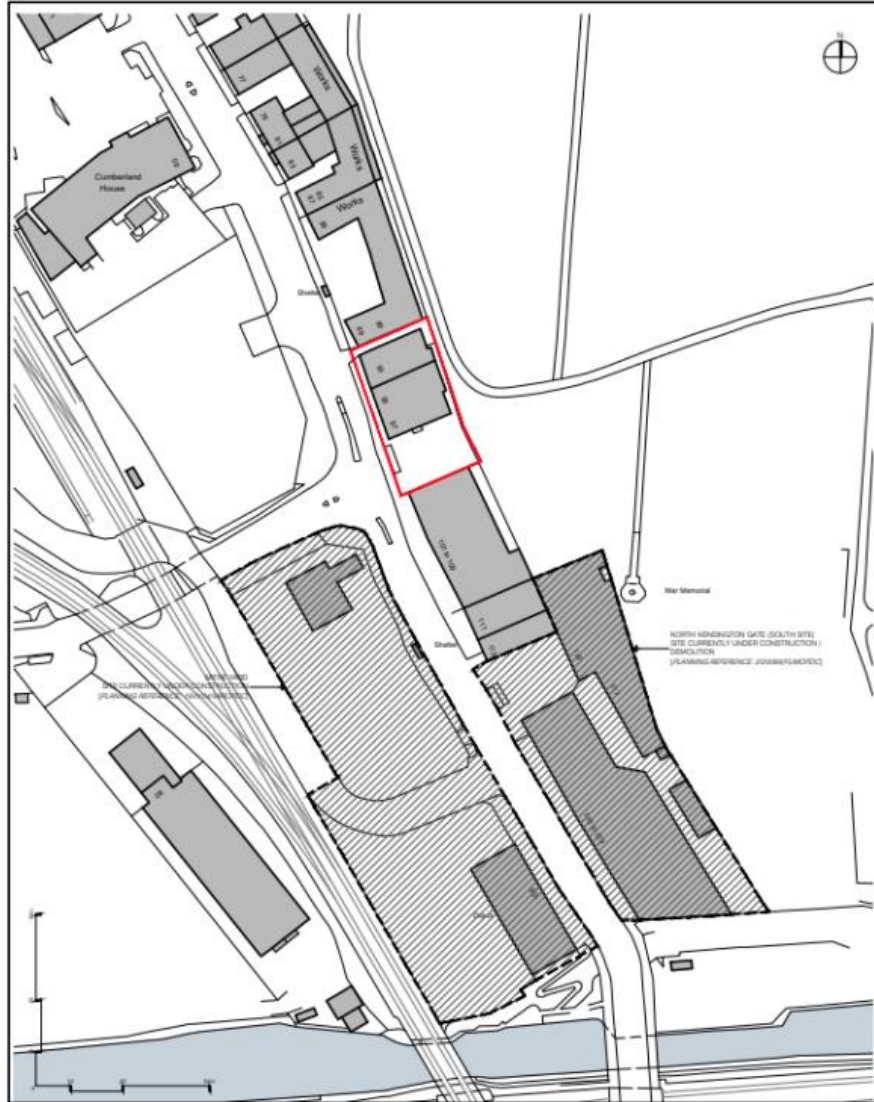


Ward: College Park And Old Oak

Site Address:

93-97a Scrubs Lane, London NW10 6QU



For identification purposes only - do not scale.

Reg. No:
2023/03082/OPDOBS

Case Officer;
Violet Dixon

Date valid:
27.11.2023

Conservation Area:
N/A

Committee Date:
16.04.2024

Applicant:

Old Oak and Park Royal Development Corporation
Brent Civic Centre 32 Engineers Way Wembley HA9 0FJ

Description:

Demolition of existing structures and redevelopment of the site to provide a residential building ranging in height from 5-storeys to 13-storeys, comprising 63 residential units and 129 sqm of commercial floorspace (Class E) at ground floor level, together with related landscaping, cycle parking, plant, and associated works.

Drg. Nos: OPDC Consultation letter dated 24 November 2023
(OPDC Ref. 23/0235/FUMOPDC).

Application type:

Observations to OPDC

Officer Recommendation:

The Council raises an objection to the OPDC in relation to this application for the following reason(s):

- 1) **Affordable Housing:** Both affordable housing options are considered to be unacceptable, for the reasons outlined in more detail in the body of this report. We would expect a far higher quantum of affordable housing and our preference is for genuinely affordable homes, such as social rent, above intermediate. It is unclear what controls would be in place to ensure that any intermediate housing that is provided will be demonstrably affordable to range of incomes below the maximum income cap. Any planning permission should be subject to a s106 agreement that secures appropriate affordable housing review mechanisms (in this case this should include early, mid-stage, and late-stage review mechanisms).

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

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

Application form received: 24 November 2023

Policy Documents: National Planning Policy Framework (NPPF) 2023
The London Plan 2021

OPDC Local Plan 2022

LBHF - Local Plan 2018

LBHF - Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Dated:

Comments from:

Neighbour Comments:

Officer Report

1. BACKGROUND

- 1.1 The Old Oak & Park Royal Development Corporation (OPDC) has consulted us on a planning application submitted to them (Ref.23/0235/FUMOPDC) for the redevelopment of 93-97A Scrubs Lane. The site is situated in our borough, but the OPDC is the determining planning authority.
- 1.2 This application is being reported to Committee to give Members the opportunity to consider and endorse the officers' comments before these are formally submitted to the OPDC. It is for the OPDC to determine the planning application, but the Council's comments will be included in their committee report and will form part of their consideration of the proposals.
- 1.3 The OPDC are currently intending to report the planning application to their planning committee for determination. The date of OPDC committee has not yet been confirmed.

Site & Surroundings

- 1.4 The application site (93-97A Scrubs Lane, NW10 [also known as North Kensington Gate (North)]) is broadly rectangular and situated on the east side of Scrubs Lane, opposite the junction with Hythe Road. It measures approximately 0.1 hectares (0.25 acres) and is currently occupied by a two-storey light industrial building (circa. 885 sqm of floorspace) and an area of hardstanding (south end of the site).
- 1.5 The site is bounded to the rear (east) by St Mary's Catholic Cemetery, the former Cumberland Park Factory warehouses to the north, and a single-storey light industrial unit (101-109 Scrubs Lane) to the south. The Grand Union Canal is

approximately 200m south of the site.

- 1.6 The approved North Kensington Gate (south) redevelopment (7-storey to 24-storey residential-led scheme) is close by to the south (currently under construction), and the approved Mitre Yard redevelopment (also under construction in conjunction with the North Kensington Gate (south) development) is nearby to the south-west, on the opposite side of Scrubs Lane.
- 1.7 The site itself is not in a conservation area and it does not contain any other heritage assets. However, it adjoins two conservation areas: the Cumberland Park Factory Conservation Area (to the north) and the St Mary's Cemetery Conservation Area (to the east). The cemetery is also partly within the boundary of the Kensal Green Cemetery Grade I listed park and garden.

2.0 PLANNING HISTORY

- 2.1. Planning permission was granted by the OPDC on 31 January 2018 for the redevelopment of the site in the form of a part 4-storey, part 11-storey building providing 47 residential units over ground floor commercial use, together with related works and landscaping. This permission was not implemented and has now expired. It should be noted that the permission also pre-dates the adoption of our Local Plan (2018), the London Plan (2021) and the OPDC's Local Plan (2022).
- 2.2 We objected to the development at the time broadly on the grounds of its height, massing, and design; the quantum and nature of the proposed affordable housing (roughly 30%; exclusively shared ownership; and insufficient family sized homes); the quality of the proposed residential accommodation; parking and servicing arrangements; and insufficient mitigation measures.

3.0 PROPOSAL

- 3.1 The proposed development is essentially a revised version of that previously approved and comprises the demolition of the existing structures on the site and its redevelopment in the form of a part 5-storey and part 13-storey building, providing 63 residential units over 129 sqm of ground floor commercial uses (Class E), together with related landscaping, cycle parking, and associated works.

4.0 PUBLICITY & CONSULTATIONS

- 4.1 The application has been submitted directly to the OPDC as the Local Planning Authority. In addition to the consultation responses from the relevant statutory bodies, the OPDC have received an objection from the St Helens Residents Association (public transport accessibility; affordable housing). The OPDC have not received any comments direct from residents living in Hammersmith & Fulham.
- 4.2 Similarly, no comments have been submitted to us from our residents in relation to this planning application.

5.0 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 For LBHF purposes the statutory development plan comprises the London Plan (2021), our adopted Local Plan (2018) and our related Planning Guidance SPD (2018). In this case the application site is in LBHF. The OPDC as the determining authority will assess the development against the London Plan and their own local plan (2022).
- 5.3 The National Planning Policy Framework - NPPF (2023) 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 OPDC adopted their own Local Plan in 2022.

6.0 PLANNING CONSIDERATIONS

AFFORDABLE HOUSING

- 6.1 The applicant has provided the OPDC with a financial viability assessment (FVA) as part of the application submission. The affordable housing offer identified in the FVA is as set out below:
- Option 1: 3 affordable rented homes (equates approximately 5% by habitable room)
- or
- Option 2: 11 affordable homes (circa. 20% by habitable room) all of which are proposed as shared ownership.
- 6.2 Both of the affordable housing options fall well short of policy expectations (including the OPDC's own Local Plan Policy H2) in terms of quantum and tenure requirements.
- 6.3 The OPDC's viability consultants are reviewing the FVA information to determine whether there is any additional value in the scheme to improve the affordable housing offer which is well below recently consented schemes.
- 6.4 Policy H4 of the London Plan (2021) outlines that the strategic target is for 50 per cent of all new homes delivered across London to be genuinely affordable. Policy H5 of the London Plan provides a 'fast-track route' whereby the target is lowered to 35% subject to compliance with relevant criteria.
- 6.5 Policy H03 of our Local Plan (2018) states that at least 50% of all dwellings built should be affordable (borough wide target); 60% of additional affordable housing should be for social or affordable renting, including family sized units, and 40%

should be a range of intermediate housing. Intermediate housing should be affordable to a range of incomes below the maximum cap.

- 6.6 Accordingly, officers are proposing to object to the current proposals on both the quantum and tenure split, on the grounds that we expect a far higher quantum and our preference for genuinely affordable homes such as social rent, above intermediate. It is unclear what controls are in place to ensure that any intermediate housing that is agreed (shared ownership in this instance) will be demonstrably affordable to range of incomes below the maximum income cap, as required by local and regional policy documents.
- 6.7 Any planning permission should be subject to a s106 agreement that secures appropriate affordable housing review mechanisms (in this case this should include early, mid-stage, and late-stage review mechanisms) as set out in the Planning Obligations SPD and London Plan H5.

URBAN DESIGN & HERITAGE

- 6.8 The proposals would bring forward a tall building in a location identified for such development by the OPDC Local Plan. Officers have considered the scale of the current proposals in response to context of emerging developments currently being implemented within this section of Scrubs Lane/Hythe Road. The proposals would bring forward a block varying in scale between 5 to 13 storeys, designed to incorporate brick as the main facing material.
- 6.9 The scale and design of the proposal, is of a more modest scale when compared to other developments currently being implemented within the Hythe Road cluster. As such, the townscape impacts of the development, would be limited when considering the cumulative impact of change within this area.
- 6.10 It is noted that OPDC officers have sought additional review of the detailed design of the scheme, particular to improve the functionality and useability of external balconies, and the review the appearance of the crown of the building within wider strategic views. These amendments are considered appropriate and would be welcomed to ensure a high quality of design.
- 6.11 Proposals also include provision of a new gated access to St Mary's Cemetery. This is encouraging as a principle to open-up and provide additional access to the cemetery. Officers would recommend that further detail be secured either through conditions or s106 obligations of this element of the scheme, including detailed design of the gate itself, and delivery of additional hard/soft landscape improvements within the cemetery to provide a meaningful and useable access to this open space.
- 6.12 Overall, subject to resolution of detailed element of design and detailed consideration of the access to St Mary's Cemetery, there are no objections to the proposal from a design perspective.

HIGHWAYS

Site location

- 6.13 At the site's southwest boundary, Scrubs Lane (A219) forms a junction with Hythe Road, in the form of a mini roundabout. Hythe Road provides a key access link into the industrial estate west of Scrubs Lane. It has a significant gradient change west of the mini-roundabout to pass under two north-south railway lines, with clearance of 4.7m.
- 6.14 Scrubs Lane connects with the Westway (A40) to the south and with Harrow Road (A404) to the north. These both provide onward connections to the (A406) North Circular Road.

Parking

- 6.15 The proposal is that the development would be car free with no off-street vehicular access. A new on-street inset loading bay is proposed on Scrubs Lane to service the development. The proposed inset loading bay can also be used as a pick-up / drop-off location for the development.
- 6.16 The site is 90m to the south of Controlled Parking Zone (CPZ) "AA", restricting on-street parking to permit holders and pay and display tickets within designated bays only.
- 6.17 Near the site, there are approximately 25 on-street bays, all located on the eastern side of Scrubs Lane. The bays are restricted to permit holders and those using the pay and display only between the hours of 9am to 5pm Monday to Friday.
- 6.18 Outside of the CPZ, there are single yellow lines prohibiting parking during the hours 8.00am to 6.30pm Monday to Saturday along the remainder of Scrubs Lane. On-street loading is also restricted on these single yellow lines Monday to Saturday between 8.00am-9.30am and 4.30pm-6.30pm.
- 6.19 There are four on-street parking bays approximately 60-80m to the north of the site. The site's western boundary is to a zebra crossing, whilst the south of the site has double yellow lines prohibiting parking and loading restrictions at all times.
- 6.20 Any proposed 'permit free' measures (which should apply to residents and businesses within the development) should be secured through a Section 106 legal agreement and the permit free arrangement should apply in perpetuity to prevent overspill parking on the highway. A s106 obligation / contribution should also be secured to meet the cost of reviewing and amending the hours of the parking controls in the vicinity of the site to prevent overspill parking from the Development. The highway authority should be able to drawdown on this contribution.
- 6.21 Analysis of the on-street parking restrictions in the vicinity of the site was undertaken to determine potential locations for blue badge parking spaces to be implemented should the development generate disabled parking demand. There are four on-street parking bays approximately 60-80m to the north of the site that could be used by blue badge holders. A s106 obligation / contribution should be secured to meet the cost of converting on-street parking bays to blue badge bays, if

demand was generated during the lifetime of the development. When required, the highway authority should be able to draw down on this contribution.

- 6.22 A s106 obligation / contribution should be secured to meet the cost of providing a Car Club parking bay (and associated electric charging facilities) on Scrubs Lane. It is recognised the provision of car club vehicles is necessary to facilitate access for residents in an area of low car parking provision where they may require occasional use of a vehicle.
- 6.23 In addition, a Travel Plan should be secured by planning obligation, it should include measures such as car club membership to encourage sustainable travel to / from the Development.

Public Transport accessibility

- 6.24 The site currently has a Public Transport Accessibility Level (PTAL) rating of 2, which is considered a low level of public transport accessibility.
- 6.25 The nearest bus stops are located within 50m of the site for services routing both northbound and southbound along Scrubs Lane. The bus stops are served by the service 220.
- 6.26 Willesden Junction is approximately 1km north of the site equivalent to a 14-minute walk and 5-minute cycle. It provides Overground and Bakerloo London Underground services. The Overground provides services to Stratford, Richmond, Clapham Junction, London Euston, and Watford Junction. The London Underground Bakerloo provides services to Elephant and Castle, to Stonebridge Park and to Harrow & Wealdstone.
- 6.27 Significant improvements to public transport are expected in future years. The introduction of Old Oak Common Station located 1.6km walking distance (21-minute walk) will provide access to HS2, Crossrail and national rail services. With new public transport services, the PTAL level of the site is anticipated to rise to 3 (good) indicating a satisfactory level of access to public transport by 2032.
- 6.28 In addition, enhancements to pedestrian links to Willesden Junction station may result in the station being accessible within a 960m walk distance of the site. This would provide access to additional London Overground services (North London and Watford lines) as well as the London Underground Bakerloo Line.

Walking and cycling

- 6.29 Existing Walking facilities locally are good, continuous footways are provided on both sides of Scrubs Lane for its entirety, in both the north and south directions. These footways benefit from street lighting and drop kerbs, to help facilitate easier and safer crossing.
- 6.30 A pedestrian refuge zebra crossing is located at the site's frontage onto Scrubs Lane, which benefits from dropped kerbs, tactile paving and Belisha beacon to assist pedestrians crossing of Scrubs Lane.
- 6.31 The local cycle route 4 routes along Scrubs Lane, from Harrow Road in the north to Kensington Aldridge Academy where it becomes local route 24 in the south. The

cycle route is accessible via the sites frontage which abuts onto Scrubs Lane. The cycle route shares the carriageway with other vehicles.

- 6.32 The Grand Union Canal (Paddington Branch) towpath is a Regional Cycle Route between Maida Hill and Southall Green routing up the canal, in the east and west respectively. The cycling route can be joined approximately 200m south of the site, at the Grand Union Canal.
- 6.33 The Regional Cycle Route 27 routes east to west from Bloomsbury East Acton, respectively. The cycling route is most easily accessible 1km south of the site, where the local cycle route 4 ends.
- 6.34 Improved connectivity is anticipated through new walking and cycling infrastructure including new and enhanced east to west routes. These improvements will enhance connectivity with surrounding destinations including Harlesden town centre, Kensal Canalside opportunity area, White City, Wormwood Scrubs and Old Oak Common Station.

Healthy Streets

- 6.35 An Active Travel Zone (ATZ) assessment has been submitted with the application in accordance with the TfL Healthy Streets Transport Assessment guidance. However, consideration hasn't be given to the quality of pedestrian and cycle routes in the hours of darkness. This assessment should be updated to inform further discussions with the appropriate highway authority about intended mitigation for this site.
- 6.36 The area is currently car dominated and improvements to the active travel environment are required to support the introduction of residential in this area. Enhancements to the current public realm environment, beyond the red line boundary, is required to support improving it against the Healthy Streets criteria but to assist in achieving a strategic modal shift in line with London Plan policies T1 and T2.

Cycle Parking

- 6.37 Cycle parking for the development will be provided in the form of lower tiered racks which will be capable of accommodating 120 bicycles. This provision is in line with standards set out in the London Plan. A further five Sheffield stands are proposed on the site frontage to accommodate 10 short term spaces to the commercial units in accordance with the London Plan.
- 6.38 The cycle parking is provided in a safe and secure ground floor storage area, accessible from the northern and eastern side of the site, beyond a secure gate, with a link through to the internal residential lobby. Further cycle parking is located on a mezzanine level and can be accessed via a bike lift. The bike lift meets the dimensions as specified in London Cycle Design Standards (LCDS). There are six larger cycle spaces (5%) proposed for cargo/adaptable bikes in line with LCDS. The larger spaces are provided via Sheffield stands.
- 6.39 Further details of the cycle parking, and associated facilities should be secured by planning condition. All cycle parking should be designed in accordance with the guidance contained in Chapter 8 of the London Cycling Design Standards (LCDS).

Trip generation

- 6.40 The extant use has the potential to generate some six two-way vehicle movements across a day with some 36 arrival trips and 31 departure trips either via public transport modes or walking/cycling to/from the site.
- 6.41 Due to car-free nature of the development, and the small size of the replacement commercial unit, it is anticipated that most trips will be by sustainable modes. Public transport will be the most usual form of transport with 31 two-way trips in each of the peak hours (approximately 70-80% of all trips).

Delivery and servicing

- 6.42 There will be a maximum of 22 delivery and servicing trips per day. This is equivalent to one trip every 30 mins (between 7am and 7pm).
- 6.43 The monitoring of servicing activities at the site should be secured through a Delivery and Servicing Plan monitoring obligation for a minimum of five years from first occupation of the proposed development. To ensure Delivery and servicing activities do not impact on the surrounding highway network.
- 6.44 The development proposal includes the provision of an inset loading bay which requires the relocation of the zebra crossing outside of the site further to the north. The design of the loading bay has been supported with a Road Safety Audit. The loading bay would be a half-on/half-off loading bay. So, it will be used as a footway at other times. When the loading bay is in use, the footway provided is 2.5m.
- 6.45 The zebra crossing is proposed to be relocated 5m to the north of the existing location. The applicant would be required to enter into a section 278 agreement with the highway authority to secure these works, this should be secured through a planning obligation. The Obligation should require the applicant to enter into the section 278 agreement upon implementation of the development.
- 6.46 In addition, Analysis of personal injury accident data records has identified safety issues at the Scrubs Lane / Hythe Road Mini Roundabout and in the vicinity of this junction. These include injuries to pedestrians and cyclists. To meet Vision Zero objectives and support sustainable modes of travel at the site, s278 improvement works to pedestrian and cycle facilities at this junction should be secured through a planning obligation.

Construction

- 6.47 A draft Construction Logistics Plan (CLP) was submitted with the planning application. A full CLP should be secured by condition and approved by the highway authority prior to commencement of construction on site. A CLP monitoring obligation should be secured to monitor construction vehicle activities at the site, and to ensure the site operates in accordance with the CLP. The monitoring contribution should be secured by planning obligation. The CLP should also consider the cumulative impact associated with other construction activities in the surrounding area.

7.0. CONCLUSION

- 7.1. Officers recommend that that the Council raises an objection to the OPDC in relation to this application proposed development as detailed in the body of this report and set out in the “Officer Recommendation” section above.