately adjacent to the major vehicle entrance to the overall site. This is considered to constitute a more aggressive environment and is considered to be unsuitable for apartments to have an aspect in this location given the exposure of noise, lower air quality and a poor quality outlook. As such, the cycle parking store for Plot K is located in this location which is considered to be an appropriate response. The facade cladding in this location will perform a decorative function with integrated lighting. Details of lighting will be submitted pursuant to outline condition 37 of the outline permission.

7.123 The entrance to the cycle parking on Ariel Square will be integrated into the cladding and over-clad with profiled panels and louvres used above. This is to maintain continuity and limit negative visual appearance onto a major public space.

South elevation

7.124 The southern facade is comprised of both the high rise and low rise components. The high rise facade accommodates apartments whilst the low rise element accommodates the rear communal walkway which is the entrance corridor to each apartment and is located adjacent to the proposed helical ramp.

7.125 The high rise residential facade continues the character and proportion of the Ariel Square facade. The cantilevered balconies in this instance are reshaped and re-orientated in contrast to the Ariel Walk facade to provide shading. The balconies' functional space is positioned to the south-east corners to capture the most of the eastwards views to central London. The walkway facade's primary function is to mediate between a harsh urban vehicular-dominated environment to the south and the primary communal route to the apartments.

7.126 The facade itself is highly visible to all car-based visitors to the wider estate. However, the western half of the facade will be significantly screened by the dominant helical car ramp, which provides access to the retail car parking (1000s of cars) on the roof of the retail centre. The proposed facade comprises a floor-to-ceiling sealed glazed facade. This will be ventilated at the head of the walkway to provide passive ventilation and cooling (air supplied to base of walkway from northern facade). The walkway is treated as an external unheated space which is weather-protected by a sealed facade (where adjacent to the car ramp).

7.127 The objective of the glazed facade is to maximise daylight whilst limiting solar gain. Where the facade is not adjacent to the vehicle ramp, outlook from the windows could be provided which would reduce the sense of enclosure for residents. Floor to floor glazed panels are proposed which would match the size and proportion of the other cladding. The applicant has confirmed that there may be opportunities for 'clear' glazed panels in the instances where the walkway is not adjacent to the ramp; however the ratio of clear glass / translucent glass has not been confirmed. Officers therefore recommend Condition 5 which requires details of the glazing to the walkway including the size of the panels and the ratio of clear to opaque glass.

7.128 Landscaping, communal space and children's play space

Landscaping

7.129 The application seeks to discharge landscaping in relation to Plot K (and part of Plot P) reserved by condition 1. However, no public realm landscaping is proposed as part of this application as this will be submitted under a separate reserved matters application. The timing for the implementation of the scheme which includes the provision of Ariel Walk and Ariel Square to the north east of Plot K will be secured by way of a new planning obligation, in the section 106 Agreement to ensure it is implemented at the same time as Plot K.

7.130 The applicant has provided illustrative material of the landscaping and public realm surrounding the development. The general strategy for the Public Realm has been established by the 2014 and 2015 Consent and the overall character and identity is defined by the approved Design Codes. The 2016 S73 Scheme does not propose any updates to the approved Design Codes or Landscape Strategy. The treatment of Ariel Walk and Ariel Square will include planting and street trees, seating areas, play facilities and accessible paved areas. Cycle racks and lighting are proposed to match with the site furniture range and the planting selection will be considered as part of an overall site development as well as providing shade and structure in the 'street'.

7.131 The Plot K landscape relies heavily on the proximity to Ariel Walk and Ariel Square, providing a built edge and definition of the public realm and the major pedestrian link into the site from the adjoining eastern residential and commercial precincts beyond the West Cross Route (A3220), and the connection to Shepherds Bush rail and bus interchange at the lower level.

Communal space

7.132 Parameters plan WLD 015 shows that the roof of Plot K should be accessible. The reserved matters application does not include any publicly accessible space at the roof level. The applicant has advised that this decision was made following discussions with Registered Providers that the maintenance of the roof garden would lead to a high service charge, resulting in the units not being affordable.

7.133 Whilst additional communal space would have been beneficial for the residents, officers are mindful that the service charge costs will be need to be kept low in order to offer the units at suitable rent levels closer to target rents. Each apartment has at least 5sqm of private amenity space and Ariel Square is located adjacent to the development which will provide play space and communal open space. In addition, there will be a number of other new areas of public open space that will be provided within the site, each with their own character, including White City Green on the south side of the Hammersmith and City Line viaduct, Relay Square, Marathon Way and Silver Street. On balance, the communal space provisions for the development are considered to be acceptable which is consistent with the report and the officer's judgement in the previous 74 Unit Scheme RMA.

Children's play space

7.134 Policy 3.6 of the London Plan (Children and Young People's Play and Informal Recreation Facilities) states that housing developments should make provision

for play and informal recreation space based upon the expected child population to be generated by the scheme.

7.135 Supplementary Planning Guidance 'Shaping Neighbourhoods: Play and Informal Recreation' was published by the GLA in September 2012. The guidance provides a series of criterion and standards, linked to child yield, to inform the level and type of play provision required to support new development. The benchmark standard advised by the guidance amounts to a minimum of 10 sqm of playspace provision per child. Playspace provision for children under 5 is to be provided on site, within 400m for those aged 5-11 and within 800m for those aged 12 and over.

7.136 Core Strategy Policy OS1 seeks children's play provision in new developments. Development Management Local Plan Policy DM E2 (Playspace for Children and Young People) requires new residential development that provides family accommodation, to provide accessible and inclusive communal playspace will normally be required on site that is well designed and located and caters for the different needs of all children, including children in younger age groups, older children and disabled children. The scale of provision and associated play equipment will be in proportion to the scale and nature of the proposed development.

7.137 The WCOAPF notes that open spaces and play areas must be useable, well related to buildings and users, be safe, secure and capable of being well maintained.

7.138 The applicant has submitted an EIA compliance letter from Ramboll Environ which assesses the development proposals against the parameters of the 2016 S73 Scheme ES. The proposals for Plot K give rise to a child yield of 73 and a playspace requirement of 730 sqm, of which 420 sqm is required as doorstep play space for children aged five and under. Consistent with the socio-economic assessment within the 2013 ES (Submitted under the 2014 Consent), appropriate playspace would be provided across the wider Site to ensure compliance with the London Plan Play Space requirements.

7.139 The applicant has advised that playspace for Plot K will be delivered in Ariel Square which is located in the south-east corner of the site next to Plot K. Illustrative details of the play space have been submitted as part of this application which are in line with the Outline Landscape Strategy. Ariel Square falls outside the red line of this reserved matters application. However, the applicant has advised that details of the playspace and the public realm around Plot K will be come forward via a separate reserved matters application and the timing for the implementation of the scheme (with regards to the public realm adjacent to Plot K) will be secured by way of anew planning obligation within the S106 agreement. The amendment to the s106 agreement will require that Ariel Square and Ariel Walk shall be completed, prior to occupation of Plot K.

Daylight, Sunlight and Overshadowing effects to nearby buildings

7.140 Policy 7.6 of the London Plan (2016) states that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. There are no specific policies with regard to daylight, sunlight or overshadowing either within the Local Management Plan or Core Strategy. Policy DM G1 does however refer to impact generally and the principles of 'good neighbourliness'.

Housing Policy 8 in the SPD requires amenity of neighbouring occupiers to be protected.

7.141 The 2016 S73 Scheme is accompanied by an Environmental Statement which includes a comprehensive sunlight, daylight and overshadowing assessment (in line with BRE Guidelines) to consider the potential impacts of the proposed development upon adjacent residential properties and whether the effect of the proposed development would cause harm to the amenity of occupiers. The development was assessed against the very worst case scenario, where the permission would be implemented to its maximum parameters which includes the two additional floors to Plot K above the consented 74 Unit RMA Scheme. The 2016 ES states that 'upon completion of the August 2016 Proposed Development, daylight and sunlight analysis results show Negligible effects to the neighbouring residential properties when considering the VSC, ADF, APSH and Daylight Distribution tests'. In light of the assessments carried out within the ES, the proposal is not considered to impact the daylight, sunlight and overshadowing to neighbouring buildings.

Transport and Highways

7.142 Section 4 of the NPPF sets out the Government's policy in terms of Transport. Paragraph 29 notes that: "transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives".

7.143 Paragraph 32 requires that: "all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment". Furthermore, paragraph 36 states that developments which will generate a significant amount of movement should provide a Travel Plan.

7.144 Paragraph 34 states that: "plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised".

7.145 Chapter 6 of the London Plan provides the regional guidance for transport. Policy 6.1 (Strategic Approach) outlines the general objectives of transport policy and seeks a closer integration of transport and development. Policy 6.2 (Providing Public Transport Capacity and Safeguarding Land for Transport) focuses on public transport and seeks to: "improve the integration, reliability, quality, accessibility, frequency, attractiveness and environmental performance of the public transport system".

7.146 The requirement for a transport assessment is outlined within Policy 6.3 of the London Plan (Assessing Effects of Development on Transport Capacity), while Policy 6.4 (Enhancing London's Transport Connectivity) states the need to support sustainable development through transport developments. Policy 6.5 of the London Plan (Funding Crossrail and Other Strategically Important Transport Infrastructure) sets out the negotiation of planning obligations, while Policy (Better Streets and Surface Transport) seeks to improve the quality of bus, bus transit and tram services. Policy 6.9 (Cycling) outlines the Mayor's strategy to increase cycling within the capital.

7.147 The identified target is for cycling to account for at least 5% of modal share by 2026. The policy outlines that development should contribute to the increase of cycling through the provision of cycle parking facilities and on site changing facilities.

Policy 6.10 (Walking) aims to bring about a significant increase in walking, by improving the quality of the pedestrian and street environment.

7.148 Policy 6.11 expresses the Mayor's wish to take a coordinated approach to smoothing traffic flow and tackling congestion. Policy 6.12 (Road Network Capacity) states the Mayor's support for limited improvements to London's road network, with the priority on seeking improvements to conditions for pedestrians, cyclists, public transport users, freight and local residents.

7.149 The Mayor's Transport Strategy was published in May 2010 and sets out the transport vision for London as follows: "London's transport system should excel among those of world cities, providing access to opportunities for all its people and enterprises, achieving the highest environmental standards and leading the world in its approach to tackling urban transport challenges of the 21st century".

7.150 Policy T1 of the Core Strategy refers to Transport and states that the Council will seek to ensure that the intensity of development is related to public transport accessibility and highway capacity. The policy sets out a need to improve transportation provision and accessibility in the borough by (inter alia) increasing opportunities for walking, seeking localised improvements to the highway network, securing access improvements for all and ensuring appropriate parking provision.

7.151 With regard to Transport considerations, Strategic Policy WCOA (White City Opportunity Area) states that: "The overall quantity of development and its expected trip generation must be related to the capacity of the public transport and highway networks, taking account of firm improvements that could be made, to prevent unacceptable levels of congestion and improve the flow of essential traffic on Wood Lane, in particular. Where individual sites come forward, the transport and traffic impact must be considered in relation to the expected transport and physical infrastructure capacity. Development must be permeable and well connected both within and outside the area, especially for pedestrians and to overcome the barrier effect of the West London Line/A3220 and A40".

7.152 DM LP Policy J1 (Transport Assessments and Travel Plans) reiterates the requirement for a Transport Assessment and states that all development proposals will be assessed for their contribution to traffic generation and their impact on congestion, particularly on bus routes and the primary route network, and against the existing and potential availability of public transport, and its capacity to meet increased demand.

7.153 DM LP Policy DM J5 (Increasing the opportunities for cycling and walking) states that the Council will encourage increased bicycle use by seeking the provision of convenient and safe cycle parking and changing and showering facilities, in new developments in accordance with the cycle parking standards.

7.154 Transport issues are considered within Chapter 4 of the WCOAPF, which sets a number of key principles for transport including (inter alia):

- o Building on the area's good network of strategic and local connections, including committed transport infrastructure improvements
- o Maximise the number of trips by walking and cycling
- o Ensuring excellent access to, and increased capacity on, public transport Minimise vehicular travel to mitigate traffic impacts and congestion on the road network

- o Ensure timely and phased interventions are put in place to accommodate increased travel demand from development and that these interventions do not adversely impact on the transport network
- o Reduce the impact of existing barriers to movement, such as the Westway, the West Cross Route, the West London Line, the Central line and the Hammersmith and City/Circle lines
- o Encourage a shift towards walking, cycling and public transport and deliver a high quality public realm
- o Improve access and circulation on key development sites within White City East.

Parking

Car Parking

7.155 The Core Strategy states that some high density housing with limited car parking may be appropriate in locations with high levels of public transport accessibility (PTAL 4-6), although it does not specify any exact parking standards. The Core Strategy does however state that sufficient car parking will be needed to meet the essential needs of development, with suitable access for disabled people also ensured.

7.156 The London Plan policy in relation to disabled parking provision is set out in Policy 6.13. Policy 6.13 Parking says "provide parking for disabled people in line with Table 6.2". Table 6.2 says "Adequate parking spaces for disabled people must be provided preferably on-site".

7.157 The appropriate footnote to Table 6.2 references 'Mayor of London. Housing Supplementary Planning Guidance. GLA, 2012. Mayor of London' and 'Accessible London. Supplementary Planning Guidance. GLA, 2014'. It is the latter that specifies what 'adequate' means by referencing the Wheelchair Housing Design Guide 2nd Edition. In this instance 'adequate' means one designated space per wheelchair accessible unit.

7.158 Policy DM J2 of the DM LP sets out vehicle parking standards and confirms that the Council has adopted the car parking standards of the London Plan. DM LP Policy D4 J4 outlines the requirement to ensure provision for disabled people and states that development must facilitate ease of access and parking by providing 'blue badge' parking bays.

7.159 LBHF's standards for disabled parking provision are set out in the Supplementary Planning Document (SPD) 'Planning Guidance, 2013'. The standard for residential development is 10% provision (on the basis that 10% of all dwellings should be wheelchair accessible).

7.160 As the site is highly accessible and well connected to public transport, a car-free development is proposed with the exception of 6 designated Blue Badge holder car parking spaces. Officers consider that 6 is the maximum number of car parking spaces which can be provided in the space available under Plot K and as all spaces are designed to wheelchair accessible standards, that the proposed provisions are acceptable.

Blue Badge Holder Parking

7.161 Under the requirements of SPD Transport Policy 10.9 blue badge spaces should be provided (10%) with 1 space for visitors. The development proposes 6 spaces which are located at level 20. Officers acknowledge that the number of spaces is below the guidance set out in the London Plan. However, due to the constraints of the site and its high PTAL rating, officers consider that the number of spaces is sufficient for the development and that all spaces are inclusive and accessible for disabled persons. The applicant has provided information within the Transport Statement to justify the provision of blue badge parking stating that census data for LBHF demonstrates that of those residents registered as disabled, only 40% own a car (compared to 52% of the usual population). Therefore, providing parking for 85% of disabled residents (6 spaces) exceeds the proportion of disabled residents expected to own a car.

7.162 In addition to this, within the overall scheme there are 137 wheelchair accessible flats with 61 blue badge holder parking spaces (as specified in schedule 8, paragraph 1.7 of the approved outline s106 legal agreement). Given the potential shortfall of accessible/blue badge holder car parking spaces, Appendix 6 of the Section 106 agreement (pursuant to the outline application) states that the residential car parking management plan will include a review mechanism so that if a future wheelchair occupier were to request a car parking space, that provisions should be made to provide this as close to the site as possible.

7.163 With regards to the design of the spaces themselves, each parking has a dedicated (non-shared) transfer space of 1200mm. The parking spaces are located at Level 20 directly below the demise (outline) of Building K and adjacent to the main circulation core of the building. The Approved Document Part M standard requires car parking bays to be within 50m 'horizontal' distance of the relevant residential entrance or lift core. The furthest car parking space is located approximately 35m from the lift entrance and complies with this requirement.

7.164 A road safety audit (RSA) was submitted in connection with the 74 Unit Scheme application. The RSA was reviewed by LBHF Highways engineers as well as TfL who have advised that they have no objection to the layout of the car parking spaces subject to the development being carried out in accordance with the detailed drawings and the approved conditions and s106 obligations attached to the outline permission which ensure the car parking is subject to appropriate management.

Cycle parking

7.165 Under the London Plan (2016) standards, 148 cycle spaces are required for the scheme (33 spaces for 1 bedroom units; 112 spaces for 2 bedroom or more units and 3 visitor spaces). The scheme proposes 148 cycle parking spaces in total: 130 of the cycle spaces will be provided at level 40 within a secure cycle storage area and 18 at level 41. Cycle stands will be provided within the public room to accommodate the 3 visitor cycle parking spaces and details of such will come forward with the public realm application. There will also be room for 2 cycles each within the storage area of each of the duplex flats.

7.166 The cycle storage area is located in the south-east corner of Plot K by Ariel Square and has its own separate entrance through to a lobby. The entrance to the store will be appropriately lit. A level threshold is provided and the access door will be secure

(via fob or code) using a Secure by Design compliant method of operation. It would include a double stacking system and a vertical hanging system, although no details on the dimensions and design have been provided. Condition 56 was added to the outline permission which requires details of secure cycle storage for each phase to be submitted prior to commencement of the phase and so details will be submitted in due course to fulfil the requirements of this condition in relation to Plot K.

Access

7.167 The application seeks to discharge the Access to and from Plot K. There are no amendments to the proposed access provisions as per the 74 Unit Scheme. Given the proposed access does not benefit from planning permission, a full assessment of the proposals are set out below, including the linkages to the various relevant routes and transportation provisions. Parameter plan WLD 014 sets out the approved vehicular, and cycle routes through the site including the existing routes which are to be maintained.

7.168 The applicant has submitted a Transport Statement prepared by Vectos to support the submission of reserved matters for Plot K.

Public Transport Access

7.169 The wider development site (including the part which Plot K is located) has a Public Transport Accessibility Rating (PTAL) rating of 6a (excellent) and is very well served by public transport.

Underground

- o Wood Lane station is the closest station to the site and is located to the north west of the site. Wood Lane is on the Circle and Hammersmith & City lines, and is fully accessible. Approximately 10 underground services per hour run from the station.
- o White City station is also near the site, just to the north of Wood Lane Station. White City station is on the Central Line and it has been recently upgraded to improve access although completely step free access to the trains is not yet possible. Approximately 10 underground services per hour run from White City.
- o Shepherd's Bush underground station is on the Central line, and is located to the south-east of the Phase 1 Westfield Development and is fully accessible. Approximately 10 underground services per hour run from the station.
- o Shepherd's Bush Market underground station is located in close proximity to the site on Uxbridge Road, to the west of Wood Lane. It does not currently have step free access. It is served by the Circle and Hammersmith & City lines and has approximately 10 underground services per hour.

Overground

- o Shepherd's Bush Overground Station connects to Clapham Junction mainline station and is approximately 0.5km from Plot K and is fully accessible with step free access between the trains, street and Plot K. Approximately 10 overground services per hour run from the station.

Bus

- o Fourteen (14) bus routes currently serve the White City bus station at the nearby Dimco Building, adjacent to the existing Phase 1 Westfield shopping centre. All of the

bus routes are accessible, but suitable setting-down points and accessible car parking spaces are provided for people who are not able to use the bus service.

- o Seventeen (17) bus routes currently serve the Southern Interchange bus station.

Vehicular Access

7.170 A total of 6 disabled car parking spaces are proposed at ground floor level (level 20) directly below Plot K and below the podium level. The rest of the block is car free.

7.171 Access to the car parking spaces will be via the Service Vehicle Lane which is part of the new Ariel Way re-alignment which LBHF planning committee resolved to granted planning permission for (subject to a s106 legal agreement) in April 2016. Access would be from the east, primarily from the West Cross Route and the H-junction. An alternative access route from the west, which utilises the roundabout at the southern end of Eastern Access Road, will also be available. Traffic data from Westfield London indicates that approximately 70% of all arrivals are from the West Cross Route which reflects the convenience of this route. However, to provide flexibility for residents, and a contingency, residents will also be able to access their spaces from Wood Lane via the roundabout on the Eastern Access Road

7.172 Egress will be to the west via the Service Vehicle Access Lane and Ariel Way. The vehicles then either have a choice to continue straight, heading west along Ariel Way to exit onto Wood Lane or to turn left off Ariel Way just before the bus lane starts to exit back up onto the H-junction to the West Cross Route.

7.173 It is proposed that the access lane would mainly be used by the 6 residents with access to the blue badge spaces and service/delivery vehicles. The owners of the vehicles registered to park in Plot K will be issued with a permit to use the lane. Access to the Service Vehicle Lane will be clearly signed.

7.174 The transport consultant has confirmed that there is space in front of the disabled parking spaces for vehicles to park temporarily and this has been confirmed by the swept path analysis for an ambulance submitted with the Transport Statement. This would enable visitors to the wheelchair user dwellings to drop-off wheelchair occupants close to the circulation providing accessible and inclusive access in line with London Plan policy 7.2. It is likely that the wheelchair user's companion would be issued with a blue badge to be used as part of the operation of transporting the disabled person. However, as the arrangements are not shown or illustrated in the submission drawings, a condition has been recommended which requires details of this arrangement.

7.175 Non-disabled residents using taxis would be required to use the drop-off lay-by which is located to the north of Ariel Way, close to the proposed new retail entrance. Residents would then walk through Relay Square and then on to the 24 hour public east-west route and up to Ariel Walk to access their apartment in Plot K.

7.176 The Service Vehicle Lane will primarily be utilised by service and delivery vehicles who will be servicing Plot K and also those servicing service yards B and C of the Retail Extension. It is proposed that a drop-arm barrier will be installed in the service lane to check all vehicles for security purposes and to make sure they are registered to use the service lane. ANPR will be deployed at this location to confirm that

the vehicle is booked to deliver to the service yard and an emergency use intercom would be installed to manage this.

7.177 The applicant has submitted a draft plot K and site wide service management strategy with the application. The applicant has also submitted a draft traffic enforcement strategy which covers the whole road network in the masterplan site, which includes the service land adjacent to Plot K, in order to respond to LBHF Highways and TfL. LBHF Highways officers have considered the draft service management strategy for Plot K as part of the 74 Unit Scheme application and advise that it is broadly acceptable, in principle. The requirement to agree a site-wide enforcement strategy which covers misuse of the service lane adjacent to Plot K is covered as part of the Ariel Way realignment application, which has been approved subject to completion of a section 106 legal agreement.

7.178 As the service lane (and other roads in the masterplan site) are covered in the road application, which has been fully assessed by TfL and LBHF, it is not necessary for this document to be approved or conditioned as part of the Plot K reserved matters application. However, as the service lane is a private road which is managed by the Council (the Highways Authority), further details on how the service lane will be used and enforced need to be agreed with the Council and submitted pursuant to the road re-alignment s106 which is pending. Officers consider that there is sufficient information provided as part of the Plot K application to assess the vehicular access details, and the site-wide enforcement strategy will be agreed, subject to the road realignment application.

Pedestrian Access

7.179 The proposal has one main entrance for residents situated on the eastern elevation. The entrance to all the apartments is at the podium level which is level 40. Coming from the west, the main pedestrian routes to Plot K are through the covered east-west 24 hour route which links Relay Square and Ariel Walk or via White City Green and then up and along Silver Street, both provide step-free access. From the south residents would walk up the eastern access road from Shepherds Bush and then use the existing lift to get up to the podium level and then cross the H-junction to enter from Ariel Square. Details of the pedestrian crossing on the H-junction have not been provided at this stage but the details have been requested as a condition on the 2016 s73 Scheme. The Extant Scheme did not secure the timing of this provision, or its detailed design. Officers consider that as Plot K will be built alongside the retail component (in Plot A) that it is necessary to ensure the crossing is delivered prior to occupation of the retail or residential element. Without such provision, Plot K would be inaccessible from the east and the south to/for pedestrians which would be contrary to the planning guidelines set out in the strategic regeneration area policies WCOA and WCOA1. The detailed design could also be included as part of the public realm reserved matters application.

Cyclist Access

7.180 The entrance to the cycle parking is at the podium level (level 40) on the eastern elevation of the high rise element of the block. The approved parameters plan WLD 014 shows that a cycle route is proposed along Relay Square, White City Green and Marathon Way. Cyclists would access Plot K from the west by cycling along White City Green and then up Silver Street (via the lift) where they would join Ariel Walk to

continue along to the cycle parking entrance on the eastern elevation. From the south, cyclists would use the existing lift on the eastern access road and cross the H-junction to access the site from Ariel Square, subject to the approval of the above recommended condition to the 2016 s73 Scheme.

Servicing and Deliveries

7.181 Servicing and delivery vehicles for larger items would use the layby located off the Service Vehicle Lane. The lay by is 26 metres long. However, the effective length where it is possible to park a service vehicle is 9 metres, which is sufficient space to accommodate one box van at a time. The layby would have a drop-kerb to aid ease of access for the operatives

7.182 The Transport Assessment submitted with the application included a TRICS/TRAVL assessment which analysed the potential service vehicle trip rates. An indicative first principles assessment of potential service vehicle demand was undertaken based on the following:

- o 89 units
- o 75% receive an online grocery shop each week = 67 vehicles per week
- o 75% receive one other delivery each week = 67 vehicles per week
- o refuse collection and other services = 8 vehicles per week

7.183 Applying the principles above, equates to a total of 142 service vehicles per week, which over the course of 7 day week equates to approximately 20-21 service vehicles per day. On the basis that most deliveries occur between 08:00 - 18:00 - a 10 hour window, this equates to approximately 2 service vehicles per hour.

7.184 The VISSIM Model submitted with the 2014 outline application did not include service vehicle movements specific to Plot K, due to the small number of movements forecasts. However, the VISSIM Model of the proposed layout did assess a total of 20 service vehicles per hour utilising the service vehicle lane (on a give-way basis) which is considered to be a robust assessment of future use given the actual forecasts for the number of service vehicles per hour using this route is approximately 5.

7.185 In light of the above assessments, it is considered that the capacity of the proposed service yard is sufficient to accommodate the service trips associated with the Plot K development. However, a site wide servicing and delivery strategy which will include all details for Plot K as well as servicing for the rest of the site will be submitted pursuant to the approved s106 legal agreement.

7.186 Delivery vehicles will use the layby to drop of deliveries for residents and post will be delivered via trolley facility to the first floor. The Service management statement submitted with the application states that residents will be required to arrange a time to meet the delivery vehicle at below-podium outside of the refuse store double doors. Whilst the service management plan offers some information on how the arrangements will work, officers consider that further information is required to ensure the arrangements can be improved above the details included in the service management plan, particularly for residents with impaired mobility. Condition 8 has therefore been recommended which requires details of delivery and postal arrangements.

Refuse and Recycling

7.187 London Plan (2016) Policy 5.17 (Waste Capacity), CC1 of the Core Strategy (2011), and Policy DM H5 (Sustainable Waste Management) requires that all development should minimise waste and provide convenient facilities with adequate capacity to enable the occupiers to separate, store and recycle their waste.

7.188 The applicant has submitted a Waste Management Strategy for Plot K with the application. The Strategy updates the provisions to ensure there is extra capacity for the additional 15 residential units. There are no amendments to the general waste strategy as set out in the 74 Unit Scheme. Residents will be required to transport their waste from their individual apartments directly to the waste storage area which is located at level 20 and then segregate their waste into the appropriate labelled Eurobins. Due to the layout of Plot K, the residential service core which includes the passenger lifts is located at the eastern end of the development which results in some of residential units having walking distances in excess of 30m, which exceeds the distance set out in the BS5906:2005 - Waste management in buildings Code of practice. LBHF Waste and Recycling team have been consulted on the application and they have advised that the distance is acceptable as the waste storage area is located immediately adjacent to the passenger lifts which all residents will have to use to exit the building.

7.189 It has been agreed with the LBHF Waste and Recycling team that the refuse will be collected twice weekly and the store size is based on this and provides 10 bins in line with this. On nominated collection days, the LBHF waste collection contractor will park their Refuse Collection Vehicle (RCV) in the layby adjacent to the proposed waste storage area (the same layby that the service vehicles would use). The distance from the rear of the RCV when parked in the layby, to the waste storage area is between 10m (to the nearest Eurobin) and 15.5m (to the furthest Eurobin) which exceed the walking distances stipulated by the Guidance. However, Due to the constraints of the site and the configuration of the adjacent roadways it is not possible to reduce this distance further without compromising the structure and layout of Plot K. The distances have been discussed with LBHF Waste and Recycling colleagues who have advised that the layout is acceptable in this instance.

7.190 Each residential unit within Plot K will be provided with a segregated waste bin, which will be fixed into an appropriate kitchen unit. This Waste Management Strategy has taken into account the need to lessen the overall impact of waste generation through prevention, minimisation, reuse and recycling of materials from the operational phase of the Proposed Development. The proposals set out in this Strategy are considered to generally meet the requirements of relevant waste policy and follow applicable guidance in line with London Plan (2016) Policy 5.17 (Waste Capacity), CC1 of the Core Strategy (2011), and Policy DM H5 (Sustainable Waste Management).

Acoustics

7.191 London Plan Policy 7.15 (Reducing noise and enhancing soundscapes) seeks to minimise the existing and potential impacts of noise on, from, within or in the vicinity of, development proposals.

7.192 DM policy H9 sets out the general considerations for developments within the borough where development may generate or be adversely affected by noise, in

accordance with the London Plan and the National Planning Policy Framework. Planning Guidance Supplementary Planning Document Amenity Policies 18-24 request relevant noise and/or vibration and air quality reports to be submitted in support of the proposals.

7.193 Updated noise monitoring has been undertaken and the measured noise levels have been used together with the up-to-date traffic flow data for the 2015 Consented Proposed Development to inform the glazing requirements for Plot K to ensure suitable internal noise levels are achieved by reference to BS 8233, WHO and Planning Condition 24 requirements. All of the same conditions are recommended for the 2016 S73 Scheme. There are no other amendments to the 74 Unit Scheme, with regards to acoustic provisions.

7.194 The updated noise levels confirm good correlation with the noise levels relied upon in the 2015 and 2016 ES and the internal noise levels correspond with those targeted in 2013, 2015 and 2016. Recommendations have been made in respect of internal building fabric elements to ensure that Plot K is compliant with Building Regulations (2010) Approved Document E (2003) and to ensure that Plot K is compliant with the standards required under Planning Conditions 25 and 26.

7.195 Recommendations for atmospheric noise emissions and vibration mitigation from the future plant installations have been provided based on noise monitoring data, to comply with Planning Conditions 28 and 29.

7.196 The applicant has confirmed that details will be submitted in due course to discharge the noise conditions 25, 26, 28 and 29 of the outline consent in relation to Plot K.

Security and Lighting

Security

7.197 S17 of The Crime and Disorder Act 1998 imposes an obligation on the Local Planning Authority to consider crime and disorder reduction in the assessment of planning applications. London Plan Policy 7.3 advises that development should reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating. Policy DM G1 of the Development Management Local Plan (2013) requires new development to respect the principles of Secured by Design.

7.198 The applicant has confirmed that they have had regular meetings with the Secured by Design officer and that the building will be built to Secured by Design standards. Condition 42 of the outline permission requires details to be submitted to ensure each building within the outline scheme is SBD compliant. There are no amendments to the provision of secure by design measures set out in the 74 Unit Scheme Design and Access Statement in this 89 Unit Scheme RMA. As such, the below assessment reflects the same position as previously reported to PADCC (on September 14th 2016).

7.199 With regard to Shared Circulation, Standard 13 of the Mayor's Housing SPD (2016) requires that an access core serving 4 or more dwellings should provide an access control system with entry phones in all dwellings linked to a main front door with electronic lock release. Resident access to Plot K will be from a secure entrance at

podium level (L40). A secure lobby is proposed to prevent 'tailgating' and entrance door access control will be achieved through use of keypads or card entry proximity cards. Visitor's access will be by means of an audio door entry system enabling two-way communications between the entrance panel and each apartment.

7.200 The applicant has confirmed that CCTV cameras will be installed and that CCTV coverage will be provided within the surrounding public realm and below-podium to monitor and provide real-time feedback to the on-site estate security team. It is expected that CCTV will be located in the secure external corridors and lift lobbies serving the apartments, however as the details have not yet been confirmed, condition 2 is recommended which requires details of the CCTV cameras on the building elevations.

Lighting

7.201 Core Strategy Policy CC4 advocates for the protection and enhancement of environmental quality. With regard to lighting it states the council will take measures to 'minimise the impact of light pollution'. Policy DM H10 of the Development Management Plan (2013) states that where proposals include external lighting, this should be designed in order to provide the minimum amount of lighting necessary to achieve its purpose and to avoid glare and light spillage from the site.

7.202 No formal details of external lighting on and around Plot K have been provided with the submission. However, condition 37 (lighting) of the outline scheme requires all lighting details to be submitted and approved by the LPA.

Emergency Access

7.203 Emergency vehicles will be able to access the Plot K blue badge parking area in the event of an incident and a tracking diagram has been provided which shows that an ambulance can drive into the parking area with the cars parked.

7.204 The security barrier will be opened during an incident to allow a fire tender to be positioned adjacent to the primary circulation core of Building K and the dry riser within the lift lobby. It is recognised that the fire tender will not require a designated space as solely required in an emergency incident. A protected stair provides a direct access route to the external podium level outside of the main building entrance.

Air Quality

7.205 In terms of planning policy, the NPPF and PPG require the planning system to prevent development from contributing to, or bring unacceptable risk from elevated levels of air pollution. The London Plan (2016) policy 7.14 "Improving Air Quality" states that development proposals should "minimise increased exposure to existing poor air quality and make provision to address local problems of air quality (particularly in the Air Quality Management Areas (AQMAs)). Development should also promote sustainable design and construction to reduce emissions from demolition and construction. The Sustainable Design and Construction SPG (2014) introduces an Air Quality Neutral requirement on new developments.

7.206 The Core Strategy (2011) policy CC4 "Protection and Enhancing Environmental Quality" states that "the Council will support measures to protect and

enhance the environmental quality of the borough including harmful emissions to land, air and water and the remediation of contaminated land. Policy DM H8 "Air Quality" of the Development Management Local Plan (2013) supports the Core Strategy policy stating that: "The Council will seek to reduce the potential adverse air quality impacts of new major development by: requiring all major developments to provide air quality assessment; requiring mitigation measures to be implemented to reduce emissions, particularly nitrogen oxides and small particles, where assessments show that developments could cause a significant worsening of local air quality; requiring mitigation measures that reduce exposure to acceptable levels where developments are proposed that could result in the occupants being particularly affected by poor air quality".

7.207 The plans show the provision of the energy centre flue on the south western corner of the 16 storey element within Plot K which complies with the parameters plans submitted for the 2016 S73 Scheme. The flue would serve the Energy Centre plant which is located below Plot C and provides and collects heat for the whole development. The CHP is also designed to plug into the wider District Heating Network in White City (which might serve the various Regeneration Area development schemes), should a scheme be developed.

7.208 The CHP would need to be operational by the time the development is first occupied, which is anticipated to be the retail component in October 2017. The residential units within Plot K also require the CHP to function prior to occupation. The applicant has therefore proposed to locate the flue in the highest part of the current development site (Plot K), to ensure emissions from the CHP which disperse from the flue at a height 5m above the building height. The plans show that the flue will have a maximum height of 69.73m AOD (within the maximum height parameter for the flue which is 75m AOD).

7.209 The proposed location of the flue is considered acceptable in design terms as it is located on the south west side of the tower and so would only be visible from the H-junction road and car park ramp. Notwithstanding this, the air quality officer advises that the use of the CHP's should be restricted until the flues for the CHP's are located in the tallest proposed building within the development (Plot C-23 storey building) to ensure adequate dispersion of pollutants and mitigate against the impact of the CHP.

7.210 Officers consider this requirement would unduly restrict the opening of the retail component and the occupation of Plot K. A condition has therefore been recommended on the 2016 S73 Scheme which requires the permanent position of the Energy Centre flue to be submitted to and approved in writing prior to the commencement of works on Plot C.

7.211 Condition 20 of the extant permission and the 2016 S73 Scheme requires an assessment of the impacts arising from the Energy Centre on residential receptors introduced by Plot K and Condition 21 requires the applicant to provide details of a Low Emission Strategy to reduce and manage potential emissions generated by the proposals. Details will be submitted to discharge both conditions in relation to the flue(s).

7.212 The applicant has submitted an Air Quality Assessment with this application which takes account of the relocated energy centre stack within Plot K. The assessment demonstrates that at lower levels the impact of the energy centre emissions and traffic

sources has the potential to give rise to NO₂ concentrations being just above the annual mean air quality objective. To protect the residents from plinth to fifth floor level, the Air Quality team have advised that additional ventilation will be required to mitigate the exceedances of the NO₂ objection. The applicant has confirmed that each unit will be supplied with a MVHR system which would pull air in from vents located within the northern and eastern façades at each level within the building. Where vents are located at plinth level these MVHR units would also be fitted with NO_x and particulate filters to reduce pollutant concentrations from the incoming air and to ensure that each residential unit would have a clean source of make-up air.

7.213 The Air Quality Assessment has been reviewed by LBHF Environmental Quality team who have advised that they have no objection subject to the conditions which will be added to the 2016 S73 Scheme and mitigation referred to in the Air Quality Assessment. In light of the above, the air quality is considered to be compliant with the relevant planning policy.

Sustainability

7.214 The formal design stage CfSH assessment and certification will take place, and can only take place, later in the design process when all evidential documentation has been produced and can be provided. Based on the current design, it is anticipated that the development would score 73.09, a Code for Sustainable Homes Level 4 rating with all mandatory levels met within the assessment. Condition 54 of the approved outline permission requires the submission of a Sustainable Design and Construction Statement to be submitted prior to the occupation of the site.

Equalities Impact

7.215 As set out in earlier paragraphs of the report, the Council's statutory duty under the Equality Act 2010 applies to planning decision making. In the consideration of all planning applications the Council has to have regard to all relevant planning policies available at the time unless material considerations indicate otherwise.

7.216 The protected characteristics to which the Public Sector Equality Duty (PSED) applies now include age as well as the characteristics covered by the previous equalities legislation applicable to public bodies (i.e. disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, sexual orientation, religion or belief and sex).

7.217 Section 149 of the Equality Act (2010) requires the Council to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. This means that the Council must have due regard for the impact on protected groups when exercising its functions, and case law establishes that this must be proportionate and relevant, and does not impose a duty to achieve results.

7.218 The equality assessment undertaken under the outline scheme concluded that the scheme complied with section 149 of the Equality Act as the proposal included extensive areas of public realm, play space (with inclusive play equipment) and an

internal shopping environment that would be accessible by all user groups, including those with mobility impairments such as wheelchair users or the visually impaired. Officers consider the proposed residential environment as detailed in the plot K reserved matters application would give due consideration to the specific needs of the various equalities groups. The proposals provide affordable housing which has been designed to be accessible (level entry thresholds), and fully inclusive (subject to conditions) and that contain access to private outdoor amenity spaces. As such, the proposed Plot K development would result in improvements to the residential environment which has favourable impacts on the equality groups from what was considered in the original EqlA carried out with the outline planning application.

7.219 The analysis of equality impacts of the planning application on protected groups as defined by the Act has been taken into account in the assessment of this reserved matters planning application. It is considered that LBHF has complied with section 149 of the Equality Act and has had due regard to provision of the Equality Impact of the proposed development in its consideration of this application.

Section 106 Legal agreement

7.17 The London Plan (2016) policy 8.2 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. Policy CF1 of the Hammersmith and Fulham Core Strategy (2011) requires that new development makes contributions towards or provides for the resulting increased demand for community facilities.

7.18 Section 106 of the Town and Country Planning Act provides the ability to address externalities arising from development that would otherwise render a development unacceptable, by means of commitments set out by the applicant and if necessary the Local Authority and any other concerned party, in a legal agreement. The underlying principle of the enabling legislation is to maximise sustainable development through the best allocation of resources.

7.19 The former guidance on planning obligations of Circular 05/2005 has now been captured within Section 122 of the Community Infrastructure Levy regulations. Reg. 122 requires that a planning obligation is:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

7.220 Under Section 106 of the Town and Country Planning Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992, officers recommend that the following planning obligations listed under the 'Heads of Terms' below are secured by way of a section 106 agreement pursuant to the new 2016 s73 Scheme (subject to approval), or by way of a Deed of Variation of the 2016 73 Scheme (subject to approval).

Heads of Terms

7.221 The proposed legal agreement would incorporate the following heads of terms:

Housing

- o Off-site contribution to affordable housing of £2.25 million.
- o Revise timing of first viability review - submission of first review to be before the reserved matters application is submitted for the first residential phase which includes market housing (Schedule 7, Part B, paras. 6.11 - 11.3)
- o Revisions to the affordable housing dwelling sizes

Public Realm

- o Not to permit the opening of Plot K or the retail component in Plot A until Ariel Square (including playspace) and a minimum width (TBC) of Silver Street and Ariel Walk have been laid out and made available for use by the public (Schedule 3, paras 1.1 - 1.9)

General

- o Legal Costs on completion of Agreement

London Borough of Hammersmith and Fulham and Mayoral CIL

7.222 On 20 May 2015, pursuant to section 213 of the Planning Act 2008, the Hammersmith & Fulham Council approved the borough CIL Charging Schedule. The borough CIL came into effect on 1 September 2015. This means that CIL liable development proposals approved on or after 1 September 2015 will need to pay the borough CIL in addition to the Mayoral CIL.

7.223 This is a material consideration to which regard must be had when determining the application. Officers and the applicant have estimated a Borough CIL levy of approximately £0 (subject to a formal CIL Liability being calculated upon any final grant of planning permission, and indexation), due to the application falling within the nil rated White City East designation within the borough CIL Charging schedule.

7.224 The Mayor of London's CIL came into effect on 1 April 2012. This is a material consideration to which regard must be had when determining the application. The Mayoral CIL levy for Plot K will be £0 as the proposal is for 100% affordable housing.

8.0 CONCLUSION

8.1 The reserved matters details for access, appearance, landscaping, layout and scale of Plot K have evolved within the context of the approved outline scheme. The proposal will provide a high quality development which would make a positive contribution to the urban environment in White City and the borough.

8.2 The scheme is considered to be consistent with the parameters, principles and level of detail established within the 2016 S73 Scheme. Furthermore, the proposal is considered to comply with the majority of design codes for Plot K. Where deviation from the design codes occurs, this is considered to be justified as it has enhanced the quality

of design following careful consideration of the design constraints during the development of the detailed proposals.

8.3 Subject to conditions, the off-site commuted payment and planning obligations, the proposal is considered to provide a high quality development which would make a positive contribution to the urban environment in this part of the Borough.

8.4 The overall quantum of development would accord with the policy requirement to optimise the use of the site by increasing the provision of affordable housing which is of an acceptable standard and dwelling mix

8.5 Overall, the scheme is considered to be in accordance with National Planning Policy Framework (2012), the London Plan (2016), the Core Strategy (2011) and the Development Management Local Plan (2013).

9.0 RECOMMENDATION

9.1 Officer recommendation is that the Committee resolve that the Lead Director of Planning and Development be authorised to determine the application and grant planning permission subject to the completion of a satisfactory legal agreement and conditions set out above.