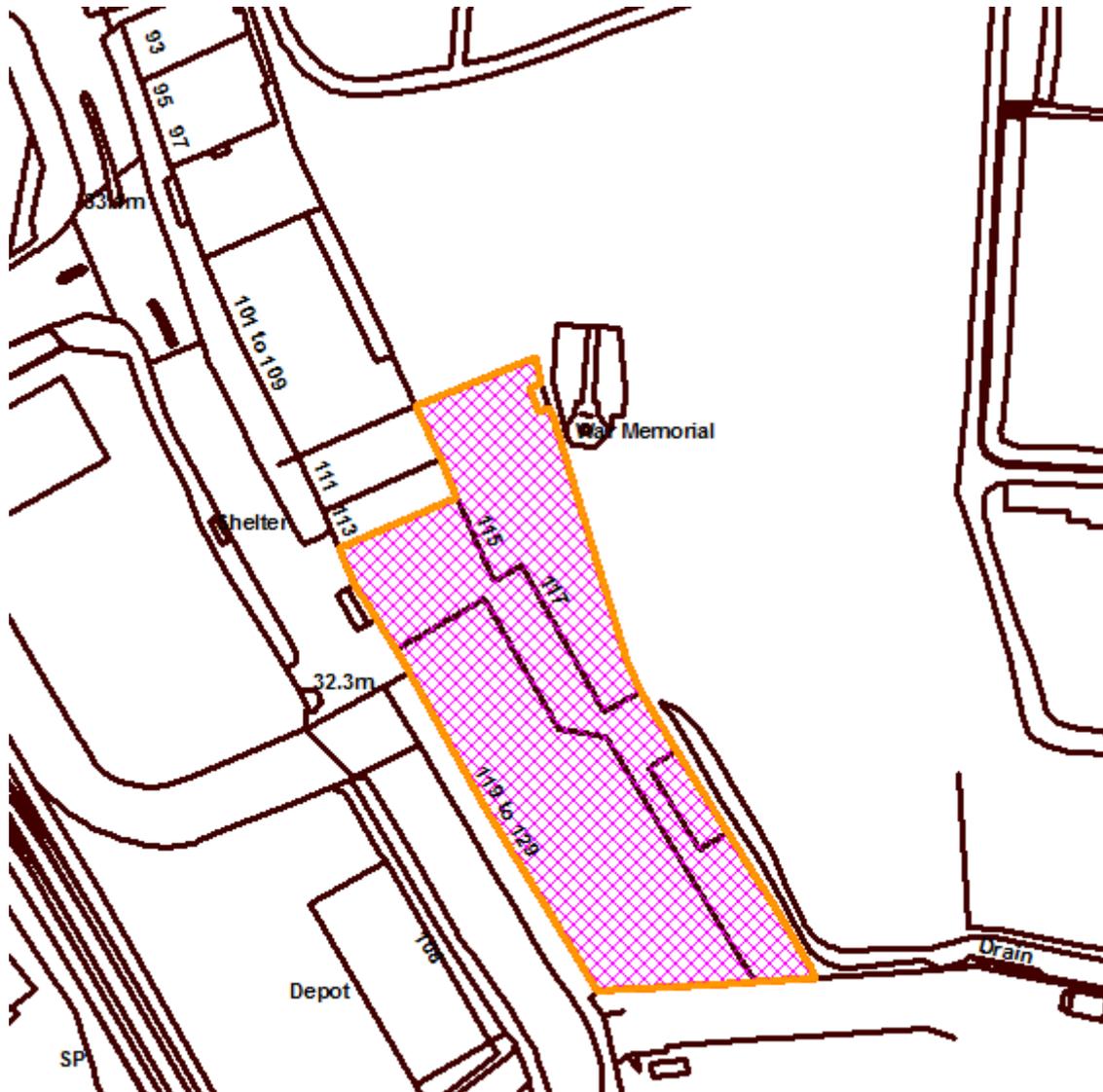


---

**Ward:** College Park And Old Oak

**Site Address:**

115 - 129A Scrubs Lane London



© Crown Copyright. All Rights Reserved. London Borough Hammersmith and Fulham LA100019223 (2013).

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

**Reg. No:**  
2020/02049/OPDOBS

**Case Officer:**  
Padraig Collins

**Date Valid:**  
10.08.2020

**Conservation Area:**

**Committee Date:**  
13.10.2020

**Applicant:**

City Hall London SE1 2AA

**Description:**

Consultation by OPDC on ref. 20/0088/FUMOPDC North Kensington Gate (South Site)., 115-129A Scrubs Lane, London, NW10 6QU for: Demolition of existing buildings and redevelopment of the site to provide residential units Use Class C3 within a new residential led building ranging in height from 7 to 24 storeys above ground, over ground floor commercial floorspace Use Class A1 A2 A3 A5 B1A B1C, with basement car parking, cycle parking and plant space, landscaping and associated works  
Drg Nos:

**Application Type:**

Observations to OPDC

**Officer Recommendation:**

This Council raises objection to the proposed development for the following reason(s):

- 1) LBHF objects to the affordable housing proposed. LBHF will hold the nomination rights for the development and as such the affordable housing offer must be one that can be utilised by the Council for its residents. The affordable housing quantum of 32% is not supported, nor is the 84% Shared Ownership and 16% London Living Rent tenure and neither comply with adopted policy. Both the quantum and tenure should be revisited to deliver a policy compliant development at a level that can be utilised by LBHF. The Council expects any s106 agreement to secure appropriate review mechanisms as advised by the Mayor's Affordable Housing and Viability SPG. The proportion of 3 bed units is not in accordance with policy and should be revised to secure the appropriate level of family accommodation.
  - 2) LBHF objects to the proposal and recommends a number of further improvements and revisions to its height and design are secured. The future context of the site has changed from the extant permission and this has not been recognised in the quality of the design in this sensitive edge location. Conditions as outlined are also requested to be secured to ensure adequate mitigation to the impacts of the development. Please refer to the attached Case Officer's report to read the full assessment of the proposal and the Council's requested conditions and revisions should permission be granted.
  - 3) LBHF objects on highways grounds and requires a Healthy Streets approach to be adopted. The 12 Blue Badge parking spaces is not commensurate with the 21 wheelchair homes to be provided and it is a requirement that 21 wheelchair spaces are provided for and secured by way of obligation for those units for the lifetime of the development.
-

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

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

Application form received: 7th August 2020

Drawing Nos: see above

**Policy documents:** National Planning Policy Framework (NPPF) 2019  
The London Plan 2016  
LBHF - Local Plan 2018  
LBHF – Planning Guidance Supplementary Planning Document  
2018

**Consultation Comments:**

**Comments from:**

**Dated:**

**Neighbour Comments:**

**Letters from:**

**Dated:**

Hammersmith Town Hall Extension King Street London W6 9JU 28.09.20

## 1.0 BACKGROUND

1.1 The London Borough of Hammersmith and Fulham (LBHF) have been consulted on the above planning application by the Old Oak and Park Royal Development Corporation (OPDC). The Council is a statutory consultee for all applications within the Old Oak and Park Royal Opportunity Area (the Opportunity Area) that fall within its borough boundary.

1.2 The 2011 Localism Act provided the Mayor with powers to set up Mayoral Development Corporations. The OPDC was established by a Statutory Instrument in January 2015, and was granted planning powers through a further Statutory Instrument in March 2015. The OPDC came into existence on 1 April 2015. On this date the OPDC became the local planning authority for the area, taking on planning functions including plan making powers and determination of planning applications. LBHF remains the highway authority for the area within the borough boundary, is the local authority and will regain its role as local planning authority for the area in the future.

### Site and Surroundings

1.3 The Site is located at 115-129A Scrubs Lane, NW10 6QU. Scrubs Lane, as existing, comprises principally of two to three storey units of light industrial / office use and is an important road connecting Harlesden, Old Oak and White City. The site measures 0.38 hectares (ha) in area and is located at the southern end of Scrubs Lane, which acts as the gateway connecting the OPDC area to Harlesden, Old Oak and White City. The Site is located opposite the Mitre Yard site, which has consent for 241 residential units and commercial units at ground level.

1.4 The Site itself comprises five storage/industrial buildings which front onto Scrubs Lane within a single building, and three further storage/industrial units located to the rear of the Site adjacent to St. Mary's Cemetery. These are all two-storey units, primarily used for industrial activity, including car repair and maintenance on the ground floor, with storage and office use above - however, the units are now vacant and dilapidated.

1.5 The Site is not located within a Conservation Area but is bound to the east by St Mary's Catholic Cemetery (a designated conservation area) (which lies on the other side of the existing boundary wall). The site also lies just north of the Grand Union Canal, also a designated Conservation Area. The Site does not contain any designated heritage assets, such as listed buildings, Schedule Monuments or Registered Parks and Gardens. It is also not located within an Archaeological Priority Area. The Canadian War Memorial, maintained by the Commonwealth War Graves Commission, is located in close proximity to the site boundary. To the east of St Mary's Catholic Cemetery and within the same area of parkland is the Kensal Green Cemetery, a Grade I listed Registered Park and Garden. To the north of the Cemetery is Kensal Green Underground and Overground station.

1.6 The Grand Union Canal lies to the south of the site. The Site is located in Flood Zone 1 and is therefore at low risk of fluvial or coastal flooding. It is identified in the LBHF Surface Water Management Plan' as a 'Critical Drainage Area'; an area where there are surface water flood 'hot spots' which could be exacerbated by the Development.

1.7 Immediately to the west of the Site, on the other side of Scrubs Lane, is Mitre Yard, also being developed by C&D. Beyond this are the West Coast main line, and London Overground and London. In addition, 2 Scrubs Lane, (the site of the existing Pentecostal City Mission Church) is located at the northern end of Scrubs Lane. Consent was granted in 2018 (Ref. 17/0091/FUMOPDC) to provide a 20-storey building comprising 83 new homes.

1.8 In terms of transport, the Site currently has a 'Low' Public Transport Accessibility Level (PTAL) level of 1b. It is anticipated this will improve with the development of new stations for Crossrail, HS2 and London Overground. Currently, Willesden Junction and Kensal Green are the closest stations at 10 minutes and 16 minutes walking distance respectively from the site. They are served by the Bakerloo Underground line, Overground, and National Rail services. Bus stops for the 220 Bus Route are located on both sides of the road, within 100m of the Site, stopping near the intersection of Hythe Road and Scrubs Lane. Route 220 is a high frequency bus route, offering 12 buses per hour during weekdays, connecting Willesden Junction Station with Maple Crescent in Wandsworth, passing through Shepherds Bush and Hammersmith. The site is also located to the North of the A40/Westway, which connects to Wood Lane, and then onto Scrubs Lane. The A40 forms part of the Transport for London Road Network (TLRN).

## Planning History

1.9 The Planning history for the site is as follows:

1.10 The site, which lies within the Old Oak Common Regeneration Masterplan, received full planning permission in June 2018 (16/0119/FULOPDC).

1.11 On 11 June 2018, application ref. 16/0119/FULOPDC, was approved. This application was for the demolition of existing buildings and redevelopment of the site to provide a new building ranging from 6 storeys (25.1 metres above ground level) to 22 storeys (80.4 metres above ground level) in height over a new excavated basement, comprising 750sqm (GIA) of ground floor commercial floorspace (use class A1/A2/A3/B1) and 164 residential units (use class C3), with basement car parking and plant space, landscaping and associated works.

## 2.0 PROPOSAL

2.1 The proposed development is similar to the extant 2018 scheme, with changes made to the design, mix and affordable housing offer: The proposal consists of the demolition of the existing buildings and redevelopment of the site to provide 208 residential units (Use Class C3) within a new residential-led building ranging in height from 7 to 24 storeys (above ground), over ground floor commercial floorspace (Use Class A1/A2/A3/A5/B1A/B1C), with basement car parking, cycle parking and plant space, landscaping and associated works. There is 32% affordable housing comprising 84% Shared Ownership and 16% London Living Rent

## 3.0 PUBLICITY AND CONSULTATION

### Residents

3.1 This application was submitted to OPDC who are the Local Planning Authority, and it is their statutory duty to consult on the planning application. LBHF have been consulted as a statutory consultee on this application. OPDC have notified residents and consultees, including the London Borough's of Brent and Ealing, the Royal Borough of Kensington and Chelsea, the GLA and TfL. As set out in the applicant's Statement of Community involvement, a website went live on 22 May 2020, with newsletters issued to the local community informing them of the proposals on the same day, this included an invite to a webinar Q&A session which was held on 4 June 2020.

3.2 LBHF have not received any representations.

## 4.0 PLANNING CONSIDERATIONS

4.1 The following comments are made in relation to the proposed scheme:

### Design

4.2 The current scheme remains unacceptable in terms of height, massing, design and heritage and the new proposal does not overcome the concerns raised by LBHF to the extant application.

- The lowering of the base from 7.0m height to 4.9m height would result in a very weak expression of the base, in particular of the tower building that is supposed to be a gateway into Old Oak North. The corner of Scrubs Lane/Grand Union Canal of the tower base is highly prominent in the approach from south over Mitre Bridge and should be designed as an active and animated edge with a high quality relationship to the street;

- The plant room/garden room on the top of Building 01 has become much more prominent, yet has an unattractive, unrefined design and appears incongruous with the building design; and
- The highly exposed location of the development, that has lost much of its future context with the omission of the Car Giant land to the west from the regeneration area, would require a much more imaginative and high quality design approach that is appropriately respectful to the adjacent heritage assets, recognising its sensitive edge location.

## Heritage

4.3 LBHF concerns in relation to the extant permission remain. In this instance, the increase in height would exacerbate the the impact on St Mary's Cemetery, Grand Union Canal and Cumberland Park Factory Conservation Area, as well as Kensal Green Cemetery Grade I Listed Historic Park and Garden and their settings. Increased heights, such as the tower, are only acceptable near railway line as set out in Policy P10 of the OPDC Reg 19 Local Plan.

## Highways

4.4 It is requested that a healthy streets approach format to be used, and requested the document to be altered with this approach in mind.

4.5 The proposal would see the delivery of 12 Blue Badge residential parking spaces. At a quantum of 208 units, there should 21 wheelchair adaptable homes (10%) with a Blue Badge space each, or 21 spaces. As such the parking provision is well below the expected standards. These spaces should be restricted to occupants of the relevant units for the lifetime of the development. Whilst the draft London Plan allows for a fewer number, it does require the setting aside of identified land for future provision of the full number of spaces required, 21. This is not the case in this proposal. It should also be noted that this is an unadopted policy.

## Housing

4.6 The current proposal is not acceptable as it does not deliver genuinely affordable homes. All policy documents point to the acute shortage of genuinely affordable homes in the borough as opposed to intermediate homes. Genuinely affordable homes such as London Affordable Rent will be allocated to people that the local authority has a legal obligation to house. The intermediate housing provision seeks to provide options for people with aspiration to own/rent in the area. Both tenures are needed, but there's an acute shortage of the London Affordable Rent within Hammersmith and Fulham that this proposal does not address.

4.7 The proposal would see 208 residential units being delivered, an increase of 44 compared to the 2018 consent. 32% of the units, 67, would be affordable with 84% Shared Ownership and 16% London Living Rent. Policy SP4/H2 of OPDC Reg 19 Draft Local Plan requires 50% affordable housing, with a 70%:30% tenure split. As such the proposal falls below the required quantum of affordable housing, subject to financial viability testing. The proposal therefore falls well short of the required quantum of the required tenure split.

4.8 The approach to housing, and affordable housing especially, is clear in the London Plan and the OPDC Plan. The Mayor's Policy seeks the following:

- A minimum of 30% low cost rented homes, allocated accorded to need and for Londoners on low incomes (Social Rent/London Affordable Rent);
- A minimum of 30% intermediate homes which meet the definitions of affordable housing including London Living Rent and Shared Ownership; and
- 40% to be determined by the relevant boroughs on identified need, provided they are consistent with the definition of affordable housing (for LBHF this would be LAR which, when added to the first 30%, is closer to our local plan policy of 60% genuinely affordable homes).

4.9 The proposal should be securing 70% London Affordable Rent and 30% intermediate rent in order to meet the identified borough need as required by adopted London Plan policy. The council therefore objects to the quantum and tenure of affordable housing proposed.

#### Housing Mix

4.10 The previous scheme exceeded the requirements of the draft policy requirement. The Reg 19 Local Plan requires 25% 3 beds in policy H3. The previous proposal met the requirement, exceeding it by 0.6%, providing a range of three-bedroom homes for families. The offer has decreased in percentage terms to 21.2% which is 3.8% less than the requirement, and 4.4% less than the extant permission. The proposal fails to comply with policy H3 and it is disappointing that this is being proposed.

4.11 Density - The current draft Reg 19 OPDC Local Plan states - '...building at high density does not remove the need for a diversity and mix of housing types and sizes. OPDC's Strategic Housing Market Assessment (SHMA)...' and '...the need for approximately 50% of homes to be affordable and within this, there is a significant need for affordable family housing.' The plan states, in terms of density that 'Indicative housing density range has been provided to enable OPDC to define development capacity in accordance with national guidance. Within the OPDC area the indicative density range is 300 (low density) to 600 (high density) units per hectare'. The proposed development would have a density of 547 u/ha. 147 u/ha over the recommended density in the Reg 19 draft local plan. While no objection is raised to this increased density, it is noted that despite this density the required affordable housing quantum, tenure and housing mix has not been met.

#### Environmental Matters

4.12 Land Contamination - Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site and/or the applicant is proposing a sensitive use. Conditions should be applied to ensure this is mitigated against and examined.

4.13 Air Quality - Conditions should be secured in relation to ventilation strategy, external seating areas, green vegetation barriers, combustion plant compliance, zero emission heating and energy plant, ultra low emission zone, electric vehicle charge points, aerobic food digester, and air quality dust management for demolition and construction.

4.14 Noise - The amenity of occupiers should be in accordance with BS8233:2014 and conditions should be secured to protect future occupiers and neighbouring receptors.

## 5.0 Conclusion

5.1 Given the issues surrounding provision of affordable housing on offer, the tenure of said housing, the overall housing mix, and the concerns raised regarding design and heritage, the proposal is considered unacceptable, and not in accordance with the OPDC Draft Regulation 19 Local Plan or the London Plan.

5.2 As per the previous response from LBHF to extant scheme, and in the event that the OPDC decision is not deferred, LBHF recommend that the OPDC Planning Committee refuse planning permission for the reasons set out above.