

M&S Site, White City

in the London Borough of Hammersmith & Fulham

planning application no. 2014/04726/OUT

Strategic planning application stage II referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Hybrid planning application for demolition of existing buildings and redevelopment for a residential-led mixed-use development in a series of buildings ranging from 11 to 30 storeys to provide up to 1,465 residential units and up to 8,270 sq.m. of A1-A5/B1/D1/D2 floorspace, together basement parking, amenity space, pedestrian and vehicle routes, and open space, including a new decked area over the Central Line cutting.

The applicant

The applicant is **St James Group Ltd** and the architect is **Patel Taylor Architects**.

Strategic issues

The principle of **mixed-use regeneration**, with housing, retail and leisure uses, public realm, routes and open space is in accordance with strategic objectives for the **White City Opportunity Area** and is strongly supported.

The **masterplan** scheme is generally well designed and complies with London Plan urban design policies, including in respect of the proposed tall buildings. Clarification and further information has been provided in relation to **affordable housing** delivery, **access, urban design, energy, and transport**. Appropriate **Section 106 contributions** have been secured in accordance with the White City development infrastructure funding study.

The Council's decision

In this instance Hammersmith & Fulham Council has resolved to grant permission.

Recommendation

That Hammersmith & Fulham Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority.

Context

1 On 11 November 2014 the Mayor of London received documents from Hammersmith & Fulham Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Categories 1A, 1B (c) and 1C (c) of the Schedule to the Order 2008:

1A - Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats;

1B Development which comprises or includes the erection of a building outside Central London and with a total floorspace of more than 15,000 square metres; and

1C - Development which comprises the erection of a building that is more than 30 metres high and is outside the City of London.

2 On 25 November 2014 the Mayor considered planning report D&P/3291/01, and subsequently advised Hammersmith & Fulham Council that while the application was generally acceptable in strategic planning terms, it did not comply with the London Plan for the reasons set out in paragraph 61 of that report; but that the possible remedies set out in that paragraph could address these deficiencies.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. Since then, the application has been revised in response to the Mayor's and Council concerns (see paragraph 7 below). On 19 May 2015 Hammersmith & Fulham Council decided that it was minded to grant planning for the revised application, and on 25 November 2015 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, direct Hammersmith & Fulham Council under Article 6 to refuse the application or issue a direction to Hammersmith & Fulham Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application. The Mayor has until 7 December 2015 to notify the Council of his decision and to issue any direction.

4 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 has been taken into account in the consideration of this case.

5 The decision on this case, and the reasons will be made available on the GLA's website www.london.gov.uk.

Update

6 At the consultation stage Hammersmith & Fulham Council was advised that while the scheme was generally acceptable in strategic planning terms, the application did not fully comply with the London Plan, with the reasons and remedies set out in paragraph 61 of the report. The outstanding issues of concern related to housing and affordable housing, detailed design, access, transport and energy matters.

7 Following discussions between the applicant, GLA and Council officers, a number of revisions have been made to the application since Stage 1. The main changes are:

- Plots A1 and A2 have been repositioned to be nine metres from the western site boundary and windows have been included in the western elevation of A1;

- The internal layout of plot A3 has been amended to reduce the number of units per core to eight and improve the relationship of this plot with future phases;
- The facade design of building A3 has been simplified;
- Plots B1 and B2 have been reduced in footprint and combined to plot B1; the building has been repositioned to be at least nine metres from the western boundary; the separation distance between plot B1 and the northern boundary has been increased;
- Plot C1 has been reduced by six storeys, to 21 storeys; the building has been repositioned to be at least nine metres from the northern site boundary;
- Plot D1 has been repositioned to be a minimum of five metres from the northern boundary and a colonnade has been introduced at ground level on the northern elevation;
- Two storeys have been added to each of plots D2, D3 and E2;
- Two storeys have been added to building E1.5 within plot E1; further detail has been provided on the elevations of this building.

8 While the description of development for the application remains unchanged and allows for up to 1,465 residential units, the effect of the revisions to the proposals would reduce the quantum to approximately 1,395 units as set out in an indicative scheme from the applicant.

9 On 14 April 2015, GLA officers issued an informal response to the Council confirming that the proposed amendments to the application were supported by officers in strategic planning terms and would be recommended to the Mayor accordingly.

10 Since Stage 1, the Further Alterations to the London Plan have been adopted.

11 Taking each of the outstanding matters from Stage 1 in turn, the following is noted:

Housing

Housing mix

12 The dwelling mix for the detailed phase of the application has been amended since stage 1, as set out below:

	<i>Studio</i>	<i>1 bedroom</i>	<i>2 bedroom</i>	<i>3 bedroom</i>	<i>Total</i>
Housing mix at stage 1	27 (6%)	141 (32%)	245 (56%)	22 (5%)	435
Housing mix at stage 2	25 (6%)	129 (33%)	193 (50%)	41 (11%)	388

13 At Stage 1, it was acknowledged that the proposals included a range of housing sizes, however the Council was asked to confirm that it was satisfied that the proposed unit mix was based on local housing needs. GLA officers welcome the increase in three bedroom units in the revised proposals. The Council sets out in its Committee Report that the proposed development would make a significant contribution to providing much needed additional housing and would comprise an appropriate mix of dwelling sizes that would meet local and London-wide housing needs.

14 As set out at Stage 1, the overall indicative dwelling mix for the combined detailed and outline element is: studio 5-15%; 1 bed 25-40%; 3 bed 3-15%; and 4 bed 1-5%. The Council's committee report state that the precise housing mix would be determined at reserved matters stage, however the indicative mix provides an acceptable mix in strategic planning terms. GLA officers recommended at stage 1 that the dwelling mix for the outline element should be secured through condition or legal agreement. The reserved matters submissions would be considered

against the adopted policies at the time of assessment, and the maximum unit numbers (1,465 units) and quantum of development are set out. GLA officers agree that this approach allows flexibility given the likely timescales of development, and would allow the housing mix to be assessed against local needs at the time of the submission of reserved matters. On this basis, there are no outstanding issues regarding the housing mix.

Affordable housing

15 At Stage 1, it was reported that the applicant's indicative affordable housing offer was 11% but that the scheme was still subject to negotiation and it needed to be demonstrated that the scheme was delivering the maximum reasonable amount. The Council's independent assessor has subsequently considered the application's financial viability appraisal, and their conclusions were that the proposals could achieve a higher level of affordable housing. As a result of negotiations between the GLA, the Council and the applicant, the amount of affordable housing increased to 279 units, equating to 19% (of the total 1,465 unit scheme) with a tenure split of 60:40 between rent and intermediate provision. This is the amount reported to Planning Committee in May 2015.

16 There have been on-going discussions following Committee between the applicant and the Council about the final composition of the affordable housing. This is on the basis that the Council has sought a smaller Extra Care Facility, which has freed up floor space for other tenures. As a result, the scheme now delivers 80 extra care units (65 rented and 15 shared ownership), 102 affordable/social rent (61 affordable rent and 41 social target rent) and 116 Council shared equity units (with income caps between £30,000 and £65,000). The overall provision has increased from 279 units to 298 units since Committee, equivalent to 20.3%. In addition, a further commuted sum of £33.5 million towards affordable housing in the Borough has been secured, in lieu of a review mechanism. This overall provision (when combining the on-site and commuted sum) is equivalent to roughly 30 – 32% affordable housing. The increased amount of affordable housing that has been secured is strongly supported and it has been satisfactorily demonstrated that the scheme is delivering the maximum reasonable amount of affordable housing, with an appropriate tenure split. The s106 includes appropriate mechanisms to secure the affordable housing.

Density

17 At Stage 1, officers requested the net residential density of the proposals to be provided. The committee report confirms it to be 364 units per hectare (based on 94% of the site area being in residential use). It should be noted that this site has a Central character setting (not urban as set out in the stage 1 report) due to its proximity to Shepherd's Bush town centre and the physical change which is occurring within the opportunity area. The indicative density, as set out in London Plan table 3.2, is therefore be 650 – 1,100 habitable rooms per hectare or 140 – 405 units per hectare. The proposals fall comfortably within this range, and the high residential quality and the amount of public and private amenity space reinforces that the density is appropriate for the site.

Children's play space

18 In response to Stage 1 comments, it has been confirmed that the scheme would generate a play space requirement of approximately 1,060 sq.m., based on the mix proposed, with 640 sq.m. expected as door stop play for under 5s. The Council has confirmed that the precise provision of open space and playspace would be determined through the Reserved Matters applications, and an appropriately worded condition has been secured. An open space management strategy is also secured in the s106 agreement. Overall it has been demonstrated that the scheme can deliver an appropriate amount and type of play provision in accordance with the Mayor's SPG.

Urban design

19 The design of the proposals was broadly supported at Stage 1, with the masterplanning proposals in particular being supported, in terms of ensuring wider connectivity across the wider Opportunity Area. The applicant and the Council have worked together to secure the details of the public realm works in the s106. This includes the proposed deck across the Central Line cutting, which is a key aspiration of the White City OAPF and provides an important public realm element at the heart of the plan, linking the BBC TV Centre, M&S and Westfield developments on White City Green and providing enhanced access to Wood Lane Tube. The draft s106 agreement includes obligations on the applicant, which should ensure the delivery of this key element of infrastructure.

20 Notwithstanding general support for the scheme, there were some detailed aspects of the proposal where concerns were raised. This included the design of the primary entrances to the buildings, particular those between the lake and central garden (buildings D1 and E1). Officers were also concerned at Stage 1 about the proximity of blocks B2, C1 and D1 with the northern boundary of the site with the former Dairy Crest site, as well as the relationship with the site to the west and the 'ugly' buildings. Imperial College is the land owner for the sites to the north and west and they also raised concerns regarding these relationships, resulting in Imperial College lodging an objection against the proposed development on the grounds that it could prejudice future development on the site due to the proximity of the proposed buildings to the boundary.

21 Following discussions between the GLA, the Council, Imperial College and the applicant, a number of revisions were made to the scheme, as detailed in paragraph 7 above. GLA officers confirmed that they were supportive of these amendments, and Imperial College also subsequently withdrew its objection.

22 There were also issues around residential quality that were raised at Stage 1, in particular the number of single aspect units and units per core in Building A3. The amendments to the footprints of plots A1 and A2 as a result of repositioning them further from the boundary has resulted in a reduction in the number of north facing units, which is welcomed. The applicant has revised the layout of Building A3, so that there are eight units per core. This is in line with the Mayor's Housing SPG guidance and is welcomed.

23 At Stage 1, GLA officers also noted that the design codes for the outline element of the proposals should include the residential quality issues raised in the report. While this has not been included, the amendments to the detailed part of the application, which would set the precedent for the outline element, respond to the stage 1 concerns over residential quality. The Council will need to ensure at reserved matters stage that a high level of residential quality is achieved throughout the development.

24 While the appearance of the proposals was considered to be generally well thought out at Stage 1, it was recommended that some of the proposed elevations may benefit from simplification, particularly with regards to block A3 of the detailed application. In response to this, the elevation of A3 has been revisited. The central block in particular has been simplified, to contrast with the taller elements of the block, which is welcomed.

25 GLA officers also requested that further consideration be given to the detailed design of block E and details of the curved facade. The applicant has submitted a revised design code document, which contains detailed codes for the buildings within the outline element, including codes relating to the materials and appearance of building E1.5 (the curved building). This approach is supported.

26 To summarise, the applicant has made revisions to the proposals, which respond to Stage 1 comments and lead to the proposals now demonstrating a high quality of development and living

environment. Suitably worded conditions have been secured by the Council for detailed and reserved matters.

Inclusive design

27 At the initial consultation stage, there were some queries about aspects of the scheme, particularly in relation to the public realm, Blue Badge parking, gradients and design of the shared spaces. Noting the outline nature, the Council has secured a number of conditions requiring details of street furniture and landscaping aspects, and that 10% of parking spaces be provided as Blue Badge. The s106 agreement includes requirements in relation to wheelchair accessible/adaptable units and requirements for a wheelchair access strategy to be submitted. This is welcomed.

Energy and climate change

28 At Stage 1, it was reported that the scheme would achieve an overall saving of 40% in carbon emissions, which is welcomed. Further information was sought in relation to aspects of the strategy in order to verify the savings being suggested. This related to thermal modelling, connection to the White City District Heating Network, and details of the site heat network

29 The applicant has subsequently provided further information that has been reviewed by GLA officers, who confirm that subject to suitably worded conditions and s106 obligations the scheme is in accordance with the London Plan and Mayor's energy hierarchy. The Council and applicant have agreed to include an additional condition that requires the dwellings in the first Phase to meet Criterion 3 of Part L 2013 with no more than a "slight" risk of overheating and that a dynamic overheating assessment is carried out for all future phases in line with relevant guidance. A single energy centre is proposed, with a large CHP energy to be installed upon completion of approximately 50% of the development. The system is future proofed for connection to the White City DHN, also secured in the s106 agreement.

30 The Council has included a number of other conditions, including Code equivalent standards and requirements in relation to SUDS, biodiversity, water consumption. These commitments are welcomed, and on this basis there are no outstanding issues in relation to climate change.

Transport

31 TfL highlighted a number of transport issues at Stage 1 that required addressing. This included trip generation, VISSIM modelling, bus capacity, cycle infrastructure, cycle hire docking station, and London Underground infrastructure protection and works. Contributions towards buses, Cycle Hire and Legible London were also requested, along with the need for a travel plan, delivery and servicing plan and construction logistics plan to be secured by condition or through the section 106 agreement.

32 Since then, further discussion has taken place and TfL has considered the committee report, draft conditions and s106 agreement. Adequate clarification was provided by the applicant concerning trip generation and TfL now considers this acceptable.

33 In accordance with the White City Development Infrastructure Funding Study (DIFS), a £2.5m transport and highways contribution towards infrastructure improvements will be paid to the Council. A contribution of £450,000 has also been secured to mitigate the impact of the proposed development on the capacity of the bus network, to be secured through the section 106 agreement.

34 As requested at Stage 1, the applicant has agreed to update the White City VISSIM base model with development flows, once the Westfield committed development flows have been added. The updated VISSIM model is to be submitted to TfL for review within 2 months of Westfield submitting the future year scenario to TfL. Should the modelling identify bus delays of 30 seconds or more, as a result of the development, a contribution of £450,000, payable to the Council, for bus journey time improvements such as bus priority measures has been secured through the section 106 agreement.

35 A contribution of £10,000, payable to the Council, has been secured in the s106 to go towards Legible London signage. The applicant has also agreed to safeguard an area of land within the redline boundary for a 40 point Cycle Hire docking station along with a contribution of £200,000, to be secured through the s106 agreement. The contribution is to be paid to Hammersmith & Fulham Council on implementation and then transferred to TfL within 60 days of receipt. The final wording of the s106 agreement is to be agreed with TfL, including joint working with the Council and applicant to implement the new docking station.

36 In addition, the s106 agreement secured the requirement for the applicant to work with TfL, the Council and adjoining landowners to help deliver the opening up and redevelopment of the London Underground viaduct arches which will also assist with improved cycle linkages.

37 The exclusion of occupant's rights to apply for a parking permit in the surrounding Controlled Parking Zone is also to be secured through the section 106 agreement, together with workspace and residential travel plans. Delivery and servicing plan, construction management plan and car park management plan have also been secured.

38 Since Stage 1, there has been some discussion between the applicant and the Council about the deck works to the cutting over the Central Line. The applicant is obligated to prepare a feasibility study and to agree this with LUL by April 2016, and then to carry out and complete the deck works. An infrastructure protection condition will also need to be secured with LUL on any consent given to the proposed bridge and deck and as such, TfL requests further discussion with the Council on the payment triggers and final wording of the s106 agreement.

39 In summary, the transport issues raised at Stage 1 have been addressed and the application is now considered to be in accordance with the transport policies of the London Plan. Given the significant transport package agreed to mitigate the application, TfL would expect to be further involved in finalising the s106 agreement.

Response to consultation

40 The application was advertised by site and press notices, and with consultation letters sent to 450 neighbouring properties. A re-consultation exercise was undertaken in relation to amendments to the scheme. Two responses were received, raising issues in relation to traffic and the need for community growing areas/allotment gardens. The Hammersmith Society objects to the scheme, based on its scale and density and resultant pedestrian environment. Affordable housing should be closer to 40%.

41 The Council has addressed these points in its committee report, with a detailed transport assessment having been undertaken and a thorough assessment of the tall buildings. In relation to gardens, whilst growing spaces are specifically provided, the scheme contributes approximately 22,000 sq.m. of publically accessible spaces, including Exhibition Green, Central Gardens, Kiralfy Square, Counters Quay, and White City Gate – a deck structure that bridges the railway line and provides connections between Wood Lane and Exhibition Green. Overall, the scheme has been

found to be acceptable in relation to transport, amenity scale and design, and the maximum reasonable amount of affordable housing is secured, in accordance with local and strategic policy and guidance.

42 The local MP, Andrew Slaughter has objected to the scheme due to the scale of development, amount of affordable housing, impact upon light entry to adjacent properties and loss of privacy. The Council has given detailed consideration of all these points, and the previous Stage 1 report and this report address the strategic matters.

43 Imperial College as an adjacent landowner originally made objections to the scheme, stating that the proximity of the proposals to boundaries could prejudice their wider regeneration aspirations. The design amendments to the scheme have led to Imperial College withdrawing their objection.

44 Other statutory consultees responded as follows:

- **Thames Water:** Sets out requirements for submission of a piling method statement, impact studies of the existing water supply infrastructure and sewer and the ability to effectively drain the site. Appropriate conditions are included in the draft decision notice.
- **Environment Agency:** Raises no objections subject to securing a surface water drainage scheme for the site, which the Council has included as a condition.
- **Historic England:** No response received.
- **Greater London Archaeology Advisory Service:** No objections, subject to conditions, which the Council has included.
- **London Fire and Emergency Planning Authority:** No objections to the scheme, subject to meeting Building Regulation requirements and maintaining Brigade access at all times.
- **Health and Safety Executive:** No objections.
- **Inner North West London NHS:** No response.
- **Natural England:** No objection.
- **Royal Borough of Kensington and Chelsea:** No objections subject to contributions being secured towards infrastructure needs as set out in the WCOAPF, particularly improved east-west cycling and pedestrian facilities. The Council has secured the requisite DIFS payments from the scheme that would go towards transport-related projects.
- **Network Rail:** Notes proximity to Network Rail land, and that development must not encroach during construction and after completion, or affect safety, operation or integrity of the railway. The Council has imposed conditions to address these points.

Article 7: Direction that the Mayor is to be the local planning authority

45 Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. In this instance the Council has resolved to grant permission with conditions and a planning obligation, which satisfactorily addresses the matters raised at stage 1, therefore there is no sound planning reason for the Mayor to take over this application.

Legal considerations

46 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority

to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Financial considerations

47 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government Planning Practice Guidance emphasises that parties usually pay their own expenses arising from an appeal.

48 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

49 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the council to do so) and determining any approval of details (unless the council agrees to do so).

Conclusion

50 Having regard to the details of the application, the matters set out in Hammersmith & Fulham Council's committee report, and its draft decision notice, this residential led development in the White City Opportunity Area is acceptable in strategic planning terms. The scheme would provide for local needs with a range of affordable housing both on-site and off-site and the scheme makes significant contributions in terms of placemaking and public realm, including decking over of the Central Line cutting. Further information has been provided, which together with conditions and section 106 obligations imposed by the Council address all strategic issues that were raised at Stage 1. On this basis, there are no sound reasons for the Mayor to intervene in this particular case.

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