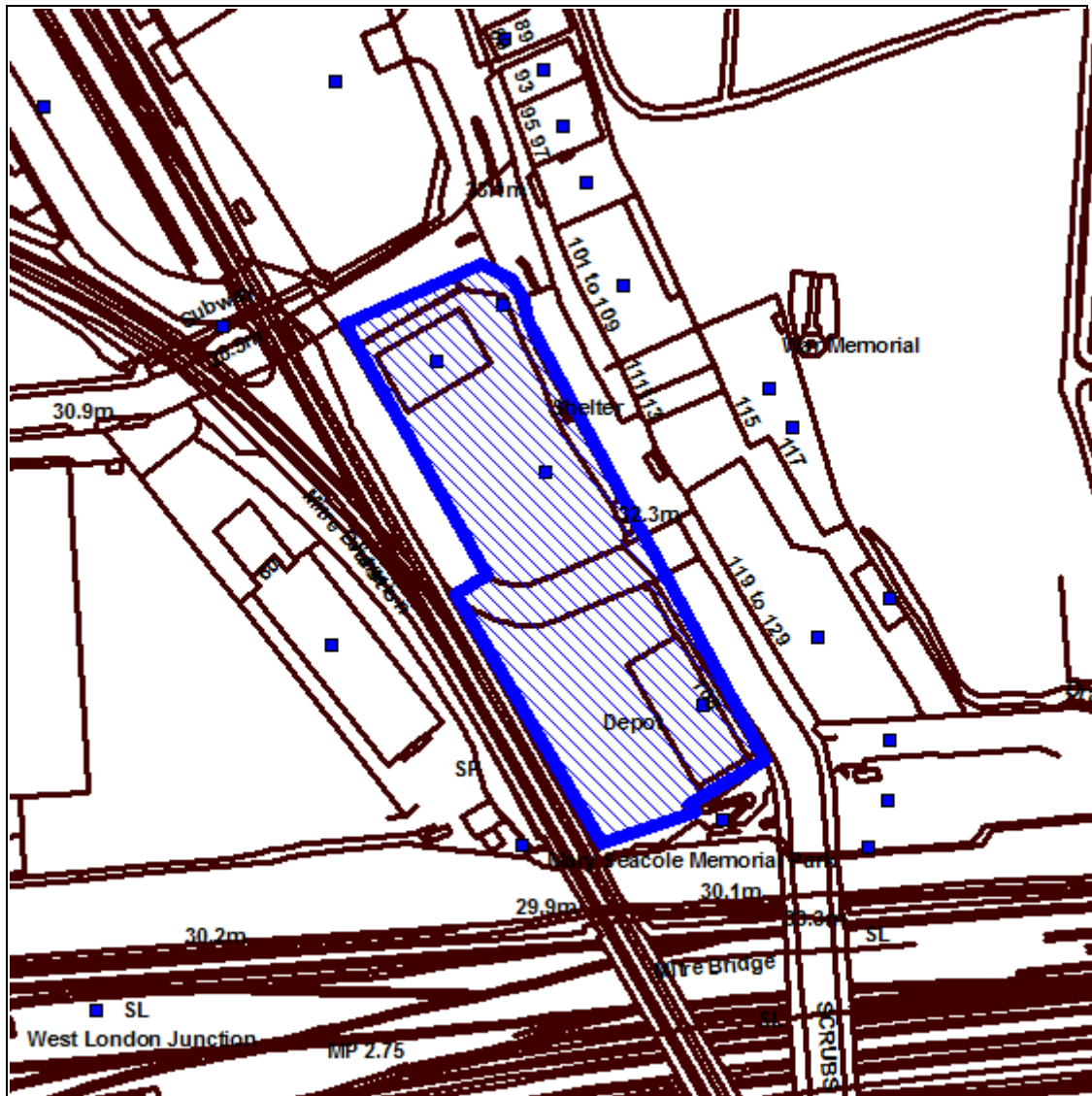


Ward: College Park And Old Oak

Site Address:

Mitre Yard 104 - 108 Scrubs Lane London NW10 6SF



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For identification purposes only - do not scale.

Reg. No:
2019/02610/OPDOBS

Case Officer:
Sally Prowd

Date Valid:
19.08.2019

Conservation Area:

Committee Date:
15.10.2019

Applicant:

Tom Cardis

Old Oak And Park Royal Development Corporation

Description:

Section 73 application to vary Condition 1 (Approved Plans) of planning permission (17/0055/FUMOPDC) for the 'demolition of existing buildings and structures and the redevelopment of the site to provide two new buildings ranging from 6 storeys (24 metres above ground level) to 19 storeys (71.8 metres above ground level) in height, comprising 609 sqm (GIA) of ground floor flexible non-residential floorspace (Use Classes A 1 / A2/ A3/ A4/BI /DI /D2), 514 sqm (GIA) ground floor workspace (Use Class BI/Artist Studios) and 200 residential units (Use Class C3) with disabled car parking, plant space, amenity space, landscaping and associated works' to primarily: increase the number of residential units (Use Class C3) from 200 to 241; increase the maximum height of the scheme from 19 storeys to 22 storeys (71.8 to 77.5 metres above ground level); and increase the provision of accessible car parking.

Drg Nos:

Application Type:

Observations to OPDC

Officer Recommendation:

- 1) 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 Council would recommend that the 4 person 5 bedroom dwellings are increased to 4 person 6 person dwellings if possible, and that London Living Rent is applied to all unit sizes. The viability assessment submitted raises concerns as to the methodology adopted and the assumptions made to bring forward a scheme that is fundamentally unviable. Any s106 agreement should secure appropriate review mechanisms and clawbacks at the end of the 15 year covenant as advised by the Mayor's Affordable Housing and Viability SPG, and secure options to reduce the rents on smaller unit sizes. Council do not object to the proposal on these grounds but recommend changes are sought where possible to further improve the offer.

- 2) It is recommended that the S106 obligations and conditions as outlined are secured to ensure adequate mitigation to the impacts of the development.

That the applicant be informed as follows:

Please refer to the Case Officer's report to read the full assessment of the proposal and the Council's requested conditions and obligations should planning permission be granted.

Officer Report**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

1.3 The site is within LBHF and falls within the Old Oak and Park Royal Opportunity Area which is expected to accommodate at least 25,000 new homes and 65,000 new jobs. Under the draft London Plan table 4.1 sets a ten year housing target for the OPDC of 13,670 completions.

1.4 This application is being brought to Planning and Development Control Committee to give Members the opportunity to consider and endorse comments that officers recommend be submitted to OPDC. This application is a s73 amendment to vary Condition 2 of a scheme that has already been approved.

1.5 Members should be aware that the application is scheduled to be presented to OPDC's Planning Committee meeting for a decision on the 12 November 2019 under reference 19/0104/VAROPDC.

Site and Surroundings

1.6 The site is located at land occupied by 104 and 106-108 Scrubs Lane and comprises two parcels of land to the north and south of a private access road, which provides vehicular access to the Powerday and EMR waste sites. The northern parcel of land, 104 Scrubs Lane, is licensed to process metal recycling and vehicle dismantling. The southern parcel of land, 106-108 Scrubs Lane, is licensed to process the recycling or reclamation of wood, scrap metal and crush concrete / bricks. The site is approximately 0.58 hectares in area and each parcel of land contains a metal clad building and hardstanding.

1.7 The Mitre Yard site is located on the eastern edge of the administrative area of the OPDC within the Opportunity Area and LBHF. The site is bounded by Hythe Road to the north, Scrubs Lane to the east, the Mary Seacole Gardens to the south and the West London Line railway to the west. To the east and west of the site are industrial buildings of 2 to 4-storeys in height. Beyond Hythe Road to the north is surface car parking and a 7-storey office building, known as Cumberland House. To the south, beyond the Grand Union Canal and railway lies Wormwood Scrubs approximately 200m from the development site.

1.8 The development site does not contain any listed buildings, nor is it located within a conservation area. The Grand Union canal conservation area lies immediately south of the site. The western edge of the St Mary's Catholic Cemetery, which is a designated Conservation Area, lies beyond the buildings on the eastern side of Scrubs Lane. The eastern boundary of the cemetery forms the boundary with the Royal Borough of Kensington and Chelsea, and Kensal Green Cemetery; a Conservation Area and Grade

I listed Registered Park and Garden. Both cemeteries contain a number of statutorily listed structures and monuments.

1.9 The site has the lowest Public Transport Accessibility Level (PTAL) of 1b (on a scale of 1 to 6 where 1 is the lowest and 6 highest). It is noted that should the anticipated public transport infrastructure within the Opportunity Area come forward with is likely to increase to a level of 6a.

Planning History

1.10 There is an extant permission on the site OPDC ref 17/0055/FUMOPDC granted on 1 Feb 2018. LBHF sent observations (ref: 2017/01654/OPDOBS) dated 14 June 2017 raising concerns regarding the proposal. The permission granted pertained to the demolition of existing buildings and structures and redevelopment of the site to provide two new buildings ranging from 6 storeys (24 metres above ground level) to 19 storeys (71.8 metres above ground level) in height, comprising 746 sqm (GIA) of ground floor flexible non-residential floorspace (Use Classes A1/A2/A3/A4/B1/D1/D2), 377 sqm (GIA) ground floor workspace (Use Class B1/Artist Studios) and 200 residential units (Use Class C3) with disabled car parking, plant space, amenity space, landscaping and associated works.

1.11 There are number of ongoing proposals for development in the wider area; 16/0119/FULOPDC - 115-129A Scrubs Lane, 'North Kensington Gate South'. Granted planning permission on 11 June 2018 for the demolition of the existing buildings and the construction of 164 residential units and 600sqm of commercial space. The development is proposed in 3 adjoining buildings of 6, 8 and 22 storeys. The commercial space would be provided at ground floor level and in a mezzanine floor. A basement would be excavated to provide 32 car parking spaces. A total of 308 cycle parking spaces would be provided across the site.

1.12 16/0118/FULOPDC – 93-97A Scrubs Lane, 'North Kensington Gate North'. Granted planning permission 31 January 2018 for the demolition of the existing building and the construction of 47 residential units with 165sqm of commercial space on the ground floor. The development is proposed in 2 adjoining buildings of 4 and 11 storeys.

2.0 PROPOSAL

2.1 An application for a variation to the extant planning permission has been submitted to vary Condition 1 (approved plans), the changes proposed include:

- Amendments to internal layouts of Blocks A and B;
- Increase total units from 200 to 241;
- Reduction in floor to floor heights (retaining floor to ceiling heights);
- Increase in Block A from 19 to 22 storeys increase in 1.3 metres;
- Increase in Block B from 9 to 10 storeys with an increase of 1.3 metres;
- Reduction in height of 1.2m of the street facing (7 storey) element of Block B;
- Increase in child playspace provision at rooftop level to a total of 700sqm (increase of 420 sqm);
- Uplift in 9 affordable homes (retained 35% affordable provision by habitable room across the site)

2.2 The applicant has submitted the following in support of the planning application:

Planning Statement, prepared by Quod;
Affordable Housing Delivery Report, prepared by Quod;
Design and Access Statement prepared by Make;
Landscaping Strategy prepared by Townshend;
Statement of Community Involvement, prepared by Four Communications;
Air Quality Assessment, prepared by Waterman;
Arboricultural Impact Assessment, prepared by Waterman;
Construction Logistics Plan, prepared by Meinhardt;
Daylight, Sunlight & Overshadowing Report, prepared by Point 2;
Ecology Report, prepared by Waterman;
Energy and Sustainability Strategy, prepared by Meinhardt;
Flood Risk Assessment and Drainage Strategy, prepared by Waterman;
Health Impact Assessment, prepared by Quod;
Heritage, Townscape and Visual Impact Assessment, prepared by Turley;
Historic Environment Desk Based Assessment, prepared by Waterman;
Land Contamination Assessment, prepared by Waterman;
Noise and Vibration Assessment, prepared by Waterman;
Topographical Survey, prepared by Murphy Surveys;
Transport Assessment, prepared by iTransport;
Framework Travel Plan, prepared by iTransport;
Framework Delivery and Servicing Plan, prepared by iTransport;
Wind Assessment, prepared by RWDI; and
Lighting Strategy, prepared by Point 2.

3.0 PUBLICITY AND CONSULTATIONS

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.

3.2 LBHF have received 1 letter of objection relating to this application which is summarised below:

- Damage future development potential of the area;
- Height of 22 storeys compromise important entrance to the local area;
- Block light;
- Overshadowing and impacts on amenity;
- Misleading visualisation of the development.

3.3 Comments were forwarded to LBHF by the StQW Neighbourhood Forum regarding the lack of consultation.

4.0 PLANNING CONSIDERATIONS

Policy Framework

4.1 As The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England.

- 4.2 Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act).
- 4.3 In this instance the statutory development plan comprises the London Plan (2016), the Local Plan 2018 and the Planning Guidance Supplementary Planning Document 2018 (hereafter referred to as Planning Guidance SPD). A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application. Supporting the London Plan is the Old Oak and Park Royal Opportunity Area Planning Framework (OAPF) (adopted as Supplementary Planning Guidance (SPG) to the Mayor's London Plan in November 2015). It is noted that the OPDCs Local Plan was submitted to the Planning Inspectorate for independent examination on the 4 October 2018.
- 4.4 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and was revised in 2018 and is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.
- 4.5 The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
- 4.6 The NPPF sets out a presumption in favour of sustainable development. For decision-taking this means:
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

Draft London Plan

- 4.7 The new draft London Plan was published on 29 November 2017. The Plan's consultation ended on 2 March 2018. An Examination in Public (EiP) opened on 15th January 2019 and publication of the new Plan is expected in the autumn of 2019. It is therefore considered that the new draft London Plan should be given limited weight at this stage. In the interim, consideration shall be given to the London Plan (Consolidated with Further Alterations 2016).
- 4.8 With regards to this application, all planning policies in the National Planning Policy Framework (NPPF), London Plan, Local Plan 2018 and Planning

Guidance Supplementary Planning Guidance (SPD) 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.

5.0 PLANNING ASSESSMENT

- 5.1 LBHF have been consulted on the above planning application as a statutory consultee. The application is within LBHF and as such if granted has potential impacts on the borough and the services LBHF provides. As the application is a S73 variation to an approved scheme, it is considered that the key considerations for LBHF relating to this application are:

Principle of Development
Housing
Standard of accommodation
Design and heritage
Impacts on residential amenity
Highways and transportation
Environmental considerations
S106 Heads of Terms

Principle of development

- 5.2 The proposed development lies within a designated Opportunity Area (OPDC) and this variation does not seek to change the approved uses on the site. The scheme is still proposed to be a residential led mixed use scheme, with the proposed amendments resulting in an uplift of 41 additional homes and will still provide 746sqm (GIA) of flexible ground floor retail/ café/ restaurant/ microbrewery/ bar/ employment/ community uses (Use Classes A1/A2/A3/A4/B1/B2/D1/D2) fronting onto Scrubs Lane, Hythe Road and the Mary Seacole Gardens. It is proposed that 377sqm (GIA) of employment/ artist studio uses (Use Class B1/D1) front onto Mitre Yard. LBHF has no objection to the principle of the use of the site.

Housing

- 5.3 The variation proposes an increase of 41 additional units on site, increasing the consented 200 residential units to 241 units on site. The construction of 241 homes represents 1.76% of the ten year target for the area (13,670 completions under the draft London Plan).

Density

- 5.4 The site is currently considered to be “suburban” in character and has a PTAL rating of 1b, a low score attributable to it being marginally beyond TfL’s 960 metre walk maximum to rail services (the centre of the site is 1000m from Willesden Junction). However, the PTAL rating of the site is planned to increase

significantly as a result of the Crossrail, High Speed 2, National Rail and London Overground strategic rail interchange at Old Oak, coupled with a future local bus strategy, as identified in the draft OPDC Local Plan. This will likely increase the PTAL rating to 6a – considered as ‘Excellent’.

- 5.5 The application site is 0.58 ha in area, however when excluding the land within the public highway, the site area amounts to 0.53 ha. When assessed against the latter, the proposed uplift to 241 units (608 habitable rooms) equates to a density level of 455 units/ha increased from the permitted 377 u/ha and 1,008 hr/ha.
- 5.6 London Plan Policy 3.4 states that development should optimise housing output. Policy 2.13 sets out that development proposals within Opportunity Area’s should seek to optimise residential densities and should realise the scope for intensification associated with proposed improvement in public transport accessibility.
- 5.7 The new density range is substantially greater than the indicative range under the London Plan, however, Policy 2.13 sets out that development proposals within Opportunity Area’s should seek to optimise residential densities and should realise the scope for intensification associated with proposed improvement in public transport accessibility. As such officers do not object to the proposed density subject to the provision of high quality accommodation, amenity space and other factors impact on future occupiers amenity.

Mix

5.8 The proposed mix of units has been amended as follows:

	Approved Mix		Proposed Mix		Change	
	<i>Units</i>	<i>%</i>	<i>Units</i>	<i>%</i>	<i>Units</i>	<i>%</i>
<i>No. Bedrooms</i>						
Studio	0	50.5%	42	49%	+16	-1.5%
1-Bed (2p)	101		75			
2- Bed (3p)	69	34.5%	29	35%	+16	+0.5%
2-Bed (4p)			56			
3-Bed (4p)	25	15%	9	16%	+9	+1%
3-Bed(6p)			25			
4-Bed (5p)	5		5			

5.9 Overall the proposed mix of units is considered acceptable.

Affordable Housing

5.10 GLA policy is a minimum of 30% London Living Rent, with the remainder being at a range of discounts below market rent to be agreed with the borough (or mayor). Boroughs may set their own thresholds to reflect local housing market circumstances and affordable housing need. However, it is important that where a lower threshold is set, Build to Rent schemes must still operate according to

the stipulations in this guidance in order to qualify for the application of the Built to Rent policy.

- 5.11 **Local Plan Policy HO3** suggests that 60% of affordable housing should be social or affordable rent with the 40% remainder as intermediate. The proposal remains a 100% build to rent scheme providing 35% affordable by habitable room with an uplift of 9 affordable units. The proposed changes are as follows:

<i>No. Bedrooms</i>	Approved Affordable mix		Proposed Affordable mix		Change	
	<i>Units</i>	<i>% hab room</i>	<i>Units</i>	<i>% hab room</i>	<i>Units</i>	<i>% hab room</i>
Studio	0	30%	0	30%		0%
1-Bed (2p)	28		32		+4	
2-Bed (3p)	25	40%	4	40%	+3	0%
2-Bed(4p)			24			
3-Bed(4p)	12	30%	2	30%	+2	0%
3-Bed(6p)			12			
4-Bed (5p)	2		2			
Total	67	35%	76	35%	+9	0%

- 5.12 The proposed discounts are as follows:

Unit Type	No. Units	Discount from Market (inclusive of service charge)
1-Bed	32	No more than 80% of Market rent
2-Bed	28	No more than 75% of Market rent
3-Bed	14	London Living Rent
4-Bed	2	London Living Rent

- 5.13 The majority of the family sized affordable housing is 3 bed 6 person which is preferred. LBHF does not support 4 bed 5 person units as an appropriate product and recommends that this is requested to be a 4 bed 6 person unit at a minimum.
- 5.14 LBHF would request that the proposed discounted rents meet London Living Rent Benchmark. However, LBHF considers that as the family sized accommodation will be provided at London Living Rent there is no objection on these grounds.
- 5.15 LBHF requests that they have exclusive nomination rights which cascades to Ealing and Brent. LBHF recommends that within the S106 agreement there are adequate viability review mechanisms in place to ensure maximum viable provision of affordable housing on-site.
- 5.16 The revised Financial Viability Assessment (FVA) shows additional deficit, and Council has concerns over the deliverability of a scheme that is unviable.
- 5.17 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 Council would recommend that the 4 person 5 bedroom dwellings are increased to 4 person 6 person dwellings if possible, and that London Living Rent is applied to all unit sizes. The viability assessment submitted raises concerns as to the methodology adopted and the assumptions made to bring forward a scheme that is fundamentally unviable. Any s106 agreement should secure appropriate review mechanisms and clawbacks at the end of the 15 year covenant as advised by the Mayor's Affordable Housing and Viability SPG, and secure options to reduce the rents on smaller unit sizes. Council do not object to the proposal on these grounds but recommend changes are sought if possible.

Standard of Accommodation

- 5.18 **London Plan Policy 3.5** requires that housing be of the highest quality. The Housing SPG (2016) sets out the Mayor's Housing Standards, incorporating the latest national technical standards.
- 5.19 All the proposed additional 1, 2, 3 and 4 bed units are dual aspect units, however the 42 new studio units are single aspect. These studio units are not north facing, and habitable rooms have been designed with adequate passive ventilation, privacy, daylight and oriented to enhance amenity. These units face west and have views towards the canal.
- 5.20 The one, two, three and four bedroom units will all have adequate private amenity space (balcony). The studio units will not have balconies and able to access the public open space and private communal roof terrace. The site is adjacent to of Mary Seacole Gardens and is within 400m walk of Wormwood Scrubs. Given the high proportion of studio units that only just meet the London Plan space standards being 37.1sqm, officers consider that it would be beneficial to provide private amenity space where possible or to provide additional internal floorspace.
- 5.21 Officers have concerns over the size of the studio units and lack of private open space for these units. While the units meet the minimum London Plan space requirements of unit size, they do not have access to private amenity space. LBHF recommends that where possible these units are increased in size to accommodate internal amenity space. It is recognised that there is access to open space on site and within close proximity to the site for these units.
- 5.22 Overall, officers are satisfied that the proposal would provide an acceptable standard of accommodation for its residents and do not propose any objections on these grounds.

Accessibility

- 5.23 The proposed amendments exceed London Plan Policy 3.8, and draft new London Plan Policy D5 (Accessible Housing) requiring 10% of dwellings to be wheelchair accessible (M4(3)). In this regard, all of the proposed units are compliant with Building Regulation M4(2), and 13% of the proposed homes will be 'wheelchair user dwellings' which are compliant with Building Regulation M4(3). There are no changes to the rest of the scheme which will ensure level access.

Play space Provision

- 5.24 Policy 3.6 of the London Plan sets out that development proposals for new housing should make provision for play and informal recreation based on the expected child yield generate by the scheme. Policy S4 of the Draft New London Plan further sets out that residential developments should incorporate good-quality play provision for all ages of at least 10 sq m per child.
- 5.25 Local Plan Policy HO4 outlines the importance of access to private gardens or amenity space, and shared amenity space. Policy OS2 and OS3 seeks to improve provision and access to public and private open space, as well as providing playspace for children and young people in new residential development.
- 5.26 The proposal increases the play space provision from 280sqm to 700sqm at rooftop level (389 sqm on the northern site and 311 sqm on the southern site). The proposed development generates a playspace requirement of 897.2sqm.

Residential Amenity

- 5.27 **Policy 7.6 of the London Plan** 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. This is particularly important for tall buildings. **Policy 7.7** states that 'tall buildings should not affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunication interference'.
- 5.28 There are no residential uses close to the site and as such no existing residents will be directly impacted in terms of privacy or overlooking. The proposed units are considered to receive a good level of daylight and sunlight.

Heritage and Design

- 5.29 **London Plan Policy 7.4** requires developments to provide high quality design responses to existing spaces, to create a positive relationship with street level activity and to allow 'existing buildings and structures that make a positive contribution to the character of a place to influence the future character of an area'. **London Plan Policy 7.5** requires public realm to be comprehensive at a human scale through appropriate treatment such as gateways, focal points, landmarks and landscape treatment. Proposals should be informed by the heritage of an area, reinforcing the connection between public spaces and (inter alia) local features that may be of heritage significance. Proposals should further consider integration with high quality public art. **Policy 7.6** sets high architectural standards for all buildings and structures, and requires these to enhance, activate and define the public realm. It allows for materials that complement but do not necessarily replicate the local architectural character. **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.

- 5.30 **Local Plan Policy DC1** states that all development within the borough 'should create a high quality urban environment that respects and enhances its townscape context and heritage assets. There should be an approach to accessible and inclusive urban design that demonstrates how good design, quality public realm, landscaping, heritage assets and land use can be integrated to help regenerate places'.
- 5.31 **Local Plan Policy DC2** permits new build development that is of a high design standard and compatible with the scale and character of existing development and its setting. It requires proposals to respect:
- historical context, townscape and the sense of place of a site;
 - the surrounding area scale, mass, form and grain;
 - the relationship of the proposed development to the existing townscape;
 - local design context to promote and reinforce local distinctiveness;
 - good neighbourliness and principles of residential amenity;
 - local landscape context, providing high quality landscaping and public realm with good permeability where appropriate;
 - sustainability objectives;
 - the principles of accessibility and inclusive design; and
 - the principles of Secured by Design.
- 5.32 **The Draft London Plan** seeks to secure the delivery of good design in a variety of ways. Going beyond the expectations of the adopted London Plan, **Policy D2** does the following. Part C encourages use of digital modelling techniques to analyse potential design options, and to use 3D/virtual reality to inform and engage Londoners in the planning process. Part F requires proposals to go through a design review (which must align with the Mayor's guidance on design reviews) if a scheme is referable to the Mayor and is above the design threshold in **Policy D6** or a tall building is proposed in an area where there is 'no local tall building definition'. Part H seeks to ensure design quality is retained through (inter alia) avoiding deferring the assessment of the design quality of large elements of a development to the consideration of a planning condition or referred matter, and the use of architect retention clauses in legal agreements 'where appropriate'.
- 5.33 The proposed amendments increase the height of the tower by 5.7m and the height of the street block by 1.3m. The street facing element of the street block will be reduced by 1.2m. There would be no additional height to the southern, canal facing block. The architectural elements would be adjusted to the new floor to floor heights but otherwise would remain as approved.
- 5.34 It is regrettable that the HTVI assessment does not demonstrate the differences between the approved scheme and the amended scheme. However, the increased heights of the tower and the street block are not considered to increase the visual impact on the already approved scheme on the sensitive contexts of the adjacent conservation areas and heritage assets within them, nor would they alter the approved general townscape and streetscape. LBHF do not object to the proposed amendments on design.

HIGHWAYS AND TRANSPORTATION

- 5.35 **London Plan Policies 6.1, 6.3, 6.10, 6.11 and 6.13** set out the intention to encourage consideration of transport implications as a fundamental element of sustainable transport, supporting development patterns that reduce the need to travel or that locate development with high trip generation in proximity of public transport services. The policies also provide guidance for the establishment of maximum car parking standards.
- 5.36 **Local Plan Policy T1** sets out the Council's intention to 'work with strategic partners to improve transport provision, accessibility and air quality in the borough, by improving and increasing the opportunities for cycling and walking, and by improving connections for bus services, underground, national and regional rail'.
- 5.37 **Local Plan Policy T2** relates to transport assessments and travel plans and states "All development proposals would be assessed for their contribution to traffic generation and their impact on congestion, particularly on bus routes and on the primary route network".
- 5.38 **Local Plan Policies T3, T4, T5 and T7** relate to opportunities for cycling and walking, vehicle parking standards, blue badge holders parking and construction and demolition logistics. Policies 5.16 and 5.17 are relevant to waste and recycling.
- 5.39 **Local Plan Policy CC7** sets out the requirements for all new developments to provide suitable facilities for the management of waste.
- 5.40 **Planning SPD (2018) Key Principles WM1, WM2, WM7 and WM11** are also applicable which seek off-street servicing for all new developments.
- 5.41 LBHF is the highways authority within OPDC. The proposed increase in unit numbers is considered to have a negligible impact on the local highway network.
- 5.42 The proposed development remains car free which is considered acceptable given the expected future transport connections in this location.
- 5.43 Draft London Plan Policy T6.1 sets out that for 3% of dwellings, at least one disabled parking bay should be available from the outset, and that it should be demonstrated how an additional 7% can be provided with one space per dwelling in future upon request, amounting to a total of 10%. Seven blue badge parking spaces were approved and a further two additional spaces is identified on the southern site, which would provide 3.7% blue badge parking on the site. The two additional spaces will be identified but landscaped from the outset, with the ability for future provision of these spaces if required.
- 5.44 It is not considered that this level of shortfall is acceptable. This is especially the case as the local highway network does not practically allow on street parking with a blue badge in the immediate vicinity of the site. The parking bays should have electric charging points in line with London Plan policy and be conditioned solely for residents of the development with blue badges.

- 5.45 The development provides dedicated storage for 376 residential cycles (260 in the north within each unit, increase of 50 spaces from the consented). There is no change in cycle parking on the southern site. There is no provision specified for staff of the flexible commercial space. It is encouraged that provision is made in the future. LBHF encourages provision of additional cycle parking where possible for both visitors, residents and staff, however, has no objection on these grounds.
- 5.46 The individual residential cycle stores would need to be conditioned for the exclusive use for cycle storage for the lifetime of the development. These cycle storage facilities should be supported by appropriate notification as to the use of these area for future occupiers via any section 106 agreement. In addition, appropriate permanent signage indicating the use of these storage areas for cycle parking would be recommended.
- 5.47 Logistics plans, car parking, cycle parking, waste management and other highways matters should be secured by condition. The following should be secured by the way of the S106; A Travel Plan and monitoring costs for this plan should be secured by way of S106. A Delivery and Servicing Plan; Travel plans (residential and work place) with funding for Year 1, 3 and 5 reviews by the local authority at £2,500 per review; Funding for bus service improvements; Funding for infrastructure improvements.
- 5.48 LBHF recommend that the development should contribute towards the delivery of key transport infrastructure improvements (as identified in the OPDC draft Local Plan) by way of financial contributions secured through the s106 agreement.
- 5.49 In particular, LBHF recommend that the improvements to Scrubs Lane required including potential additional land required for additional road width, is secured through the S106 by way of a s278 agreement with LBHF Highways.

Waste Management

- 5.50 There is no change to the proposed waste management on-site. Adequate additional provision for the increased units should be secured.

ENVIRONMENTAL CONSIDERATIONS

Air Quality

- 5.51 The development site is within the borough wide Air Quality Management Area (AQMA) and in an area of very poor air quality that exceeds the WHO health based Air Quality Guideline Values for NO₂, PM₁₀ and PM_{2.5} due to the road traffic emissions from Scrubs Lane (A219), Hythe Road and the private access road which currently serves Powerday and European Metal Recycling (EMR) waste processing facilities to the north. The development proposal will introduce new receptors into an area of poor air quality and will lead to deterioration in local air quality due to the construction, and operational phases of the development. In respect to this development site the air quality specifically the NO₂ and PM_{2.5} concentrations at the proposed property even in the background currently fails the 40ugm-3 air quality objective for NO₂. Additional mitigation measures will be

required to make the development acceptable in accordance with Local Plan Policy CC10, London Plan Policy 7.14 and NPPF (2019).

5.52 The EQ team recommends the following mitigation to comply with policy CC10 and to reduce human health exposure to poor air quality:

- The habitable rooms and balconies/residential amenity/roof terraces of the building are orientated away from the front elevation on Scrubs Lane (A219), Hythe Road and the private access road as part of the design mitigation.
- The fresh air intake for the B1, C3, D1 and D2 use class should be located at roof level on the rear elevation. There should be no fresh air intakes or openable windows for habitable rooms on front elevations with Scrubs Lane (A219), Hythe Road and the private access road. Care will need to be taken to locate the inlets for the ventilation away from any local sources such as boiler flues and kitchen vents.
- The air intakes for A1-A5 use class should be located on the rear elevations
- To avoid contamination of the fresh air intake supply the Ventilation system should be designed to ensure that all the extracts for the ventilation system are located a minimum of 2m away from the fresh air intakes.
- No external public and private amenity and A1-A5 use class seating areas on the site are located within 12 metres of the kerbsides of Scrubs Lane (A219), Hythe Road and the private access road.
- Green infrastructure is installed for public and private amenity spaces on the site boundaries with Scrubs Lane (A219), Hythe Road and the private access road Green infrastructure during the operational phase would provide some mitigation from the vehicle traffic emission if implemented in accordance with the hierarchy below and the recommendations of the 'Using Green Infrastructure to Protect People from Air Pollution', Mayor of London, GLA, April 2019 guidance document

5.53 The use of a Combustion based energy plant will result in a new point emission source being introduced into the area and will cause a further deterioration in local air quality in a designated AQMA. Non-combustion based energy technologies should be prioritised over Combustion based energy technologies to avoid adverse impacts on Local Air Quality. The development can meet the target for CO₂ emissions reduction of 35% by using a combination of non-combustion air quality neutral technologies such as ASHP, GHSP, PV.

5.54 If the development is likely to be completed after Autumn 2019 the applicant should give due consideration to the air quality positive approach as defined in policy S11 of the draft new London plan. A significant benefit of low carbon (and low pollution) heat pumps over conventional boilers and gas-fired CHP is that there is no combustion at source (combustion of gas emits nitrous oxides). Beside the direct advantages (safety), technical advantages (e.g. no need for flues) this is very beneficial for cities like London with poor levels of air quality.

5.55 If the Low Energy building design is not possible the Environmental Quality Team recommends on Air Quality terms that the applicants use highly efficient fabric insulation and install non-combustion air quality neutral technology measures in addition to the installation of Ultra-Low NO_x boilers with NO_x emissions of less than 30 mg/KWH of heat supplied.

5.56 There are some concerns regarding the proposal as outlined above. The proposed recommendations should be taken into consideration and conditions secured to minimise the impacts on Air Quality.

Noise and Vibration

5.57 The proposed amendment do not create any new impacts to noise and vibration and officers to not raise any objection to the proposal on these grounds.

Energy and Sustainability

5.58 The revision will still meet the London Plan CO2 reduction targets. No revised sustainability statement has been provided so it is considered that the original commitments will be carried forward. No objections are raised in relation to Energy and Sustainability.

Flood Risk

5.59 The main variation relates to the increased heights which does not raise any issues in relation to flood risk of sustainable drainage. There are is no objection to the scheme on this basis.

Land Contamination

5.60 The proposed variation does not identify any additional risks relating to land contamination. Conditions are required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works. LBHF recommends conditions relating to the submission of a preliminary risk assessment, site investigation scheme, qualitative risk assessment, remediation method statement, verification report and a long term monitoring report.

S106 AGREEMENT

5.61 Council considers it is important to be signatories to the s106 agreement. The Council is the highway, housing, waste and education authority, the local authority for public health, and responsible for Air Quality. The Council also plays a key role in economic and employment provisions. As such it is appropriate that it should manage relevant planning obligations, which it can only do if it is party to the agreement.

5.62 Being party to the s106 agreement will enable the Council to monitor compliance and thus reduce the need for the OPDC to do so. It will also avoid the need for the OPDC to collect monies and distribute to the Council.

5.63 Without the council formally securing commitments by being party to s106 agreements, its ability to promote and comply with its council wide duties will be severely undermined.

5.64 The following table outlines the heads of terms secured and the proposed amendments to these heads;

Secured HOT Consented	S73 HOT Request
Affordable Housing Rent	Secure LLR on family housing, and option to reduce rents on other affordable unit sizes.
Affordable housing mix	Update to proposed mix
Viability review	Update the trigger date and GDV number
Highways agreement	No change requested
Transport contribution	Update to current value
Accessibility contribution	No change
Car Club	No change
Car free	No change
Travel Plan	Update travel plan fee
Education contribution	Increased contribution
Healthcare contribution	Increased contribution
Training and Skills 15% local jobs in construction phase Not less than 12 construction trade apprentices	Increased provision of apprentices (recommend 2 additional).
Open Space contribution	No change
Street Tree contribution	No change
Carbon Offset	No change
Design monitoring costs	No change

5.65 LBHF are involved in ongoing discussions regarding the S106 agreement and the final contributions have not been agreed to date. In principle, LBHF is satisfied that the proposed HOT to be secured with this s73 application are acceptable. Officers have discussed the S106 agreement with the OPDC and are satisfied that they will have continued involvement in securing adequate contributions.

6.0 CONCLUSION AND RECOMMENDATION

6.1 The proposed variation is considered acceptable in terms of design, highways, environmental considerations subject to appropriate conditions and/or S106 obligations.

6.2 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 Council would recommend that the 4 person 5 bedroom dwellings are increased to 4 person 6 person dwellings, and that London Living Rent is applied to all unit sizes. The viability assessment submitted raises concerns as to the methodology adopted and the assumptions made to bring forward a scheme that is fundamentally unviable. Any s106 agreement should secure appropriate review mechanisms and clawbacks at the end of the 15 year covenant as advised by the Mayor's Affordable Housing and Viability SPG, and secure options to reduce the rents on smaller unit sizes. Council do not object to the proposal on these grounds but recommend changes are sought if possible

6.3 That the OPDC be advised that LBHF does not object to the proposal but requests that the identified concerns raised with regards to the affordable housing products are considered.

6.4 If OPDC are minded to approve the development, LBHF recommends the following conditions be placed on the consent;

Recommended Conditions:

Time Limit

Drawings as approved

1:20s

Materials

Ventilation Strategy

Ventilation Strategy - implementation & verification

External Seating

Green Infrastructure

Combustion Plan compliance with Emission Standards

Ultra Low Emission Strategy

Air Quality Dust Management Plan (Demolition and Construction)

Preliminary risk assessment

Site investigation scheme

Qualitative risk assessment

Remediation method statement

Verification report

Long term monitoring report.

Demolition Logistics Plan

Construction Logistics Plan

Waste Management Plan

Disabled Parking

Cycle Parking

Level Access