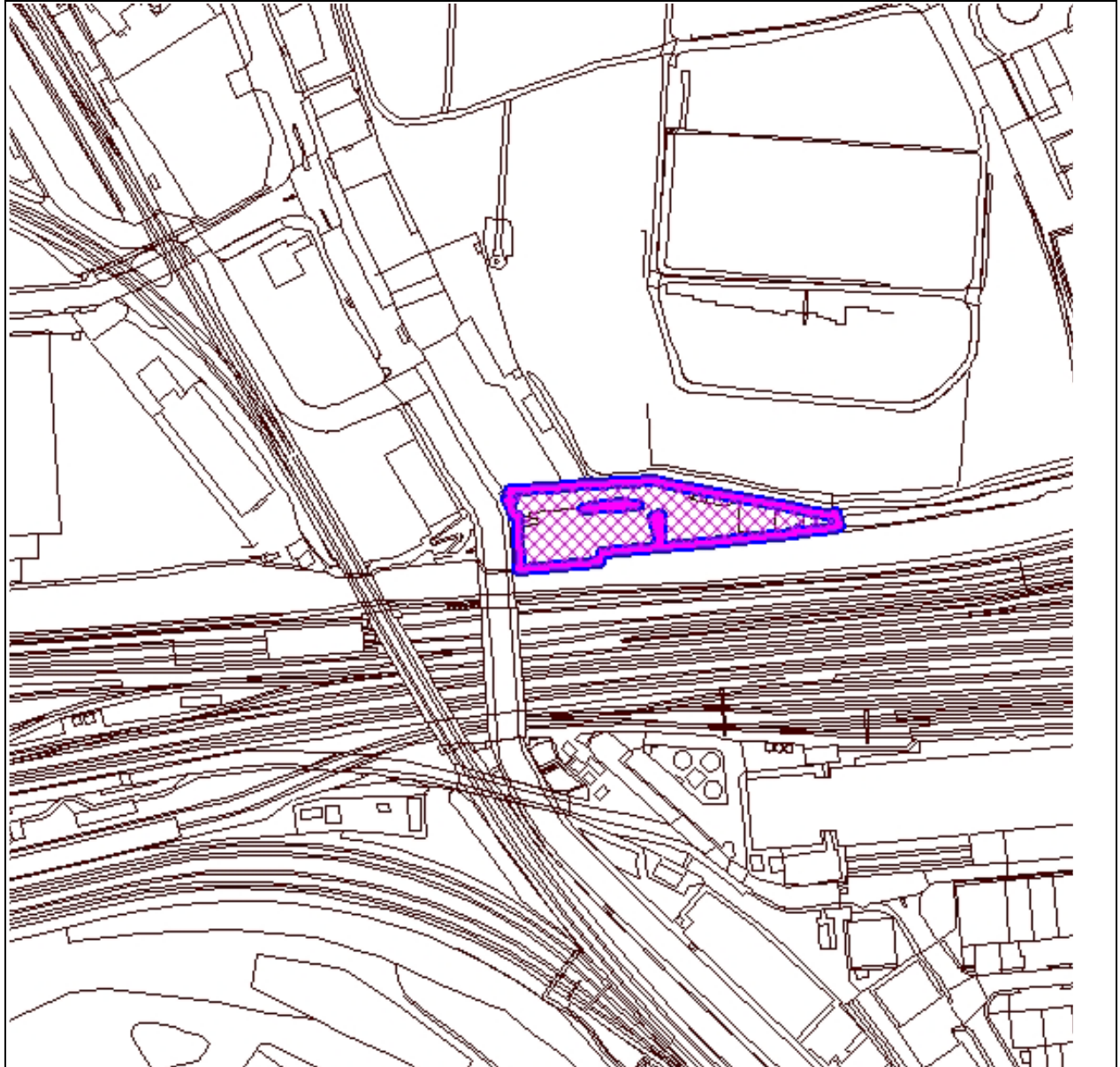

Ward: College Park & Old Oak

Site Address:

Mitre Wharf, Scrubs Lane, NW10



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For identification purposes only - do not scale.

Reg. No:

2022/01107/OPDOBS

Case Officer:

Violet Dixon

Date Valid:

14.04.2022

Conservation Area:

N/A

Committee Date:

11.10.2022

Applicant:

Satara Projects Ltd

Description:

Demolition of existing structures and redevelopment of the site to provide two buildings of 8 and 9-storeys comprising 148 residential units (Use Class C3) above 833 sqm of ground and lower ground floor commercial uses (Class E), including car and cycle parking, plant space, landscaping and associated works.

Drg Nos:

Application Type:

Observations to OPDC

Officer Recommendation:

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

- 1) It is considered that insufficient information has been provided for the Council to fully assess the transport and highways impacts of the proposed development. Additional information is required to demonstrate compliance with the Local Plan and London Plan. Further details of the Council's concerns in this regard and the additional information that the Council considers is necessary for the full assessment of the transport and highways impacts are provided in the attached committee report
- 2) The proposed affordable housing provision is considered to be unacceptable. Further details of the Council's concerns in this regard are provided in the attached committee report. It is not considered that the current proposals provide an appropriate quantum of affordable housing, and the affordable tenure should satisfy Policy H6 (Affordable housing tenure) of the London Plan.

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

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

Application form received: 29th April 2022

Drawing Nos:

Policy documents: National Planning Policy Framework (NPPF) (2021)
The London Plan (2021)
OPDC - Post Submission Modified Draft Local Plan (2021)

Consultation Comments:

Comments from:

Dated:

Neighbour Comments:

Letters from:

Dated:

None received.

OFFICER'S REPORT

1. BACKGROUND

1.1. The Old Oak & Park Royal Development Corporation (OPDC) has consulted the Council on a planning application submitted to them (OPDC Ref.22/0066/FUMOPDC) for the redevelopment of the Mire Wharf site as described above. The site is in the Borough, but it is part of the Old Oak & Park Royal Opportunity Area for which the OPDC is the planning authority.

1.2. The OPDC was established by a Statutory Instrument in January 2015, was granted planning powers through a further Statutory Instrument in March 2015 and 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 Old Oak & Park Royal Opportunity Area is expected to accommodate at least 25,500 new homes and 65,000 new jobs. Policy H1 of the London Plan sets a ten-year housing target for the OPDC of 13,670 completions.

1.4. This application is being reported to the Planning and Development Control Committee in order to give Members the opportunity to consider and endorse the officers' recommendations before these are formally submitted to the OPDC. It is not for the Council to determine the planning application itself (this duty falls to the OPDC) but the Council's representations will be included in the OPDC committee report and will form part of their consideration of the proposals.

1.5. The OPDC are currently intending to report the planning application to their Planning Committee for determination on the 27 October 2022.

Site & Surroundings

1.6. Mitre Wharf is a 0.33ha site on the east side of Scrubs Lane. Access to the site is provided at the north-western corner directly from Scrubs Lane. The southern boundary of the site is formed by the northern edge of the Grand Union Canal, which is a designated conservation area. Most of the northern boundary of the site adjoins the St Mary's Cemetery conservation area and the remaining part adjoins the 'North Kensington Gate South' development site, which is under construction in the form of a 7 – 24-storey residential-led development. The Mitre Yard site is located on the opposite side of Scrubs Lane and is also being constructed. Beyond St Mary's Cemetery is Kensal Green Cemetery conservation area and Grade I Registered Park and Garden.

1.7. Beyond Mitre Yard to the west of Scrubs Lane, there is the West Coast main line, London Overground and Underground railway lines, a large car sales dealership (Cargiant) and a waste transfer collection station.

1.8. The Site is essentially open storage currently occupied by a tyre supplier, known as 'UK Tyres Ltd', and features large areas of hard-standing and some related predominantly single-storey structures, including a car wash.

1.9. There is an approximately 3m level change on the site between Scrubs Lane and the Grand Union Canal, and the frontage with the canal is some 140m in length. The north side of the canal is currently publicly inaccessible, and the canal side path is gated off from Mary Seacole Garden to the west. Access to the east and along the frontage of the Site is currently only available to the Kensal Rise Association of Boaters ('KRAB') who control also the access gate from Mary Seacole Gardens.

1.10. The main access to the site is from Scrubs Lane, although there are also stairs providing pedestrian and cycle access at the north and south sides of the Mitre Bridge; the main pedestrian and cycle route runs along the south side of the canal.

1.11. No part of the Site itself is within a conservation area. There are no TPO trees on the site, but there are existing mature trees with potential root protection areas in St Mary's Cemetery abutting the north-west boundary. The Site does not contain any designated heritage assets, and it is not located within an Archaeological Priority Area.

1.12. The Site is located in Flood Zone 1 and therefore has a low risk of flooding watercourses.

1.13. Nearby open space includes Mary Seacole Gardens, which is currently accessible by crossing Scrubs Lane. Wormwood Scrubs, one of London's largest open spaces, is a 5-minute walk to the south-west and will continue to provide publicly accessible open space for the wider Old Oak regeneration area.

1.14. Scrubs Lane currently comprises principally of two to three-storey units of light industrial/office use, as well as some existing terrace housing further north, and is an important road connecting Harlesden, Old Oak and White City. The public realm surrounding the Site is of poor quality and legibility, suffering also from a lack of permeability. This context is expected to change significantly in the near future, with a number of development proposals consented in recent years and some under construction (Mitre Yard; 2 Scrubs Lane; North Kensington Gate sites).

1.15. The Cumberland Park Factory Conservation Area (designated in 2017) lies further north on the east side of Scrubs Lane (within the OPDC area) between Scrubs Lane and St. Mary's Cemetery. The area is considered to have significant local heritage and place-making value (preserving the memory of the previously dominant industrial character of Old Oak & park Royal in an time of change, in an area with comparatively few heritage assets). It is understood to be one of the smallest conservation areas in the country.

1.16. The site currently has a Public Transport Accessibility Level (PTAL) of 1b ("Low"). The transformation of the area will no doubt improve this situation in due course, but the PTAL level of 1b is considered to reflect the existing circumstances at this time.

1.17. The closest stations are Willesden Junction and Kensal Green (some 15-20 minutes' walk respectively (served by the Bakerloo Underground line, Overground, and National Rail services). The nearest bus stops are on Scrubs Lane (serving routes 18, 220 and N18). The 220 route is the most frequent with circa. 12 buses per hour during weekdays, connecting Willesden Junction Station with Maple Crescent in Wandsworth, passing through Shepherds Bush and Hammersmith.

2. PLANNING HISTORY

2.1. There is little relevant planning history on the application site but there are relevant recent records on the following sites in the local area.

North Kensington Gate (South)

2.2. Planning permission granted by the OPDC in July 2021 (following a previous permission in 2018) for the demolition of existing buildings and redevelopment between 7-storeys and 24-storeys for primarily residential purposes. The site has been hoarded and construction work is understood to have commenced earlier this year.

Mitre Yard (104 - 108 Scrubs Lane)

2.3. Planning permission granted by the OPDC in January 2020 to increase the number of new homes previously approved on the site from 200 to 241. The approved development is understood to have commenced in February 2022.

North Kensington Gate (North) (93-97A Scrubs Lane)

2.4. Planning permission granted by the OPDC in January 2017 for a 4 -11-storey redevelopment providing 47 new homes. This permission has since lapsed, and a new planning application is expected to be submitted later this year.

3. PROPOSALS

3.1. The proposals comprise the demolition of existing buildings and structures on the site and its redevelopment in the form of 2 buildings/blocks (8-storey and 9-storeys) providing 148 residential units (10 studios, 58 1-beds; 46 2-beds; and 34 3-beds) with commercial floorspace provided at ground/canal level (630sqm).

3.2. 4 accessible parking spaces are proposed on site. Cycle parking and waste storage facilities are also provided on the site, together with an area of public realm between the two proposed buildings/blocks and along the northern edge of the canal.

3.3. The existing vehicle access onto Scrubs Lane will be retained and improved to provide access to the on-site blue badge parking as well as a shared and managed servicing/public realm space.

3.4. Ground floor and canal side levels are principally made up of active uses with commercial units and access to the residential blocks.

3.5. Residential accommodation is provided at every level, from canal side to seventh floors, with roof terraces surmounting Block 1 and between the set-back seventh floors of Block 2 providing play space for residents' children.

4. PUBLICITY & CONSULTATION

4.1. This application was submitted to OPDC who are the Local Planning Authority, and it is their statutory duty to consult on the planning application.

4.2. LBHF have not received any representations in relation to this application.

5. PLANNING FRAMEWORK

5.1. 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. 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).

5.2. In this instance the statutory development plan comprises the London Plan 2021, LBHF Local Plan 2018 and the LBHF Planning Guidance SPD 2018.

5.3. The National Planning Policy Framework - NPPF (2021) 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. 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.

5.4. The London Plan was published in March 2021 and is the Spatial Development Strategy for Greater London. It sets out a framework for how London will develop over the next 20-25 years.

5.5. The Council adopted the Local Plan on 28 February 2018. The policies in the Local Plan together with the London Plan make up the statutory development plan for the borough. The Planning Guidance Supplementary Planning Document (SPD) (February 2018) is also a material consideration in determining planning applications. It provides supplementary detail to the policies and is organised around key principles

6. ASSESSMENT

URBAN DESIGN & HERITAGE

6.1. No objection raised to the proposals. The proposed design is considered acceptable in terms of scale, massing, and architectural quality. In terms of placemaking, proposals seek to provide additional active and animated frontage to Scrubs Lane, alongside providing greater public access to the northern towpath of the Grand Union Canal.

6.2. The proposals do not raise any heritage or townscape issues.

HIGHWAYS MATTERS

6.3 Officers consider that the information submitted is not sufficient to fully assess the transport/highways implications relating to the proposed development.

6.4. H&F is the Traffic/Highway Authority for Scrubs Lane (responsible for maintenance/management of the public highway).

6.5. The site has a current PTAL of 1b using Transport for London's online Web CAT tool, which indicates a low level of accessibility to public transport.

Public Transport Accessibility

6.6. The applicant has made numerous references to the upcoming changes to the existing PTAL rating of 1a to PTAL rating of 5-6a, based on expected transport infrastructure improvements.

6.7. Officers do not accepted that a possible 'future' PTAL rating should is used to determine car parking, cycle parking or pedestrian infrastructure at this time, particularly as elements such as the eastern pedestrian bridge, eastern highway bridge, Hythe Road station and other provisions have been removed from the OPDC Local Plan. It is considered that the current application should be reviewed and considered in the context of the PTAL rating at the time of submission.

Trip Generation

6.8. Residential

Existing

6.9. The applicant has submitted traffic counts which were located at the site access in January 2022, to provide existing trip generation information for the existing tyre sales open storage plot.

6.10. This data indicates that Thursday 20th January recorded the highest number of trips to and from the site [124 two-way vehicle movements generated across the course of the day (07:00-19:00)].

Proposed

6.11 Commercial – the applicant has not provided any trip generation information for the proposed commercial use in the development proposals.

6.12. Residential – the applicant has submitted trip generation information which derives from the TRICS database. The TRICS assessment includes 7 sites across London with PTAL ratings varying from 1a (very poor) and 3 (moderate) and one site which was surveyed over 5-years ago.

6.13. The trip generation information indicates the proposed development would generate a total of 92 total trips in the AM peak period and 85 total trips in the PM peak period, and it is submitted that 80% of trips would be undertaken by public transportation and 19% of trips by active travel.

6.14. The applicant has only presented trip generation for the AM (08:00-09:00) and PM (17:00-18:00) peak periods. As a result the applicant has only presented net change in trips for the AM and PM peak periods.

6.15. Presentation of only peak hour trips is not considered robust or accurate, due to the proliferation of working from home/remote working following the outbreak of Covid-19 and the associated lockdowns. It is not considered that the trip generation assessment presented within the submitted Transport Assessment is representative and the methodology should be agreed with the Highway Authority.

6.16. Accordingly, it is considered that the applicant should provide trip generation information for the proposed commercial use at the site; should submit a multi-modal trip generation assessment for the proposed development over the course of a typical day; should submit a multi-modal assessment for the net difference in trips over the course of a typical day; and should update the proposed modal split having regard for the travel to work data in the latest census.

Active Travel Zone (ATZ) Assessment

6.17. An ATZ assessment is included with the Transport Assessment (in accordance with TfL's latest guidance). The ATZ presents 6 routes (not agreed with the Highway Authority) which include destinations such as Wood Lane High School, the Canal walking route, Hythe Road bus stop, Willesden Junction station, Kensal Green station and Kenmont Primary School.

6.18. ATZ document provides a comprehensive evaluation of the 6 routes and concludes with a number of highlighted issues and proposed solutions.

6.19. The applicant should be required to enter into a s278 agreement to deliver the following improvements identified within the ATZ document. These should be implemented prior to occupation of the development. Following the receipt of the updated ATZ assessment, further mitigation measures may be required to improve cycling facilities in the vicinity of the site:

- The provision of benches along the proposed routes in order to provide places to stop and rest.
- A pedestrian crossing to be introduced along the site's frontage to improve access to the northbound bus stop on Scrubs Lane.
- The provision of step-free access to the Canal Walking Route from Scrubs Lane.
- The provision of a dedicated cycle lane along the entirety of Scrubs Lane.
- Improve the crossing facility at the junction with Hythe Road and Scrubs Lane, works to include the provision of tactile paving and improvements to the existing pedestrian refuge.

6.20. The submitted ATZ assessment does not include a night-time assessment, which is required to address issues relating to personal security and lighting. The applicant should be required to update the ATZ to include an assessment from the perspective of cyclists for all assessed routes; the applicant should include a cycling route from the site to Westfield in the updated ATZ assessment; the applicant should be required to undertake and submit a Night-Time ATZ assessment of the same proposed routes.

6.21. The S278 requirements should also include the removal of redundant crossovers and the reinstatement of the footway.

Cycle Parking

6.22. 261 cycle parking spaces are proposed (257 spaces for the residential; 4 for the

commercial). Proposed residential long-stay cycle parking spaces will be provided across two basement level cycle stores, with 13 spaces (5%) accessible spaces in accordance with London Cycle Design Standards (2016). A further 22 short-stay cycle parking spaces are to be provided in the form of Sheffield stands at ground floor level.

6.23. The applicant should be encouraged to explore improved and innovative cycle parking and infrastructure (which may include a mix of Sheffield stands, e-bike charging stands, semi-vertical stands, Brompton cycle lockers, floor hoops and the provision of cycle gutters on staircases)

6.24. Full cycle parking details including the required 5% accessible spaces in accordance with the London Cycle Design Standards (2016) should be secured by planning condition.

Car Parking

6.25. The development is proposed to be car-permit free, with the exception of four blue badge car parking spaces (2.7%). This is not considered to meet London Plan policy requirements for a site with a PTAL rating of 1b. A minimum of 5 blue badge car parking spaces should be provided.

6.26. No information has been provided demonstrating suitable locations for the remaining 7% capacity, should the demand arise.

6.27. The site is not located within a Controlled Parking Zone (CPZ) and as such the development is likely to result in a significant increase in on-street car parking pressures in the immediate vicinity.

6.28. Accordingly, the applicant should demonstrate on plan the possible parking locations for the potential additional 7% requirement of blue badge spaces; and should fund the provision of a CPZ and any necessary waiting restrictions along Scrubs Lane, prior to occupation (in order to mitigate the potential impact on on-street car parking stress).

6.29. Future occupiers of the development should be restricted from obtaining on-street car parking permits but the value of this proposed mitigation is undermined by the absence of a CPZ.

6.30. The applicant should be required to submit a Car and Cycle Parking Management Plan, which should be secured by planning condition/obligation.

Public Transport

6.31. The applicant should liaise with Transport for London regarding potential mitigation measures for public transportation in the vicinity of the application site.

Delivery and Servicing

6.32. The applicant has submitted a Delivery and Servicing Plan (DSP) in accordance with Local and London Plan requirements. The DPS states that delivery and servicing activities are proposed to take place away from the public highway within the proposed site.

6.33. The DSP states that the proposed delivery and servicing trips were derived from a delivery and servicing database that combines survey information for sites across central London. The DSP states that up to 17 delivery and servicing trips would be generated daily for the residential use and 8 delivery and servicing trips for the commercial use, resulting in an average 2-3 delivery and servicing trips per hour.

6.34. The DSP states that waste requirements for the proposed development would result in thirty-three 1,100ltr Eurobins. No dedicated loading area is proposed, and all waste activities will take place within the proposed public space in the site and swept-path analysis has been provided for a 10.7 refuse vehicle entering the site, turning and leaving in a forward gear. Officers have concerns over the limited space for the refuse vehicle to turn, with the swept-path analysis demonstrating many manoeuvres required to leave the site in a forward gear. Further, the delivery and servicing manoeuvres are proposed to take place within an area which may result in conflict between vehicles and pedestrian and/or cyclists.

6.35. The delivery and servicing numbers included in the submitted DSP are considered to be under-estimated. Due to the proliferation of working from home/remote working following the outbreak of Covid-19 and the associated lockdowns, home deliveries are likely to be significantly higher than estimated within the DSP.

6.36. Consequently, the applicant should be required to provide details of the proposal loading area within the application site in order to prevent informal loading and associated impacts to the public highway; the applicant should be required to demonstrate on plan the ability for two service vehicles to pass each other within the site, in order to prevent any vehicles reversing or queuing on the public highway; the applicant should be required to update the delivery and servicing trip generation, accounting for increased home deliveries for the residential element of the proposal.

Construction Logistics

6.37. The applicant appears not to have submitted an Outline Construction Logistics Plan (CLP). The applicant should be required to submit an outline Construction Logistics Plan in accordance with policy T7 of the Local Plan and policy T7 of the London Plan (2021). The Construction Logistics Plan is necessary to ensure that the proposed development can be constructed without detriment to the operation of the public highway. The outline Construction Logistics Plan should accord with Transport for London's (TfL) latest guidance on Construction Logistics Plans ([Construction Logistics Plan Guidance \(tfl.gov.uk\)](https://www.tfl.gov.uk)). The outline Construction Logistics Plan must include all required plans (context, routing and site boundary), graphs (as per TfL's CLP toolkit) and planned measures.

6.38. The Construction Logistics Plan should consider the cumulative impact of neighbouring construction sites.

6.39. A Construction Workers Travel plan should be secured by obligation, and should include a requirement for the developer to pay for the associated review/monitoring.

Travel Planning

6.40. The applicant has submitted a draft residential travel plan in accordance with Local

and London Plan requirements. The aim of the travel plan is to promote active and sustainable travel to and from the application site. The draft document include a number of objectives and generic targets which will be needed to expand on and made specific within the required detailed Travel Plan(s) that should be agreed with the Highway Authority.

6.41. Any required travel plans should be secured in a legal agreement and the legal agreement should include a requirement for the developer to pay the cost of any necessary monitoring/reviews

AFFORDABLE HOUSING PROVISION

6.42. The application originally proposed options for the delivery of affordable housing which the applicant submitted exceed that which could otherwise be proposed in accordance with policy, due to viability considerations. An early-stage review mechanism was proposed to enable the amount of affordable housing to increase where delivery is delayed, and the viability of the project improves.

6.43. The two options were as follows:

Option 1 – 27% affordable housing (by habitable room) of which 100% is Shared Ownership. This option assumes 114 private units and 34 Shared Ownership units (all of the private accommodation is proposed in Block 2; Shared Ownership Accommodation in Block 1).

Option 2 – 20% affordable housing (by habitable room) of which 35% is London Affordable Rent and 66% is Shared Ownership. This option assumes 123 private residential units/25 affordable units (18 Shared Ownership/7 London Affordable Rent). In Option 2 Block 2 is all private, with the Shared Ownership, London Affordable Rent + nine private units located in Block 1.

6.44. The options were the subject of an independent review by consultants acting on behalf of the OPDC who identified a surplus in respect of both.

6.45. The applicant's viability consultants responded in August 2022 rebutting the OPDC consultants' proposed amendments, and also confirming that the only affordable housing option now is Option 1.

6.46. The response also sets out updates reflecting amendments to the scheme that result in a change in overall unit mix in Block 1 (the private block) and a loss of one unit taking the total number of private units to 113.

6.47. The applicant submits that a number of Registered Providers have been approached to consider the respective proposals (single or split tenure in Block 1) and they have confirmed that 100% Shared Ownership would be preferable due to service charge and management cost efficiencies.

6.48. Additionally, the August 2022 response confirms that the applicant will now commit to both an early and late-stage viability review, the details of which would need to be secured in an appropriate legal agreement.

6.49. It is unclear at this stage whether a formal affordable housing offer has been made

by Applicant. Any formal affordable housing offer should be supported by an appropriate FVA and the FVA should be the subject of a robust review by an independent consultant on behalf of the OPDC.

6.50. At this time officers consider that the proposed affordable housing provision (both options 1 and 2) is unacceptable. It is not considered that the current proposals provide an appropriate quantum of affordable housing, and the affordable tenure should satisfy Policy H6 (Affordable housing tenure) of the London Plan.

6.51. Both option 1 and option 2 fall under the minimum threshold for an application of this size. The applicant seems to rely on an Affordable Housing & Viability Statement to support their submission that it is not possible to provide a greater percentage of affordable housing due to viability constraints. The applicant should be required to commit to the Viability Tested Route for affordable housing as part of the application, as per Policy H5 (Threshold approach to applications) of the London Plan 2021, including the requirement for both an early and late stage review. Similarly, the affordable housing tenure split should be consistent with the relevant tenure per Policy H6 (Affordable Housing Tenure) of the London Plan 2021.

7. CONCLUSION

7.1. For the reasons outlined in this report officers consider that the proposed development is unacceptable on highways and affordable housing grounds, and does not comply with the policies of the adopted development plan.

7.2. Accordingly, it is recommended that the Council formally responds to the consultation from the OPDC by objecting to the proposed development on the grounds outlined in the recommendation section of this report and explained in more detail in the body of the report itself.