
CD10.1a – Mitre Yard, Scrubs Lane (2017) – Application Ref: 17/0055/FUMOPDC & Mitre Yard, Scrubs Lane (2020)

Proof Reference – Paragraphs 4.2.63 – 4.2.67 and 5.2.4 – 5.2.7;

Relevant Officer Report Paragraphs – 7.167 – 7.170

This site is directly comparable to this Appeal Site in that the development is entirely for build-to-rent purposes yet offers a poorer PTAL rating (**PTAL 1b**) and is not located within a Controlled Parking Zone (CPZ). Despite this, both the developer (by way of application) and local planning authority have both deemed a parking ratio of 0.03/0.04 spaces per unit as acceptable. In 2020, an application to increase the number of units by 41 (increasing the total to 241) was also approved by the authority. No dedicated increase in parking was proposed as a result of this increase, rather the developer will monitor blue badge parking uptake and in the event seven spaces are occupied, an area of landscaping would be converted to provide a further two spaces (i.e. to maintain a ratio of 0.04 spaces per unit).

The justification provided on this scheme to demonstrate that blue badge provision was sufficient to meet demand is the same justification presented at paragraphs 4.2.63 to 4.2.67 of my Proof.

Subject: Mitre Yard, 104-108 Scrubs Lane, London, NW10 6SF (application reference number 17/0055/FUMOPDC)

Meeting date: 12 July 2017

Report to: Planning Committee

Report of: Director of Planning

For Decision.

This report will be considered in public.

1 Summary

Application reference	17-0055-FUMOPDC
Site address	104-108 Scrubs Lane, London, NW10 6SF
Proposal	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 609 sqm (GIA) of ground floor flexible non-residential floorspace (Use Classes A1/A2/A3/A4/B1/D1/D2), 514 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
Applicant/agent	Quod on behalf of City and Docklands Management Ltd
London Borough	Hammersmith and Fulham
Validation date	10 April 2017

- 1.1 The Old Oak and Park Royal Development Corporation (OPDC) Scheme of Planning Delegations states that planning applications should be referred to Planning Committee where, in the opinion of the Director of Planning, the application: 'is of a significant or potentially contentious nature.' The planning application is for development of buildings ranging from six to 19 storeys comprising 200 residential homes and 1123sqm of

commercial/employment/community floorspace. It is considered to be significant in nature and should be determined by OPDC Planning Committee.

- 1.2 104-108 Scrubs Lane comprises of two existing waste uses located on the west side of Scrubs Lane. The site is within LB Hammersmith and Fulham (LBHF).
- 1.3 The application proposes the demolition of the existing buildings and structures on the site and their replacement with two buildings, a six to nine storey courtyard building on the southern plot and a 19-storey tower with seven to ten storey shoulder building on the northern plot. The buildings would provide 200 residential units above 609sqm of flexible commercial/community uses and 514sqm of employment uses on the ground floors.
- 1.4 Public consultation has been undertaken on the application. This comprised 336 letters to residents and businesses in the area, six site notices and an advert in the Brent and Kilburn Times newspaper. Twenty-three letters of objection and two letters of support were received in response. The key issues raised by objectors are considered to be:
 - the impact of the development on local highway and traffic conditions;
 - the impact of the height and massing of the development on townscape, views and heritage assets; and
 - the affordability of the affordable housing proposed.
- 1.5 The full range of issues raised by objectors are summarised in a table under paragraph 6.5 of the report.
- 1.6 The key planning issues considered in reaching the recommendation to approve this application are summarised in the following paragraphs:
 - the principle of residential-led development in this location;
 - housing, including build to rent, affordable housing, tenure, housing mix and residential quality;
 - urban design, including height and massing, architecture and impact on heritage assets;
 - transport impact, including parking, servicing arrangements and road safety;
 - amenity, including daylight and sunlight, privacy and overlooking and on-site amenity space;
 - environmental issues; and
 - socio-economics, including job creation, healthcare, and education.
- 1.7 The principle of residential-led redevelopment on this site complies with the land use policies set out in the London Plan, the adopted OAPF and within OPDC's Regulation 19 Local Plan. These documents seek the comprehensive mixed-use regeneration of Old Oak and promote sites along Scrubs Lane for residential-led development. The principle of the proposed development is therefore supported.

- 1.8 The development would deliver 200 residential homes; 35% (by habitable room) of the homes would be affordable homes. The applicant's financial viability appraisal has been independently reviewed and officers are satisfied that the development would deliver the maximum reasonable amount of affordable housing.
- 1.9 The density of the development at circa 400 units per hectare would exceed the guidance set out in the London Plan density matrix based on the site's current PTAL level (1b). The PTAL level of the site is expected to increase in the future as a result of planned rail improvements associated with the Old Oak Common HS2/Crossrail station as well as other public transport improvements in the area, to which the scheme is making a financial contribution.
- 1.10 The quality of accommodation would meet or exceed the design standards in the London Plan including good levels of daylight and sunlight, amenity and internal noise conditions.
- 1.11 The principle of six and ten storey development with a single taller 19-storey element is broadly consistent with the Regulation 19 Local Plan policy P10: Scrubs Lane. The building will provide an appropriate level of enclosure to the street with the lower floors ensuring an active and positive public realm. The form of the building and the treatment of its elevations achieve a very good architectural standard. In the longer term the development will be viewed against a backdrop of taller buildings in the Old Oak core development area.
- 1.12 The buildings would be visible from surrounding heritage assets and would result in harm to the setting of Kensal Green (All Souls) Cemetery Grade I Registered Park and Garden and St Mary's Conservation Area, however, the level of harm is considered to be less than substantial. The development would result in significant public benefits including:
- the early delivery of 200 new homes in Old Oak;
 - the delivery of 67 of these units as affordable homes (35% by habitable room);
 - the removal of negative environmental impacts associated with the existing waste uses;
 - the provision of high quality public realm supported by commercial units with active frontage; and
 - a net reduction in vehicle movements on Scrubs Lane.
- 1.13 In accordance with the National Planning Policy Framework (NPPF) it is acknowledged that the development would result in less than substantial harm to heritage assets but the public benefits of the scheme are considered to outweigh the harm and there are no reasonable alternatives available. The high quality design responds positively to the historic character of the area.
- 1.14 The scheme would meet London Plan requirements with regard to energy efficiency and would make provision for a connection to a decentralised energy system should one become available in the future.

- 1.15 The scheme would be 'car-free' with no general purpose parking provided for residents. Residents would also be restricted from obtaining on-street parking permits; 314 cycle parking spaces would be provided at ground level which meets policy requirements. Seven car parking spaces would be made available for Blue Badge parking. Officers are satisfied that this level of provision is reasonable given the constraints of the site. Two on-site servicing bays would ensure that space is provided for vehicles to wait off the highway whilst servicing the site. The proposals have been assessed on the basis of the haul road being in operation for the foreseeable future. A Stage 1 Safety Audit has been undertaken to review the vehicular access and servicing arrangements to the site. The audit did not identify any safety concerns.
- 1.16 Contributions totalling £1.1m have been secured towards local transport and infrastructure improvements, public realm, education facilities and healthcare facilities to fully mitigate the impact of the development. Measures to support the local workforce and local businesses through the supply chain would be secured by Section 106 legal agreement. The agreement will also include a review mechanism to ensure that additional contributions towards affordable housing and/or infrastructure will be made if the viability of the development improves. In accordance with Regulation 122 of the CIL Regulations, these obligations are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.
- 1.17 On balance, the development is considered to accord with planning policy and is therefore recommended for approval, subject to a Section 106 legal agreement, conditions and informatives.

2 Recommendation

The Committee is invited to:

2.1 Resolve to Grant conditional permission subject to:

- (a) **Stage II referral to the Mayor of London;**
- (b) **The satisfactory completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:**
- 1. Affordable housing**
 - a. The provision of 67 intermediate discount market rent affordable housing units (35% by habitable room) comprising of the following units and discounts**
 - i. 28x 1-bedroom units at 80% of market rent**
 - ii. 25x 2-bedroom units at 75% of market rent**
 - iii. 12x 3-bedroom units at 65% of market rent**
 - iv. 2x 4-bedroom units at 55% of market rent;**
 - b. A review mechanism:**

- i. A full re-appraisal of scheme viability to be triggered if the permission is not substantially implemented within 24 months after the grant of planning permission;
 - ii. A late review to be undertaken on occupation of the development to retest the scheme's ability to provide additional affordable housing and/or infrastructure contributions
 - c. A covenant that for a period of 15 years from the date of first occupation all of the units within the scheme shall be retained as rental units,
 - d. A claw-back mechanism requiring a financial contribution towards affordable housing in the event that the covenant described in paragraph c. above is broken.
 - e. Nomination rights set by OPDC to prioritise eligible applicants on the LB Hammersmith and Fulham intermediate housing waiting list (or equivalent). In the event that LBHF are unable to nominate an affordable unit this would be offered to eligible applicants on the equivalent intermediate housing lists in Brent and Ealing. If all three boroughs fail to nominate to a unit the nomination right would return to the PRS operator to be allocated on the basis of criteria to be agreed with OPDC.
 - f. A Residential Management Plan.
2. Transport
- a. Contribution of £200,000 towards measures to improve the accessibility of the site including walking, cycling and public realm improvements in the vicinity of the site, to be paid prior to the commencement of development;
 - b. Contribution of £251,750 towards increasing the capacity of the local bus network to be paid prior to the commencement of development;
 - c. Occupants of the development to be prevented from applying for parking permits in existing and future Controlled Parking Zones;
 - d. Payment of car club membership for each future residential occupier of the development for three years;
 - e. Provision of a residential Travel Plan Framework and monitoring cost of £1,000 per review for reviews at years one, three and five following first occupation;
 - f. Carrying out of any highway reinstatement works;
 - g. The applicant to enter into a Section 278 agreement to secure highway works including provision of the pavement/public realm reinstatement on Scrubs Lane,

improved pedestrian crossing facilities at the junction of Scrubs Lane and Hythe Road, levelling of existing vehicular crossovers , amendments to Traffic Management Orders and amendments to ensure compatibility with LBHF Streetsmart Guidance;

3. Education

- a. A financial contribution of £353,952 towards the refurbishment and expansion of primary or secondary schools in the vicinity of the site to address the demand arising from the development for education services to be paid prior to the commencement of development.**

4. Healthcare

- a. A financial contribution of £309,560 towards expanding the primary care facility at the Hammersmith Centre for Health, Hammersmith Hospital to address the demand arising from the development for healthcare services to be paid prior to the commencement of development.**

5. Training and skills

- a. Construction pre-employment training and apprenticeships comprising:**
 - i. A target of 15% of labour required for the construction phase to be sourced from the boroughs of Brent, Ealing and Hammersmith and Fulham;**
 - ii. Reasonable endeavours to encourage local sub-contracting;**
 - iii. A minimum number of apprenticeships during the construction phase to be agreed with OPDC, paying the London Living Wage.**

6. Open space

- a. Contribution of £25,000 towards the refurbishment of Mary Seacole Memorial Gardens to be paid prior to the commencement of the development.**

7. Energy

- a. A contribution to a scheme to off-set any shortfall in carbon emissions savings equivalent to £1,800 per tonne of carbon required to be off-set.**
- b. Provision for connection to a future Decentralised Energy network;**

8. Design monitoring

- a. A design monitoring contribution of up to £50,000 towards meeting the costs of independently reviewing any subsequent amended applications or applications for the discharge of planning conditions only payable in the event that the original architects for the scheme are not retained for such work.**

9. **Legal costs reasonably incurred by OPDC in connection with the application.**
10. **All contributions to be index-linked (upwards-only).**

(c) the planning conditions as set out in part 12 of this report.

2.2 Delegate authority to Director of Planning to:

- (a) Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Director of Planning considers reasonably necessary;**
- (b) Finalise the legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) including refining, amending, adding to or deleting the obligations described in the Heads of Terms set out in paragraph 2.1(b) of this report as the Director of Planning considers reasonably necessary; and**
- (c) Sign and execute the Section 106 legal agreement referred to above and issue the planning permission.**

3 Background information

Location plan

- 3.1** The application site is outlined in red on the map below.



Application site

- 3.2 The application site comprises of two parcels of land, with a combined area of 0.53Ha, located on the western side of Scrubs Lane within the London Borough of Hammersmith & Fulham (LBHF). The sites are separated by a private service road known as the haul road, used to access the Powerday and EMR sites. The service road also provides vehicular access to the southern parcel of land and therefore a section of the road has been included within the application site. The northern parcel is accessed directly from Scrubs Lane. The total site area including the road is 0.58ha.
- 3.3 Both land parcels are currently occupied by waste facilities and comprise of a mixture of yard space and industrial buildings/structures. To the north the site is bound by Hythe Road. To the south the site is bound by Mary Seacole Memorial Gardens (MSMG) a public open space which fronts onto the Grand Union Canal at Mitre Wharf. To the west the site is bound by the West London line railway. Both sites front onto Scrubs Lane towards the east. The surrounding area is predominantly industrial in character with the closest residential uses being the moorings for boats on the Grand Union Canal. The closest houses are approximately 360 metres to the north along Scrubs Lane beyond the Cumberland Park Factory Conservation Area.
- 3.4 The site is not located within a Conservation Area (CA) and there are no Listed buildings or structures on the site. However, the site lies close to the Grand Union Canal CA (approx. 5m to the south), the St Mary Cemetery CA (approx. 50m to the east) and the Cumberland Park CA (approx. 60m to the north). Beyond St Mary's Cemetery, approximately 280m towards the east, lies Kensal Green Cemetery, a Grade I listed Registered Park and Garden. Both cemeteries contain a number of listed structures and monuments.
- 3.5 The site is served by the 220 bus route, which is a high frequency route. The nearest rail station is Willesden Junction, which provides access to the Bakerloo line and the London Overground. The current public transport accessibility level (PTAL) of the site is 1b.

Planning history

- 3.6 The relevant planning history of the site is summarised in the table below. The full site history reflects the industrial use of the site. There have not been any previous proposals for residential use on the site.

Address	Application reference	Description	Decision
108 Scrubs Lane	2011/00800/FUL	Extension and alterations to existing waste management building to form a fully enclosed and roofed	Approved 3 August 2011

Address	Application reference	Description	Decision
		management and recycling building, re-siting of offices (portacabins), weighbridge, washdown area, and provision of underground water storage facility	
108 Scrubs Lane	1991/01619/FUL	Use as a waste transfer station	Approved 20 August 1993
104-106 Scrubs Lane	2013/02648/FUL	Continued use of the site as a metal processing centre; retention of the boundary fence.	Approved 21 July 2014

- 3.7 A request for the formal Screening Opinion of OPDC to be issued under Regulation 5(1) of the Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2011 (as amended 2015) was received on 28 October 2016.
- 3.8 OPDC's Screening Opinion was issued on 21 November 2016. The Screening Opinion confirmed that an Environmental Impact Assessment would not be required to be submitted with the planning application.
- 3.9 There have been recent resolutions by the OPDC Planning Committee to grant planning permission for two major residential-led mixed use developments close to the site on the opposite side of Scrubs Lane. The closest scheme, North Kensington Gate South (ref. 16/0119/FULOPDC), would comprise 164 units within a development of up to 22 storeys and North Kensington Gate North (ref. 16/0118/FULOPDC), would comprise 47 units within a development of up to 11 storeys.

4 Proposal

- 4.1 The application proposes the demolition of the existing buildings and structures and the redevelopment of the site to provide two buildings comprising 200 residential units (101 one-bed, 69 two-bed, 25 three-bed and five four-bed units), and 1123sqm of ground floor non-residential floorspace.

- 4.2 The residential component of the scheme is proposed as build-to-rent whereby the units would be retained under a single ownership and made available for rent. The affordable housing would be provided through 67 units being provided at a discounted market rent (DMR).
- 4.3 The southern building would be between six to nine storeys in height arranged around a central courtyard. This building would comprise of five one-bedroom units, 23 two-bedroom units, 25 three-bedroom units and five four-bedroom units.
- 4.4 The northern building would comprise of a street block of between seven to nine storeys in height adjacent to a 19-storey tower element at the northern end. The northern building would comprise of 96 one-bedroom units and 46 two-bedroom units.
- 4.5 The ground floor non-residential floorspace would be arranged across the two buildings. 609sqm of this floor space at either end of the proposed development is proposed for flexible use covering retail, food and drink, workspace, community and leisure uses (Use Classes A1/A2/A3/A4/B1/D1/D2). The remaining 514sqm located on either side of the haul road and centrally on Scrubs Lane is proposed as workspace (Use Class B1/Artist Studios).
- 4.6 Seven Blue Badge parking bays would be provided on-site, five in the northern building and two within the southern building. No other general car-parking is proposed. On site servicing bays are provided within the ground floor of each building. A total of 314 secured cycle storage spaces are proposed.
- 4.7 Minor revisions have been made following the submission of the application, including:
- replacement of glazed panel with solid panel on flank return of balconies to 6 flats on northern block;
 - glass balustrade and metal work replaced with brick detail and railing to southern edge of courtyard on southern block;
 - introduction of stairs to northern side of public square outside of the northern block;
 - proposed use of ground floor 137sqm commercial unit fronting Scrubs Lane within northern block changes from flexible use (A1/A2/A3/A4/B1/D1/D2) to employment use (Use Class B1/Artist Studios);
 - revised drainage strategy and Flood risk Assessment submitted to achieve Green-field run-off rates;
 - service vehicle tracking removed from planning drawing. Refer to Transport Assessment for correct tracking drawings;
 - pedestrian access ramp to southern block amended to meet 1:20 accessibility requirements; and
 - affordable housing offer has been revised as detailed in paragraphs 7.21 to 7.31 of this report.

These changes have been considered against the guidance contained in paragraph 26 of the NPPG and it has not been necessary to carry out any further public consultation as a result of these changes.

5 Policy

- 5.1 The adopted development plan for this part of the OPDC area comprises:
- London Plan March 2016;
 - Hammersmith and Fulham Core Strategy 2011; and
 - Hammersmith and Fulham Development Management Local Plan 2013.
- 5.2 The following planning documents are also relevant material considerations:
- NPPF;
 - Old Oak and Park Royal Opportunity Area Planning Framework (OAPF) 2015;
 - OPDC Regulation 19 version of the Local Plan June 2017;
 - The Scrubs Lane Development Framework Principles 2017; and
 - Hammersmith and Fulham Regulation 18 Local Plan January 2015.
- 5.3 The OAPF was adopted as supplementary planning guidance to the London Plan in November 2015 and therefore is a material consideration in the determination of this application.
- 5.4 The OPDC Regulation 18 draft Local Plan completed its first round of public consultation on 31 March 2016. Having considered the representations received OPDC has now developed a Regulation 19 version of the Local Plan and this was issued for public consultation on 29 June 2017. The public consultation of the Regulation 19 Local Plan concludes on 11 September 2017 and the final draft of the Local Plan is expected to be subject to Examination in Public in spring 2018. Although yet to be adopted the draft Local Plan is a material planning consideration in the determination of the current application.
- 5.5 Development Plan Documents (DPDs) produced by the Councils in the OPDC boundary have material weight dependent on the stage the document had reached in the adoption process at the point that OPDC came into existence on 1 April 2015. In this case the adopted Hammersmith and Fulham Core Strategy 2011 and adopted Development Management Local Plan 2013 form part of the development plan for the area for decision making purposes. The LBHF Local Plan 2015 which was recently subject to Examination in Public was only at Regulation 18 stage on 1 April 2015 and therefore whilst the Regulation 18 version of this document can be a material consideration it is recommended that only limited weight be given to it in the decision making process.
- 5.6 The Scrubs Lane Development Framework Principles document has been published as a supporting study to the Regulation 19 Local Plan. The purpose

of this document is to provide the vision and principles for Scrubs Lane and it directly informs Policy P10: Scrubs Lane within the Regulation 19 Local Plan. Whilst this document is not intended to form part of the Local Plan it provides supporting evidence to the relevant parts of the Plan and therefore can be considered a material consideration in the determination of this application.

6 Consultation

Pre-submission Consultation

- 6.1 The applicant has undertaken pre-submission public consultation as set out in the submitted Statement of Community Involvement (SCI). This included holding two public exhibitions in November 2016 and January 2017 which were each advertised through a newsletter sent to 2,700 local residents, businesses and other stakeholders. The exhibitions were held close to the site at the City Mission Church on Scrubs Lane.

Review by the Old Oak and Park Royal PLACE Review Group

- 6.2 The pre-application proposal was presented to the Old Oak and Park Royal PLACE Review Group (OPRG) on 10 January 2017. OPRG is facilitated by Design Council CABE (an independent advisory body to OPDC). The written responses from OPRG to the pre-application proposals are summarised in paragraph 7.55 and provided in full in Appendix 1.

Statutory Public Consultation

- 6.3 The statutory public consultation undertaken by OPDC comprised:
- letters/emails to statutory consultees, ward councillors & local interest groups;
 - 336 letters sent to households and businesses on 18 April 2017;
 - six site notices displayed in public places in the vicinity of the site on 18 April 2017; and
 - a press notice was published in the Brent and Kilburn Times on 20 April 2017.
- 6.4 In addition to the above, OPDC hosted a public event on 2 May 2017 which included a presentation of the proposals by the applicant followed by a question and answer session.

Public Responses

- 6.5 In response to the statutory public consultation 23 letters of objection and two letters of support have been received. In summary the letters received raise the following issues, which are presented in an order determined by the frequency of the issue being raised. Copies of the representations received have been circulated to Members and are available on the OPDC website at: <http://planningregister.opdc.london.gov.uk/swift/apas/run/wchvarylogin.display>

Objection/Issue	Officers Response
The proposed development would increase traffic and associated air pollution problems along Scrubs Lane and at the junction with North Pole Road.	See paragraphs 7.152 to 7.160 The proposed development would reduce existing traffic flows on Scrubs Lane and would not therefore have an adverse impact on the junction with North Pole Road.
The height of the proposed development would cause visual harm, including views from Wormwood Scrubs and Little Wormwood Scrubs.	See paragraphs 7.57 to 7.127.
The proposed affordable housing would not be genuinely affordable.	See paragraphs 7.25 to 7.29.
The architecture of the tower is bland.	See paragraphs 7.128 to 7.132.
There is insufficient social infrastructure such as schools and healthcare to support the proposed development.	See paragraphs 7.236 to 7.252.
Construction traffic would harm highway safety.	A Construction Environmental management Plan and a Construction Logistics Plan will be secured by way of condition.
More parking needs to be provided for existing and future businesses.	The parking proposals are in accordance with relevant planning policy as set out in the Regulation 19 Local Plan which aims to reduce reliance on the private car and associated environmental impacts. The proposed non-residential uses have appropriate on-site servicing facilities.
This application should not even be considered until after the public consultation on the OPDC Local Plan has taken place otherwise it risks creating a dangerous precedent.	The proposals have been assessed against all of the relevant development plan documents and other material considerations as set out in paragraphs 5.1 to 5.6 of this report. The OPDC Regulation 19 Local Plan was published for consultation on 29 June 2017.
Additional storeys could help the development look less lumpy.	Officers consider that the proportions of the tower are good.
Some portion of the ground floor	The applicant seeks a permission

Objection/Issue	Officers Response
should be retained for community use only for the next five to ten years.	with a flexible range of uses for 609sqm of non-residential uses. This includes flexibility to provide community uses if a suitable tenant can be found. Officers consider this flexibility appropriate in terms of maximising opportunities to introduce a range of active uses which can contribute to early place-making on Scrubs Lane.
Maintenance of the canal gardens (Mary Seacole Gardens) should be secured through any approval.	A contribution of £25,000 towards the improvement of Mary Seacole Memorial Gardens would be secured through any permission. LBHF will continue to be responsible for maintaining the gardens.
Electric only car-club spaces should be provided on-site.	No car-club space is proposed on site but of the 7 blue badge bays provided on site 20% would have active and 80% would have passive provision for electric car charging points.
Any parking permits awarded to residents should be zoned differently to College Park to avoid overspill parking.	The proposals would be 'car-free' and future occupiers of the development would not be entitled to on-street parking permit within the vicinity of the site. This would apply to both existing and future CPZ's and would be secured through a s106 agreement.
The large solar array must be retained at the development stage.	This can be secured through condition.
This site and North Kensington Gate should install a district heating system.	The proposed developments do not provide sufficient quantity or certainty of development to support a district heating system. However, both sites are required to make provisions to connect to such a network should one come forward in the future. OPDC are continuing to examine the potential for delivering district heating systems within the area.

Objection/Issue	Officers Response
A restaurant/café/entertainments space should be provided with public access on one of the roof terraces.	The building layout would make public access to the uppers floor problematic from a security point of view. However, a range of active uses are proposed on the ground floor.
Green/living walls and landscaping should be used to mitigate air quality and noise issues.	Green walls can be considered when agreeing the detailed landscaping strategy for the site.

Statutory Consultees & Stakeholders

- 6.6 The following statutory consultees and other stakeholders were consulted on the application. The responses are summarised below. Copies of the full representations received have been circulated to Members and are available on the OPDC website at:
<http://planningregister.opdc.london.gov.uk/swift/apas/run/wchvarylogin.display>

	Consultee and Comments	Officers response
1	Greater London Authority (GLA) Stage 1 report – The stage 1 response of the Mayor has not yet been received. However, this is expected to be received prior to consideration of the application by the OPDC Planning Committee.	• Officers will provide an update in an addendum report.
2	Transport for London (TfL) – TfL supports the proposal in principle, subject to the following: • undertake Stage 1 Road Safety Audit for the proposed access arrangement; • investigate the provision of additional blue badge parking spaces to meet London Plan standards; • secure the sum of £251,750 toward local bus service capacity improvement; • secure the submission and approval of cycle parking details	• A Stage 1 Road Safety Audit has been undertaken and no major issues were reported. • The potential for additional blue badge parking was considered in the submitted Transport Assessment but no opportunity for additional bays could be identified. • All other contributions

	Consultee and Comments	Officers response
	by condition; • secure contribution toward local walking and public improvement where appropriate; • revise the travel plan in light of ATTrBute result, and secure it by s106 agreement, including free car club memberships for future residents; and • secure the submission of DSP and CLP.	and requirements will be secured through condition/s106 agreement.
3	London Borough of Hammersmith & Fulham – The consultation on the application was reported to the LBHF Planning Committee on 12 June 2017. Members endorsed the LBHF officers' recommendation to object to the proposals on the following grounds: • LBHF will hold the nomination rights for the development and as such the affordable housing offer must be one that can be utilised by the Council for its residents. The affordable housing product of Discount Market Rent is not supported and this should be revisited to deliver London Living Rent and below. The viability assessment submitted raises concerns as to the methodology adopted and the assumptions made to bring forward a scheme that is fundamentally unviable. The Council expects any s106 agreement to 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. • It would be premature to	• On affordable housing see paragraphs 7.21 to 7.31. • On highway design see paragraphs 7.138 to 7.141.

	Consultee and Comments	Officers response
	determine this application ahead of a detailed design for Scrubs Lane being agreed with the local authority. It is recommended that work be carried out on this design as a matter of priority ahead of the determination of this application.	
4	London Borough of Ealing – Raise no objection to the proposals.	• Noted.
5	Royal Borough of Kensington and Chelsea – Objection to the application on the grounds that the design, height and scale of the development would harm the heritage significance of Kensal Green Cemetery.	• See paragraphs 7.64 to 7.127.
6	London Borough of Brent – No response received.	• Noted.
7	High Speed 2 (HS2) – It should be noted that the red line of the application site is caught by two plots under the HS2 Act. However, it is not believed that the proposed development will impact upon planned utility works in that location and as such, HS2 Ltd has no objections to the application from a safeguarding or delivery perspective. Informative recommended.	• Informative added.
8	Crossrail – Confirmed that they do not wish to comment on the application.	• Noted.
9	Network Rail – Supportive of the application. However, any planning application proposal or consent should be based on the access arrangements as	• The planning application does not proposed any alteration to the

	Consultee and Comments	Officers response
	existing and not on any potential proposed alteration or any aspiration to alter the access haul road. Noise and vibration mitigation measures need to be incorporated into the development. An asset protection agreement will need to be agreed with Network rail due to the proximity of the development to the railway line.	existing access road and the application has been assessed on this basis. • Noise and Vibration is considered under paragraphs 7.190 to 7.196. An informative will be added in relation to asset protection issues.
10	Historic England – Have advised that they are unable to support the application. The proposals would fail to preserve or enhance the significance of the historic environment and would not correspond with the heritage policies as set out in the OAPF or the draft local plan.	• See paragraphs 7.64 to 7.127.
11	Environment Agency – No response received.	• Noted.
12	Greater London Archaeological Advisory Service – No response received.	• Noted.
13	Thames Water – Have provided the following comments: • Require attenuation to achieve Greenfield run-off rates from the site. The applicant should demonstrate how the surface water disposal policy in the London Plan is being implemented, giving consideration to the feasibility of discharging to the canal.	• A revised Drainage Strategy has been submitted that proposes mitigation to achieve Greenfield run-off rates. This can be secured by condition. • Conditions and informatives have been added in relation to other matters raised.

	Consultee and Comments	Officers response
	• The applicant should provide protection from backflow from the sewer network. • There are public sewers crossing the site and a build over agreement with Thames Water will be required. • Recommend that petrol/oil interceptors are fitted in all car-parking/washing/repair facilities. • Recommend the installation of fat traps on all catering establishments. • Recommend an informative relating to the potential need for a Groundwater Risk Management Permit. • Recommend a condition to secure and implement a drainage strategy. • Recommend an informative regarding the minimum water pressure requirements. • Recommend a condition to require the submission and implementation of a piling method statement. • Recommend an informative regarding the potential need to contact Thames Water regarding a nearby water main.	
14	Natural England – No objection to the application and has provided Standing Advice.	• Noted.

	Consultee and Comments	Officers response
15	Canal & River Trust – Broadly supportive of the proposals but have recommended conditions/obligations relating to the following matters: • Further details of landscaping proposals, including any new retaining structures to MSMG. • Secure contributions to the improvement of MSMG. • Secure a construction management plan that considers the construction impacts on the canal. • OPDC should consider whether a waterborne freight construction feasibility study should be secured through condition. • Houseboats and moorings should be considered within the noise and vibration impact assessment. • Consider how bin storage for boaters could be integrated into the developments servicing arrangements. • Recommendations in the ecological assessment and lighting report should be implemented.	• A contribution of £25,000 towards the refurbishment of Mary Seacole Gardens will be secured. The improvements will be undertaken by LBHF. • A Construction Environmental Management Plan will be secured by condition and this will need to consider impacts on the canal and moorings. • A Construction Logistics Plan will be secured by condition. The potential for waterborne freight should be considered as part of this document. • Improvements to bin storage can be considered as part of improvement to MSMG but officers do not consider it necessary for the development to provide bin storage for boaters in planning terms.
16	Metropolitan Police Designing Out Crime Officer – Has advised that they have met with the applicant to discuss the scheme from a Secured by Design perspective.	• Noted.

	Consultee and Comments	Officers response
17	London Fire Brigade - Confirmed they have no comment to make on the proposals at this stage. This may be considered further at the building control approval stage.	• Noted.
18	Diocese of London – Support the proposals. The proposals present opportunities to support the Diocese’s Strategy and Action Plan for Old Oak and Park Royal.	• Noted.
19	Grand Union Alliance – Objects to the application on the following grounds: • Do not believe that traffic on Scrubs Lane will be reduced in the future. • Mitre Bridge is in need of restoration. • The proposals do not address the future proposals for Scrubs Lane. • The loading bays for the buildings only accommodate vehicles of a certain size, where would larger vehicles park. • The vehicular access to the northern site and the haul road could cause confusion for drivers.	• Traffic issues are considered in paragraphs 7.152 to 7.160. • This is a matter for the Local Highways Authority and Network Rail as owners of the bridge. • The proposals do not preclude future improvements to Scrubs Lane. See paragraphs 7.138 to 7.141. • The servicing bays can accommodate refuse vehicles and 10m rigid vehicles. Given the scale of the commercial units it is not considered there will be a requirement for vehicles that are larger than this. • A Stage 1 Road Safety Audit has been undertaken and no issues have been reported.

	Consultee and Comments	Officers response
	• The northern block loading bay is congested. • Is there a traffic plan when the Network Rail service road is no longer required? • The north block has very limited cycle storage facilities compared to the south block.	• Tracking has been provided to confirm that the servicing bay can operate safely. • The closure of the service road does not form part of the application proposals and therefore the Transport Assessment does not address this issue. • 314 cycle storage spaces are provided which exceeds the London Plan standards.
20	St Helens Residents Association – Object to the proposals on the following grounds: • The application is contrary to existing planning policies and relies too heavily upon on guidance and policies which have not yet been subject to public consultation. • The proposal is of excessive density and building height.	• The proposals seek to respond positively to the emerging policies within the regulation 19 Local Plan which was published for consultation on 29 June 2017 and is a material planning consideration. However, the assessment of the proposals also takes full account of and gives appropriate weight to the other development plan documents and material considerations as set out in paragraphs 5.1 to 5.6. • Density is discussed in paragraphs 7.46 to

	Consultee and Comments	Officers response
	• There is no certainty that the Network Rail access road will cease to operate and this would have a harmful impact on the quality of life for future residents of the development and would undermine the viability of putting commercial uses in this location. • The proposals will generate significant traffic due to the number of delivery and servicing vehicles and taxis attending the site. • The affordable housing at 80% of market rent is not within the income range for local residents. • The quality of the architecture and urban design is not of the highest standards of design. Concerns are raised in respect of the positive comments made by the CABE Place review panel. • The proposals would have an unacceptable impact upon local heritage assets	7.49. • Building height is discussed in paragraphs 7.57 to 7.63. • The application does not propose to cease the operation of the haul road and the application has been assessed on this basis. • Traffic is discussed in paragraphs 7.152 to 7.160. • The affordable housing offer has been revised to provide greater discounts on the two, three and four-bedroom units. This is discussed in paragraphs 7.21 to 7.31. • The quality of the architecture is discussed in paragraphs 7.128 to 7.136. • The impact on heritage assets is discussed in paragraphs 7.64 to 7.127.
21	Old Oak Park (Cargiant) - Support the proposals. Confirm that a new access road is proposed as part of their current	• Noted.

	Consultee and Comments	Officers response
	masterplan.	
22	Hammersmith Society – Objects to the proposals on the following grounds: • The impact of the height of the building on heritage assets and views from Wormwood Scrubs, the Cemetery and from Hemlock Gardens. • Inappropriate design and materials. • Density in excess of the London Plan density matrix. • Inadequate public transport to support the development. • The operation of the EMR/Network rail access road would harm the living conditions of future occupiers. • Affordable Housing at 80% of market rent is not affordable.	• The impact on heritage assets and views is discussed in paragraphs 7.64 to 7.127. • Design and materials is discussed in paragraph 7.57 to 7.63 and 7.128 to 7.136. • Density is discussed in paragraphs 7.46 to 7.49. • Public transport is discussed in paragraphs 7.156 to 7.158. • The impact of noise and vibration and air quality is discussed within paragraphs 7.190 to 7.196 and 7.216 to 7.222 of the report. It is considered that appropriate mitigation can be secured by condition to provide acceptable living standards. • The affordable housing offer has been revised to provide greater discounts on the 2, 3 and 4-bedroom units. This is discussed in paragraphs 7.21 to 7.31
23	EMR – Objects to the proposals on the	• The impact of noise

	Consultee and Comments	Officers response
	following grounds: - Concerns regarding the compatibility of residential development with the operation of the EMR site. - The relocation of the access road is not within the control of the developer. - Height and Density contravenes relevant planning policy. - The applicant has significantly under assessed the need for screening of the proposed flats from existing noise sources and does not seem to have taken account of noise from the EMR site. - The lack of parking and access to public transport will exacerbate unauthorised parking problems on the access road.	and vibration and air quality is discussed within paragraphs 7.190 to 7.196 and 7.216 to 7.222 of the report. It is considered that appropriate mitigation can be secured by condition to avoid compatibility issues. - The relocation of the road is not proposed and the application has been assessed on this basis. - Height and density is discussed in paragraphs 7.46 to 7.49 and 7.57 to 7.63 of the report. - A Noise and Vibration Assessment has been submitted as part of the planning application and this has also been reviewed by LBHF Environmental Health Officers agree with the conclusion that acceptable living conditions can be achieved. - If unauthorised parking occurs on the access road the landowner could enforce against this.

6.7 Consultation letters were also sent to the following interest groups, but no responses were received:

St Quintin and Woodlands Neighbourhood Forum, College Park Residents' Association, The Gardens Trust, Regents Network, Hammersmith and Fulham Disability Forum, St Mary's Catholic Cemetery, Powerday.

7 Assessment

7.1 The following reports and assessments were submitted with the application:

1. Planning Statement.
2. Design and Access Statement.
3. A Landscaping Strategy.
4. Energy and Sustainability Statement.
5. Framework Construction Environmental Management Plan.
6. Health Impact Assessment.
7. Light Pollution Assessment.
8. Drainage Strategy.
9. Topographical Survey.
10. Statement of Community Involvement.
11. Air Quality Assessment.
12. Noise and Vibration Assessment.
13. Transport Assessment.
14. Travel Plan.
15. Delivery and Servicing Plan.
16. Flood Risk Assessment.
17. Ecology Report.
18. Arboricultural Assessment.
19. Daylight and Sunlight Assessment.
20. Wind Assessment.
21. Preliminary Environmental Risk Assessment (Land Contamination).
22. Construction Logistics Plan.
23. Heritage, Townscape and Visual Impact Appraisal.
24. Historic Environment Desk Based Assessment.
25. Affordable Housing Statement.

7.2 In reaching a recommendation on the application, officers have had regard to the main planning issues set out below, which are addressed in this report:

- principle of development: redevelopment in a Strategic Industrial Location to provide residential-led mixed use development and loss of existing waste uses;
- housing: principle of build to rent, affordable housing (including tenure) and housing nomination rights, housing management; housing mix; quality of proposed accommodation; accessibility; housing density;
- urban design: OPRG comments and applicant's response, height and massing; heritage, townscape and visual impact; local character, architecture and materials; security; streets and public realm;

- transport: transport network; servicing; car and cycle parking; road safety;
- amenity: play space and open space; privacy and overlooking; daylight, sunlight and overshadowing; noise and vibration; wind microclimate; construction impacts;
- environment: energy efficiency/climate change; air quality; flood risk and water management; contaminated land; ecology and biodiversity; archaeology; and
- socio-economics: employment and skills; education; healthcare.

Principle of development (land use)

7.3 The proposed development raises the following land use issues:

- the redevelopment of land within a Strategic Industrial Location (SIL) to provide residential-led mixed use development including retail, food and beverage, employment, community and leisure uses;
- the loss of the existing waste uses on site; and
- the potential for loss of employment.

Redevelopment within a Strategic Industrial Location

- 7.4 The site falls within the Park Royal Strategic Industrial Location (SIL), as identified in the Hammersmith & Fulham Core Strategy (Strategic Policy – Park Royal) and Proposals Map. London Plan policy 2.17 states that development proposals in SIL should be refused unless they are for industrial or employment activities and related uses, or if they are part of a strategically coordinated process of SIL consolidation through an opportunity area planning framework or borough development plan document.
- 7.5 The site also falls within the Old Oak Common Opportunity Area, which is identified in Annex One of the London Plan as having significant regeneration potential with capacity to accommodate a minimum of 24,000 new homes and 55,000 jobs centred around a new public transport hub on the HS2 line, interchanging with the Great Western Main Line and Crossrail 1.
- 7.6 The Old Oak and Park Royal Opportunity Area Planning Framework (OAPF) was adopted and published by the Mayor of London in November 2015. The OAPF proposes that Old Oak is removed from its SIL designation to facilitate residential and commercial redevelopment targets for the area set out in the London Plan.
- 7.7 The formal process for de-designating SIL is carried out through the OPDC Local Plan. The application site is not within the area proposed to be retained as SIL within the draft Local Plan which has now reached the second stage (Regulation 19) of public consultation. Policy P10 of the Regulation 19 Local Plan focuses on Scrubs Lane and supports the delivery of a range of mixed-use development to secure 1,100 new jobs and a minimum of 2,000 new homes along Scrubs Lane. The policy also supports the principle of developing clusters of active ground floor uses at key points along Scrubs

Lane and the provision of small business/employment uses along the remainder of the ground floor frontage.

- 7.8 The upper floors of the development would be occupied by 200 residential units accessed from communal entrances at ground floor level along Scrubs Lane. As discussed, policy P10 of the Regulation 19 Local Plan supports the delivery of 2,000 new homes along Scrubs Lane and the proposals would make a 10% contribution towards this target. As such, subject to all other normal planning considerations the principle of developing residential accommodation in this location is supported.
- 7.9 The proposed development sits partially within the Hythe Road and Mitre Canalside clusters, as set out in policy P10, at the northern and southern ends of the site. In these locations the application proposes flexible ground floor commercial units with active frontages in these locations. The flexible uses proposed would cover a range of retail, food and beverage, employment, community and leisure uses (Use Classes A1/A2/A3/A4/B1/D1/D2). The combined floor area of these units would be 609sqm (GIA). Outside of the clusters, fronting on to Scrubs Lane and facing the access road, further commercial units are proposed for employment and artist studio uses (Use Class B1 or Artist Studios. The combined floor area of these units is 514sqm (GIA). The types of uses proposed and their locations accord with policy P10 of the OPDC Regulation 19 Local Plan.
- 7.10 In light of London Plan Annex One, the adopted OAPF and the OPDC Regulation 19 Local Plan, there is strong support and a clear direction of travel for the release of the Old Oak area from SIL. As such, the redevelopment of the application site for non-SIL uses is supported. The combination of residential and non-residential uses proposed and their specific locations on the application site accord with the principles set out in Policy P10 of the Regulation 19 Local Plan and are therefore supported.

Loss of existing waste use

- 7.11 Notwithstanding the above, consideration also needs to be given to the potential impacts that could arise from the loss of the existing waste uses from the site. The southern plot is occupied by a waste transfer facility and the northern plot is occupied by a metal recycling facility. In total the facilities are understood to employ between 30-40 staff and are occupied by approximately 894sqm (GIA) of industrial floorspace.
- 7.12 Policy 5.17H of the London Plan and policy EU6 of the Regulation 19 Local Plan set out that there is a need to consider compensatory site provision for waste sites that deal with waste management. Facilities for waste transfer only do not meet the definition of waste management as set out in the London Plan and therefore the southern plot need not be considered against this policy. The planning history for the northern plot suggests that this operation may include an element of on-site recycling. However, having examined the Environment Agency's waste data interrogator, there is a lack of any identifiable throughput data associated with the site. Despite this it is

considered that policies 5.17H of the London Plan and policy EU6 of the Regulation 19 Local Plan should be given consideration in respect of the northern plot.

- 7.13 Policy EU6b and Policy P2q of OPDC's Regulation 19 Local Plan do not safeguard either of the existing waste uses on site for waste apportionment purposes. The Old Oak Sidings (Powerday) waste management site is the only site safeguarded as this currently meets LBHF's current need for waste apportionment purposes. Policy P2q and the supporting text at paragraph OON.30 note the potential for future additional capacity requirements to also be dealt with in future on the Old Oak Sidings site. OPDC's Waste Apportionment Study notes that OPDC will work proactively with the operator of the Old Oak Sidings site to develop strategies to increase the throughput capacity on the site.
- 7.14 Officers consider that given the small size of the current waste sites, their predominant function as transfer sites, the lack of any identifiable throughput data from the Environment Agency, the identified strategies to increase throughput capacity on other safeguarded sites in the OPDC area and the wider benefits of redeveloping the site for mixed use development, that the loss of the current waste uses on the site are acceptable in planning terms.

Potential for loss of employment

- 7.15 Taking account of the flexibility of use that is sought on some of the commercial space proposed it is estimated that the site could re-provide 15-75 jobs on site. Therefore there is a reasonable prospect that the proposed development would maintain a comparable number of jobs on the site. Whilst acknowledging that these jobs would be of a different nature to those provided by the existing site this would help to support the target delivering 1,100 new jobs along Scrubs Lane.
- 7.16 In light of the policy context set out above, the redevelopment of the site for residential-led development is acceptable.

Housing

- 7.17 The housing issues to consider are the principle of build to rent housing, the provision of affordable housing and nominations, the housing mix, housing density, the quality of the residential accommodation and accessibility.

Build to Rent

- 7.18 The development is proposed as build to rent whereby all of the homes are purpose built and retained under single ownership for the rental market.
- 7.19 The private rented sector (PRS) has been the fastest growing housing tenure in recent years and now accommodates approximately 30% of all households in London. As set out in the Mayor's draft Affordable Housing and Viability SPG 2016 (the 'draft Viability SPG') build to rent housing can be beneficial in a number of ways. It can:

- attract investment into London's housing market that otherwise would not be there;
- accelerate delivery on individual sites as they are less prone to 'absorption constraints' on build-out rates;
- more easily deliver across the housing market cycle as they are less impacted by house price downturns;
- provide a more consistent and at scale demand for off-site manufacture;
- offer longer term tenancies/ more certainty over long term availability;
- ensure a commitment to, and investment in, place making through single ownership; and
- provide better management standards and higher quality homes than much of the mainstream private rented sector.

7.20 Policy H6 of the Regulation 19 Local Plan supports the delivery of build to rent homes subject to certain criteria around affordable housing, safeguarding the units for PRS, providing a Residential Management Plan and longer term tenancies for at least three years.

Affordable housing (including tenure)

7.21 London Plan policy 3.12 requires new developments to provide the maximum reasonable amount of affordable housing in residential developments, taking account of their individual circumstances including development viability, the availability of public subsidy, the implications of phased development including provisions for re-appraising the viability of schemes prior to implementation ('contingent obligations'), and other scheme requirements. Hammersmith and Fulham's adopted Core Strategy 2011 policy H2 requires that at least 40% of all new dwellings should be affordable subject to financial viability and this is also a requirement in policy HO3 of Hammersmith and Fulham Council's Regulation 18 draft Local Plan.

7.22 With regard to tenure, London Plan policy 3.11 and policy HO3 of the Hammersmith and Fulham Council's Regulation 18 draft Local Plan set a strategic target for 60% of affordable housing to be provided for social and affordable rent and 40% provided for intermediate housing. However, the draft Viability SPG and policy H6 of the Regulation 19 Local Plan recognise that in the case of build to rent schemes, such as that proposed here, there is a need for all homes within the development to stay under single management and therefore in the case of build to rent all affordable homes should be delivered as discounted market rent (DMR). DMR is considered to be an intermediate form of affordable housing.

7.23 The applicant submitted a Financial Viability Assessment (FVA) with the application. The submitted FVA concluded that on present day costs and values that the scheme would be unviable creating a deficit of approximately £28m. The FVA has been independently reviewed by OPDC's consultants, BNP Paribas (BNPP), who agreed that on present day costs and values the

scheme would be unviable but to a far lesser degree resulting in a deficit of £1.2m.

- 7.24 Discussions between OPDC officers and the applicant, with regards the type and affordability of homes, have been on-going. This work has been informed by OPDC's review of the submitted viability appraisal. The application now proposes the following affordable housing make-up with the associated sliding scale of discounted market rents.

Unit Size	No. of DMR units	DMR (% of open market rent)
1-bedroom	28	80% of market rent
2-bedroom	25	75% of market rent
3-bedroom	12	65% of market rent
4-bedroom	2	55% of market rent
TOTAL	67 (35% by hab room)	

- 7.25 The affordability of intermediate affordable housing (including Discount Market Rent) has been a key consideration of the OPDC Planning Committee on other recent schemes within the OPDC area. Officers recognise the importance of ensuring that an appropriate balance is struck between the overall quantum of affordable housing provided and the affordability of the units provided to local people. In agreeing the level of discount provided regard has been had to the incomes of local people and in particular to applicants on the LBHF intermediate housing register.
- 7.26 The gross median household income in LBHF is £42,290¹. The LBHF intermediate housing waiting list has over 9,000 applicants, of which 40% (3,600) have a household income of over £40,000.
- 7.27 The table below expresses the affordability of the homes proposed in this application relative to the average median household income for people living in LBHF. It should be noted that the rents expressed in the table below are inclusive of service charges.

	One-Bed	Two-Bed	Three-Bed	Four-Bed
Market rent (pcm)	£1,300	£1,850	£2,250	£2,750
Number of Units	28	25	12	2

¹ Households Below Average Income (HBAI) 2014/15 and Annual Survey of Hours and Earnings (ASHE) 2013-2015

Discount	80%	75%	65%	55%
Discounted Rent (pcm)	£1,040	£1,388	£1,463	£1,513
% of gross household income on rent (assuming income at £42,290)	30%	39%	42%	43%

- 7.28 When considering the discounted rents above 79% of the DMR units would be one or two-bedroom which would be the most affordable. It should also be noted that in terms of housing benefit the rent levels for the three and four-bedroom units are below the maximum Local Housing Allowance rates for the area.
- 7.29 The income cap for other forms of intermediate housing is set at £60,000 for London Living Rent and £90,000 for shared ownership. The LBHF intermediate housing waiting list contains 180 applicants who have household incomes in excess of £50,000 and are in need of a three or four bedroom property. It is therefore considered that there is an identified need for the larger DMR units that would be delivered through the scheme.
- 7.30 The applicant is proposing 35% affordable housing, however, this is wholly intermediate housing and doesn't comply with the preferred tenure split as set out in the Regulation 19 Local Plan. Therefore a review mechanism will be secured as part of the Section 106 legal agreement when the development is occupied. This review mechanism will provide an opportunity to reappraise the viability of the scheme at a later stage and based on actual rental values and costs. An earlier review would also be required in the event that the scheme is not substantially implemented within 24 months of planning permission being granted. If the outcome of the review(s) demonstrates improved viability above an agreed level of developer return this would result in a proportionate increase in the level of affordable housing contributions set out in this report.
- 7.31 Taking all of the above into account, the affordable housing offer is considered to be the maximum reasonable amount of affordable housing in line with London Plan policy 3.12 whilst ensuring that affordable homes are genuinely affordable to local residents.

Safeguarding PRS and Clawback

- 7.32 The distinct economics of build to rent schemes where the developers return is realised over a much longer period of time through longer term rental return as opposed to upfront direct sale. This means that when tested as part of the planning application process they are normally found to be less viable than an equivalent build to sell scheme and therefore deliver less affordable housing. Both the regulation 19 Local Plan and the Mayor's draft Viability SPG seek to address this issue by requiring build to rent schemes to be subject to a covenant that requires the units to stay within the rented sector for a minimum of 15 years and imposes a clawback mechanism that will be triggered should

any of the units be sold out of the scheme (except in the case of a wholesale transfer of the units to another PRS provider). If triggered, the clawback mechanism will be used to calculate an appropriate financial contribution towards off-site affordable housing to reflect the additional affordable housing that could have been delivered had the scheme been brought forward as a build to sell scheme in the first place. The applicant has accepted the principle of a 15 year covenant and clawback mechanism and this should be secured as part of any permission within a s106 agreement.

Housing Nomination Rights/Management

- 7.33 The DMR homes will be pepper potted throughout the development and will be under the same management as the private homes. It is therefore important to ensure that appropriate tenancy terms and management standards are secured through any planning permission. This will include provisions for longer term tenancies of at least three years and greater security for tenants of the development. As the housing manager is not yet known the applicant has made a broad statement on the standards that will be expected of the housing manager. However, officers recommend that a detailed Residential Management Plan should be secured as part of the s106 agreement of any planning permission.
- 7.34 The intention is that nominations to the DMR units would be handed to LBHF in the first instance so that they can be offered to applicants on their intermediate housing waiting list in accordance with LBHF's standard approach to prioritisation. As discussed above, officers consider that the discounted rents offered would be within the affordability range of many applicants on the LBHF waiting list. However, in the event that LBHF are unable to nominate to a particular property this would then be offered to eligible applicants from both Brent and Ealing. In the event that all three boroughs are unable to nominate to a property then the Housing Manager would be asked to market the property privately, subject to a strict eligibility criteria to be agreed with OPDC, to ensure that the unit is used to meet genuine housing need.
- 7.35 Policy H6 of the Regulation 19 Local Plan seeks to secure tenancies of a minimum of three years as part of build to rent schemes. The applicant proposes tenancies of up to five years at the tenant's choice, which exceeds the requirement of the policy. The applicant has also indicated that they would be willing to also provide longer tenancies on a proportion of the family sized units to align with children's attendance at school. Tenants will have an automatic right to renew their tenancies, subject to meeting criteria to be agreed. Annual rent increases for the DMR units would be capped at CPI+1%.

Housing mix

- 7.36 London Plan policy 3.8 on 'Housing Choice' seeks to ensure that new developments provide a range of housing choices, both in terms of size and type, taking account of the demand associated with different age groups. The

policy also states that provision of affordable family housing should be addressed as a strategic priority in local planning policies.

7.37 Policy H3 of the OPDC Regulation 19 Local Plan requires sets out that residential development should seek to provide 25% of all units as family housing (3+-bedroom). However, in paragraph 8.33 the Regulation 19 Local Plan recognises that a rigid application of this target may not be appropriate in every case and that site characteristics, viability, location and other constraints need to be taken into account.

7.38 The following table provides a summary of the housing mix and the tenure split:

Unit type	Private	DMR	Total	%
1B2P	73	28	101	50.5%
2B4P	44	25	69	34.5%
3B6P	13	12	25	12.5%
4B5P	3	2	5	2.5%
Total	133	67	200	-

7.39 The tables above show that the proposals provide 15% family sized units (three or four bedroom) which is below the target of 25% set out in the Regulation 19 Local Plan. The suitability of the site, and particularly the northern plot, for family housing is heavily constrained in terms of the proximity to the haul road, the railway line and Scrubs Lane and the resultant environmental conditions. The southern plot is more suitable for family accommodation, particularly where the aspect of units is on to the canal. The scheme has responded positively to this opportunity, delivering 61% of the units as family sized within this block. However, in order to ensure a positive relationship with the Grand Union Canal conservation area, the southern plot is less dense than the northern plot and this has resulted in a lower overall proportion of family units across the scheme as a whole. Considering the site specific characteristics, its location and the constraints it is considered that, on balance, the provision of 15% family sized units is reasonable in this instance.

Quality of proposed accommodation

7.40 London Plan policy 3.5 relates to 'Quality and design of housing developments'. It addresses the external quality of residential development by ensuring that proposals enhance their local environment by taking local context into account in terms of housing tenure, local character and land use mix. It also addresses internal quality by requiring developments to be flexible to respond to changing needs, have practical, useable spaces that are functional and are fit for purpose. It also prescribes minimum space standards that address a number of issues including the overall size of housing units, floor to ceiling heights and the size of storage areas. The policy is supported

by the Housing SPG which incorporates recent national changes to technical housing standards.

- 7.41 All homes would be dual, or even triple aspect, which is strongly supported. The lift cores would serve a maximum of eight units per floor in the courtyard and street blocks which complies with the Mayor's Housing SPG. In the tower this is reduced to five units per floor.
- 7.42 The balcony sizes in the Housing SPG must be a minimum of 5sqm for a one to two person unit with an additional 1sqm for each additional occupant. The proposed development complies with this standard by proposing internal balconies to all units. Larger 9sqm balconies are provided to the three-bedroom units and two balconies are provided to the four-bedroom units to meet these standards.
- 7.43 All of the homes would meet or exceed the minimum space standards set out in Table 3.3 within London Plan policy 3.5 and are therefore supported.

Accessibility

- 7.44 London Plan policy 3.8 requires 10% of new units to meet Building Regulation requirement M4 (3) by being designed to be wheelchair accessible (readily useable by a wheelchair user at the point of completion) and the remaining 90% to meet Building Regulation requirement M4 (2) for 'accessible and adaptable dwellings'. The development exceeds these requirements and provides 14% of the units to M4 (3). The wheelchair accessible units are provided as 18 one-bed units within the tower, two one-bed units in the courtyard block and eight two-bed units in the street block.
- 7.45 All of the entrances to the building would provide level access and all of the flats benefit from lift access. The scheme has been designed to provide suitable access in public areas with regard to door widths.

Housing density

- 7.46 The proposed development would have an approximate density level of a little under 400 units per hectare. The site currently has a low level of public transport accessibility (1b) and the proposed density exceeds the London Plan density matrix. However, the High Speed 2 station has now gained Royal Assent and this new station, along with other public transport improvements, will significantly improve public transport accessibility in the future as shown in Figure 7.11 of the Regulation 19 Local Plan.
- 7.47 Paragraph 2.62 of the London Plan provides scope for opportunity areas to determine their own character in terms of housing densities, and the Mayor's Housing SPG states that opportunity areas should positively explore the potential for increased densities beyond that of the London Plan density matrix (paragraph 7.5.5).
- 7.48 The Regulation 19 Local Plan moves away from the approach of providing broad indicative density ranges as set out in the Regulation 18 Local Plan, instead the Plan provides more detailed spatial policies on appropriate heights

and design standards within a series of place based policies. For Scrubs Lane, policy P10 sets out that a single taller element will be appropriate within each of the clusters identified through the policy and that otherwise heights in this location should be generally six to eight storeys onto Scrubs Lane and the Canal, and eight to ten storeys adjacent to the railway. The proposed development has been designed to comply with this policy.

- 7.49 The key to the acceptability of the proposed density of the development is the design of the scheme, the quality of the proposed residential accommodation, daylight and sunlight levels, and the mitigation of environmental, transport and socio-economic impacts. Whilst these issues are considered individually elsewhere in this report, the scheme does demonstrate a high standard of design and high quality of residential accommodation, and the impacts will be fully mitigated by a series of planning obligations to be secured in the Section 106 legal agreement. For these reasons, and in light of the major public transport improvements planned for the area, the proposed density is considered acceptable.

Housing conclusion

- 7.50 The proposed level of affordable housing, the housing mix and the tenure, the unit sizes, the quality and accessibility of the accommodation and the overall housing density are, on balance, acceptable, subject to the inclusion of an affordable housing review mechanism.

Urban design

- 7.51 The urban design issues to consider are height and massing, heritage, townscape and visual impact, local character, architecture and materials, security, streets and public realm, as well as the comments received from OPRG and the applicant's response to them.
- 7.52 The London Plan provides a number of criteria based policies against which the design of a development proposal should be considered including policies 7.4 'Local Character', 7.5 'Public Realm', 7.6 'Architecture' and 7.7 'Location and Design of Tall and Large Buildings'.
- 7.53 LBHF Core Strategy policy BE1 provides a general approach to design and guidance on locations that may be appropriate for tall buildings. More detailed advice on assessing proposals is set out in DM G1 'Design of New Build' and DM G2 'Tall Buildings' in Hammersmith and Fulham's Development Management Local Plan (DMLP).
- 7.54 OPDC Regulation 19 Local Plan policy P10 'Scrubs Lane' provides specific guidance for the design of new developments along Scrubs Lane.

OPDC PLACE Review Group (OPRG) comments and applicant's response

- 7.55 The proposals were reviewed prior to the submission of the application by OPRG. The comments of the panel were provided in a letter dated 20 January 2017 which is attached to this report as Appendix 1. The main issues raised were:

- variation in terms of building heights and uses will make Scrubs Lane an attractive place to visit and travel through;
- the proposed buildings do not appear to negatively impact the views from the wider area;
- welcome the three building typology;
- car-free scheme is supported;
- further work on the landscaping of Mitre yard (area around the access road) and podium garden;
- should strengthen the pedestrian and cycling connections to the wider area;
- should explore how the scheme can be more distinct from others in the area;
- the elevations should have a stronger reference to the industrial heritage of the area;
- need to play a more active role in the enhancement of Mary Seacole Memorial Gardens;
- should explore ways to improve the sense of enclosure around the public space to the north-east of the site;
- trees and greenery along Scrubs Lane are important;
- explore how the area around the haul road can be made more hospitable in the short term;
- flexibility of ground floor uses is important;
- more work required on the landscaping for the podium garden; and
- windows should be provided on to the access deck on the southern block.

7.56 These design issues have been considered and addressed below whilst the amenity, environmental and transport issues are addressed in subsequent sections of this report.

Height and massing

7.57 London Plan policy 7.7 'Location and design of tall and large buildings' states that tall buildings should be part of a plan-led approach and should not have an unacceptably harmful impact on their surroundings. An urban design analysis should demonstrate that the site is part of a wider strategy and that the building meets a number of criteria including having good access to public transport, relating well to surrounding buildings and public realm, improving the legibility of an area, incorporating the highest standard of architecture and materials and it should make a significant contribution to local regeneration. The impact of tall buildings in sensitive locations should be given particular consideration.

7.58 Policy P10 of the OPDC draft Local Plan sets out specific guidance on appropriate building heights along Scrubs Lane which has been informed through the work set out in the Scrubs Lane Development Framework Principles supporting study. In particular, through an urban design analysis it

identifies a series of clusters at key locations which should provide points of intensified active use at ground floor level which can be landmarked by a single tall building. The policy also advises that heights along this part of Scrubs Lane and the canal should be six to eight storeys and eight to ten storeys along the railway line of the rear of the site. The proposed development is in accordance with policy P10.

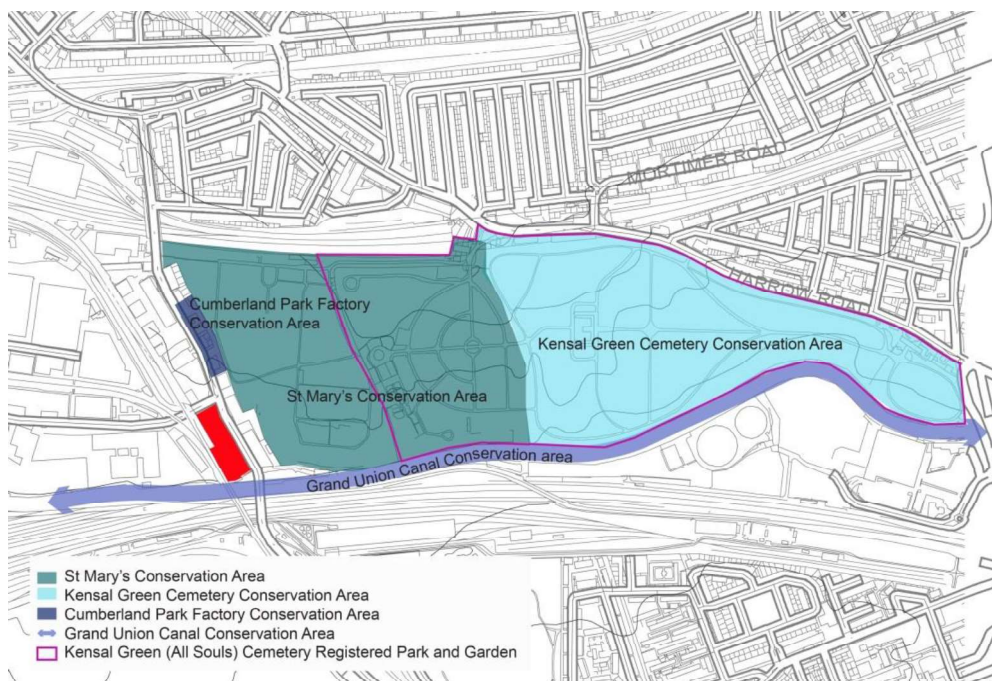
- 7.59 The northern end of the application site is located close to the junction of Scrubs Lane and Hythe Road and a 19-storey tower is proposed in this location. This area is identified in the policy P10 of the Local Plan as being within the 'Hythe Road' cluster. Hythe Road is currently the main vehicular access into the core development area at Old Oak and although the existing junction is expected to be remodelled in the future it is expected that this location will act a key focal point within the opportunity area. Whilst the existing junction primarily provides access to the west it is expected that in the future a new access point to St Mary's cemetery to the east will be provided as part of the North Kensington Gate North scheme and this will increase pedestrian and cycle flows through the area, supporting the principle of a cluster of active use in this location. A tall building in this location has the potential to mark this activity cluster, as well as creating a point of arrival into the core development area at Old Oak.
- 7.60 Policy P10 is not prescriptive in terms of the precise position or height of a tall building within the Hythe Road cluster and this needs to be considered on its individual merits. The location of the tall building proposed by the scheme offers a number of benefits in terms of marking the key east to west route into Old Oak North, minimising the potential impacts of a tall building on heritage assets. Being located on the south-western corner of the Hythe Road cluster, and being set back from Scrubs Lane, the tall building is sited to maximise the distance between the structure and the closest heritage assets within both the Cumberland Park and St Mary's Cemetery Conservation Areas.
- 7.61 There is a place-making rationale for locating a tall building in this location. However, it is also necessary to consider the appropriateness of the scheme with regard to its impact on the townscape and heritage assets and the quality of the design.
- 7.62 The frontage of the street block adjacent to the tower steps down to seven storeys and this height is continued along the frontage of the southern block to complete a consistent street frontage which is considered by officers to be of an appropriate scale. Towards the rear, adjacent to the railway line and haul road, both blocks step up to nine to ten storeys in height and this is considered appropriate response given that this location is less sensitive in terms of its presence within the streetscene.
- 7.63 At the southern end of the site the building lies within the Mitre Canalside cluster. Whilst this part of the development is within a cluster it is not considered to be a suitable location for a taller building due to the close proximity of the development to the Grand Union Canal Conservation Area. In

any case, a taller element here would go against the principle of a single tall building within each cluster due to the recent resolution to grant a tall building on the North Kensington gate South site which is also within this cluster. The development responds appropriately to the heritage designation of the canal by stepping down to its lowest point of six storeys along the canal side frontage and setting the building back from the southern site boundary. This is considered to create an appropriate response to the heritage importance of this location and is in accordance with the principles set out in policy P10 of the draft Local Plan.

Heritage, townscape and visual impact

- 7.64 Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 makes it a statutory duty for decision makers to consider the impact of proposals on listed buildings. This includes having special regard to the desirability of preserving the setting of a listed building. A finding of harm to the setting of a listed building is a consideration to which the decision maker must give considerable importance and weight. There are four listed structures within St Mary's Cemetery and over 140 in Kensal Green Cemetery. Although there are more listed structures in the wider area, all of them are more than 500 metres away from the site.
- 7.65 Paragraph 132 of the NPPF advises local planning authorities on how to assess the impact of a proposed development on the significance of a designated heritage asset. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. It advises that great weight should be given to the asset's conservation, recognising that heritage assets are irreplaceable, and that any harm or loss requires clear and convincing justification. 'Substantial' harm to a Grade II listed building should be exceptional, and should be wholly exceptional for a Grade I or II* listed building, park or garden.
- 7.66 Paragraph 134 advises that where development would result in less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits of the proposal, including securing the optimum viable use of the asset.
- 7.67 Paragraph 135 advises that the impact of development on non-designated heritage assets should also be taken into account, with a balanced judgement required to the scale of harm or loss and the significance of the asset.
- 7.68 Policy 7.8 of the London Plan sets out guidance regarding the impact of development on heritage assets which is addressed in a Heritage and Townscape Visual Impact Assessment (HTVIA) submitted as part of the planning application.
- 7.69 The applicant's HTVIA assesses a total of 35 viewpoints from an agreed set of locations in the immediate and wider vicinity of the site. A map of all 35 viewpoints assessed and a summary of the HTVIA is provided in Appendix 2.

- 7.70 Some of the views are rendered images which show a verified view of the proposed building whereas wireline images show only an outline of the building. Wireline images are typically used for longer distance views where it can be harder to identify the building against the landscape, or where an immediate view is partially obscured by street furniture, other buildings or landscaping.
- 7.71 The locations from which the proposals will be visible can be grouped into seven main areas, which are:
- Kensal Green (All Souls) Cemetery;
 - St Mary's Catholic Cemetery;
 - the Grand Union Canal;
 - the Cumberland Park Factory Conservation Area;
 - Wormwood Scrubs;
 - Little Wormwood Scrubs; and
 - local views including Oxford Gardens Conservation Area and Old Oak Lane Conservation Area.
- 7.72 Of these areas, the most sensitive in heritage terms is Kensal Green Cemetery, which is a Grade I listed Registered Park and Garden that contains over 140 listed structures (including Grade I, II* and II) including the Grade I listed Anglican Chapel. The designation as a Registered Park and Garden includes part of the St Mary's Cemetery up to the administrative boundary between LBHF and RBKC. The Conservation Area designation of Kensal Green Cemetery only covers Kensal Green Cemetery itself.
- 7.73 St Mary's Cemetery is designated as St Mary's Conservation Area. St Mary's Cemetery contains four listed structures (Grade II* and II) and the Canadian War Memorial which is considered to be a non-designated heritage asset. The map below shows the boundaries of these three designations and other local heritage designations described below.



- 7.74 To the south of the site the canal and gardens are within the designated Grand Union Canal Conservation Area. The Cumberland Park Factory Conservation Area is to the north along Scrubs Lane. Wormwood Scrubs is designated as Metropolitan Open Land.
- 7.75 The HTVIA identifies further conservation areas within 1.5km of the site. Views from or close to these designations are addressed under local views. This assessment will consider each of the seven areas in turn.

Kensal Green (All Souls) Cemetery (HTVIA views 9,10,11, 12, 13, 22)

7.76

View	HTVIA pages	View position	Building visible
9	72-75	West London Crematorium building	Yes
10	76-79	West London Crematorium garden	Yes
11	80-83	Kensal Green Cemetery Northern Colonnade footpath	Yes
12	84-87	Rear of the Anglican Chapel	Yes
13	88-91	Kensal Green Cemetery South Branch Avenue	Yes
22	124-127	War Memorial	Yes
i	212-215	Front of the Anglican Chapel	No
li	216-219	Centre Avenue and Junction Avenue crossroads	No
lii	220-223	South Branch Avenue	No
lv	224-227	Centre, North Branch, South	No

View	HTVIA pages	View position	Building visible
		Branch Avenues Junction	
v	228-231	Dissenter's Chapel	No

7.77 Kensal Green Cemetery was established in 1832 and consecrated the following year. It is recognised in the St Mary's Conservation Area designation and the Register of Parks and Gardens of Historic Interest at Grade I as a landscape of significant value. These designations reflect the role of the cemetery in the history and evolution of London at the time it was established. The overall landscape is planned and although it contains a number of formal elements, its overall character is informal with curved walkways and spaces for contemplation offering amenity value in addition to the main purpose as a place of remembrance. The soft landscaping has been altered since the original plan was implemented and mature trees provide a heavily landscaped setting to many of the views within the cemetery.

7.78 Kensal Green Cemetery has been assessed with six viewpoints which have been chosen to represent the most sensitive parts of the cemetery. Five other viewpoints were also assessed (i-v) but the development would not be visible in these views. The locations of these views were agreed with Historic England before the assessment was undertaken.

7.79 A viewpoint (12) has been taken from the rear of the Grade I listed Anglican Chapel located in the centre of the cemetery. The view is taken looking away from the chapel which is not visible in the view itself. From this location the proposed tower would be visible although the remainder of the development would mostly be screened by existing structures and trees in the cemetery. The view of the tower from this location is from a considerable distance (approx. 650m) and given that the tower does not interfere with views of the chapel itself it is not considered that there would be any harm to the setting of the heritage asset. This is confirmed by view i taken towards the Chapel from the front and this confirms that the proposed development would not be visible from this location and therefore the appearance of the chapel would be preserved in this important view.

7.80 View 11 offers a clearer view towards the site owing to the more open character of the cemetery close to the Grade II listed Northern Colonnade in the north east of the cemetery. This view would only allow limited views of the tower which would be mostly screened by trees during the summer months. View 13 is taken from the junction of two of the main pathways on the southern boundary of the cemetery. As with view 11, some very slight views of the edges of the tower may be possible although from this position the proposed development is most screened established landscaping and trees. The views are kinetic as the building would be visible along a section of both pathways. Nonetheless, given the considerable distance between these viewpoints and the site, and the resultant lack of prominence afforded to the new building, the development is not considered to be harmful to the setting of these parts of the cemetery or of the listed structures within it.

- 7.81 Views 9 and 10 are from a crematorium located on the western boundary of Kensal Green Cemetery that was constructed in 1939. Although newer than the cemetery as a whole which opened in 1833, the unlisted crematorium building and its associated remembrance garden are important features of the landscape and also fall within the St Mary's Conservation Area. The proposed development on the northern plot, including the tower, would be visible from the front of the Crematorium but would be masked to some degree by existing trees when viewed from the gardens. The proposed development on the southern plot would be clearly visible from both the front of the Crematorium and the gardens but the modest scale of this block helps to mitigate its impact on these views. Should the proposed development at North Kensington Gate South, which has a resolution to grant planning permission, be constructed then views of the southern block would be extremely limited from both viewpoints.
- 7.82 View 22 is taken from a War Memorial on the southern edge of the crematorium garden. The application site is located to one side of the memorial in the main view and the tower would be less prominent in this view than the tower proposed as part of the North Kensington Gate South development, if constructed. In general, the mature, permanent trees and shrubs which have been intentionally laid out to complement the setting of the memorial would screen much of the development, which would only be partially visible behind the trees in winter.
- 7.83 The HTVIA has assessed the most sensitive areas of the cemetery where there is potential for the buildings to be visible due to the orientation of paths or the role of specific parts of the cemetery. The analysis shows that, where the application site is close enough for the building to be visible, permanent features such as hard landscaping, buildings, mausolea or soft landscaping in permanent planting areas would generally reduce its visual impact.
- 7.84 With the exception of views 9 and 10, the views in which the buildings would be visible from Kensal Green cemetery only offer partial views of the buildings and they would not be prominent. In each of these views, aside from views 9 and 10, the distance between the viewpoint and the application site is such that the new building would not be a focal point or harm the significance of the registered park and garden or the listed structures within it.
- 7.85 In views 9 and 10 the new building would be prominent from the crematorium garden and adjacent to the crematorium building, particularly if the North Kensington Gate South scheme were not to come forward. Its prominence would cause harm to the significance of the heritage assets, but that harm is judged to be less than substantial and would be reduced by the high quality design, elegant proportions of the tower and the use of sensitive materials that reflect the palette of materials in the cemetery.
- 7.86 It is also noted that considerable redevelopment is planned for other sites along Scrubs Lane and within Old Oak. This will include dense development and other tall buildings. Whilst none of these developments are as yet

committed, it is likely that they would also be visible from within Kensal Green Cemetery.

- 7.87 In light of this assessment, and having regard to the character of Kensal Green Cemetery as described in paragraph 7.88, officers consider that the proposals would cause less than substantial harm to the significance of the Grade I Registered Park and Garden and the setting of the conservation area.

St Mary's Catholic Cemetery (HTVIA views 5, 6, 7, 8)

7.88

View	HTVIA pages	View position	Building visible
5	56-59	Towards Canadian War Memorial	Yes
6	60-63	Central crossroad within cemetery	Yes
7	64-67	North east entrance to cemetery	Yes
8	68-71	South-east corner of cemetery	Yes

- 7.89 The character of St Mary's Cemetery is noticeably different to that of Kensal Green. Whilst the latter is heavily landscaped and exhibits a park-like character in many areas, St Mary's is predominantly open and has a layout which could be described as functional or logical. Only the north east and south east corners of the cemetery have any mature vegetation of note. The conservation area appraisal notes that: 'Urban development has engulfed this [south] part of the cemetery and its boundaries are generally unplanted. This allows views of surrounding buildings and bridges to be seen from within the cemetery.' The western, eastern and northern boundaries are marked with brick walls whilst a fence denotes the southern boundary with the Grand Union Canal. Towards the western boundary, industrial and residential buildings on Scrubs Lane are visible and the sound of traffic on Scrubs Lane is apparent.

- 7.90 The impact on St Mary's Cemetery is shown in four images. It should also be noted that the building would be visible from much of the conservation area owing to the open character described above.

- 7.91 View 5 is towards the Canadian War Memorial along one of the more formal routes in the cemetery. The buildings would appear to one side of the view behind the Canadian War Memorial which is a non-designated heritage asset. The lowest parts of the development on the southern plot would be visible closest to the memorial with the remainder of the development behind a row of established trees which line this route and would help to screen views of the development in the summer months. If constructed, the North Kensington gate South tower would be a more prominent feature in this view than the proposed development at Mitre Yard.

- 7.92 Views 6 and 8 are indicative of the more open part of St Mary's Cemetery towards its western edge. The proposed development is highly visible in these views and would be visible to a similar extent across this part of the cemetery, which is more sensitive to change owing to its open character. If constructed, the proposed North Kensington Gate South development would block most views of the southern block. The northern block, including the tower would remain visible between the two North Kensington gate schemes from most parts of the cemetery. Notwithstanding this, the existing industrial buildings on the east side of Scrubs Lane, and the noise of traffic on the highway are both clearly perceptible from this area and have a negative impact on the setting of the conservation area.
- 7.93 From view 7 near the north east entrance, the top half of the tower would be visible with the remainder of the proposed development screened by the existing structures and landscape within the cemetery. Although visible, from this distance the scale of the tower is not considered to overbear the some of the more substantive buildings in this part of the cemetery.
- 7.94 By virtue of the proximity of the application site to the conservation area, the proposed development will be clearly visible from within St Mary's conservation area. The scale of the new buildings is greater than that of the existing buildings and structures on the site and in this regard would change the setting of the conservation area. Whilst it is acknowledged that there is an impact on the setting of the conservation area which has a contemplative character, any development on this site, and in the wider regeneration area as shown in the cumulative views, would be visible behind the Canadian War Memorial. Reducing the height of the tower would not overcome those concerns.
- 7.95 Whilst every scheme must be considered on its individual merits, the views provided do suggest that the proposed development would have a lesser impact on the views from, and the setting of, the St Mary's Cemetery in comparison to the North Kensington gate schemes for which the Planning Committee have resolved to grant planning permission. This is primarily due to the siting of the proposed development on the western side of Scrubs Lane which helps to lessen the direct impact of the development on the boundary of the cemetery. It should also be noted that the tower in this particular case is three storeys lower than the North Kensington Gate South tower which is proposed as 22-storeys in height.
- 7.96 Overall, the development would cause some harm to the setting of the St Mary's Conservation Area and the Canadian War Memorial, a non-designated heritage asset, but for the reasons set out above that harm is considered to be less than substantial. There would be no harm to the setting of the listed structures located within the northern part of the cemetery.

The Grand Union Canal (HTVIA views 14, 16, 17, 34)

7.97

View	HTVIA pages	View position	Building visible
3	48-51	Grand Union Canal (west)	Yes
14	92-95	Grand Union Canal (east)	Yes
20	116-119	Grand Union Canal (far west)	Yes
26	140-143	Footbridge to west of site	Yes
29	152-155	Grand Union Canal (centre)	Yes

7.98 The character of the Grand Union Canal Conservation Area changes along its length. At certain points it is crossed by road and rail bridges where noise from traffic is prevalent. From the towpath on the southern side there are views of industrial buildings and associated yards, but there are also quieter areas where business and residential activity is hidden and the character is more tranquil.

7.99 Four views were taken from the Grand Union Canal towpath; two to the east of Scrubs Lane and two to the west. The fifth view is taken from a pedestrian footbridge over the canal to the west of the site.

7.100 The building would be visible from the east in views 14 and 29 where the tower in particular would be visible from longer distances with the southern block becoming more prominent as you move towards the site. In views 3 and 20 the development would, in the longer term, be seen in the context of the Old Oak Park development so would become less prominent over time. The impact on these views would be comparable to view 14 in terms of the benefits of introducing a well-designed building and supporting legibility and wayfinding. View 26 is further away to the west and although the elevated position affords greater views of the tower in the shorter term, the beneficial impact in terms of townscape legibility from here would be gradually reduced as the development of the Old Oak Park site comes forward as is the case for views 3 and 20. The benefit of stepping the height of the southern building down to six storeys adjacent to the canal is evident in most of the views presented by responding to sensitivity of heritage asset through a reduced scale of development.

7.101 The existing waste use on the southern plot causes significant harm to the setting of the Grand Union canal Conservation Area both visually but also in terms of environmental quality. The redevelopment of the site would remove this intrusive form of development from this sensitive setting and would be a clear benefit of the scheme.

7.102 Overall, the development would have a beneficial visual impact in these views and would enhance the setting of the Grand Union Canal Conservation Area.

The Cumberland Park Factory Conservation Area (HTVIA views 2, 4)

7.103

View	HTVIA pages	View position	Building visible
2	44-47	Pavement on west side of Scrubs Lane to north of the site	Yes
4	52-55	Pavement on east side of Scrubs Lane to north of the canal	Yes

7.104 In view 2, the development would be visible from and seen within the context of the buildings at the southern end of the Cumberland Park Factory Conservation Area. However, when the Old Oak Park development comes forward this is likely to significantly change the view of the development and the character of this part of Scrubs Lane. In view 4 which is taken from further north, further within the Conservation Area views of the tower are obscured by the presence of Cumberland House, with the lower parts of the development visible in the backdrop.

7.105 Overall, the proposed development results in the loss of existing forms of development that harm the character of Scrubs Lane and the Cumberland Park Factory Conservation Area and would introduce a form of development that would enhance the current setting of the Cumberland Park Factory Conservation Area.

Wormwood Scrubs (HTVIA views 18, 19)

7.106

View	HTVIA pages	View position	Building visible
18	108-111	Wormwood Scrubs south east entrance	Yes
19	112-115	Centre of Wormwood Scrubs	Yes

7.107 Wormwood Scrubs is not identified as a designated or non-designated heritage asset but is designated as Metropolitan Open Land. The townscape impact of the proposed development on the openness of the Scrubs is therefore an important consideration. In the existing context, the tower would be prominent because the view to the north east from Wormwood Scrubs is largely unbroken. Given the distance between the application site and the boundary of Wormwood Scrubs, however, it would not be harmful to the openness of the Scrubs as it would not have an overbearing impact. The impact would be comparable to the impact of the North Kensington Gate South proposals.

- 7.108 It is also worth noting that the longer term comprehensive redevelopment of Old Oak will result in a number of new dense and tall buildings which will also be visible from Wormwood Scrubs.

Little Wormwood Scrubs (HTVIA view 21)

- 7.109

View	HTVIA pages	View position	Building visible
15	96-99	Little Wormwood Scrubs eastern entrance	Yes
16	100-103	Little Wormwood Scrubs south-eastern entrance	Yes

- 7.110 The proposed tower would be visible above the landscaped edge of Little Wormwood Scrubs with the other buildings mostly obscured by the established tree planting. Given that the application site is more than 300 metres from the closest edge of the park and more than 500 metres from the centre. Whilst the building would be visible it is not considered to have an overbearing impact on Little Wormwood Scrubs nor would it undermine the function or character of the landscape.

Local views (HTVIA views 1, 17, 21, 23, 24, 25 27, 28, 30, i, ii, iii, iv, v)

- 7.111

View	HTVIA pages	View position	Building visible
1	40-43	Scrubs Lane to south of the site	Yes
17	104-107	Scrubs Lane South	Yes
21	120-123	Kenmont Gardens	Yes
23	128-131	Kensington Memorial Park	Yes
24	132-135	North Pole Road	Yes
25	136-139	Mellitus Street	Yes
27	144-147	Willesden Junction Station	Yes
28	148-151	Hythe Road	Yes
30	156-159	Westway (non-verified)	Yes

- 7.112 The HTVIA also includes a selection of townscape views from other locations in the surrounding area. Some of the views are from designated heritage assets and where this is the case they are referenced in the following paragraphs. The remaining views are useful to inform how the development would appear in the local townscape.

- 7.113 The views from Scrubs Lane (views 1 and 17) to the south of the site the building would be close enough to appreciate the design of the building including the high quality materials. It would enhance the townscape and the character of Scrubs Lane in this view, particularly when compared to the existing industrial buildings.

- 7.114 View 28 is taken from Hythe Road and demonstrates how the proposed tower would form a marker at junction with Scrubs Lane which would help legibility. The height of the street block on the north plot is of a scale which complements the scale of the Rolls Royce Building which is proposed for retention as part of the current Old Oak Park masterplan and is considered a non-designated heritage asset.
- 7.115 From North Pole Road (view 24) and Mellitus Street (view 25) the tower would be visible in the distance and would mark the presence of the Opportunity Area, but it would not materially affect the character of the immediate surroundings owing to the distance from these views.
- 7.116 View 21 is from Kenmont Gardens to the north of the site. Kenmont Primary School is a Grade II listed building and although the tower would be visible above a residential terrace from outside the school, it would not be prominent due to the distance of the proposed development from the school. There would be minor beneficial impact resulting from the legibility it adds to the townscape.
- 7.117 From the raised vantage point of Willesden Junction station (view 27) the proposed development would be visible but this would help with legibility. This view is expected to change significantly as the redevelopment of the opportunity area progresses.
- 7.118 Some views of the tower would be possible from Kensington Memorial Park and the Westway but as both of these locations are more than 1km from the site it is considered that from this distance the development is likely to blend into the urban backdrop, particularly as the redevelopment of the opportunity area progresses.

Conclusion of assessment

- 7.119 This assessment has outlined the legislative and policy background to the townscape and heritage assessment of the application. A thorough HTVIA has been undertaken which assesses views from all of the identified heritage assets in the area. Notwithstanding the consultation responses from Historic England, RBKC, and other representations received, as well as having due regard to the sensitivity of the designated and non-designated heritage assets in the vicinity of the application site, officers are satisfied that:
- the development would result in less than substantial harm to the setting of Kensal Green (All Souls Cemetery) Grade I listed registered park and garden;
 - the development would result in less than substantial harm to the setting of St Mary's Cemetery;
 - the development would result in no harm to the setting of the listed structures in Kensal Green (All Souls) Cemetery or St Mary's Cemetery;
 - the development would enhance the setting of the Grand Union Canal and Cumberland Park Factory conservation areas; and

- the development would preserve the setting of conservation areas in the wider area and the impact of the new building on the townscape as a whole is acceptable;
- the development would result in less than substantial harm to the setting of the Canadian War Memorial, a non-designated heritage asset; and
- the development would not harm the openness of the Metropolitan Open Land at Wormwood Scrubs.

7.120 The assessment has found that there would be less than substantial harm to the setting of a Grade I listed registered park and garden and a conservation area. No harm has been found to the setting of the listed structures in either cemetery. The policy tests set out in paragraphs 132 and 134 of the NPPF are therefore relevant.

7.121 Paragraph 132 of the NPPF states that “significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting”. The NPPF advises in paragraph 134 that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the scheme in determining whether the development should be considered acceptable.

7.122 It is also necessary to consider whether there are alternatives to the proposed development which could realise the same benefits without resulting in the harm identified.

Benefits of the scheme and alternatives

7.123 The public benefits of the development include the early delivery of new homes in Old Oak which will contribute to creating an environment that is attractive to residents and businesses and by enhancing local character of Scrubs Lane by removing existing land uses that have a harmful impact on the surrounding environment. The development will contribute to achieving comprehensive redevelopment of the area and the delivery of 200 homes of which 67 would be affordable homes (35% by habitable room). The public benefits also include the provision of high quality public realm supported by commercial units with active frontages. The development will further benefit the area by reducing vehicle movements along Scrubs Lane.

7.124 With regard to alternatives there are two overarching options to consider:

- could the development be undertaken on an alternative site; and
- could the same benefits be realised on this site from an alternative form of development.

7.125 The application site is located in the Old Oak Common Opportunity Area where residential development will be supported in order to capitalise on the significant enhancements to public transport that will be delivered in the area. In order to achieve the homes and jobs targets set out in the London Plan, all

sites identified in the OPDC draft Local Plan and associated development capacity study (as having potential for redevelopment) will be required. This site can make a meaningful contribution to the delivery of new homes and jobs as identified in the London Plan and as such moving the proposal to another site is not considered feasible or appropriate.

- 7.126 For the purpose of this assessment, it is assumed that an alternative form of development would involve a reduction in the height of the building, for example to a wholly six to eight storey scheme, and therefore a reduced quantum of development. This would result in fewer new homes being delivered, which in turn would reduce the number of affordable homes, which is a key public benefit. Reducing the amount of development would not therefore achieve the same level of public benefit. The scale and form of development proposed is considered to be the optimum for the site for the reasons outlined in this report.

Conclusion

- 7.127 It is considered that the development will result in less than substantial harm to the setting of heritage assets. However, owing to the various benefits of the development outlined in this report, the public benefits are considered to outweigh the harm caused to the heritage assets which is considered to be at the lower end of less than substantial. In accordance with paragraph 134 of the NPPF, the proposal is therefore considered acceptable with regard to the impact on heritage assets.

Local character, architecture and materials

- 7.128 Policy DM G1 of LBHF's DMLP emphasises the importance of local context in considering new build development. The policy refers to: 'the historical context and townscape setting of the site, and its sense of place', the need to ensure proposals respect: 'the scale, mass, form and grain of surrounding development', 'the relationship of the proposed development to the existing townscape' and 'the local design context, including the prevailing rhythm and articulation of frontages, local building materials and colour, and locally distinctive architectural detailing, and thereby promote and reinforce local distinctiveness.'
- 7.129 The character of the areas surrounding the application site is mixed. To the north-east, the industrial buildings in the Cumberland Park Factory Conservation Area will be retained. However, office and industrial buildings to the north and the east will be replaced with residential-led mixed use development in the future. To the west, lies the railway line but beyond this significant change is expected when the Old Oak Park masterplan starts to be delivered. The haul road that bisects the site may also become redundant in the future but the current application does not rely upon this and the design of the buildings needs to respond appropriately to this constraint.
- 7.130 The proposal seeks to respond to, and support, the varying character of these distinct areas as well as the future context envisaged in the OPDC draft Local

Plan. The applicant was encouraged to consider the industrial heritage of Scrubs Lane within the architecture of the scheme.

7.131 The proposed development seeks to introduce both variety in the form of three distinct typologies across the three blocks whilst maintaining a group quality to the buildings through the use of a similar material palette. The elevations of the tower generally comprise of mid-tone riveted metal infill panels as a general cladding material, with framed elements in darker metalwork, which are articulated by stone coloured horizontal masonry-like bands. The elevations of the other buildings comprise of light brickwork and also use darker metal work to frame elements of the design. The ground floors throughout the proposed development comprise of a combination of glazing and the same metal panels which are used on the tower, again with certain elements framed in darker metal work. The proposed material palette, and in particular the use of metal work throughout, provides subtle references to the industrial character of Scrubs Lane and responds to the comments of the OPRG panel. The colour of the masonry proposed and the banding in the tower is considered to complement the colour of the materials used within the nearby cemeteries, which ensures that the development is sympathetic in appearance when viewed from these heritage assets.

7.132 Overall, the architectural approach is considered to reflect the positive elements of local character in accordance with London Plan policy 7.4, the 'Shaping Neighbourhoods: Character and Context' SPG and policy D4 in the OPDC draft Local Plan

Commercial Unit Design

7.133 Policy D4c of the Regulation 19 Local Plan supports commercial units that provide open, positive and active frontages on to the public realm and respond to the internal design of the commercial floorspace.

7.134 The precise ground floor uses throughout the development are not yet known and therefore it is important that the ground floor facades are designed in a flexible way so that they can adapt to a range of uses and size of units in the future. The applicant has designed the ground floor frontages using a series of regular frontages formed from dark metal frames. Within these frames the applicant has shown how a combination of interchangeable solid panels, louvres and glazing can be installed in different configurations to provide a wide range of frontage types that would be suitable for different uses. This modular approach to the design of the frontages also offers flexibility in terms of being able to easily scale commercial units to meet different requirements.

7.135 All of the ground floor commercial units have been designed to cater for a wide range of uses by ensuring that all units have a generous floor to ceiling height of at least 5m. This would normally be considered sufficient to introduce a mezzanine level, if required. All commercial units are able to be serviced from within the building by utilising the internal servicing bays that would be provided on each plot.

- 7.136 The proposed commercial units are considered to be well designed for flexible use and accordance with policy D4 of the Regulation 19 Local Plan.

Security

- 7.137 London Plan policy 7.3 relates to 'Designing Out Crime'. Policy 7.13 relates to 'Safety, Security and Resilience to Emergency'. The applicants met with the Designing Out Crime Officer from the Metropolitan Police on two occasions prior to submission of the application and OPDC officers also attended one of those meetings. The scheme has been amended to respond to the comments raised, particularly in terms of internal layouts. Overall, the proposed development is considered to provide a safe and secure environment for future occupiers.

Streets and public realm

- 7.138 The Scrubs Lane Development Framework Principles (SLDFP) supporting study to the Local Plan sets out the longer term aspirations for improvements and alterations to Scrubs Lane in order to create a high quality public realm which encourages walking and cycling. In particular it promotes the delivery of a 4m wide dedicated two-way cycle lane running along the western side of Scrubs Lane and 5m wide pedestrian footpaths on both sides of the street. In order to facilitate this, the existing carriageway will need to be reduced to 7m in width (10.5m at junctions) and development sites on Scrubs Lane will need to contribute land by setting buildings back from the existing footpath.
- 7.139 These significant improvements to Scrubs Lane are likely to take some time to deliver, partly because they will be reliant, in part, on financial contributions from developments that are brought forward within the local area. Therefore it is important that in the short term schemes that are brought forward for early delivery ensure that they safeguard sufficient space in order to allow future delivery of the planned improvements to Scrubs Lane.
- 7.140 LBHF are the highways authority for Scrubs Lane and they have objected to the proposals on the basis that in advance of a detailed design for Scrubs Lane that schemes should not be approved in case they jeopardise the improvement of Scrubs Lane in the future. Whilst it is recognised that a detailed design will need to be developed in due course, the principles developed through the SLDFP, in consultation with LBHF and TfL, are considered by OPDC to be robust in terms of ensuring that sufficient space is provided for future improvements to the highway.
- 7.141 The frontage of the proposed development is set back by approximately 2m from the site boundary with the existing public footway. This would support a widened footpath of 5m along the length of the site frontage and the applicant has provided an indicative plan in order to demonstrate that the development would not preclude the principles set out in the SLDFP document. This is shown below.



- 7.142 The plan also includes tree planting along the pavement which would enhance the local environment for pedestrians. The applicant has indicated that these trees can be planted within the demise of the site and can therefore be delivered on-site as part of the scheme. However, in order to address the possibility that the trees cannot be delivered within the site, officers recommend a clause in the s106 that would trigger a financial contribution to be used to deliver the tree planting within the public highway in the event that they are not delivered on site.
- 7.143 To the south of the site lies Mary Seacole Memorial Gardens, a public open space which is maintained by RBKC, on behalf of LBHF. The space is not currently well used but it is likely that the development would generate a far greater demand on the space and therefore the applicant has agreed to provide a financial contribution of £25,000 in order to refurbish and improve the gardens and this has been agreed with officers at RBKC.
- 7.144 In order to maximise the potential of the canal-side location and gardens as advised by the OPRG panel, the proposed development has also been set back from the site boundary in order to create a new publicly accessible terrace adjacent to the gardens. The ground level of the site is higher than the gardens and therefore the terrace would be located above the gardens. It is proposed that a new stairway would be delivered on-site and this would provide a new direct access from the terrace to the gardens. Accessible access to the gardens would be via the existing access point on Scrubs Lane. It is intended that the terrace would be used in conjunction with the flexible commercial unit proposed at the southern end of the site.
- 7.145 At the northern end of the site a new public plaza would be created at the junction with Hythe Road. Given the uncertainty over the future form of this junction the applicant has sought to safeguard this space but has also provided indicative landscape designs of how the space could be treated in the event that the current highway arrangement remains unchanged at the point of delivery. The proposals envisage an area of mainly hardstanding but with a regular arrangement of trees planted to soften the appearance of

the space. There is currently no public footpath on the southern side of Hythe Road in this location and it is proposed that steps down and a new footpath could be delivered as part of the scheme. However, the detailed design of this space will be reserved by condition so that appropriate proposals can be agreed at a later date when the likely condition of Scrubs Lane and the junction are more certain.

- 7.146 Publicly accessible space will be provided on either side of the existing haul road which will serve and provide an improved setting for the employment uses in the units either side of this space. The applicant was encouraged by the OPRG panel to consider how this space might be treated and used in the future when the haul road is no longer required and they have responded by providing indicative material within the submission that sets out their vision for the space should it no longer be required as a haul road. This is useful in terms of assessing the current landscaping proposals for the available space and how this might be adapted in the future. However, the access road is owned by Network Rail and is therefore outside of the applicant's control. Members need to consider the proposals on the basis of the haul road being in operation for the foreseeable future.
- 7.147 The on-site public realm would be maintained by the landowner and in accordance with OPDC Regulation 19 Local Plan policy D2 a 'Public management and maintenance plan' will be secured by condition. For the avoidance of doubt Mary Seacole Memorial Gardens will be continue to be maintained by LBHF.

Conclusion

- 7.148 The proposals have responded positively to the review undertaken by the OPDC PLACE Review Group. The northern end of the application site is considered to be the optimum location for a taller building where it will mark key east-west routes across Scrubs Lane. The tall building will assist townscape legibility by marking the Hythe Road cluster as an area of increased public activity and transport permeability. The street block and courtyard block provides a contrast in height and accords with the general height and scale of development that is set out in the OPDC draft Local Plan for Scrubs Lane. The courtyard block responds appropriately to Mary Seacole Memorial Gardens and the canal.
- 7.149 The building would result in less than substantial harm to the setting of designated heritage assets. The development would, however, deliver significant public benefits which are considered to outweigh the harm identified. Furthermore, there are no reasonable alternatives available that could deliver the same public benefits.
- 7.150 The development is a high quality design that responds to the character of the surrounding area, particularly in terms of the materials and public realm. It would enhance the streetscene on Scrubs Lane through its design and by delivering active uses onto this highway and on land to the south.

Transport

- 7.151 The transport issues to consider are the impact on the transport network, highway and pedestrian safety, the servicing arrangements and the provision of car and cycle parking.

Impact on transport network

- 7.152 London Plan policy 6.3 'Assessing effects of development on transport capacity' and OPDC draft Local Plan policy T10 'Transport Assessments and Travel Plans' ensure that the full impact of development proposals are assessed in terms of their implications for transport capacity and road safety. Policy 6.3 also promotes the use of travel plans for large development proposals.
- 7.153 In order to assess the impact of the development on the operation of the transport network and identify the need for mitigation, it is necessary to understand the current traffic and transport impacts of the site and the likely level of traffic generation associated with the development and the demand for public transport including buses and rail services. A Transport Assessment has been submitted as part of the application which assesses the nature and magnitude of these impacts.
- 7.154 A traffic survey was conducted to assess the existing vehicle movements to and from the site. This was then compared against the predicted movements from the new development, including deliveries and servicing, based on the quantum of development and the demand associated with the type and size of the land uses proposed. This exercise showed that the development would reduce the average number of vehicle movements over a 24 hour period from 318 to 100, a reduction of 218 movements. It is also noted that the proportion of HGV traffic would fall from 66% to 25% of the overall flow. This is due to the removal of the existing waste uses and the large number of HGV movements that they generate, and is a significant benefit of the scheme.
- 7.155 The proposed development would be car-free with on-site parking limited to seven disabled bays. As such, occupiers of the development will need to rely on more sustainable form of transport such, as walking, cycling and public transport.
- 7.156 The development would generate demand for an additional 37 two-way bus trips during the morning peak. TfL have advised that a double decker bus has capacity for 70 passengers and that the annual cost of running a bus is £95,000. The applicant has agreed to make a financial contribution of £251,750 as requested by TfL towards increasing the capacity of the local bus network to accommodate this extra demand over a period of five years until the planned public transport improvements become available.
- 7.157 In terms of walking and cycling the proposed development would generate 28 and nine additional two way trips in the morning peak, respectively. However, the actual number of walking and cycling trips is likely to be higher allowing for the additional 64 two-way trips by rail. In terms of these trips it is expected

that many residents would walk or cycle to Willesden Junction in order to make these trips.

- 7.158 The SLDFP supporting documents sets out proposals to improve walking and cycling along Scrubs Lane, including the provision of a new two-way dedicated cycle lane. In order to support the delivery of the proposals in the SLDFP document, the applicant has agreed to make a financial contribution of £200,000 towards walking and cycling improvements within the vicinity of the site. The applicant has also agreed a package of s278 highway improvement works including repaving the footway along the site frontage, alterations to provide level access across the vehicular accesses to the site and haul road, and an improved pedestrian crossing on Hythe Road. Given the changes anticipated to Scrubs Lane in the future detailed design of the s278 works will need to be reserved by planning condition but overall, the principle of the proposed works and the financial contribution is considered sufficient to mitigate the impact of the development in terms of the demand generated for walking and cycling within the vicinity of the site.
- 7.159 The application is accompanied by a draft Travel Plan to address how sustainable patterns of travel will be encouraged when the building is operational. To ensure compliance, the Section 106 legal agreement will secure monitoring contributions of £1,000 per review to undertake reviews on years one, three and five after occupation of the development. The monitoring obligations will include powers to require that additional measures are implemented in the event that the development is found not to be achieving the sustainable travel patterns predicted.
- 7.160 To conclude, the proposals would generate fewer vehicle movements than the existing uses when operational, which is a significant benefit of the scheme. The increased demand for public transport would be mitigated with a financial contribution towards increasing bus capacity in the short term, until the planned public transport improvements and wider connections are available. A residential travel plan will be secured in the Section 106 agreement in addition to a monitoring costs contribution to ensure that measures are promoted to encourage sustainable transport choices. The proposals are therefore considered to be acceptable with regard to the impact on the transport network.

Servicing

- 7.161 Policy T7 of OPDC's Regulation 19 Local Plan refers to: 'Freight, servicing and deliveries'. The policy requires off-street servicing facilities to ensure that the quality of the public realm is not undermined. LBHF DMLP policy DM J1 'Transport Assessment and Travel Plans' requires applications to provide a Delivery and Servicing Plan.
- 7.162 The development would provide dedicated on-site servicing bays, one for each plot. The northern plot servicing bay would be accessed across a shared surface from the existing vehicular crossover from Scrubs Lane. The southern plot servicing bay would be accessed from the existing vehicular access from

the haul road. As well as providing an area for servicing the bays are also used to accommodate the on-site disabled parking bays, five on the northern plot and two on the south. It is intended that all of the serving requirements for each plot are met on that plot.

- 7.163 The servicing bays have a floor to ceiling height of 5m which is considered sufficient for the types of vehicles expected to service the site. For example, a refuse collection vehicle is approximately 3.6m in height. The detailed design of the service bay façade will be required by condition and appropriate headroom will be secured.
- 7.164 Tracking diagrams have been provided to show that the size of each bay would accommodate a refuse lorry or a 10m rigid vehicle which are the largest vehicles that would need to access the site. In terms of access to the northern service bay the tracking demonstrates that there is sufficient space for a car to wait on plot if it arrives at a time when a servicing vehicle is leaving. Following comments from TfL, OPDC and LBHF transport officers a Stage 1 Transport Safety Audit of the development was undertaken by the applicant which included assessing the vehicular access points around the site and the servicing areas. The Safety Audit did not highlight any safety concerns relating to the servicing bays.
- 7.165 The daily servicing requirements have been considered as part of the submitted Transport Assessment and Framework Delivery and Servicing Plan submitted with the application. As the exact composition of non-retail uses is not yet known the servicing requirements have been assessed on the worst case scenario where all of flexible commercial floor space is used for food and beverage uses (Use Class A3). On this basis, it is expected that the northern plot would generate 27 deliveries per day and the southern plot 20 deliveries per day. Two refuse collection vehicles would also visit the site once a week increasing the number of movements for that day, although it is expected the same vehicles would visit each plot. These deliveries and collections have been considered in the conclusion made in paragraph 7.160 that the proposed development would result in a net reduction in traffic associated with the site. Overall, it is considered that through an appropriate Delivery and Servicing Plan, to be secured through condition and monitored as part of the Travel Plan process, the number of deliveries expected can be safely accommodated within the servicing areas provided within the development.
- 7.166 Discussions were held with Hammersmith and Fulham Council as the waste collecting authority for the area prior to the submission of the application. LBHF officers have confirmed that the proposals make adequate provision for refuse and recycling storage and collection areas and comply with LBHF policies in terms of waste generation, bin numbers and space provision.

Car and cycle parking

- 7.167 Policy T7 of the OPDC Regulation 18 Local Plan sets a maximum residential parking standard of 0.2 spaces, which equates to one car parking space per five residential units. The same policy states that non-residential uses should

not have any parking. The Mayor's Housing SPG states that each wheelchair accessible dwelling should have a car parking space that complies with Part M4(3) of the Building Regulations.

- 7.168 The development is proposed as 'car-free' with on-site parking provided except for the provision of seven on-site wheelchair accessible bays. Through a s106 agreement future occupiers of the development would not be entitled to on-street residential parking permits and would instead need to rely on more sustainable forms of transport. 20% of the wheelchair accessible spaces would have an Electric Vehicle Charging Point with the remaining spaces benefitting from passive provision. The overall level of provision complies with the draft OPDC policy. Whilst the provision of seven accessible spaces falls short of the guidance in the Housing SPG, the number of accessible spaces has been maximised within the space available on site and it would not be appropriate in highway safety terms to provide on-street blue badge bays on Scrubs Lane. Looking at each plot individually the standard of one blue badge space per wheelchair accessible M4(3) unit would actually be met on the southern plot. However, only five spaces would be provided on the northern plot to serve 26 wheelchair accessible M4(3) units. This is considered to be the maximum possible level of provision given the site constraints. Furthermore, the servicing bay could be used for dial-a-ride services if required so the lack of Blue Badge parking would not preclude wheelchair users from occupying the new homes. Dedicated parking for mobility scooters has also been provided as part of the scheme.
- 7.169 The parking would all be provided within the servicing bays and, as discussed above, this has been considered as part of a Stage 1 Safety Audit and no issues have been raised. Access from the spaces to the residential accommodation would be wholly within the building and meets the required accessibility standards.
- 7.170 The limited space on site means it has not been possible to provide an on-site car club parking space as part of the scheme. However, it is noted that a car-club space was secured as part of the North Kensington Gate South scheme and this could also serve the Mitre Yard development if implemented. The Section 106 legal agreement will secure three years of car club membership for eligible occupiers of the development from the date that a car-club space is made available within vicinity of the site.
- 7.171 A total of 314 secure cycle parking spaces would be provided which would serve the needs generated by the residential use. In the northern block this has been provided in the form of dedicated stores by the front doors to individual units which would encourage usage. On the southern plot the block layout means that the cycle storage is in the more conventional form of communal stores on the ground floor. This provision exceeds the requirements set in Table 6.3 of London Plan policy 6.9 and is welcomed.
- 7.172 The provision and location of short-term cycle parking spaces on the highway to address the demand arising from visitors to the residential and commercial

units, as required by London Plan policy 6.9, can be secured by condition. It will also secure long-term cycle parking for the commercial units when the number of units and division of the space has been determined.

Transport conclusion

- 7.173 The development would reduce the number of vehicle movements generated on site in comparison to the existing uses. There would be an increase in demand for public transport and cycling, but these impacts would be mitigated through contributions and off-site works to improve walking and cycling infrastructure and buses, and through the provision of secure cycle parking on site. The plans include servicing bays to prevent any impact on the traffic on Scrubs Lane. The conditions and the matters for a Section 106 legal agreement outlined above are considered sufficient to mitigate the transport impacts of the development.

Amenity

- 7.174 The key amenity issues to consider are the provision of play space and open space, the impact of the development on future residents on adjacent sites in terms of privacy and overlooking, daylight, sunlight and overshadowing, noise and vibration, wind microclimate and the impact resulting from the construction process.

Play space and open space

- 7.175 Policy 3.6 of the London Plan requires an appropriate amount of play space to be provided as part of new residential development. Policy EU1 of the OPDC Regulation 19 Local Plan requires proposals to provide or contribute towards the creation or improvement of public open spaces in the surrounding area. The proposals include a variety of private and communal amenity spaces, in the form of:

- a communal podium level landscaped courtyard on the southern plot with an indoor amenity room;
- a communal podium level garden to the rear of the northern plot;
- private balconies to all residential units; and
- communal roof-top amenity spaces on both plots.

- 7.176 The Mayor's 'Shaping Neighbourhoods: Play and Informal Recreation' SPG (2012) states that developments which are expected to accommodate more than ten children should provide on-site child play space, and that 10sqm should be provided per child. The development's play space requirement according to the guidance in the SPG is set out in the table below:

Age group	Child yield	Space requirement (m ²)	Space Provided (m ²)
Under 5	10	100	156
5-11 years	4	40	87

Age group	Child yield	Space requirement (m ²)	Space Provided (m ²)
12 years+	2	20	37
Total	16	160	280

- 7.177 Dedicated child play space is located throughout the development within the communal, podium and roof-top spaces. This provides a useful opportunity to meet the majority of the play space demand arising from the development in combination with a general amenity space for other residents. A condition is recommended to ensure that the design of this space and any equipment proposed are of a high standard.

Privacy and overlooking

- 7.178 There are no existing residential uses in close proximity to the site so no existing residential properties would be directly affected by the development. The North Kensington gate South development, if constructed is separated from the site by the width of Scrubs Lane, in excess of 20m, which is considered sufficient to maintain privacy in the future. The arrangement of the blocks would not give rise to any particular privacy or overlooking issues within the development itself.

Daylight, sunlight and overshadowing

- 7.179 The British Research Establishment (BRE) guidelines are the widely adopted means of understanding the amount of daylight and sunlight that new developments will receive, and of the potential impact of new buildings on the existing levels of daylight and sunlight enjoyed by existing neighbouring properties. London Plan policy 7.6 states that new buildings and structures should not cause unacceptable harm in relation to overshadowing.

- 7.180 The application is supported by a Daylight, Sunlight and Overshadowing report which assesses the proposals against the guidelines. Although development is yet to commence the report does consider the potential impact of the proposed development on the light to both the North Kensington Gate schemes and the Old Oak Park masterplan as well as the reciprocal impact that these developments may have on the light to the proposed development. It should therefore be noted that the report has assessed daylight, sunlight and overshadowing on a 'worse case' basis.

Impact on Neighbouring sites

- 7.181 The report considers the impact of the proposed development on the daylight of neighbouring sites, and the developments that are likely to come forward, by assessing the impact of the proposals on the Vertical Sky Component (VSC) measured on the façade of the neighbouring developments. The BRE guidance suggests that where a façade has a VSC of 15% or more that good daylighting can be achieved through detailed design measures. Given that the detailed design of schemes on the neighbouring sites is not yet fully fixed this

approach is considered appropriate. In an area which is expected to accommodate high density development the VSC benchmark of 15% is considered reasonable.

- 7.182 The assessment concludes that the sites on the opposite side of Scrubs Lane will all maintain a VSC of 15% or more and that there is unlikely to be any significant impact on the daylight of the developments that will come forward in due course. In terms of the Old Oak Park site the results show that a very small number of the façade points tested will fall slightly below 15% VSC. However, these points would still achieve a VSC of 12% or more, which could be accepted. In any case it is not certain at this stage whether there would be habitable room windows in those locations when that scheme is brought forward. Overall, it is considered that there would be negligible impact on the daylight of surrounding sites and the developments that are likely to come forward on them.
- 7.183 The report also assesses the impact of the proposed development on the amenity spaces within the North Kensington Gate South scheme and finds that these would still comply with the BRE guidance on overshadowing despite the proposed development.

Daylight

- 7.184 The Average Daylight Factor (ADF) is typically used to assess the amount of daylight available to proposed residential units. It uses a formula which considers a number of variables including the amount of available skylight, the total area of room surfaces and the position and size of windows. The test produces a value which should be at least 1% for bedrooms, 1.5% for living rooms and 2% for kitchens. It should be noted that the guidelines are used to assist in understanding the magnitude of an impact or the level of light in new residential units, and not to provide a clear 'pass' or 'fail'.
- 7.185 The assessment shows that of the 540 habitable rooms tested 507 would meet the ADF target criteria, a compliance rate of 94%. This takes into account the developments that are likely to come forward within the vicinity of the site and is therefore considered to be a 'worse case' scenario. Overall the levels of daylight are considered to be acceptable within the context of the high density development that is expected at Old Oak.

Internal Sunlight

- 7.186 The submitted Daylight and Sunlight report does not provide an analysis of internal sunlight in terms of Annual Probable Sunlight Hours (APSH). The applicant has been advised that this is required and is currently undertaking this analysis. The findings of this assessment will be reported to Members in an addendum report.

Overshadowing

- 7.187 For overshadowing of amenity spaces and gardens, the BRE guidelines state that at least 50% of the space being assessed should receive at least 2 hours

of sunlight on 21 March. The results show that all of the amenity spaces would all exceed the criteria.

- 7.188 Policy D9 within the Regulation 19 Local Plan seeks to promote increased levels of solar exposure to play spaces within the development to 50% of the play space having four hours of sunlight on 21 March. The applicant has tested the sunlight to the play spaces within the proposed development and has reported that 66% of the play space provided throughout the development would meet or exceed this standard.

Conclusion

- 7.189 The daylight and overshadowing impacts of the development are considered to be acceptable. This suggests that the development should be able to achieve appropriate levels of internal sunlight but this needs to be confirmed through further analysis which will be set out in an addendum report.

Noise and vibration

- 7.190 British Standard BS8233:2014 provides guidance on the control of noise outside buildings, and how the design of new buildings can address noise sources outside the building and from internal plant and services. Policy 7.15 of the London Plan serves to minimise noise disturbance and ensure sensitive uses are located appropriately. The 'Sustainable Design and Construction' SPG (2014) provides mechanisms to mitigate noise generated by development and also mitigate the impact of noise on sensitive receptors.
- 7.191 LBHF Regulation 18 Local Plan policy CC10 'Noise' requires development to be protected against existing and proposed sources of noise and vibration through design, layout and materials, and by ensuring adequate insulation of the building envelope, internal walls, floors and ceilings. External amenity areas should also be protected.
- 7.192 Policy EU5 of the OPDC Regulation 19 Local Plan requires the submission of a noise and vibration assessment, which has been provided. The noise report submitted with the application provides an assessment of the noise and vibration implications for the living conditions of future occupiers. This includes an assessment of traffic noise from Scrubs Lane and noise from the haul road and nearby railway line.
- 7.193 The assessment shows that provided the glazing specification is to a specific standard, the internal noise levels in the new residential units will comply with BS8233:2014. The roof terraces, rear garden and balconies will be affected by road traffic and rail traffic noise and will exceed the desirable noise levels set out in BS8233:2014. However, BS8233 states that, in high noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met might be warranted.

- 7.194 In terms of vibration, the main source would be from the nearby railway line however this has been assessed and it is concluded that there is a low probability of adverse impacts in terms of vibration.
- 7.195 LBHF Environmental Health Officers have reviewed the submitted Noise and Vibration Assessment and have confirmed that they are satisfied with the conclusions in the report.
- 7.196 Subject to the imposition of standard conditions relating to plant equipment and internal noise standards, the noise and vibration impacts of the development are considered to be acceptable.

Wind microclimate

- 7.197 London Plan 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.'
- 7.198 The Sustainable Design and Construction SPG (2014) to the London Plan provides more guidance and suggests that the Lawson Comfort Criteria are an appropriate means of assessing the impact of a large building on the street environment. In order to assess the impact of the proposals, the proposals have been subject to a wind tunnel assessment. The assessment has modelled:
- the existing Scrubs Lane site;
 - the completed development in the existing context;
 - the completed development in the predicted OPDC draft Local Plan masterplan context addressing submitted or consented developments; and
 - the impact of mitigation measures.

The results have been provided in accordance with the Lawson Comfort Criteria in both the summer and windiest season scenarios.

- 7.199 The Lawson Comfort Criteria set out six pedestrian activities which each have different levels of tolerance to wind. In ascending level of tolerance, the activities are sitting, standing, entering/leaving a building, leisure walking, business walking and roadway/car park. For example, people will have more tolerance to windy conditions where they are walking past a building compared to being seated outside. The threshold for each activity is set relative to the Beaufort Scale.
- 7.200 As a separate assessment, the Lawson Comfort Criteria also address instances of strong wind. These are instances where the wind is expected to exceed Beaufort Force 6. Where strong winds are predicted for substantial periods of time, mitigation may be required depending on the strength of the wind, the degree of exceedance and the main pedestrian activity expected in the affected area.

- 7.201 The analysis shows that in general the proposed development, with wind mitigation, would be suitable for the intended pedestrian uses. However, there is a single point on the haul road between the plots which would be considered to have the potential to present a safety concern to pedestrians and cyclists and 13 points around this where high winds are expected. However, for the foreseeable future the haul road will not be a thoroughfare for pedestrians and cyclists and therefore this minor breach of the comfort criteria is considered acceptable.
- 7.202 Whilst the timing of delivery of cumulative development is uncertain, under the scenario of the completed development with cumulative development, wind conditions are expected to significantly improve, to a level where all areas are suitable for their intended use. Longer term the area of concern identified could become part of the public realm and therefore it will be important to ensure that the Old Oak Park Development is modelled to ensure that it has a positive impact on the wind conditions of the Mitre Yard site.
- 7.203 With the mitigation measures secured by condition, the proposals are considered acceptable with regard to wind microclimate.

Construction impacts

- 7.204 Although there are no existing residents adjacent to the site, the construction process has the potential to impact on the amenity of local residents in the wider area and on the local highway network if not carefully managed.
- 7.205 A framework Construction and Environmental Management Plan (CEMP) has been submitted as part of the application to demonstrate how the development could be carried out without resulting in harm to residents and the safe operation of the highway. The document also includes potential mitigation for environmental effects relating to air quality, water management and noise. The document is only a draft because a contractor has not yet been appointed but the document is sufficient to show that the likely demolition and construction processes can be accommodated on site within the indicative project timeframe.
- 7.206 The submission of a further detailed CEMP following the appointment of a contractor but prior to the commencement of any works on site, including demolition, will be secured by condition. The document will be expected to show how construction will be coordinated with other development sites in the vicinity where possible. A condition is also recommended to control the hours during which noisy works can take place to minimise the potential for disruption to local residents.
- 7.207 The CEMP will be in addition to a further Construction Logistics Plan (CLP) which will address how any specific challenges of accessing the site will be addressed. Policy T8 of the Regulation 19 Local Plan sets out measures required to mitigate the transport impact of construction activities including securing a Construction Logistics Plan. The document will need to address how the weight limit on the Mitre Bridge will be accommodated. Again, a draft

CLP has been provided which assesses the circumstances of the site and the construction machinery which will need to be brought to site for the development to carry out the demolition and construction required. The document shows that the development can be carried out without undermining the free flow of traffic. Both of the updated reports would be subject to consultation with TfL and Hammersmith and Fulham Council as local highway authority.

- 7.208 Subject to the imposition of the recommended conditions, the construction impact of the development is considered to be acceptable.

Environment

- 7.209 The sustainability issues to consider are the energy efficiency of the proposed development, air quality, flood risk and water management, contaminated land, ecology and biodiversity, and archaeology.

Energy efficiency/climate change

- 7.210 London Plan policy 5.2 on 'Minimising Carbon Dioxide Emissions' sets out the energy hierarchy against which the sustainability credentials of new developments should be assessed. The hierarchy contains three stages which are:
- be lean (use less energy);
 - be clean (supply energy efficiently); and
 - be green (use renewable energy).
- 7.211 The policy requires major developments submitted after 1 October 2016 to be zero carbon for residential development and to meet the Building regulations for non-domestic buildings. Energy statements should be structured using the hierarchy to demonstrate how savings have been achieved under each of the three criteria. Criterion E of policy 5.2 allows for financial contributions to be made towards reducing carbon emissions off-site where it has been demonstrated that compliance cannot be achieved on-site.
- 7.212 London Plan policy 5.3 on 'Sustainable Design and Construction' requires sustainable design to be integral to the construction and operation phases of development proposals. London Plan policy 5.5 refers to the availability of decentralised energy networks and policy 5.6 requires applications to consider the potential benefits of decentralised energy systems. Applications must also address London Plan policy 5.9 which relates to: 'Overheating and Cooling'.
- 7.213 An Energy and Sustainability Statement has been submitted which addresses the energy hierarchy and sets out that the residential component of the scheme will achieve a reduction in CO₂ emissions of 35.2%. Whilst this does not achieve the zero carbon target on-site it does accord with guidance in the Mayors Sustainable Design and Construction SPG which suggests that offset contributions are likely to be acceptable in reach zero carbon provided that a 35% reduction is achieved on site. The applicant has agreed to make an

appropriate contribution which should be informed by a post-completion audit of the building as supported in policy EU9 of the Regulation 19 Local Plan.

- 7.214 Although there is no existing Decentralised Energy (DE) network within the vicinity of the site the applicant has agreed to commit to connecting to one, should it become available, as part of the s106 agreement.
- 7.215 With the energy efficient measures proposed and provision for connection to the future DE network secured, the proposals are acceptable with regard to energy efficiency and climate change.

Air quality

- 7.216 London Plan policy 7.14 relates to 'Improving Air Quality'. The policy requires development proposals to minimise exposure to areas of poor air quality and seek to address local problems of air quality. New developments are required to be at least 'air quality neutral' and not worsen areas that have an identified air quality problem. Policy 7.14 is supported by The Mayor's Air Quality Strategy (2010).
- 7.217 Policy CC9 of LBHF's Regulation 18 Local Plan and policy EU4 of OPDC's Regulation 19 Local Plan both address 'Air Quality'. The latter sets a number of recommendations for improving air quality in the OPDC area based on a draft Air Quality Study that was commissioned to inform the Local Plan. The entirety of LBHF (and therefore the application site) is designated as an Air Quality Management Area for nitrogen dioxide (NO₂) and particulate matter (PM₁₀).
- 7.218 An air quality assessment which has been undertaken to assess the quality of the environment for residential purposes as a result of the existing sources of pollution in the area and to measure the impact of the development on the local environment. LBHF Environmental Health (EH) Officers have been consulted on the proposals.
- 7.219 In terms of air quality for future residents whilst air quality standards along Scrubs lane are currently in breach of existing targets the assessment argues that future improvements to the emissions of vehicles will improve air quality standards to an acceptable level by the time the development is ready for occupation. However, LBHF EH officers have raised concerns that this might not be the case in practice and therefore mechanical ventilation may be required as part of the development in order to ensure that appropriate air quality is provided for future residents. It is recommended that this matter is resolved through the imposition of a condition on any permission requiring the submission, approval and implementation of a ventilation strategy prior to commencement of the development.
- 7.220 The demolition and construction processes have the potential to create dust pollution. Mitigation measures are therefore proposed to ensure this impact is properly mitigated. These will be detailed and secured in the CEMP.
- 7.221 The development would reduce the number of vehicle movements in comparison to the existing uses on the site although the temporary impact of

construction vehicles would need to be controlled through a CEMP and CLP required by way of condition.

- 7.222 Subject to the conditions outlined above, the proposals are considered acceptable with regard to air quality.

Flood risk and water management

- 7.223 London Plan policies 5.12 'Flood Risk Management', 5.13 'Sustainable Drainage', 5.14 'Water Quality and Wastewater Infrastructure' and 5.15 'Water Use and Supplies' contain specific flood risk and water management requirements for new developments. The Mayor's Water Strategy (October 2011) also provides guidance on the management of water resources in London. Policy EU3 of OPDC's Regulation 19 Local Plan addresses all issues relating to water.
- 7.224 The application site is in Flood Zone 1 which means it is at low risk from tidal and fluvial flooding. The main potential source of flooding is therefore from surface water.
- 7.225 The original Drainage Strategy submitted with the application failed to achieve green-field run-off rates, a target set in policy 5.13 of the London Plan, and this was raised as a concern by both Thames Water and the GLA. The Drainage strategy has subsequently been reviewed to achieve green-field run off rates through the use of blue/green roofs as well as some below ground cellular attenuation. This should be secured by way of a suitably worded condition on any permission.
- 7.226 The development would adhere to the water efficiency requirement of 105 litres of water per household per day set by London Plan policy 5.15 and OPDC Regulation 19 Local Plan policy EU3 as a minimum. This can be secured through a condition.
- 7.227 Given the significant reduction in discharge to the combined sewer the proposals are acceptable with regard to flood risk and water management.

Contaminated land

- 7.228 Policy 5.21 of the London Plan sets out general policy on contaminated land. It requires appropriate measures to ensure that development on previously contaminated land does not activate or spread contamination.
- 7.229 Policy EU13 of the OPDC Regulation 19 Local Plan identifies a hierarchical approach to land contamination, with further assessment and mitigation required if identified as necessary following an initial desk-top assessment.
- 7.230 A desk based Preliminary Environmental Risk Assessment has been submitted with the application and this recognises that given the existing site uses the need for further ground investigation to take place should planning permission be granted. LBHF Environmental Health Officers have also identified the need for further investigations and have recommended a number of conditions that should be imposed should planning permission be granted.

Ecology and biodiversity

- 7.231 In addition to recognising the importance of designated sites, London Plan 7.19 'Biodiversity and Access to Nature' requires developments to make a positive contribution to biodiversity. OPDC Regulation 19 Local Plan policy EU2 'Urban Greening and biodiversity' seeks to secure a net gain in biodiversity as part of proposals.
- 7.232 A review of the ecological value of the site is presented in the Ecology Assessment submitted with the application. There are no international or national conservation designations within 5km of the site. The only statutory nature conservation site within 1km is Wormwood Scrubs which is a Local Nature Reserve (LNR). LNRs are designated for their recreational value in addition to habitat and species diversity interests. There are 13 non-statutory biodiversity sites within 1km of the site which are all Sites of Importance for Nature Conservation.
- 7.233 The desk study and survey work concluded that the site has negligible potential to support notable and legally protected species. Two buildings on site and the tree belt at the northern end of the site have some limited potential to support common species of nesting birds and therefore any demolition/removal should be timed to avoid the breeding season unless a further inspection is undertaken. This can be secured by condition. It is also recommended that the Ecological Assessment should be updated should the development not commence within 18 months of the date of the submitted Ecology Assessment.
- 7.234 Natural England did not make any specific comments in their consultation response but did refer OPDC to published standing advice.

Archaeology

- 7.235 The area is accepted as being of low potential for archaeological remains. The Greater London Archaeological Advisory Service did not respond to the statutory consultation and therefore officer recommended a condition requiring a Written Scheme of Investigation (WSI) to be submitted. This approach is typical in circumstances where the archaeological potential is low. The WSI will ensure that appropriate measures and monitoring are adhered to during excavation and construction in the event that remains are found.

Socio-economics

- 7.236 The socio-economic issues to consider are the potential employment benefits for the local population which may arise during the construction and operational phases, and the impact of the development on education, healthcare and community facilities.

Employment and skills

- 7.237 LBHF DMLP policy DM B3 'Local employment, training and skills development initiatives' requires employment and training initiatives for local people as part of major development proposals.

- 7.238 Policy E5 of the OPDC Regulation 19 Local Plan refers to 'Local access to Training, Employment and Economic Opportunities. The policy requires applicants to develop a Local Labour Skills and Employment Strategy (LLSES) and Management Plan to be secured in a s106 agreement.
- 7.239 The Section 106 legal agreement will secure a 15% target for employing local labour during construction. The legal agreement will also require reasonable endeavours to encourage local sub-contracting and a minimum number of apprenticeships that pay the London Living Wage. Securing these specific terms in the s106 agreement means it is not considered necessary to require an additional LLSES and Management Plan.
- 7.240 The proposal is for 514sqm of employment floorspace which is below the threshold of 1,000sqm, set out in policy E2 of the Regulation 19 Local Plan, where there would be a requirement to provide low cost/affordable workspace as part of the proposal. Whilst it is noted that the flexible commercial units (609sqm) could result in an increase in the amount of employment floorspace provided on site, it is considered unlikely that this would result in the 1,000sqm threshold being exceeded, particularly if an obligation were to be put on the development to require low cost workspace should this threshold be exceeded.
- 7.241 The combination of these measures will ensure that local residents have the opportunity to benefit from the economic opportunities created by the development.

Education

- 7.242 LBHF DMLP policy DM D1 seeks the provision of new or expanded community facilities, including schools, to mitigate the impact of developments on local services. The policy sets out that where this mitigation is not delivered on site that a financial contribution may be appropriate.
- 7.243 Policy TCC4 'Social Infrastructure' of OPDC's Regulation 19 Local Plan requires proposals to contribute towards 'enhanced or new social infrastructure facilities to meet the needs of the development'.
- 7.244 The educational needs of the development comprise nursery spaces, primary school spaces and secondary school spaces. Based on the housing mix and using the GLA Population Yield Calculator (2017), the development is expected to generate the following demands:

Education facility	Age group	Number of places
Nursery and primary school	0-9	20
Secondary school	10-18	6

- 7.245 A search of the local education facilities shows that there are two nurseries and four primary schools within 1km of the site. There is also an all-through school within 1km and three secondary schools just over 1km from the site.
- 7.246 A financial contribution of £353,952 will be secured for the refurbishment and expansion of primary or secondary schools in the vicinity of the site. The contribution is based on the average cost per child space of providing additional school capacity through refurbishment or extension works for primary and secondary school places, multiplied by the respective child yield. The cost per child is the same as those used by LBHF when calculating similar contributions across the borough. This is the full amount that is required on the basis of the anticipated child yield so the proposals are acceptable with regard to the impact on education. The contribution will be secured by Section 106 legal agreement.
- 7.247 Whilst the number of children projected above, and subsequent education contribution, may seem low in comparison to other schemes recently reported to the OPDC Planning Committee, members are advised that in May 2017 the GLA published an updated version of the Population Yield Calculator. The updated calculator is now less sensitive to geographical assumptions that were based on a small sample size which could sometimes lead to an overestimate in the number of children that would live within developments. Officers consider it appropriate to adopt the use of the most up-to-date Population Yield calculator in assessing education contributions.

Healthcare

- 7.248 Policy SP3 of OPDC's Regulation 19 Local Plan requires proposals to 'ensure adequate access to facilities and services that support health, wellbeing and healthy lifestyles'. Policy TCC4 sets out the principal of developments contributing toward new and enhanced health facilities to support development within the OPDC area.
- 7.249 The development will accommodate 200 new households which, if not mitigated appropriately, will place increased demand on existing healthcare services in the locality. A review of the practices in the local area shows that there are two GP facilities within 1km of the site.
- 7.250 In order to mitigate the demands associated with the development, a financial contribution of £309,560 will be secured. This is the full amount calculated by the London Health Urban Development Unit (an organisation that works on behalf of the NHS to engage and respond to population growth) that is required to meet the cost of providing primary care facilities for residents of the development. As the development is relatively small, a financial contribution in lieu of on-site provision is considered to be an acceptable approach.
- 7.251 The contribution will be put towards the expansion of the Hammersmith Centre for Health which is a primary care facility in Hammersmith Hospital. In discussion with OPDC, Hammersmith and Fulham Clinical Commissioning

Group have confirmed that the facility is due to be expanded and that it has the capacity to serve around 2,000 additional patients. The site is 1.3 miles from the application site which is a reasonable distance for patients to travel for this service. The contribution will be secured by Section 106 legal agreement.

- 7.252 Once complete the expansion will be able to accommodate the demand generated by the development. The proposals are therefore considered to be acceptable with regard to healthcare.

8 Human rights and equalities

- 8.1 Planning Committee Members should take account of the provisions of the Human Rights Act 1998 as they relate to the application and the conflicting interests of the applicants and any third party opposing the application in reaching their decisions.
- 8.2 The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report. In particular, Article 6 (1), of the European Convention on Human Rights (ECHR) in relation to civil rights and a fair hearing; Article 8 of the ECHR in relation to the right to respect for private and family life and Article 1 Protocol 1 of the ECHR in relation to the protection of property have all been taken into account.
- 8.3 In addition the Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics namely: age, disability, gender reassignment, pregnancy and maternity, race, religion, or beliefs and sex and sexual orientation. It places the local planning authority under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and Members must be mindful of this duty *inter alia* when determining all planning applications. In particular Members must pay due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.4 Officers are satisfied that the application material and officers' assessment have taken these issues into account. Particular matters of consideration have included provision of accessible housing and parking bays, as well as the provision of affordable and family housing.

9 Financial implications

- 9.1 The Section 106 legal agreement will secure contributions from the applicant to cover costs in areas such as Transport, Education and Health as detailed in paragraph 2.1. The agreement will also secure contributions to cover the costs incurred by OPDC in terms of producing the agreement itself and the costs of monitoring the obligations in the document which may accrue to OPDC. Lead officer(s) must ensure this agreement is signed prior to committing to any contracts and approval for any additional expenditure is sought through the decisions process.
- 9.2 All application costs have been met by the applicant through the submission of a planning application fee and a Planning Performance Agreement.

10 Legal implications

- 10.1 No legal implications arise from the report and it is consistent with the Corporation's legal framework.

11 Conclusion

- 11.1 The principle of redeveloping this site for a Build to Rent residential-led, mixed use development including 609sqm of flexible commercial/community space and 514sqm of employment space is supported by the strategy set out in the OAPF and draft regulation 19 OPDC Local Plan for the de-designation of SIL and regeneration of Old Oak.
- 11.2 The proposal would deliver 200 residential homes of which 35% would be affordable (by habitable room). A review mechanism would be secured to ensure that any improvement in the viability of the development could be used to support the delivery of additional affordable housing should it be appropriate to do so. The development comprises 15% family-sized units (three-bedroom+) which given the context of the site is considered appropriate. Full contributions towards mitigating the impact of the development on education, healthcare and local transport will be secured.
- 11.3 The height and massing accord with the policies in the Regulation 19 Local Plan for Scrubs Lane. Including a single tall building at the northern end of the site within the Hythe Road cluster which would improve townscape legibility by marking the location of a future key east-west route across Scrubs Lane. The London Plan allows for higher density levels in opportunity areas such as Old Oak where new homes will be delivered alongside significant public transport improvements. The homes would all meet or exceed the London Plan space standards, have access to private and shared amenity spaces and benefit from good levels of daylight and sunlight. A wind microclimate analysis has shown that the local environment would be within acceptable limits provided mitigation is incorporated where necessary.

- 11.4 The design has responded to recommendations from the Old Oak and Park Royal PLACE Review Group. The impact on the townscape and local heritage assets has been assessed in detail and although the development would result in harm to the setting of heritage assets, the level of harm would be less than substantial. The public benefits of the scheme include the delivery of early development which is key to successfully establishing large-scale regeneration. Early delivery can set the tone for future development by creating an environment that is attractive to residents and businesses and by enhancing local character through temporary or permanent land uses and job opportunities. Some local environmental and public realm benefits would also include the removal of existing waste uses that have negative environmental impacts that could be harmful to the future vision of Old Oak as mixed use location. As set out above other benefits include the construction of 200 new homes of which 35% (by habitable room) would be affordable homes in addition to transport and public realm improvements. These public benefits would outweigh the less than substantial harm to the setting of the heritage assets.
- 11.5 The design includes the use of high quality materials that complement and enhance local character. The development would deliver a much improved public realm with a wider pavement and active commercial uses fronting Scrubs Lane, Hythe Road and the Canal.
- 11.6 On-site servicing bays are provided for each block and both tracking and a Stage 1 Safety Audit have been undertaken to demonstrate that these have been designed appropriately. On-site bays ensure that all servicing and deliveries can take place off Scrubs Lane to avoid impacting on traffic. The proposals are 'car-free' with no general parking provided for residents which would help to reduce traffic and encourage the use of more sustainable forms of transport. Cycle parking has been provided in accordance with policy requirements and it is accepted that the number of Blue Badge spaces is reasonable given the constraints of the site.
- 11.7 The energy strategy complies with the London Plan. The impacts of noise, air quality and flood risk and water management have been assessed in detail and are considered acceptable.
- 11.8 The application demonstrates compliance with the NPPF and policies in the London Plan, OAPF, OPDC Regulation 19 Local Plan and Hammersmith and Fulham's Core Strategy, Development Management Local Plan and Regulation 18 Local Plan. Subject to the completion of a Section 106 legal agreement to secure the benefits set out in the report and the conditions below, the proposals are considered acceptable.

12 Recommended planning conditions

12.1 COMPLIANCE – Approved plans

The development shall be carried out in accordance with the following drawings:

PA:0201, 0202 Rev02, 0590, 1990 Rev02
PB:2000 Rev02, 2001 Rev02, 2002, 2007, 2008, 2009, 2018, 2019
PC:2000 Rev02, 2001, Rev02, 2002, 2006, 2007, 2008, 2009
PD:2200 Rev02, 2201 Rev02, 2202, 2203 Rev02, 2250 Rev02, 2251, 2790,
2791, 2792, 2793, 2794, 6498 Rev02, 6499 rev02, 6500, 6501 Rev02, 6502
Rev02, 6503, 6504, 6505

Planning Statement by Quod dated April 2017
Design and Access Statement by Make Architects dated 4 April 2017
Landscape Strategy by Townshend Landscape Architects March 2017
Energy Assessment and Sustainability Strategy by Meinhardt dated 31 March 2017
Framework Construction Environmental Management Plan by Quod (ref Q070270)
Health Impact Assessment by Quod dated March 2017
Light Pollution report by Point 2 Surveyors dated March 2017
Below Ground Drainage Strategy (Issue P03) by Meinhardt dated 13th June 2017
Flood Risk Assessment by Waterman dated June 2017
Statement of Community Involvement by Four Communications dated March 2017
Air Quality Assessment by Waterman dated March 2017
Noise and Vibration Impact Assessment by Waterman dated March 2017
Transport Assessment by i-Transport dated 29 March 2017
Travel Plan by i-Transport dated 29 March 2017
Framework Delivery and Servicing Plan by i-Transport dated 28 March 2017
Preliminary Ecological Appraisal by Waterman dated March 2017
Arboricultural Survey and Impact Assessment by Waterman dated April 2017
Daylight and Sunlight Report by Point 2 Surveyors dated March 2017
Pedestrian Level Wind Microclimate Assessment by RWDI dated 31 March 2017
Preliminary Environmental Risk Assessment by Waterman dated March 2017
Construction Logistics Plan (Issue 2) by Meinhardt dated 28 March 2017
Heritage, Townscape and Visual Impact Appraisal by Turley dated March 2017
Historic Environment Desk Based Assessment by Waterman dated March 2017
Affordable Housing Delivery by Quod dated March 2017
Mitre Yard response to Consultation by Make Architects 12 June 2017

Reason: For the avoidance of doubt and in the interests of proper planning.

12.2 **COMPLIANCE – Time limit**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (amended by Section 51 of the Compulsory Purchase Act 2004).

12.3 COMPLIANCE – Amenity Room

The communal amenity room on level 01 of the southern plot, indicated on drawing PC2001, shall only be used for purposes incidental to the enjoyment of the dwellings within the development and shall not be used for any other purpose.

Reason: To ensure that the amenity room contributes positively to the amenity of residents and does not result in any harmful impacts to residential amenity in accordance with London Plan (2016) policy 3.5 'Quality and Design of Housing Developments' and OPDC Regulation 19 Local Plan (2016) policies D4: 'Well-Designed Buildings' and D6 'Amenity'.

12.4 PRIOR TO ABOVE GROUND WORKS – Detailed drawings

Notwithstanding the submitted details, prior to the commencement of work on the corresponding part of the development, detailed drawings comprising elevations and sections of the following parts of the development at 1:20 or 1:50 as appropriate with references to the heritage context shall be submitted to and approved in writing by the local planning authority:

- a. a bay study of the materials, cladding and glazing;
- b. residential entrances (with canopies where relevant);
- c. principle features on all facades;
- d. balconies (including soffits and balustrades);
- e. shopfronts and windows/glazing to the commercial uses;
- f. typical window openings including surrounds;
- g. the parapets/roof edges and screens at the top of the building;
- h. any roof level structures including flues and lift overruns; and
- i. service bay accesses.

The development shall only be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the building is suitable and it contributes to the character and appearance of the area in accordance with London Plan (2016) policies 7.4 'Local Character' and 7.6 'Architecture', LBHF Regulation 18 Local Plan (2015) policy DC2 'Design of new build' and OPDC Regulation 19 Local Plan (2016) policy D4 'Well-Designed Buildings'.

12.5 PRIOR TO ABOVE GROUND WORKS – Material samples and sample panels

Prior to the commencement of above ground works:

- a. samples of all facing materials, including glazing, and elevations annotated to show where the materials are to be located shall be submitted to and approved in writing by the local planning authority; and
- b. sample panels shall be constructed on site to show the typical facades including glazing, cladding and frames where relevant, made available for inspection by the local planning authority and approved in writing.

The development shall only be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the building is suitable and it contributes to the character and appearance of the area in accordance with London Plan (2016) policy 7.4 'Local Character', LBHF Regulation 18 Local Plan (2015) policy DC2 'Design of new build' and OPDC Regulation 19 Local Plan (2017) policy D4 'Well Designed Buildings'.

12.6 PRIOR TO OCCUPATION – Antennae/satellite dishes

Prior to the first occupation of any of the units hereby approved details to show appropriate locations for communal antennae and satellite dishes that can be used by occupants of the development shall be submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

Reason: In the interests of the character and appearance of the area in accordance with London Plan (2016) policy 7.4 'Local Character', LBHF Regulation 18 Local Plan (2015) policy DC1 'Built environment' and OPDC Regulation 19 Local Plan (2017) policies D4 'Well-Designed Buildings'.

12.7 PRIOR TO ABOVE GROUND WORKS – External equipment

Prior to the commencement of above ground works details of any external equipment to be installed on the building including window cleaning equipment and mechanical plant shall be submitted to and approved in writing by the local planning authority. Above ground works shall not be commenced until the details have been approved in writing by the local planning authority. The equipment shall only be installed in accordance with the approved details.

Reason: In the interests of the character and appearance of the area in accordance with London Plan (2016) policy 7.6 'Architecture', LBHF Regulation 18 Local Plan (2015) policy DC1 'Built environment' LBHF Regulation 18 Local Plan (2015) policy DC2 'Design of new build' and OPDC Regulation 19 Local Plan (2017) policy D4 'Well-Designed Buildings'.

12.8 PRIOR TO OCCUPATION– Lighting strategy

Prior to the building being brought into use a lighting strategy to address all external lighting across the development shall be submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

Reason: In the interests of the character and appearance of the area in accordance with London Plan (2015) policy 7.4 'Local Character', LBHF Regulation 18 Local Plan (2015) policy DC2 'Design of new build' and OPDC Regulation 18 Local Plan (2017) policies D4 'Well-Designed Buildings' and D6 'Amenity'.

12.9 PRIOR TO OCCUPATION – Disabled Parking Bays

Prior to first occupation of the development seven disabled parking bays shall be marked in accordance with the approved. The disabled parking bays shall

be made available at all time to motorist displaying a 'Blue Badge' parking permit.

Reason: To provide suitable parking for disabled persons in accordance with London Plan (2016) policy 3.8 'Housing Choice', LBHF Regulation 18 Local Plan (2015) policy DC2 'Design of new build' and OPDC Regulation 19 Local Plan (2017) policies D3 'Accessible and Inclusive design' and T4 'Parking'.

12.10 COMPLIANCE – Accessibility

All units indicated on the approved drawings as being suitable for wheelchair users (WCH) shall be compliant with part M4 category 3 of the Building Regulations. All other units shall be compliant with part M4 category 2 of the Building Regulations.

Reason: To provide suitable access for disabled persons in accordance with London Plan (2016) policy 3.8 'Housing Choice', LBHF Regulation 18 Local Plan (2015) policy DC2 'Design of new build' and OPDC Regulation 19 Local Plan (2017) policy D3 'Accessible and Inclusive design'.

12.11 PRIOR TO OCCUPATION – Public Art

Prior to the occupation the development details of public art to be delivered as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first occupation of the development.

Reason: In order to support place-making in accordance with OPDC regulation 19 Local Plan policy TCC5'Culture and Art'

12.12 PRIOR TO ABOVE GROUND WORKS – Hard and soft landscaping

Prior to the commencement of above ground works a scheme of hard and soft landscaping for all private, public and communal amenity spaces on the site, including details of materials, street furniture, species and a planting schedule showing the number, size, species and location of trees and shrubs shall be submitted to and approved in writing by the local planning authority. The approved hard landscaping shall be carried out in full accordance with the approved plans prior to the occupation of the development and it shall thereafter be permanently retained. The approved soft landscaping shall be carried out in the first planting and seeding seasons following the occupation of the development or completion of the development, whichever is the sooner. Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the character and appearance of the area, to ensure appropriate accessibility and to support biodiversity in accordance with London Plan (2016) policies 7.19 'Biodiversity and Access to Nature' and 7.4 'Local Character', LBHF Regulation 18 Local Plan (2015) policy OS5 'Greening the borough' and OPDC Regulation 19 Local Plan (2017) policy D2 'Public realm'.

12.13 PRIOR TO OCCUPATION – Play equipment

Prior to any of the uses hereby approved being first brought into use, details of the play equipment proposed for the child play spaces shall be submitted to and approved in writing by the local planning authority. The development shall not be brought into use until the details have been approved in writing and the equipment installed in full accordance with the approved details.

Reason: To ensure that appropriate equipment is positioned in the areas identified for play space according to the intended age group in accordance with London Plan (2016) policy 7.5 'Public Realm' and OPDC Regulation 19 Local Plan (2017) policy D9 'Play Space'.

12.14 PRIOR TO ABOVE GROUND WORKS – Noise assessment

Prior to the commencement of above ground works, a noise assessment shall be submitted to and approved in writing by the local planning authority. The assessment shall identify current and future sources of noise and vibration disturbance for the proposed residential units and shall provide details of attenuation measures to be installed as mitigation, where necessary. The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142:2014. The development shall not be commenced until the noise assessment has been approved in writing by the local planning authority. The attenuation measures shall be provided in full accordance with the proposed details before any of the residential units are first brought into use.

Reason: To minimise the risk of noise or vibration disturbance for future residents in accordance with London Plan (2016) policy 7.15 'Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes', LBHF Regulation 18 Local Plan (2015) policy CC10 'Noise' and OPDC Regulation 19 Local Plan (2017) policy EU5 'Noise and Vibration'.

12.15 PRIOR TO ABOVE GROUND WORKS – Internal noise transmission

Prior to the commencement of above ground works a scheme of sound insulation and noise control measures shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented to the satisfaction of the local planning authority prior to the first occupation of any of the residential units and permanently retained thereafter to achieve the following internal noise targets:

- bedrooms (23:00-07:00 hrs) 30 dB LAeq;
- living Rooms (07:00-23:00 hrs) 35 dB LAeq; and
- kitchens, bathrooms, WCs and utility rooms (07:00-23:00 hrs) 45 dB LAeq.

Reason: To minimise the risk of noise or vibration disturbance for future residents in accordance with London Plan (2015) policy 7.15 'Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes', LBHF Regulation 18 Local Plan (2016) policy CC10 'Noise' and OPDC Regulation 19 Local Plan (2017) policy EU5 'Noise and Vibration'.

12.16 COMPLIANCE – Noisy working hours

You must carry out any building work which can be heard at the boundary of the site only between the following hours:

- 08.00 – 18.00 Monday to Friday;
- 08.00 – 13.00 on Saturdays; and
- not at all on Sundays, bank holidays and public holidays.

Reason: In the interests of the amenity of local residents in accordance with London Plan (2016) policy 7.15 'Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes'.

12.17 PRIOR TO COMMENCEMENT OF ANY A3 USE – Ventilation/extraction system

Prior to the commencement of any restaurant or café (Class A3) use on site details of a ventilation/extraction system to serve the restaurant or café (Class A3) use shall be submitted to and approved in writing by the local planning authority. The approved system shall be installed in full accordance with the approved details before any of the units are brought into use and maintained thereafter.

Reason: To prevent nuisance from cooking smells for people using neighbouring properties in accordance with London Plan (2016) policy 7.14 'Improving Air Quality', LBHF Regulation 18 Local Plan (2015) policy CC9 'Air Quality' and OPDC Regulation 19 Local Plan (2017) policy EU4 'Air Quality'.

12.18 PRIOR TO OCCUPATION – Microclimate

Prior to the development being brought into use details of the proposed wind microclimate mitigation measures shall be submitted to and approved in writing by the local planning authority. The mitigation measures shall be installed in full before the building is brought into use.

Reason: To ensure that the microclimate around the buildings is appropriate in accordance with London Plan (2015) policy 7.7 'Location and Design of Tall and Large Buildings', LBHF Regulation 18 Local Plan (2016) policy DC3 'Tall buildings' and OPDC Regulation 19 Local Plan (2017) policy D6 'Amenity'.

12.19 PRIOR TO OCCUPATION – Electric Vehicle Charging Points

Electric vehicle charging points shall be provided for 20% of the car parking spaces and passive provision shall be made available for the remaining 80% of the spaces so that the spaces are capable of being readily converted to electric vehicle charging points. The location of the EVCP spaces and charging points shall be submitted to and approved in writing by the local

planning authority before any of the residential units are first brought into use. The EVCP shall thereafter be constructed and marked out and the charging points installed prior to any of the residential units being brought into use and thereafter retained permanently to serve the vehicles of occupiers.

Reason: To encourage the use of electric vehicles in the interests of sustainability in accordance with London Plan (2016) policy 6.13 'Parking' and OPDC Regulation 19 Local Plan (2017) policy T4 'Parking'.

12.20 **PRIOR TO OCCUPATION– Delivery and Servicing Plan**

Prior to the building being first brought into use, a Delivery and Servicing Plan to demonstrate how deliveries to the site will be accommodated and managed shall be submitted to and approved in writing by the local planning authority. The Plan shall including suitable capacity for the anticipated size of delivery/servicing vehicles, appropriate storage areas and the intended routing of vehicles. The development shall not be brought into use until the Plan has been approved in writing and the Plan shall be adhered to thereafter.

Reason: To avoid blocking the highway network and to protect the amenity of people in neighbouring properties in accordance with London Plan (2015) policies 6.11 'Smoothing Traffic Flow and Tackling Congestion' and 6.12 'Road Network Capacity', LBHF Regulation 18 Local Plan (2016) policy T2 'Transport assessments and travel plans' and OPDC Regulation 19 Local Plan (2017) policies T7 'Freight, servicing and deliveries'.

12.21 **PRE-COMMENCEMENT – Construction and Environmental Management Plan (CEMP)**

No development shall take place, including any works of demolition, until a Construction and Environmental Management Plan (CEMP) for the proposed development to address how the impacts of demolition and construction on the local highway network and the local environment has been submitted to and approved in writing by the local planning authority. The CEMP must include the following details (where appropriate):

- a construction programme including a 24 hour emergency contact number;
- parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- arrangements to demonstrate how any concurrent construction with HS2 works shall not impede the construction of the HS2 works;
- arrangements to minimise the potential for noise and vibration disturbance;
- locations for loading/unloading and storage of plant and materials used in constructing the development;
- erection and maintenance of security hoardings;
- wheel washing facilities and measures to control the emission of dust and dirt during construction; and

- a scheme for recycling/disposing of waste resulting from demolition and construction works in accordance with the waste hierarchy and circular economy principles.

The development (including any works of demolition) shall only be carried out in accordance with the approved CEMP.

Reason: To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties in accordance with London Plan (2016) policies 6.12 'Road Network Capacity' and 7.15 'Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes' and OPDC Regulation 19 Local Plan (2017) policies T7 'Freight, servicing and deliveries' and T8 'Construction'.

12.22 **PRE-COMMENCEMENT – Construction Logistics Plan (CLP)**

No development shall take place, including any works of demolition, until a Construction Logistics Plan (CLP) for the proposed development has been submitted to and approved in writing by the local planning authority. The CLP shall include information on:

- i) booking systems;
- ii) consolidated or re-timed trips;
- iii) secure off-street loading and drop off facilities; and
- iv) compliance with the Construction Logistics Strategy for the wider OPDC area, if available.

The development (including any works of demolition) shall only be carried out in accordance with the approved details.

Reason: To protect the amenity of local residents and to limit any impact on the local highway network in accordance with London Plan (2015) policy 6.12 'Road Network Capacity', LBHF Regulation 18 Local Plan (2016) policy T2 'Transport assessments and travel plans' and OPDC Regulation 19 Local Plan (2017) T9 'Construction'.

12.23 **PRIOR TO ABOVE GROUND WORKS – Energy strategy**

Notwithstanding the submitted details and prior to the commencement of above ground works a revised energy strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall explore all reasonable options for improving the energy efficiency of the building and reducing carbon dioxide emissions in accordance with the energy hierarchy set out in London Plan policy 5.2 'Minimising carbon dioxide emissions'. The strategy shall clarify where glazing is required to reduce solar gain and how this has been balanced against the need to ensure good levels of daylight. The development shall only be carried out in accordance with the approved strategy.

Reason: To ensure the development maximises energy efficiency measures in accordance with London Plan (2016) policies 5.2 'Minimising Carbon Dioxide Emissions' and 5.7 'Renewable energy' and OPDC Regulation 19

Local Plan (2017) policy EU9 'Minimising Carbon Emissions and Overheating'.

12.24 **PRIOR TO OCCUPATION – Air Quality (Energy plant emissions standards, ventilation and gas boilers)**

Prior to the building being brought into use, detailed information on the following issues shall be submitted to and approved in writing by the local planning authority and thereafter carried out in accordance with the approved details:

- a ventilation strategy;
- the Combined Heat and Power units, abatement technologies and boilers installed to demonstrate compliance with the emissions standards set out within the agreed Low Emission Strategy. Where any combustion plant does not meet the relevant standard it should not be operated without the fitting of suitable NOx abatement equipment or technology (evidence of installation shall be provided); and
- gas fired boilers to be provided for space heating and domestic hot water which shall have dry NOx emissions not exceeding 40 mg/kWh (at 0% O₂). Where any installations do not meet this emissions standard it should not be operated without the fitting of suitable NOx abatement equipment or technology as determined by a specialist to ensure comparable emissions. Following installation, emissions certificates will need to be provided to the local planning authority to verify boiler emissions.

The maintenance and cleaning of the ventilation systems shall be undertaken regularly in accordance with manufacturer specifications and shall be the responsibility of the primary owner of the building. All approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained in good working order.

Reason: To ensure the development contributes to improvements in air quality in accordance with London Plan (2016) policy 7.14 'Improving Air Quality', LBHF Regulation 18 Local Plan (2015) policy CC9 'Air Quality' and OPDC Regulation 19 Local Plan (2017) policy EU4 'Air Quality'.

12.25 **PRE-COMMENCEMENT – Air Quality (Low Emissions Strategy)**

Prior to the commencement of the development a Low Emission Strategy shall be submitted to and approved in writing by the local planning authority. The Low Emission Strategy must address the results of the Air Quality Assessment and detail the remedial action and mitigation measures that will be implemented to protect residential receptors (e.g. abatement technology for energy plant, design solutions). This Strategy must make a commitment to implement the mitigation measures (including NOx emissions standards for the chosen energy plant) that are required to reduce the exposure of on-site and off-site local receptors to poor air quality and to help mitigate the development's air pollution impacts, in particular the emissions of NOx and particulates from on-site and off-site transport and energy generation sources.

Evidence must also be submitted to and approved in writing by the local planning authority to show that the CHP and boiler units installed will comply with the relevant emissions standards in the Mayor's SPG 'Sustainable Design and Construction' (2014).

Reason: To ensure the development contributes to improvements in air quality in accordance with London Plan (2016) policy 7.14 'Improving Air Quality', LBHF Regulation 18 Local Plan (2015) policy CC9 'Air Quality' and OPDC Regulation 19 Local Plan (2017) policy EU4 'Air Quality'.

12.26 PRIOR TO ABOVE GROUND WORKS – Drainage strategy

Prior to the commencement of above ground works, a revised drainage strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall investigate measures for attenuating surface water to greenfield run-off rates including permeable paving and green/brown/blue roofs. The approved measures shall be implemented in full before the development is first brought into use and the development shall only be carried out in accordance with the approved details.

Reason: To minimise the risk of surface water flooding in the vicinity of the site in accordance with London Plan (2016) policy 5.13 'Sustainable Drainage', LBHF Regulation 18 Local Plan policy CC3 'Reducing Water Use and the Risk of Flooding' and OPDC Regulation 19 Local Plan (2017) policy EU3 'Water'.

12.27 PRE-COMMENCEMENT – Piling method statement (Thames Water)

No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. The development shall not be brought into use until any necessary mitigation measures identified by the method statement have been approved in writing by the local planning authority and carried out in full in accordance with the approved details.

Reason: To protect water infrastructure in the vicinity of the site because the proposed works will be in close proximity to underground water utility infrastructure in accordance with London Plan (2016) policies 5.14 'Water Quality and Wastewater Infrastructure' and 5.15 'Water Use and Supplies', LBHF Regulation 18 Local Plan (2015) policy CC3 'Reducing Water Use and the Risk of Flooding' and OPDC Regulation 19 Local Plan (2017) policy EU3 'Water'.

12.28 PRE-COMMENCEMENT – Contaminated Land

(i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the local planning authority:

- a. a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in 'Model Procedures for the Management of Land Contamination' Contaminated Land Report 11, 'Guidance for the Safe Development of Housing on Land Affected by Contamination R&D66: 2008' and BS10175:2011 (+A1:2013) – 'Investigation of Potentially Contaminated Sites - Code of Practice'; and, unless otherwise agreed in writing by the local planning authority;
 - b. a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2011 (+A1:2013); and, unless otherwise agreed in writing by the local planning authority; and
 - c. a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases and vapours when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.
- (ii) Unless otherwise agreed in writing pursuant to paragraph (i) above, the development hereby permitted shall not be occupied or brought into use until there has been submitted to and approved in writing by the local planning authority a verification report prepared by the competent person approved under the provisions of (i) (c) above confirming that any remediation scheme required and approved under the provisions of (i) (c) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:
- a) as built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress; and
 - c) certificates demonstrating that imported and/or material left in situ is free from contamination.
- (iii) Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i) (c).

Reason: Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works in accordance with London Plan (2016) policy 5.21 'Contaminated Land', LBHF Regulation 18 Local Plan (2015) policy CC8 'Contaminated Land' and OPDC Regulation 19 Local Plan (2017) policy EU13 'Land contamination'.

12.29 **PRE-COMMENCEMENT – Ecology review**

No demolition of existing buildings or removal of existing trees shall occur on or after 1 August 2018, unless prior to the commencement of these works and

after 1 August 2018 a survey is undertaken by a suitably qualified ecologist to investigate the potential presence of ecology on the site and an ecological assessment is submitted to and approved in writing by the Local Planning Authority. Any demolition or tree removal shall be carried out in accordance with the approved assessment.

Reason: To ensure that the development would not cause any unacceptable harm to ecology not present on the site at the time the submitted ecological assessment was undertaken in accordance with policy 7.19 of the London Plan (2016) and OPDC Regulation 19 Local Plan (2017) policy EU2 'Urban greening and Biodiversity'.

12.30 PRE-COMMENCEMENT – Written Scheme of Investigation (Archaeology)

No demolition or development shall take place until a stage 1 Written Scheme of Investigation (WSI) dealing with archaeology has been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved in writing by the local planning authority. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

- a. the statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and
- b. the programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason: To protect archaeological interests by providing an opportunity to investigate and excavate archaeological remains on the site in accordance with London Plan (2016) policy 7.8 'Heritage Assets and Archaeology' and OPDC Regulation 19 Local Plan (2017) policy D8 'Heritage'.

12.31 PRIOR TO OCCUPATION – Waste and Recycling Storage

Prior to first occupation of the development the waste and recycling storage and collection facilities shown on the approved plans shall be fully constructed. The waste and recycling storage and collection facilities shall be made available at all times and shall not be used for any other purpose.

Reason: To ensure that adequate arrangements have been made for the storage and collection of waste and recycling in accordance with London Plan (2016) policies 5.17 'Waste Capacity' and 6.12 'Road Network Capacity', LBHF Regulation 18 Local Plan (2015) policy CC6 'On-site Waste Management' and OPDC Regulation 19 Local Plan (2017) policy EU6 'Waste'.

12.32 PRIOR TO OCCUPATION – Cycle Storage

Prior to the first occupation of the development the cycle storage indicated on the approved plans shall be constructed and fully fitted out for use as secured cycle storage. The cycle storage shall be made available at all times to everyone using the development and not used for any other purpose.

Reason: To encourage cycling as a means of sustainable transport in accordance with London Plan (2015) policy 6.9 'Cycling', LBHF Regulation 18 Local Plan (2015) policy T4 'Increasing opportunities for cycling and walking' and OPDC Regulation 19 Local Plan (2017) policy T3 'Cycling'

Recommended informatives

- 12.33 The written scheme of investigation required by Condition 12.30 will need to be prepared and implemented by a suitably professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 12.34 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing. Application forms should be completed online via www.thameswater.co.uk/wastewaterquality.
- 12.35 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 12.36 There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.
- 12.37 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable

to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. Liability to pay CIL must now be assumed by submitting an Assumption of Liability Notice to the OPDC at planningapplications@opdc.london.gov.uk.

- 12.38 The applicant and/or contractor are encouraged to sign up to the Fleet Recognition Scheme (FORS) which promotes better safety standards during construction. The FORS guidance can be found at <http://www.tfl.gov.uk/info-for/freight/safety-and-the-environment/managing-risks-wrrr>.
- 12.39 The applicant is advised that the application site falls within land that may be required to construct and/or operate Phase One of a high speed rail line between London and the West Midlands, known as High Speed Two. Powers to construct and operate High Speed Two were secured on 23rd February 2017 when Royal Assent was granted for Phase One of HS2. As a result the application site, or part of it, may be compulsorily purchased. More information can be found at: <https://www.gov.uk/government/collections/high-speed-rail-london-west-midlands-bill>.
- 12.40 The applicant is advised that prior to making a submission in relation to condition 12.5, requiring further details of external materials, that they should discuss the materials to be submitted with an Approved Building Control Surveyor in order to ensure that they meet with current fire safety regulations.
- 12.41 The applicant is advised that the proposal works to facilitate the layout and design of the development will need to be agreed with Network Rail due to the proximity of the works to the existing operational railway and the potential for those works to impact upon the safe operation and integrity of the railway infrastructure:
- all excavation, earthworks and piling works;
 - all drainage works;
 - all scaffolding works;
 - all crane / tower crane working and loading;
 - noise and vibration assessments for the proposed buildings should consider the existing operational railway and also any future increase in usage in the area of the railway;
 - all works will need to consider overhead 25kv power lines and induced voltages;
 - any demolition or remediation works;
 - boundary treatments, including trespass proof fencing, vegetation, road vehicle incursion protection measures;
 - risk assessments and method statements for works on site; and
 - all works on site and as a permanent arrangement must be undertaken wholly within the applicant's land ownership footprint (including foundations) which must not over-sail or encroach the railway boundary.
- In order to facilitate the above, an APA (Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal,

including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The APA will be in addition to any planning consent. The applicant / developer should liaise directly with Asset Protection to set up the APA AssetProtectionLNWSouth@networkrail.co.uk

13 Appendices

- Appendix 1 – Letters from OPDC PLACE Review Group (OPRG)
- Appendix 2 – Heritage, Townscape and Visual Impact Assessment summary

List of Background Papers:

- | |
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| 1. Consultation responses and representations |
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Report originator: Ben Martin, Principal Planning Officer, OPDC
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Subject: Mitre Yard, 104-108 Scrubs Lane, London, NW10 6SF (application reference number 19/0104/VAROPDC)

Meeting date: 16 January 2020

Report to: Planning Committee

Report of: Claire O'Brien, Interim Assistant Director of Planning

For Decision

This report will be considered in public

1 Summary

Application reference	19/0104/VAROPDC
Site address	104-108 Scrubs Lane, London, NW10 6SF
Proposal	Section 73 application to vary Conditions 1 (Approved Plans), A (Building Heights) and B (Floorspace) 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 comprising ground floor flexible non-residential floorspace (Use Classes A1/A2/A3/A4/B1/D1/D2), ground floor workspace (Use Class B1/Artist Studios) and 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

Applicant/agent	Quod on behalf of City and Docklands Management Ltd
London Borough	Hammersmith and Fulham
Validation date	7 August 2019

- 1.1 The Old Oak and Park Royal Development Corporation (OPDC) Scheme of Planning Delegations states that planning applications should be referred to Planning Committee where, in the opinion of the Director of Planning, the application: 'is of a significant or potentially contentious nature.' This application is for a Minor Material Amendment (by way of section 73 of the Town and Country Planning Act 1990, as amended) to vary the conditions attached to planning permission reference 17/0055/FUMOPDC, to permit an increase of 41 homes (200 to 241 homes), facilitated by reduced floor-to-floor construction heights and an increase in the height and massing of the building along with other minor amendments. The amendments are considered to be minor material changes to the original permission which was considered by Planning Committee, therefore this application should also be decided by Planning Committee.
- 1.2 The extant consent, reference 17/0055/FUMOPDC, was presented to OPDC's Planning Committee on 8 April 2017. Planning Committee resolved to approve the application and planning permission was granted on 1 February 2018. A non-material amendment to the extant consent was approved on 12 December 2019 (ref. 19/0156/NMAOPDC).
- 1.3 104-108 Scrubs Lane comprises of two existing waste uses located on the western side of Scrubs Lane. The site is within the London Borough of Hammersmith and Fulham (LBHF).
- 1.4 The extant consent, reference 17/0055/FUMOPDC, approves the demolition of the existing buildings and structures on the site and their replacement with two buildings ranging between 6 and 19-storeys in height comprising 200 homes and 1123sqm of commercial/community/employment uses on the ground floors. The approved homes are secured as 'Build to Rent' within the extant consent.
- 1.5 This application proposes to vary the conditions attached to the extant consent in order to increase the number of homes (Use Class C3) from 200 to 241, reduce floor-to-floor construction heights, increase the maximum height of the scheme by 5.7m (19 storeys to 22 storeys), alter the massing of the building on the north site, make amendments to the western façade of the tower, amendments to the housing mix and other minor alterations. The assessment of the application will focus on the proposed amendments and the associated impacts.
- 1.6 Statutory public consultation has been undertaken on the application. This comprised 336 letters to residents and businesses in the area, six site notices and an advert in the Brent and Kilburn Times newspaper. 14 individual letters of objection were received in response. Objections were also received from a

number of local resident and amenity groups. Statutory consultees and other stakeholders were also consulted. During the assessment of the application further changes were made to the proposals including the provision of private balconies to all studio units, and a rent reduction to the family-sized (3+ bedroom) affordable housing units to London Living Rents. A second round of consultation was undertaken on these changes. Following approval of the non-material amendments to the original consent (ref. 19/0156/NMAOPDC) a further third round of consultation was undertaken. The key issues raised in response to consultation are summarised and addressed in tables 6.1 and 6.2.

- 1.7** The principle of residential-led development has previously been accepted on this site and there is an extant consent. The proposals remain compliant with the land use policies set out in the draft London Plan and within OPDC's Regulation 19 (2) Local Plan. These documents seek the comprehensive mixed-use regeneration of Old Oak and promote sites along Scrubs Lane for residential-led development. The principle of the proposed development is therefore supported.
- 1.8** The amended proposals would deliver 241 homes. 35% (by habitable room) of the homes would be affordable homes delivered as Discount Market Rent (DMR) with cascading levels of discount according to unit size. The applicant's financial viability appraisal has been independently reviewed and officers are satisfied that the affordable housing offer complies with relevant policies in the London Plan, draft London Plan and draft Local Plan.
- 1.9** The additional height of the tallest building, which amounts to a maximum increase in height of 5.7m, is considered to be acceptable taking into account potential additional townscape, heritage and microclimate impacts. All other design changes have been assessed and the form of the building and the treatment of its elevations will continue to be of high architectural merit.
- 1.10** The quality of the accommodation will continue to meet the design standards in the London Plan including good levels of daylight and sunlight, amenity and internal noise conditions.
- 1.11** The buildings would remain visible from surrounding heritage assets and would result in less than substantial harm to the setting of Kensal Green (All Souls) Cemetery Grade I Registered Park and Garden and St Mary's Conservation Area. However, the development would result in significant public benefits which need to be weighed against this less than substantial harm including:

 - the early delivery of 241 new homes at Old Oak;
 - the delivery of 76 of these units as affordable homes (35% by habitable room);
 - the removal of negative environmental impacts associated with the existing waste uses.
 - the provision of high-quality public realm supported by commercial units with active frontage; and

- a net reduction in vehicle movements on to Scrubs Lane.
- 1.12** In accordance with the NPPF, it is acknowledged that the development would continue to result in less than substantial harm to heritage assets, but the proposed amendments do not significantly exacerbate or worsen the conclusion of the assessment undertaken as part of the extant consent. The public benefits of the scheme would improve, through the provision of additional homes, and particularly affordable homes, and are considered to continue to outweigh the less than substantial harm. The proposals do not amount to significant design amendments and the high-quality design responds positively to the historic character of the area.
- 1.13** The scheme remains 'car-free' with no general-purpose parking provided for residents and residents would also be restricted from obtaining on-street parking permits. Uplifted cycle parking spaces are provided to meet the demand of the additional units. Seven accessible car parking spaces, along with potential for the provision of two additional spaces should they be needed, will be provided for Blue-Badge holders.
- 1.14** Increased s106 contributions totalling circa. £1.4m will be secured towards local transport and infrastructure improvements, public realm, education facilities and healthcare facilities to fully mitigate the impact of the development. This is increased from circa £1.1M attached to the extant consent. Measures to secure apprenticeships and support the local workforce and local businesses through the supply chain would continue to be secured by s106 legal agreement. The s106 agreement will also include early and late stage review mechanisms to ensure that additional contributions towards affordable housing and/or infrastructure will be made if the viability of the development improves. In accordance with Regulation 122 of the CIL Regulations, these obligations are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.
- 1.15** The revised proposals are considered to accord with relevant planning policy and the application is therefore recommended for approval, subject to a S106 agreement to secure the enhanced contributions and the retention of all other necessary conditions.

2 Recommendation

The committee is invited to:

2.1 Resolve to Grant conditional permission subject to:

- (a) The satisfactory completion of a legal agreement, to be executed as a Deed under Section 106 of the Town and Country Planning Act 1990 (as amended). The agreement will contain the same terms and obligations as the s106 agreement for planning permission 17/0055/FUMOPDC save for:**

- 1. Revised Affordable Housing**
 - a. The provision of 76 intermediate discount market rent affordable housing units (35% by habitable room) comprising of the following units and discounts**
 - i. 32 x 1-bedroom units at no more than 80% of Market Rent**
 - ii. 28 x 2-bedroom units at no more than 75% of Market Rent**
 - iii. 14 x 3-bedroom units at no more than London Living Rent Levels**
 - iv. 2 x 4- bedroom units at no more than London Living Rent Levels**
- 2. Increased Transport Contributions**
 - a. A financial contribution of £260,000 (increased from £200,000) towards measures to improve the accessibility of the site including walking, cycling and public realm improvements in the vicinity of the site, to be paid prior to the commencement of development;**
 - b. A financial contribution of £303,359 (increased from £251,750) towards increasing the capacity of the local bus network to be paid prior to the commencement of development;**
- 3. Increased Education Contribution**
 - a. A financial contribution of £400,911 (increased from £353,952) towards the refurbishment, expansion of, or access to, primary or secondary schools in the vicinity of the site to address the demand arising from the development for education services to be paid prior to the commencement of development.**
- 4. Increased Healthcare Contribution**
 - a. A financial contribution of £369,485 (increased from £309,560) towards expanding the primary care facility at the Hammersmith Centre for Health, Hammersmith Hospital or other health facilities to address the demand arising from the development for healthcare services to be paid prior to the commencement of development.**
- 5. Increased Open space Contribution**
 - a. A financial contribution of £80,000 (increased from £40,000) towards the refurbishment of Mary Seacole Memorial Gardens to be paid prior to the commencement of the development**
- 6. Increased Apprenticeships**
 - a. A minimum of 14 apprenticeships (increased from 12) during the construction phase paying the London Living Wage.**

7. Legal costs reasonably incurred by OPDC in connection with the current application.
8. All other planning obligations contained within the s106 agreement attached to planning permission 17/0055/FUMOPC to remain intact.
9. All contributions to be index-linked (upwards-only).

(c) the planning conditions as set out in part 12 of this report.

2.2 Delegate authority to the Interim Assistant Director of Planning to:

- (a) Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Interim Assistant Director of Planning considers reasonably necessary;
- (b) Finalise the legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) including refining, amending, adding to or deleting the obligations described in the Heads of Terms set out in paragraph 2.1(a) of this report as the Interim Assistant Director of Planning considers reasonably necessary; and
- (c) Sign and execute the Section 106 legal agreement referred to above and issue the planning permission.
- (d) If the section 106 agreement has not been completed by 31 January 2020 or within such other extended time as the Interim Assistant Director of Planning may consider appropriate, to consider whether planning permission should be refused on the grounds that the proposals are unacceptable in the absence of a legal agreement to secure planning obligations that mitigate the impacts of the development. If so, the Interim Assistant Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under delegated powers.

3 Background information

Location plan

- 3.1** The application site is outlined in red on the map below. This is the same red line boundary as the extant consent.



Application site

- 3.2** The application site remains the same and comprises two parcels of land, with a combined area of 0.53Ha, located on the western side of Scrubs Lane within the London Borough of Hammersmith & Fulham (LBHF). The sites are separated by a private service road known as the haul road, used to access the Powerday and EMR sites. The service road also provides vehicular access to the southern parcel of land and therefore a section of the road has been included within the application site. The northern parcel is accessed directly from Scrubs Lane. The total site area including the road is 0.58ha.
- 3.3** Both land parcels are currently occupied by waste facilities and comprise a mixture of yard space and industrial buildings/structures. The north of the site is bound by Hythe Road. The south is bound by Mary Seacole Memorial Gardens (MSMG) a public open space which fronts onto the Grand Union Canal. The West London line lies to the west. Both sites front onto Scrubs Lane towards the east. The surrounding area is predominantly industrial in character with the closest residential uses being the moorings for boats on the Grand Union Canal. The nearest residential properties are approximately 360 metres to the north along Scrubs Lane beyond the Cumberland Park Factory Conservation Area.
- 3.4** The site is not located within a Conservation Area (CA) and there are no Listed buildings or structures on the site. However, the site lies close to the Grand Union Canal CA (approx. 5m to the south), the St Mary Cemetery CA (approx. 50m to the east) and the Cumberland Park CA (approx. 60m to the north). Beyond St Mary's Cemetery, approximately 280m towards the east,

lies Kensal Green Cemetery, a Grade I listed Registered Park and Garden. Both cemeteries contain a number of listed structures and monuments.

- 3.5** The site is served by the 220 bus route, which is a high frequency route. The nearest rail station is Willesden Junction, which provides access to the Bakerloo line and the London Overground. The current public transport accessibility level (PTAL) of the site is 1b, which is low.
- 3.6** There have been no significant changes to the existing land uses, either on, adjacent to or surrounding the site since the extant consent.

Planning history

- 3.7** The application site benefits from an extant planning permission. During the assessment of the current application the description of development and conditions attached to the extant planning permission were amended through submission and approval of an application (ref 19/0156/NMAOPDC) for non-material amendments under s96a of the Town and Country Planning Act 1990, as amended (the 'TCPA'). The description of development, as amended, for the extant consent is "Demolition of existing buildings and structures and the redevelopment of the site to provide two new buildings comprising of ground floor flexible non-residential floorspace (Use Classes A1/A2/A3/A4/B1/D1/D2), ground floor workspace (Use Class B1/Artist Studios) and residential units (Use Class C3) with disabled car parking, plant space, amenity space, landscaping and associated works".
- 3.8** The extant consent, including the conditions and approved drawings which form part of it, permits the construction of 200 residential homes and 1,123sqm of commercial floorspace within buildings of between 6 to 19-storeys (24 to 71.8 metres) in height.
- 3.9** This extant planning permission was granted on 1 February 2018 and is therefore due to expire on 1 February 2021, unless the permitted development is begun before that date. The current application seeks approval for variations to the conditions attached to this consent under s73 of the TCPA. An application under s73 of the TCPA cannot amend the time limit on the extant consent and so the expiry date of 1 February 2021 set by the extant planning permission will remain unchanged.
- 3.10** This current application was received without being subject to an EIA screening request prior to the submission. The proposed amended development meets the criteria for Schedule 2 development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) and therefore the submission was screened upon receipt in accordance with the Regulations. The opinion of the Local Authority is that an Environmental Impact Assessment is not required, and this decision (reference. 19/0121/SCROPDC) was issued on 19 September 2019.
- 3.11** Other planning history for the site is summarised in the table below.

Address	Application reference	Description	Decision
108 Scrubs Lane	2011/00800/FUL	Extension and alterations to existing waste management building to form a fully enclosed and roofed management and recycling building, re-siting of offices (portacabins), weighbridge, washdown area, and provision of underground water storage facility	Approved 3 August 2011
108 Scrubs Lane	1991/01619/FUL	Use as a waste transfer station	Approved 20 August 1993
104-106 Scrubs Lane	2013/02648/FUL	Continued use of the site as a metal processing centre; retention of the boundary fence.	Approved 21 July 2014

Table 3.1 – Other Planning History

- 3.12** There are extant planning permissions for two major residential-led mixed use developments close to the site, on the opposite side of Scrubs Lane. The closest scheme, North Kensington Gate South (ref. 16/0119/FULOPDC), would comprise 164 units within a development of up to 22-storeys and North Kensington Gate North (ref. 16/0118/FULOPDC), would comprise 47 units within a development of up to 11-storeys.

4 Proposal

- 4.1** This s73 application proposes variation to the conditions on the extant consent to permit an increase in the number of residential units (Use Class C3) from 200 to 241, reduced floor-to-floor construction heights, an increase in the maximum height of the scheme of 5.7m (19 storeys to 22 storeys) alterations to the massing of the building on the north site, amendments to the housing mix and an increase in the provision for cycle and blue badge parking spaces.

- 4.2** The residential accommodation is still proposed as build-to-rent whereby the units would be retained and managed under a single ownership and made available for rent. Affordable housing would be in the form of 76 units being provided at a discounted market rent (DMR). Further details are provided in paragraphs 7.13 to 7.22 of this report.
- 4.3** The northern site, which is where the amendments are focussed, would comprise of a street block of between 7-10 storeys in height adjacent to a 22-storey tower element at the northern end. These blocks were formerly 7–9 storeys in height adjacent to a 19-storey tower. The floor-to-floor construction heights have been reduced by 200mm per floor across the northern building reducing the effect of these additional storeys on the overall height of the buildings. The northern building would comprise a revised unit mix of 42 studio units, 70x1-bedroom units, 62x2-bedroom units and 9x3-bedroom units.
- 4.4** The applicant does not propose to make any amendments to the ground floor non-residential floorspace in either building nor make any amendments to the southern site, aside from minor increases in the amount of child play space.
- 4.5** Seven accessible parking bays would be provided on-site, 5 in the northern building and 2 within the southern building, the same as the extant consent. However, the potential for two additional accessible spaces have been shown on the western boundary of the site, if required. No other general car-parking is proposed. On site servicing bays are provided within the ground floor of each building. A total of 314 secured cycle storage spaces are proposed.

5 Policy

- 5.1** The adopted development plan for this part of the OPDC area comprises:
- London Plan March 2016
- 5.2** The following planning documents are also relevant material considerations:
- National Planning Policy Framework (NPPF) (Feb 2019)
 - Old Oak and Park Royal Opportunity Area Planning Framework (OAPF) 2015
 - OPDC Regulation 19 (2) Draft Local Plan (with Minor Modifications) 2018.
 - The Intend to Publish London Plan (December 2019) (“the draft London Plan”).
- 5.3** The following Supplementary Guidance is also relevant:
- London Plan Housing SPG (2016)
 - London Plan Affordable Housing and Viability SPG (2017). This must now be read subject to the decision in R(McCarthy & Stone) v. Mayor of London.

- 5.4** The OAPF was adopted as supplementary planning guidance to the London Plan in November 2015 and therefore is a material consideration in the determination of this application.
- 5.5** The OPDC draft Local Plan has completed three rounds of consultations between 2016 and 2018. The final draft of the Local Plan was submitted for Examination in Public (EiP) on 4 October 2018 with hearings held in April 2019. The draft Local Plan is a material planning consideration in the determination of the current application.
- 5.6** The Intend to Publish London Plan incorporates the suggested changes put forward by the Mayor before, during, and after the EiP sessions. In line with paragraph 48 of the NPPF, the weight attached to the draft London Plan should reflect the stage of its preparation; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging Plan to the NPPF

6 Consultation

Pre-submission Consultation

- 6.1** The applicant has undertaken pre-submission public consultation as set out in the submitted Statement of Community Involvement (SCI) Addendum. This comprised of briefings to key stakeholders and a newsletter circulated to circa 2400 local residents and businesses updating on the proposed amendments and inviting comments.

Statutory Public Consultation

- 6.2** The statutory public consultation undertaken by OPDC comprised:
- Letters/emails to statutory consultees, ward councillors & local interest groups;
 - 359 letters sent to households and businesses on 16 August 2019;
 - Six site notices displayed in public places in the vicinity of the site on 19 August 2019;
 - A press notice was published in the Brent and Kilburn Times on 22 August 2019.
- 6.3** Following the submission of minor revisions to the proposals to introduce private balconies to the studio units and reduce rent levels on the family-sized (3+bedroom) affordable units, a further round of public consultation was undertaken. Subsequently, the applicant made a separate application (ref. 19/0156/NMAOPDC) under s96a of the TCPA for non-material amendments to the original consent involving changes to the approved description of development and planning conditions. This application was approved under delegated authority on 12 December 2019 and a further round of public consultation was subsequently undertaken on the current s73 application.

Both consultations comprised of new site notices placed close to the site and new letters/emails sent to local households and businesses.

Public Responses

- 6.4** In response to the statutory public consultation a total of 14 individual letters of objection have been received. Objections have also been received from local residents/amenity groups and these are summarised in paragraph 6.5 of the report. In summary, the individual letters received raise the following issues, which are generally presented in an order determined by the frequency of the issue being raised. Copies of the representations received have been circulated to Members and are available on the OPDC website at: <http://planningregister.opdc.london.gov.uk/swift/apas/run/wchvarylogin.display>

Objection/Issue	Officers Response
The increased height will cause damage to the setting of St Mary's Cemetery Conservation Area, the Grand Union Canal Conservation Area, the Commonwealth War Memorial and other surrounding areas.	A revised Heritage and Townscape Visual Impact Assessment has been undertaken in paragraphs 7.42 to 7.67
The skyline and Scrubs Lane will be impacted as a result of the proposals.	A revised Heritage and Townscape Visual Impact Assessment has been undertaken in paragraphs 7.42 to 7.67
Public transport in the area should be improved – there is not the infrastructure to support this development.	Financial contributions towards the improvement of public transport and other infrastructure would be secured. These are set out within the report recommendation in paragraph 2.1.
The density of the scheme is higher than permitted within the London Plan, in a location with a low PTAL rating.	The density of the proposals is addressed in paragraphs 7.27 to 7.32 of the report.
There is no prospect of Hythe Road Station being delivered, therefore the expected PTAL will never materialise., therefore creating an unacceptable scheme density.	The density of the proposals is addressed in paragraphs 7.27 to 7.32 of the report.

The entire scheme shouldn't be allowed, and certainly no increase in height or number of units should be permitted.	The proposed amendments have been assessed against relevant planning policy and other material considerations and are considered acceptable.
The proposed development is out of keeping with the surrounding area	The design of the proposals is discussed in paragraphs 7.33 to 7.67 of the report.
The development will increase noise pollution, traffic and air pollution.	The traffic implications of the proposals are discussed in paragraphs 7.69 to 7.76 of the report. The noise and air quality impacts of the development were found to be acceptable as part of the original consent and would not change significantly as a result of the proposed amendments.

Statutory Consultees & Stakeholders

- 6.5** The following statutory consultees and other stakeholders were consulted on the application. The responses are summarised below. Copies of the full representations received have been circulated to Members and are available on the OPDC website at:
<http://planningregister.opdc.london.gov.uk/swift/apas/run/wchvarylogin.display>

	Consultee and Comments	Officers response
1	Greater London Authority (GLA) Stage 1 report –	- Confirm that the application does not give rise to any further strategic planning issues and that the application can be determined by the Local Planning Authority without any further consultation with the Mayor.

2	Transport for London (TfL) – TfL supports the proposal in principle, subject to the following • Securing an increased bus contribution • Securing accessibility improvements • Finalised details of cycle parking to be revised by condition	- The s106 agreement will secure an increased bus contribution - The s106 agreement will secure increased accessibility contributions - Cycle conditions will be secured
3	London Borough of Hammersmith & Fulham The consultation on the application was reported to the LBHF Planning Committee on 15 October 2019. LBHF raises no objection to the proposals but have the following observations: - LBHF recommend that the 4 bed 5 bedroom dwellings are increased to 4 bed 6 person dwellings if possible; - That London Living Rent is applied to all unit sizes.	- Noted - There are five 4-bed 5 person units within the scheme all of which meet the minimum floorspace standards set out in the London Plan. Whilst a larger unit (ie. 4b 6p) may be preferable, this is not possible within the current design. The extant consent was also permitted including 4b 5p units. - OPDC officers consider that the proposals would deliver the maximum, reasonable amount of affordable housing in accordance

	- 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. - It is recommended that a variety of S106 obligations and conditions are secured.	with regional and local policy. - Noted. These are still included. - The existing review mechanisms allow for any surplus to be used to reduce rents further. - Noted. LBHF officer have been involved in the negotiation of the revised planning obligations/contributions
4	London Borough of Ealing – No response received.	- Noted
5	Royal Borough of Kensington and Chelsea – Objection to the application on the grounds that the design, height and scale of the development would harm the heritage significance of Kensal Green Cemetery. This objection is a similar objection to the extant consent.	- See paras 7.42 To 7.67
6	London Borough of Brent – No response received	- Noted
7	High Speed 2 (HS2) – No response received.	- Noted
8	Crossrail – Confirmed that they do not wish to comment on the application	- Noted
9	Network Rail – Network Rail have not responded on this application.	- Noted

10	Historic England – No response received.	- Noted
11	Environment Agency – No response received.	- Noted
12	Greater London Archaeological Advisory Service – No response received.	- Noted
13	Thames Water – No response received	- Noted
14	Natural England – No objection to the application and has provided Standing Advice.	- Noted
15	Canal & River Trust – No objection to the proposals however informatives / conditions were requested and these will be included in any future consent.	- Noted
16	Metropolitan Police Designing Out Crime Officer – No comments received	- Noted
17	London Fire Brigade – No comments received however previously confirmed they have no comment to make on the proposals at this stage. This may be considered further at the building control approval stage.	- Noted
18	Diocese of London – No comments received.	- Noted
19	Grand Union Alliance – Objects to the application on the following grounds. - The GUA are in agreement with the objections submitted by the Hammersmith Society and	- Noted

	St Quintin & Woodlands Neighbourhood Forum. - The likely development and future of the area have substantially changed since the original planning permission to such an extent that the planning justifications for both the original and proposed developments have been lost. This includes Car Giant land and the uncertainty regarding OPDC's development. - The proposed development, in particular by its additional quantum, intensity, height and massing, would exacerbate the deficiencies in living conditions, design and heritage, townscape and visual impacts present in the consented scheme which does not make for good planning and the achievement of sustainable development. - The Hythe Road Overground Station is also no longer a realistic prospect therefore the expected substantially higher PTAL for the area and the application site in question would not arise, creating unacceptable development.	- The current application seeks to make material minor amendments to an extant planning permission. Notwithstanding the outcome of the current application the extant planning permission remains valid and could still be implemented. Therefore, the assessment of the current application is focussed on the planning merits of the potential impacts of the proposed amendments. - See paragraph 7.33 onwards - See paragraph 7.27 to 7.32
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	- The 'haul road' that presently bisects the site with a disruptive, intrusion and polluting flow of HGVs is to continue in operation. It is depicted in the Old Oak North Development Principles Framework that is a supporting document to the draft Local Plan as access to recycling, potential energy from waste and other employment sites. Additional persons through the increased number of homes should not be exposed to such a poor environment. - The proposal would result in harm to the heritage assets at St Mary's Cemetery, Kensal Rise Cemetery, Grand Union Canal and Scrubs Lane Conservation Areas will be increased. Historic England had previously considered that the original development proposal would cause an unacceptable level of harm. - The draft Direction of Travel for Scrubs Lane document has not been part of public consultations, as a SPD for instance, and remain a draft Local Plan 'supporting document' of little weight. - The rooftop play space does not conform to the	- The potential impact of the haul road on residential occupiers was considered as part of the extant consent and it was found that that subject to securing appropriate mitigation that the impact would be acceptable. The amended proposals would be subject to the same planning conditions that would secure this mitigation and ensure appropriate living conditions. - An assessment of the revised proposals with regards to heritage are considered in paragraphs 7.42 – 7.67. - Noted. Appropriate weight has been given to the policy documents set out in paragraphs 5.1 to 5.6 in the assessment of the application as well as other material planning considerations. - An assessment of the amenity space in
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	expectations of London Plan policy on play space as a result of the area being highly polluted - noise and air quality. Exposing more people to these unsatisfactory or unsafe conditions does not constitute good and proper planning. - Since the grant of planning permission, more precise Europe-wide rules on assessing daylight and sunlight levels in new developments have been published by the British Standards Institute which set a higher standard for daylight/sunlight. - There are potential equalities impact on black and ethnic minority populations, prevalent locally, who require higher levels of exposure to daylight and sunlight.	relation to the amended proposals is considered in paragraphs 7.92 – 7.94 - The daylight and sunlight assessment has been carried out in accordance with BRE guidance, an approach which is supported within the draft Local Plan. - The proposals have been assessed in accordance with BRE guidance and daylight/sunlight levels are considered appropriate for all occupants regardless of ethnicity.
20	St Quintin and Woodlands Neighbourhood Forum – Object to the proposals on the following grounds. - Section 73 of TCPA 1990 is not the appropriate route for a decision on these proposals. While the material amendments to the proposed buildings could be classed as ‘minor’ there have been substantive changes to the planning context of the site at Mitre Yard. The site context is	- See 7.1 – 7.3 of this report.

	now 'substantially different' from that pertaining to the consented scheme. - The proposed density of the scheme at 455 units per hectare is entirely inappropriate for a site with a current PTAL level of 1b in a suburban setting. This density level is not compliant with London Plan policy 3.2. even allowing for 'intensification' in an Opportunity Area. - There is no certainty of significant improvement to this PTAL level at a time when the HS2 project is under review and a new Overground station at Hythe Road has been deemed by OPDC to be 'off the agenda'. - Assertions by the applicant that the TfL owned 'haul road' through the site will cease to be in operation in the near term are not evidenced or substantiated. The use if this access road by HGVs carrying waste material renders the site unsuitable for high density residential development, in terms of air and noise pollution. - The Planning Statement and Transport Assessment accompanying the application are misleading and fail to assess fairly or take into account the	- See 7.27 – 7.33 of this report. - See 7.27 – 7.33 of this report - The extant consent and current application have been assessed on the basis of the current day conditions with the haul road in operation. - Officers have undertaken their own assessment, including input from LBHF Highways and TfL into
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	current position on a 'potential' new Overground station at Hythe Road. - A decision on this application should await publication of an updated PTAL map of the area, as requested by the Planning Inspector at the EIP session on the OPDC Draft Local Plan held on July 18th 2019. - Reliance has been placed by the applicant on a Scrubs Lane Development Framework Principles document which has not been the subject of formal consultation as a Supplementary planning Document to the OPDC Draft Local Plan - Rooftop play spaces for children are not suitable in area which remains predominantly industrial in use, and which experiences very high levels of HGV use by waste vehicles entering and exiting the 'haul road'/access road running directly through the site. - The pre-application advice note on this application made no mention of the fact that proposals for a new Overground station at Hythe Road are off the table, as compared with the position	the acceptability of the proposals. - See 7.27 – 7.33 of this report. - Noted. Appropriate weight has been given to the policy documents set out in paragraphs 5.1 to 5.5 in the assessment of the application as well as other material planning considerations. - Rooftop play spaces have been previously approved and the principle of this accepted. An assessment into the revised proposals and the impact of child playspace is outlined in 7.89 to 7.92 of this report. - See 7.27 – 7.32 of this report.
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	in 2017, and hence the proposed housing density of the development at 455 housing unit/hectare (previously 377 units/hectare) is very significantly non-compliant with London Plan policy 3.4 on Optimising housing potential, given the site's present and anticipated PTAL level. - We wish to register a strong objection to the process now being followed, by the applicants and by OPDC, in using a S96A application to change the description of the development and to follow up with a revised S73 application as a means of avoiding a fresh planning application on a scheme which we consider to be fundamentally different from that granted permission in 2017.	See 3.7-3.8, 6.3 and 7.1 of this report. Officers consider that the applicant's approach is appropriate and lawful.
21	West Twyford Residents Association – Makes comments on the following basis: - Density of the proposed development is too high, cramming units into the building. - Concern over the reduced floor to floor heights without stating what the finished ceiling heights. - The developer increases the number of apartments by 41 or 20% with an	- See 7.27 – 7.32 of this report. - The finished internal floor to ceiling heights are retained at 2.5m. - The potential impacts of the increased height and massing are

	increase in height of 5.7m or volume increase of .08% and still does not meet OPDC's height restriction. - Cycle storage on the previous scheme was in one block – south site – only. - No mention as to fire protection in the play areas. - Vehicular delivery access off the 'middle' public road that splits the two sites has not improved from the first scheme. The residents have a railway behind them a major London arterial road in front of them and a recycling centre to look onto, and we want to cram more people into a smaller volume. - This is another developer led initiative that maximises the potential of the site at the expense of the resident's quality of life. - Another aspect of this submittal was the poor quality of the document register submitted. It did not describe the content of the drawing and could only be revealed on opening the drawing. This submittal	assessed in paragraphs 7.38 to 7.41 of the report. - See 7.86 to 7.87 of this report. - Any development will need to comply with the Building Regulations in respect of fire safety. An informative would be attached to any permission. - The proposed access remains the same as the extant scheme. Density is discussed in paragraph 7.27 – 7.32 of this report. - An assessment of the quality of accommodation is outlined in 7.23 and 7.24 of this report. - Noted. The application includes all of the documentation required for a valid submission.
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	should never have been accepted as a proper submission. It would have been a nightmare on a very large proposal.	
22.	Hammersmith Society – Objects to the proposals on the following grounds - Increased density of the development in a low PTAL area. - Height increase of the proposal will further exacerbate the irretrievable damage to the setting of St Mary's cemetery.	- See paragraphs 7.27 – 7.32 of this report. - See paragraphs 7.42 – 7.67 of this report.
23	EMR – Objects to the proposals on the following grounds: - The site has poor access to public transport with no prospect that the position will improve. The lack of public transport availability and parking facilities would also make any ground floor commercial uses almost unlettable. - Hythe Road station is unlikely to go ahead. - The overall regeneration of OPDC area and HS2 is likely to be delayed. The proposed development will be undertaken in isolation and well in advance of other regeneration and infrastructure initiatives that would be required.	- See paragraphs 7.27 – 7.32 of this report - See 7.27 – 7.32 of this report. - The current application seeks to make material minor amendments to an extant planning permission. Notwithstanding the outcome of the current application the extant planning permission remains valid and could still be implemented.

	- The development is not compatible with the local context as occupiers of residential units will be affected by noise from existing industrial processes including our own site. There is no mention of noise or noise mitigation measures for the upper levels of the building. - There will still be significant HGV movements along the access road in close proximity to new residential units - Increase in density and height will result in a greater number of noise complaints/issues for our site - The increased number of units will put more pressure on existing poor public transport services and additional offsite parking by residents which would affect other traffic movements.	Therefore, the assessment of the current application is focussed on the planning merits of the potential impacts of the proposed amendments. - As with the extant consent, subject to appropriate mitigation, the impact of noise, vibration and air quality on residents is considered acceptable. - As with the extant consent, subject to appropriate mitigation, the impact of noise, vibration and air quality from the haul road on residents is considered acceptable. - As with the extant consent appropriate sound insulation will be provided as part of the development. - The transport impacts of the amended proposals are assessed in paragraphs 7.68 to 7.76 of this report.
24	Hammersmith and Fulham Historic Buildings Group – Object to the proposals and	

	supports the comments of the Hammersmith Society. - Concern regarding the proposed increase in height and impact on Commonwealth War Memorial within St Mary's cemetery.	- Noted. See responses to Hammersmith Society above. - See paragraphs 7.42 to 7.67.
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Table 6.2 - Statutory Consultee & Stakeholder Responses

7 Assessment

- 7.1** The current application is made under section 73 (s73) of the Town and Country Planning Act 1990, as amended, (the 's73 application') and seeks to vary conditions placed on the extant planning permission 17/0055/FUMOPDC for the redevelopment of the site (the 'extant consent'). The effect of this would be to make material minor amendments to the proposals as discussed throughout this report. National Planning Practice Guidance (NPPG) states that "An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied". In this case, the applicant is seeking to vary condition 1 of the extant consent which requires the development to be carried out in accordance with the approved plans and documents, condition A which controls the maximum height of the development and condition B which controls the amount of any type of floorspace and number of residential units within the development. For the avoidance of doubt, conditions A and B were added to the extant consent by way of an application (ref. 19/0156/NMAOPDC) made under s96a of the TCPA for non-material amendments to the original planning permission. The current application would seek to vary the approved plans and documents and limit set on buildings heights and number of homes so that they reflect the amended plans and updated documents submitted as part of the current s73 application.
- 7.2** The NPPG advises that "There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved". Having considered the scale and nature of the amendments proposed officers are satisfied that these would not result in a development that would be substantially different from that previously approved.
- 7.3** Where an application under s73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains

intact and unamended. The time limit for implementing the new permission must remain the same as that for the original permission.

7.4 In assessing this minor material amendment (s73) application, due regard must be had to the extant consent as a material planning consideration. The planning merits of the extant consent are detailed within the 2017 OPDC Committee Report, reference 17/0055/FUMOPDC (“the 2017 Committee Report”) and were found to be acceptable by the Planning Committee. Therefore, this report focuses on planning considerations where the proposed amendments are likely to give rise to potential impacts that would be materially different from those previously considered as part of the extant consent. These issues include:

- Housing: affordable housing (including tenure); housing mix, housing density and quality of accommodation.
- Urban Design: revised height and massing; heritage, townscape and visual impact.
- Transport: impact on the transport network and, car and cycle parking.
- Amenity: play space and open space; daylight, sunlight and overshadowing;
- Socio-economics: employment and skills; education; healthcare.

7.5 The following planning considerations are unlikely to be materially affected by the proposed amendments and remain supported by the extant planning permission as a material planning consideration. They were fully assessed in the 2017 Committee report, which is referenced below.

- Principle of development: The redevelopment of the site for the purposes of a residential-led mixed use development, which includes the loss of existing waste uses, has previously been accepted, and the extant planning permission is a material planning consideration in this regard. Paragraphs 7.3 – 7.16 of the 2017 Committee Report contains detailed assessment of the principle of development.
- Housing: The principle of Build to Rent housing with Discount Market Rent (DMR) as the affordable housing tenure has been accepted. The review mechanisms, clawback provisions, nomination and management are proposed to the same. This application proposes the same approach. Paragraphs 7.18 – 7.20 of the 2017 Committee Report contains a detailed assessment of build to rent housing and its appropriateness in this location.
- Urban Design: The application does not seek amendments to the general approach to architecture or materials therefore this will only be assessed in the context of the changes proposed. Matters relating to commercial unit design, security, streets and public realm do not differ from the extant consent. There are no amendments proposed on the southern site or the ground floor / commercial components of the buildings. Paragraphs 7.128

- 7.147 of the 2017 Committee Report contain a detailed assessment of the above issues.
- Transport: The approach to servicing and refuse collection is not materially different to the extant consent, aside from an uplift in the quantum of refuse space. The impacts of the additional units will be assessed with regards to movements to and from the site, parking and highway safety.
- Amenity: Issues related to privacy and overlooking, noise and vibration and construction impacts will be similar to the extant consent. Paragraphs 7.174 – 7.208 of the 2017 Committee Report detail this further. Matters relating to play space, open space and daylight, sunlight and microclimate retain the same general approaches but will be re-assessed in the context of the proposed changes.
- Environment: The overarching approach to environmental matters, including energy efficiency, air quality, flood risk and water management, contaminated land, ecology and biodiversity and archaeology do not change. Paragraphs 7.209 – 7.235 of the 2017 Committee Report assesses these matters in detail.

7.6 The following reports and assessments were submitted with the application:

1. Planning Statement Addendum (plus revisions)
2. Design and Access Statement (S73) (plus revision)
3. Energy Report Addendum
4. S73 Health Impact Assessment
5. Statement of Community Involvement (plus revision)
6. Air Quality Assessment
7. Noise and Vibration Statement of Conformity
8. Transport Assessment Addendum
9. Travel Plan Addendum
10. Daylight and Sunlight Assessment (plus revision)
11. Wind and Microclimate Statement of Conformity
12. Heritage, Townscape and Visual Impact Assessment Addendum (plus revision)
13. Affordable Housing Statement

7.7 The documents submitted with this application are proportionate to the minor material amendments sought and allow a full assessment of any additional impacts arising from the proposed amendments.

Housing

7.8 In light of the increased number of units and design changes, the housing issues to consider are the unit mix, the provision of affordable housing and nominations, housing density and the quality of the residential accommodation.

Housing Mix

- 7.9** London Plan policy 3.8 and draft London Plan policy H12 seeks to ensure new developments provide a range of housing choice, both in terms of size and type. The policy states that the provision of affordable family housing should be addressed as a strategic priority in local planning policies.
- 7.10** Policy H3 of the OPDC Regulation 19 (2) draft Local Plan sets out that residential development should seek to provide 25% of all units as family housing (3+bedroom), where feasible and appropriate. Paragraph 8.35 of the draft Local Plan recognises that a rigid application of this target may not be appropriate in every case and that site characteristics, viability, location and other constraints need to be taken into account. The proposal remains subject to the same characteristics and constraints as the extant consent.
- 7.11** The housing mix in the extant consent is outlined within Table 7.1 below. It comprised of 15% of the units being family sized.

Unit type	Private	DMR	Total	%
1B2P	73	28	101	50.5%
2B4P	44	25	69	34.5%
3B6P	13	12	25	12.5%
4B5P	3	2	5	2.5%
Total	133	67	200	-

Table 7.1 - Extant consent housing mix

- 7.12** The proposed unit mix is outlined in Table 7.2. The revised proposals introduce a broader mix of unit sizes, including studio units, 2-bed 3-person and 3-bed 4-person dwellings. The overall percentage of family dwellings is now 16%. Whilst this still does not meet the target of 25% within the draft Local Plan, it represents a small increase on the extant consent, which is welcomed.

Unit type	Private	DMR	Total	%
Studio	42	0	42	17.5%
1B2P	43	32	75	31.1%
2B3P	16	4	20	35.2%
2B4P	41	24	65	
3B4P	7	2	9	14.1%
3B6P	13	12	25	
4B5P	3	2	5	2.1%
Total	165	76	241	100%

Table 7.2 - Proposed housing mix

Affordable housing (including tenure)

- 7.13** The extant consent was granted with 35% (by habitable room) affordable housing, as Discount Market Rent (DMR) housing. The secured affordable housing is outlined below along with the agreed discounts on Market Rent.

Unit Size	No. of DMR units	DMR (% of open market rent)
1-bedroom	28	80% of market rent
2-bedroom	25	75% of market rent
3-bedroom	12	65% of market rent
4-bedroom	2	55% of market rent
TOTAL	67 (35% by hab room)	

Table 7.3 - Extant consent affordable housing provision

- 7.14** London Plan policy 3.12 requires new developments to provide the maximum reasonable amount of affordable housing in residential developments, taking account of their individual circumstances including development viability, the availability of public subsidy, the implications of phased development including provisions for re-appraising the viability of schemes prior to implementation ('contingent obligations'), and other scheme requirements. Draft London Plan policy H4 and draft Local Plan Policy H2 seek to deliver 50% of new homes as affordable housing.
- 7.15** The applicant has submitted a revised Financial Viability Assessment (FVA) with this application. The FVA, which re-assessed the sales values and build costs, concluded that on present day costs and values the scheme would be unviable creating a deficit of approximately £31M. The FVA has been independently reviewed by OPDC's consultants, BNP Paribas (BNPP), who agreed that on present day costs and values the scheme would be unviable, albeit to a far lesser degree (£2.68M), having regard to acceptable market returns. This presents a similarly challenging viability scenario to the extant consent.
- 7.16** The policy direction, outlined within the draft London Plan policy H11 and Regulation 19 (2) draft Local Plan policy H6, has changed for build to rent housing since the extant consent was granted. There is a clear presumption towards delivering DMR units at London Living Rent levels, with the draft Local Plan stating that "affordable housing should be delivered as intermediate housing, with a preference for London Living Rent" and paragraph 4.11.4 of the draft London Plan stating that 'the Mayor's strong preference is for DMR homes to be let at London Living Rent levels'.
- 7.17** Notwithstanding the viability position and the rent levels agreed as part of the extant consent, having regard to the need to ensure that the DMR homes are

affordable to eligible households the amended scheme proposes the following discounted rent levels for the DMR homes:

Unit Size	No. of DMR units	DMR (% of open market rent)
1-bedroom	32	80% of market rent
2-bedroom	28	75% of market rent
3-bedroom	14	London Living Rent
4-bedroom	2	London Living Rent
TOTAL	76 (35% by hab room)	

Table 7.4 - Proposed Affordable Housing provision

- 7.18** Following discussions with the applicant, agreement has been reached to provide the 3- and 4-bedroom units at London Living Rent levels where previously these were secured at 65% and 55% of market rent respectively. Officers consider this to be a significant improvement on the extant consent, being approximately 47% (3-bed) and 45% (4-bed) of expected Market Rent levels, based on current London Living Rent levels for College Park and Old Oak ward.
- 7.19** The table below expresses the affordability of the homes proposed in this application against the expected market rent levels (blended between the applicant and independent assessor assumptions). It is noted that the proposed discount levels would mean that the 3 and 4-bedroom affordable homes would have lower rents than the two-bedroom affordable homes but this is considered justified given the acute need for affordable family sized accommodation within the local area. LBHF would hold the nomination rights for the affordable homes and therefore would be able to ensure that the family sized units are allocated appropriately in terms of meeting housing need. It should be noted that the rents expressed in the table below are inclusive of service charges.

	1-Bed	2-Bed	3-Bed	4-Bed
Market rent (pcm)	£1,425	£1,850	£2,475	£2,800
Number of Units	32	28	14	2
Discount	80%	75%	LLR	LLR
Discounted Rent (pcm)	£1,140	£1,388	£1,161	£1,266
60k rental cap	£1,444	£1,444	£1,444	£1,444

Table 7.5 - Expected Market Rent Levels and Discounts

- 7.20** In considering the affordability of DMR homes, it is important to note that Mayoral guidance requires that intermediate housing should be affordable to households on incomes of up to £60,000, as outlined within paragraph 4.6.8

of the draft London Plan. Discount Market Rent is a form of intermediate housing product and therefore the discounted rents should fall below this cap. Table 7.5 demonstrates that the proposed rent levels for the DMR units would be affordable to households with an income of below £60,000.

- 7.21** As with the extant consent, the proposals follow the viability tested route outlined within policies H5 and H11 of the draft London Plan. Applications assessed under the viability tested route require both early and late stage viability review mechanisms, which are already secured and will be retained within the s106 legal agreement. Since the development is likely to be completed in the medium to short term, the imposition of a late stage review mechanism would not be consistent with the London Plan, as established by the case of *R.(McCarthy and Stone) v the Mayor of London*. However, the late stage review is required under policy H5 of the draft London Plan. This is a material consideration which is considered to outweigh any conflict with the London Plan in this respect and be consistent with the overall London Plan objective of seeking the maximum reasonable amount of affordable housing.
- 7.22** The affordable housing offer is considered to be an improvement on that secured through the extant consent, particularly in terms of the affordability of the family sized affordable homes. The quantum of affordable housing is considered to be acceptable, in line with London Plan policy 3.12, draft London Plan policy H4 and draft Local Plan policy H2, whilst ensuring that affordable homes are genuinely affordable to local residents.

Quality of proposed accommodation

- 7.23** The quality of residential accommodation in the extant consent was considered against criteria outlined within the London Plan and draft Local Plan. The extant consent was considered to have a high quality of accommodation, with minimum housing sizes being met or exceeded, generous floor to ceiling heights, dual or triple aspect units and a maximum of 8 units per floor per core. All units also had access to private amenity space in the form of internal balconies, meeting or exceeding the guidance held within the Mayoral Housing SPG.
- 7.24** The revised proposals remain consistent with the extant consent in terms of the quality of accommodation. The majority of the units remain mainly unaffected by the amendments in terms of the size, quality and outlooks. The tower has a revised floorplan, with 6 units per floor and the introduction of two studio units per floor. Floor-to-ceiling heights remain at 2.5m. The studio units, whilst being single aspect, are west facing, meet relevant space standards and have private amenity space in the form of a 5sqm internal balcony with a secondary aspect. The quality of the units across the scheme are considered to be acceptable, having regard to the extant consent and amendments sought.

Accessibility

7.25 London Plan policy 3.8 requires 10% of new units to meet Building Regulation requirement M4 (3) by being designed to be wheelchair accessible (readily useable by a wheelchair user at the point of completion) and the remaining 90% to meet Building Regulation requirement M4 (2) for 'accessible and adaptable dwellings'. The development exceeds these requirements and provides 13% of the units to M4 (3).

7.26 All of the entrances to the building would provide level access and all of the flats benefit from lift access. The scheme has been designed to provide suitable access in public areas with regard to door widths.

Housing density

7.27 The extant consent would have a density of approximately 400 units per hectare. Under the revised proposals this will increase to approximately 480 units per hectare. There have been several objections to the current application based on the increased density of the amended proposals in the context of uncertainty surrounding future transport improvements in the area and the potential non-delivery of Hythe Road station.

7.28 The site is located within the Old Oak and Park Royal Opportunity Area, as designated within both the current and draft London Plan. Paragraph 2.62 of the current London Plan provides scope for opportunity areas to determine their own character in terms of housing densities, and the Mayor's Housing SPG states that Opportunity Areas should positively explore the potential for increased densities beyond that of the London Plan density matrix (paragraph 7.5.5). The draft London Plan and the draft Regulation 19(2) Local Plan, which have both been subject to EiP and are material planning considerations, do not include policies that specifically link housing density to PTAL levels. This represents a change in approach from the density matrix within the current London Plan to a design-led approach which seeks to optimise the capacity of sites, in order to ensure all developments make the most efficient use of land.

7.29 Draft London Plan policy D3 sets out the key considerations for assessing development proposals to ensure they optimise site capacity through a design-led approach, including delivering buildings which respond to local distinctiveness and have due regard to emerging building types and forms, encourage and facilitate active travel, facilitate efficient servicing, achieve safe, secure and inclusive environments, provide active frontages, appropriate outlook, privacy and amenity, be of high architectural quality and achieve high sustainability standards.

7.30 Policies P10 and P10C3 of the draft Local Plan set out appropriate building heights for Scrubs Lane which help inform the appropriate density for the development of individual sites. The northern end of the site is identified as a location for a single tall building implying a higher density on this part of the site.

- 7.31** Key to the acceptability of the increased density of the development from 400 to 480 units per hectare is ensuring the continued high-quality design of the scheme, the quality of the proposed residential accommodation, acceptable daylight and sunlight levels, and the mitigation of environmental, transport and socio-economic impacts. Having assessed the potential impacts of the amendments proposed, as discussed elsewhere in this report, officers are satisfied that the changes have been subject to a design-led approach, meeting the requirements of draft London Plan Policy D3, and that the proposed density of 480 units per hectare represents the most efficient use of land and is therefore considered acceptable.

Housing conclusion

- 7.32** The proposed level and affordability of affordable housing, the housing mix and the tenure, the unit sizes, the quality and accessibility of the accommodation and the overall housing density are acceptable, subject to the inclusion of both early and late stage affordable housing review mechanism.

Urban Design

- 7.33** The urban design issues to consider are the increase in height and massing of the northern site, minor fenestration amendments and whether this has unacceptable heritage, townscape and visual impacts.
- 7.34** The proposal seeks:
- An increase in the maximum height of the Block A (the tower) of 5.7m (19 storeys to 22 storeys)
 - A reduction in the street edge height of Block B (the shoulder) by 1.2m
 - An increase in the height of the western elevation of Block B by 1.3m (9 storeys to 10 storeys)
 - Layout and floor-to-floor efficiencies in Block A and Block B
 - A minor increase in massing to the shoulder building at the southern end
- 7.35** The assessment of the extant consent concluded that the proposal was in accordance with the policy context set out within the draft Local Plan for Scrubs Lane. The building design would be of high quality, with appropriate materials and public realm. By virtue of this, the proposals would enhance the street scene on Scrubs Lane. The site is located within a 'cluster' as identified in Policy P10C3 (Hythe Road Cluster) of the draft Local Plan, which supports the development of a single tall building on the north of this site.
- 7.36** Following assessment against the NPPF (2012) and other relevant regional and local planning policy, the 2017 Committee Report for the extant consent concluded that the proposals would result in less than substantial harm to the setting of designated heritage assets but the significant public benefits of the proposals would outweigh the less than substantial harm identified. The

proposals were considered to be of a high-quality design that responded to the character of the surrounding area, particularly in terms of the materials and public realm. The proposal was also considered to enhance the street scene on Scrubs Lane through its design and by delivering active uses onto the highway and on land to the south.

- 7.37** The draft London Plan, London Plan and draft Local Plan all provide a number of criteria-based policies against which the design of a development proposal should be considered against.

Height and massing amendments

- 7.38** The proposal seeks an increase in the maximum height of Block A by 5.7m beyond the extant consent which, due to a reduction in the floor-to-floor construction height, would result in an increase from 19 storeys to 22 storeys. The reduction in floor-to-floor heights is achieved partly through a reduction in the thickness of the concrete frame and partly through a reduction in the depth of the ceiling void area below the floorplate. The applicant has confirmed that the revised construction detail would still comply with Building Regulations in terms of both structural stability and noise transmission. There is no amendment to the internal floor to ceiling height of the homes, which remains at 2.5m, in compliance with housing design standards. Following amendments to the scheme following submission, changes to the western fenestration have been made to accommodate inset balconies to the proposed studio units.
- 7.39** Block B, on the northern site, also has an increase in height on the western elevation, from 9 storeys to 10 storeys. This results in an actual increased height by 1.3m. Again, this actual increase in height has been achieved by reducing the floor to floor heights. The eastern elevation which faces the street has reduced in height by 1.2m due to the greater construction efficiency.
- 7.40** The materials are proposed to be the same as the extant consent, along with the general approach to the elevations. The retention of the horizontal banding, with vertical slots, ensure that the original proportions of the various elements of the scheme, in particular the tower, have been retained.
- 7.41** The amendments to the western elevation of the tower involve the introduction of a slight projection to accommodate the proposed inset balconies. However, the visual impact of this is limited and the general approach to the façade is maintained. This elevation faces west, away from the more sensitive areas of St Mary's Catholic Cemetery and Kensal Green Cemetery. It is considered that the design amendments proposed are true to the original consent, displaying the same high-quality design approach as the extant consent. Whilst there are minor increases in height and massing, these are not considered to be significant and have limited impacts on the building design.

Heritage, townscape and visual impact

7.42 The 2017 Committee Report included a thorough assessment of 35 views of the proposed development from the surrounding area, which were grouped into seven key areas as outlined below:

- Kensal Green (All Souls) Cemetery;
- St Mary's Catholic Cemetery;
- The Grand Union Canal;
- The Cumberland Park Factory Conservation Area;
- Wormwood Scrubs;
- Little Wormwood Scrubs; and
- Local views including Oxford Gardens Conservation Area and Old Oak Lane Conservation Area.

7.43 The 2017 assessment identified the potential for varying degrees of impact across the 35 chosen views of the proposals. These ranged from positive impacts to less than substantial harmful impacts, having regard to the tests outlined within the NPPF. On this basis, the applicant has undertaken a proportionate re-assessment of 11 views which are included within table 7.6 below. The views were chosen on the basis of both the visibility of the proposal in each location and whether the view was considered to suffer less than substantial harm during the assessment of the extant consent. The other views, including those from Wormwood Scrubs, Little Wormwood Scrubs and Oxford Gardens and Old Oak Lane conservation areas, were previously found not to be particularly affected by the proposals and given the minor nature of the proposed changes it is unlikely that significant impacts would now arise. Figure 7.2 shows the viewpoints that have been remodelled on a map and the HTVIA can be viewed as part of the submission documents on the OPDC planning register.

View	HTVIA pages	View position
2	20 - 21	Scrubs Lane North (Cumberland Factory Conservation Area)
3	22 - 25	Grand Union Canal West
5	27 - 29	St Mary's Roman Catholic Cemetery Linear View to the Catholic War Memorial
6	30 - 33	Central Crossroads within St Mary's Roman Catholic Cemetery
7	34 - 37	St Mary's Roman Catholic Cemetery Northeast Entrance
8	38 - 41	St Mary's Roman Catholic Cemetery Southeast Corner
9	42 - 45	Kensal Green (All Souls) Cemetery West London Crematorium
10	46 - 49	Kensal Green (All Souls) Cemetery Crematorium Garden

14	50 - 53	Grand Union Canal (East)
28	54 - 57	Hythe Road
29	58 - 61	Grand Union Canal

Table 7.6 - List of re-assessed views of the proposal

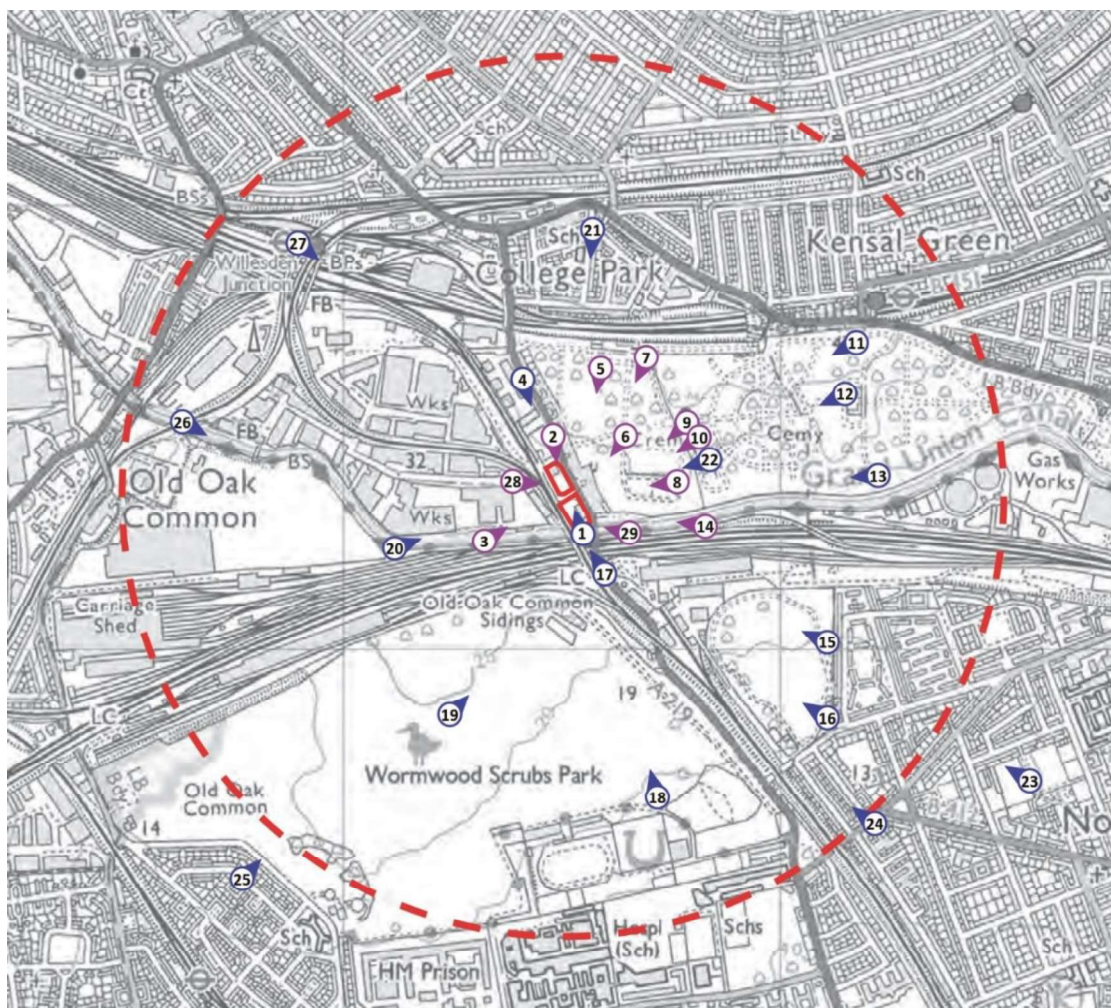


Figure 7.2 - Map of reassessed views (in purple)

- 7.44** Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 makes it a statutory duty for decision makers to consider the impact of proposals on listed buildings. This includes having special regard to the desirability of preserving the setting of a listed building. A finding of harm to the setting of a listed building is a consideration to which the decision maker must give considerable importance and weight.
- 7.45** There are four listed structures within St Mary's Cemetery and over 140 in Kensal Green Cemetery. Although there are more listed structures in the wider area, all of them are more than 500 metres away from the site.

- 7.46** Paragraph 193 of the NPPF (2019) advises local planning authorities on how to assess the impact of a proposed development on the significance of a designated heritage asset. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. It advises that great weight should be given to the asset's conservation, recognising that heritage assets are irreplaceable, and that any harm or loss requires clear and convincing justification.
- 7.47** Policy 7.8 of the London Plan and policy HC1 of the draft London Plan sets out guidance regarding the impact of development on heritage assets.
- 7.48** The considerations and sensitivity relating to the heritage assets remains the same as the extant consent. This is detailed within 7.72 of the 2017 Committee Report and covers the specific areas surrounding the site in terms of sensitivity.

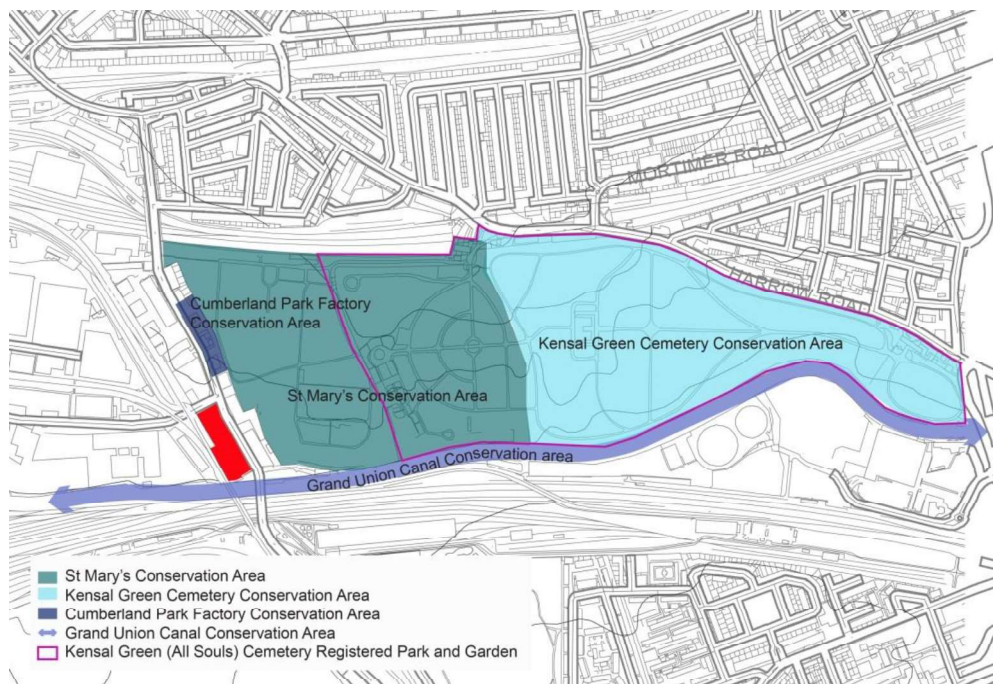


Figure 7.3 - Map of heritage assets around the site

- 7.49** For clarity, this assessment relates to the impact of the proposed changes, as the extant consent has already been assessed in detail and has been found to have an acceptable impact on nearby heritage assets.

View 2

- 7.50** View 2 is taken from the north, looking south along Scrubs Lane, adjacent to the Cumberland Park Factory Conservation Area. The impact of the proposed development on the conservation area within this view was considered positive given that the proposed development would replace existing developments and uses that currently detract from the character of Scrubs

Lane and the setting of the Cumberland Park Factory Conservation Area. The proposed amendments would appear minor in this view and therefore the conclusion that the development would have a positive impact on this viewpoint remains the same.

Views 5, 6, 7 and 8

- 7.51** Views 5, 6, 7 and 8 are all from St Mary's Cemetery and consist of a range of views at various angles. The extant consent was considered to be highly visible from these viewpoints, owing to the open nature of the cemetery, and would result in some harm to the setting of the St Mary's Conservation Area and the Canadian War Memorial, a non-designated heritage asset, but the harm was considered to be less than substantial.
- 7.52** The proposals would still be highly visible from these viewpoints, however the perceived increase in height is negligible when considered within the context of the overall scale of development proposed and the extant consent.
- 7.53** In summary, there would continue to be some harm resulting from the proposal, but the harm is considered to be less than substantial.

Views 9 and 10

- 7.54** Views 9 and 10 are from a crematorium located on the western boundary of Kensal Green Cemetery that was constructed in 1939. The assessment of the extant consent summarised that development on the southern plot would be clearly visible from both the front of the Crematorium and the gardens but the modest scale of this block helps to mitigate its impact on these views. The building would remain prominent from the crematorium garden and adjacent to the crematorium building, particularly if the North Kensington Gate South scheme were not to come forward. Its prominence would cause harm to the significance of the heritage assets, but that harm is judged to be less than substantial and would be reduced by the high-quality design, elegant proportions of the tower and the use of sensitive materials that complement the palette of materials in the cemetery.
- 7.55** In terms of the amendments to the scheme, the tower retains its elegant proportions and the proposed materials are the same. Therefore, the harm from these views would still continue but are considered to be less than substantial.

Views 3, 14 and 29

- 7.56** Views 3, 14 and 29 are from the Grand Union Canal Conservation Area and the proposal is visible from these locations. The extant consent summarised that the proposal would have beneficial impacts in these locations, due to the removal of the waste uses on the site and would enhance the setting of the Grand Union Canal Conservation Area.
- 7.57** Block C, located on the southern site, is most prominent in view 29 and Block C is not being amended in this application. The amendments to Blocks A and B have a limited impact from these views and it is still considered that the

proposal would continue to enhance the views from these locations. If the extant consent at North Kensington Gate South were to be built out, the proposal would be mainly hidden from this direction.

View 28

- 7.58** View 28 is taken from Hythe Road and demonstrates how the proposed tower would form a marker at the junction with Scrubs Lane which would help legibility. The height of the street block on the northern plot is of a scale which complements the scale of the Rolls Royce Building which is identified as a non-designated heritage asset.
- 7.59** The amendments do not significantly change this view, the proposals are still prominent but do not cause harm. The amendments to the fenestration details would not materially alter the impact and the proposed amendments are not considered to alter the previous conclusion of being marginally beneficial.

Conclusion of assessment

- 7.60** A HTVIA addendum has been undertaken, which assesses views from areas which either are prominent or were considered to result in less than substantial harm to heritage assets.
- 7.61** No response has been received from Historic England on this application although RBKC have updated their objection, on heritage grounds, as detailed in table 6.2. Officers have had due regard to the sensitivity of the designated and non-designated heritage assets in the vicinity of the application site, and with regard to the proposed amendments are satisfied that:
- the development, by virtue of the proposed amendments, would continue to result in less than substantial harm to the setting of Kensal Green (All Souls Cemetery) Grade I listed registered park and garden;
 - the development, by virtue of the proposed amendments, would continue to result in less than substantial harm to the setting of St Mary's Cemetery and the Canadian War Memorial;
 - the development, by virtue of the proposed amendments, would continue to result in no harm to the setting of the listed structures in Kensal Green (All Souls) Cemetery or St Mary's Cemetery;
 - the development, by virtue of the proposed amendments, would continue to enhance the setting of the Grand Union Canal and Cumberland Park Factory conservation areas.
- 7.62** The proposed amendments to the scheme have been assessed and it has been found that, consistent with the extant consent, there would be less than substantial harm to the setting of a Grade I listed registered park and garden and a conservation area. No harm has been found to the setting of the listed structures in either cemetery. The policy tests set out in paragraphs 193 and 194 of the NPPF are therefore relevant.
- 7.63** Paragraph 194 of the NPPF states *that "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction,*

or from development within its setting), should require clear and convincing justification". The NPPF advises in paragraph 196 that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use" in determining whether the development should be considered acceptable.

- 7.64** Therefore, it is also necessary to re-consider whether there are alternatives to the proposed development which could realise the same benefits without resulting in the harm identified.

Benefits of the scheme and alternatives

- 7.65** As per the extant consent, the public benefits of the development include the early delivery of new homes in Old Oak which will contribute to creating an environment that is attractive to residents and businesses and by enhancing the local character of Scrubs Lane by removing existing land uses that have a harmful impact on the surrounding environment. The development will further contribute to achieving comprehensive redevelopment of the area and the delivery of 241 homes of which 76 would be affordable homes (35% by habitable room). The benefits arising from affordable housing are considered to be slightly greater than the previous consent, with 3- and 4-bedroom dwellings being provided at London Living Rent levels.
- 7.66** The proposals would continue to deliver benefits associated with the previous scheme, albeit with an increased number of homes, an increased number of affordable homes, and still provides the benefits of local jobs during construction and during the operational phases. As discussed in paragraphs 7.124 to 7.126 of the 2017 Committee Report, all of the sites identified within the draft Local Plan will be required to meet the homes and jobs targets for Old Oak set out within the London Plan and therefore development of an alternative site is not a feasible option. Similarly, the same benefits are unlikely to be secured from a form of development of a reduced scale, particularly in terms of the number of homes and affordable homes. In this regard the proposed amendments would secure greater benefits than the extant consent without significantly increasing the harm of the development to nearby heritage assets.

Conclusion

- 7.67** It is therefore considered that the amendments to the extant consent will continue to result in less than substantial harm to the setting of heritage assets. Owing to the various benefits of the development outlined in this report, along with the benefits outlined in paragraphs 7.123 to 7.126 of the 2017 committee report, the public benefits are considered to outweigh the harm caused to the heritage assets which is considered to be less than substantial. In accordance with paragraph 196 of the NPPF (2019), the proposal is therefore considered acceptable with regard to the impact on heritage assets.

Transport

- 7.68** The transport issues to consider are the additional impacts on the transport network and the provision of car and cycle parking in relation to the amendments proposed as part of this application.

Impact on transport network

- 7.69** In order to understand the increased impact of the proposed development on the operation of the transport network and identify the need for mitigation, a Transport Assessment addendum has been submitted which assesses the nature and magnitude of these impacts.
- 7.70** The current movements to and from the site remain the same, with approximately 318 HGV movements over a 24-hour period. As set out within the Transport Addendum the additional 41 residential units would generate an additional 19 AM peak hour trips and 15 PM peak hour trips. 16 of these two-way movements would be by rail, 9 by bus and 9 by cycle or foot. In the overall context of the extant consent, where the movements were expected to be 148 in the AM and 99 in the PM, this increase is acceptable.
- 7.71** In comparison to the traffic survey that was conducted to assess the existing movements to and from the site, the likely number of movements that would arise from the proposals with the 41 additional units are still significantly below the existing number of movements. As the scheme still proposes the removal of the existing waste uses the number of HGV movements will significantly decrease which is a significant benefit of the scheme.
- 7.72** The proposed amendments would generate additional demand for bus trips, 5 during the morning peak and 4 during the evening peak. As per the extant consent, the applicant has agreed to make a financial contribution, as requested by TfL, towards increasing the capacity of the local bus network to accommodate this extra demand. The revised total is £303,359.00, an increase of £51,609.00.
- 7.73** In terms of walking and cycling the proposed development would generate additional two-way trips, five in the morning and four in the evening peak, increasing the total overall to 37 two-way movements. However, the actual number of walking and cycling trips within the immediate vicinity of the site is likely to be higher allowing for the expected 80 two-way trips by rail. It is still expected that many residents would walk or cycle to Willesden Junction in order to make these trips.
- 7.74** The extant consent secured £200,000 towards walking and cycling improvements within the vicinity of the site. The applicant has agreed to make an increased financial contribution of £260,000 towards walking and cycling improvements within the vicinity of the site. The package of s278 highway improvement works, including repaving the footway along the site frontage, alterations to provide level access across the vehicular accesses to the site and haul road, and an improved pedestrian crossing on Hythe Road, will be retained as per the existing consent. The s278 works and the financial

contribution is considered sufficient to mitigate the impact of the development in terms of the demand generated for walking and cycling within the vicinity of the site.

- 7.75** The revised proposals are accompanied by a draft Travel Plan and the Section 106 legal agreement will continue to secure monitoring contributions of £1,000 per review to undertake reviews on years 1, 3 and 5 after occupation of the development.
- 7.76** To conclude, the amendments made would result in a modest increase in terms of the impact on the local highway and transport network beyond the extant scheme but would still result in an improved situation compared to the transport impact of the existing uses on site. The demand for public transport would be mitigated with financial contributions towards increasing bus capacity and walking and cycling routes. A residential travel plan will be secured in the Section 106 agreement in addition to a monitoring contribution to ensure that measures are promoted to encourage sustainable transport choices. The proposals are therefore considered to be acceptable with regard to the impact on the transport network.

Servicing

- 7.77** There is no change to the overall strategy for waste collection and deliveries to site and there has been an increase in the amount of space provided for refuse and recycling storage. An assessment of site servicing is summarised in paragraphs 7.161 – 7.166 of the 2017 Committee Report which states that the non-commercial proposals were assessed on a 'worst case' scenario comprising food and beverages (Use Class A3) uses.
- 7.78** As there is no change to the non-residential components of the scheme, the servicing requirements are consistent with the extant consent. In terms of increased activity as a result of the uplift in residential units, it is acknowledged that this has the potential to increase the number of daily deliveries. However, this is considered to be limited (an increase of 5 deliveries per day) and many of these are expected to be combined visits. Again, this is considered to have a limited impact.
- 7.79** In summary, there are no changes proposed to the commercial components of the scheme and the impact of the additional units on servicing and delivery is considered to be acceptable.

Car and cycle parking

- 7.80** There is no change to the overall approach to car and cycle parking for the proposed development. However, the uplift in residential units will have implications for the quantum of cycle spaces required. The development is proposed as 'car free' in line with the extant consent, aside from the provision of accessible parking bays.
- 7.81** The development is still proposed as 'car free' with on-site car parking provided by way of 7 permanent on-site accessible bays, five on the north site and two on the south site. This is the same provision at the extant consent.

- 7.82** The draft London Plan introduces a more flexible approach to the provision of accessible parking bays compared to the existing London Plan. The existing London Plan seeks to provide an accessible bay for each of the wheelchair adaptable homes within the scheme (10%). The draft London Plan states that developments should provide accessible parking for 3% of dwellings from the outset with provisions to provide the remaining 7% should it be required.
- 7.83** The provision of 7 accessible spaces within the extant consent did not meet the existing London Plan standard but was considered to be acceptable, on balance, taking account of the site constraints (Paragraphs 7.168 of the 2017 Committee report). The revised proposals would also provide 7 accessible bays, but with capacity to provide an additional two spaces should there be a need. This approach would satisfy the draft London Plan requirement for an initial provision of 3% in accordance with policy T6.1G1. However, the identified capacity for 2 additional spaces would not fully accord with the 7% capacity requirement set out policy T6.1G2 of the draft London Plan. On balance, taking into account the acceptability of the proposals for accessible parking within the extant consent, this is considered to be acceptable.
- 7.84** As per the extant consent, through the s106 agreement, future occupiers of the development would not be entitled to on-street residential parking permits and would instead need to rely on more sustainable forms of transport.
- 7.85** Other issues relating to parking safety, access and car club provision would not change and are covered within paragraphs 7.169 and 7.170 of the 2017 Committee Report and are considered acceptable.
- 7.86** On the north site, a revised total of 260 secure residential cycle parking spaces are provided to serve the needs generated by the residential use. This is increased from 198 spaces under the extant consent and represents an improvement on a per unit basis, but falls short of the draft London Plan standards by 23 spaces. However, given the provision within the extant permission and having all units in the northern block provided with easy and secure access to their cycles it is considered to be acceptable. On the southern plot the cycle storage is in the more conventional form of communal stores on the ground floor and there is no change from the extant consent.
- 7.87** The provision and location of short-term cycle parking spaces on the highway to address the demand arising from visitors to the residential and commercial units will be secured by condition, to also secure long-term cycle parking for the commercial units when the division of the space and number of units has been determined.

Transport conclusion

- 7.88** The revised proposals would continue to reduce the number of vehicle movements generated by the site in comparison to the existing uses. There would be an increase in demand for public transport and cycling, but these impacts would be mitigated through increased contributions and off-site works

to improve walking and cycling infrastructure and buses, and through the provision of secure cycle parking on site.

Amenity

- 7.89** The key amenity issues to consider are the provision of play space and open space, the impact of the amendments on future residents of adjacent sites in terms of privacy and overlooking, daylight, sunlight and overshadowing, noise and vibration, wind microclimate and the impact resulting from the construction process.

Play space and open space

- 7.90** Policy 3.6 of the London Plan and policy SP4 of the draft London Plan requires an appropriate amount of play space to be provided as part of new residential development. Policy EU1 of the OPDC Regulation 19 (2) Local Plan requires proposals to provide or contribute towards the creation or improvement of public open spaces in the surrounding area. As per the extant consent, the proposals include a variety of private and communal amenity spaces that would be available to all residents of the development, in the form of:

- A communal podium level landscaped courtyard on the southern plot with an indoor amenity room;
- A communal podium level garden to the rear of the northern plot
- Private balconies to all residential units; and
- Communal roof-top amenity spaces on both plots

- 7.91** The Mayor's 'Shaping Neighbourhoods: Play and Informal Recreation' SPG (2012) states that developments which are expected to accommodate more than 10 children should provide on-site child play space, and that 10sqm should be provided per child. The development's revised play space requirement according to the guidance in the SPG is set out in the table below:

Age group	Child yield	Space requirement (m²)	Space Provided (m²)
Under 5	15	150	350
5-11 years	15	40	236
12 years+	4	20	114
Total	16	160	700

Table 7.7 – Child Play Space on site

- 7.92** Dedicated child play space is located throughout the development within the communal, podium and roof-top spaces, totalling 700sqm split 389sqm for the north site and 311sqm for the south site. The applicant has confirmed that access to these spaces will be available for all units, in all blocks. This provides a useful opportunity to meet the majority of the play space demand

arising from the development in combination with a general amenity space for other residents. A condition is recommended to ensure that the design of this space and any equipment proposed are of a high standard.

- 7.93** In terms of public open space, to the south of the site lies Mary Seacole Memorial Gardens (MSMG), a small canal-side public open space under the maintenance of LBHF. At present, the quality and amenity value of MSMG is limited by the impacts of the adjacent waste use on the Mitre Yard site and the current condition of the space. However, in the future MSMG would have an important role to play in terms of providing canal-side amenity for occupiers of the proposed development. Given the increased demand for access to this space arising from the proposed development a financial contribution of £40,000 was secured towards the improvement of MSMG as part of the extant consent. Given the further demand for access to this space that would be created by the proposed amendments to the scheme, the applicant has agreed to increase this contribution to £80,000 to provide appropriate mitigation for the impacts of the demand arising. Although the total cost of refurbishment is expected to exceed £80,000 this is considered a reasonable contribution which could be pooled with contributions from other nearby developments and other sources of funding to deliver a comprehensive refurbishment of MSMG.

Privacy and overlooking

- 7.94** As per the extant consent, there are no existing residential uses in close proximity to the site so no existing residential properties would be directly affected by the development. The North Kensington Gate South development, if constructed, is separated from the site by the width of Scrubs Lane, in excess of 20m, which is considered sufficient to maintain privacy in the future. The arrangement of the blocks would not give rise to any particular privacy or overlooking issues within the development itself.

Daylight, sunlight and overshadowing

- 7.95** The extant consent was considered to be acceptable in terms of daylight, sunlight and overshadowing impacts. The proposal includes a change in unit mix, including the introduction of studios within the tower.
- 7.96** The applicant has produced an updated assessment and statement of conformity to accompany the revisions. As per the extant consent, the report considers the potential impact of the proposed development on the light to both the North Kensington Gate schemes and the Old Oak Park masterplan as well as the reciprocal impact that these developments may have on the light to the proposed development.

Impact on Neighbouring sites

- 7.97** Daylight impacts on neighbouring sites, including those on the opposite side of Scrubs Lane and Cargiant are detailed in paragraphs 7.181 to 7.183 of the 2017 Committee Report. The increase in massing and height of the proposal

is not expected to give rise to unacceptable additional daylight impacts due to the limited changes.

Daylight

7.98 The Average Daylight Factor (ADF) is typically used to assess the amount of daylight available to proposed residential units. The test produces a value which should be at least 1% for bedrooms, 1.5% for living rooms and 2% for kitchens. It should be noted that the guidelines are used to assist in understanding the magnitude of an impact or the level of light in new residential units, and not to provide a clear 'pass' or 'fail'.

7.99 The assessment submitted with the extant consent demonstrated that of the 540 habitable rooms tested, 507 would meet the ADF target criteria, a compliance rate of 94%. The revised proposal has been assessed and of a total of 634 rooms tested, a compliance rate of 93% is achieved. As previously, this takes into account the developments that are likely to come forward within the vicinity of the site and is therefore considered to be a 'worse case' scenario. Whilst this results in a marginally reduced compliance rate, overall the levels of daylight are considered to be acceptable within the context of the high-density development that is expected along Scrubs Lane.

Sunlight

7.100 The submitted Daylight and Sunlight report provides an update with regards to the sunlight levels in the proposed development. It confirms that the southern block will not be impacted due to the location and siting of the taller elements of the scheme to the north. The applicant has undertaken revised calculations and it is considered that the proposed alterations will not have a material impact and the proposal will receive acceptable levels of sunlight to each unit.

7.101 With regards to sunlight to amenity and play spaces, the updated report suggests that the increased massing would likely have a negligible impact. Given the relatively small massing and height increases, this is considered to be reasonable and, as a whole, over 50% of the space will be able to receive at least 4 hours of direct sunlight on March 21st.

Conclusion

7.102 The additional daylight and overshadowing impacts of the development are considered to be acceptable, having regard to the proposed amendments and the extant consent. The internal daylight conditions of the proposals are also acceptable.

Wind microclimate

7.103 London Plan 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.' The extant proposal was robustly assessed in terms of microclimate impacts, outlined in paragraphs 7.197 to 7.203 of the 2017 Committee Report.

- 7.104** In terms of assessing the potential additional wind impacts, a Statement of Conformity has been submitted with the application, prepared by the same company who ran the wind tunnel testing for the extant consent. Given the relatively minor increase in height and massing of the scheme, this approach is considered acceptable.
- 7.105** A detailed assessment of the wind conditions created by the proposed amendments has been undertaken. This assessment found that the increase in the height of Block B has the potential to direct more wind to ground level along the southern elevation, adjacent to the haul road. Therefore, the proposals now include 50% porous canopies, 2m in depth along the southern façade of Block B which will mitigate the potential additional impacts and ensure that the wind conditions along this frontage are suitable for their intended use. All other wind levels across the scheme would be expected to retain similar wind conditions to the extant consent and would be suitable for intended uses.
- 7.106** With the mitigation measures secured by condition, the proposals are considered acceptable with regard to wind microclimate.

Socio-economics

- 7.107** The socio-economic issues to consider in regard to the changes proposed, are the potential employment benefits for the local population which may arise during the construction and operational phases, and the impact of the increase in units on education and healthcare facilities.

Employment and skills

- 7.108** As per the extant consent, the Section 106 legal agreement will secure a 15% target for employing local labour during construction and will require reasonable endeavours to encourage local sub-contracting. The number of apprenticeships to be provided would be increased from a minimum of 12 to a minimum of 14 during the construction phase. Apprenticeships would pay the London Living Wage.

Education

- 7.109** The extant consent secured a financial contribution of £353,952 towards the refurbishment and expansion of primary or secondary schools in the vicinity of the site. A revised financial contribution will be required to address the uplift of residential units,
- 7.110** To mitigate the impacts of the amended scheme, an increased financial contribution of £400,911, will be secured. The increased contribution will be updated in the s106 agreement.

Healthcare

- 7.111** The extant consent secured a financial contribution of £309,560 towards meeting the cost of providing primary care facilities for residents of the development. Based on the amended scheme, an increased financial contribution of £369,485 is sought and will be secured in the s106 agreement.

8 Human rights and equalities

- 8.1** Planning Committee Members should take account of the provisions of the Human Rights Act 1998 as they relate to the application and the conflicting interests of the applicants and any third party opposing the application in reaching their decisions.
- 8.2** The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report. In particular, Article 6 (1), of the European Convention on Human Rights (ECHR) in relation to civil rights and a fair hearing; Article 8 of the ECHR in relation to the right to respect for private and family life and Article 1 Protocol 1 of the ECHR in relation to the protection of property have all been taken into account.
- 8.3** In addition, the Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics namely: age, disability, gender reassignment, pregnancy and maternity, race, religion, or beliefs and sex and sexual orientation. It places the local planning authority under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and Members must be mindful of this duty *inter alia* when determining all planning applications. In particular Members must pay due regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and;
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.4** Officers are satisfied that the application material and officers' assessment have taken these issues into account. Particular matters of consideration have included provision of accessible housing and parking bays, as well as the provision of affordable and family housing.

9 Financial implications

- 9.1** There are no direct financial implications arising from this report. Expenditure and income is subject to the Corporation's decision making process.

10 Legal implications

- 10.1** No legal implications arise from the report and it is consistent with the Corporation's legal framework.

11 Conclusion

- 11.1** The amended proposals seek to optimise the development potential of the site increasing the number of homes from 200 to 241 whilst maintaining the provision of 35% as affordable housing (by habitable room). Discount market rents on the family sized affordable housing units would be reduced to London Living Rents, making those homes more affordable than they were under the extant consent. The development creates an uplift in family-sized units (3 bedroom+) to 16%, which is an improvement on the extant consent (15%). Increased contributions towards mitigating the impact of the development on education, healthcare and local transport will be secured within a S106 agreement.
- 11.2** The increased height and massing continue to accord with the policies in the Regulation 19 (2) Local Plan for Scrubs Lane. The amendments, which includes an increase in the overall maximum height, is still considered to improve townscape legibility by marking the location of a future key east-west route across Scrubs Lane. The impact of the design amendments has been assessed and whilst the development would still continue to result in harm to the setting of heritage assets, this harm is considered to be less than substantial. The public benefits of the scheme include housing, including 35% of dwellings as Discount Market Rent, along with increased contributions towards mitigating the impacts of the development, outweigh the identified harm to the heritage assets.
- 11.3** All dwellings would meet or exceed the London Plan space standards, have access to private and shared amenity spaces and benefit from good levels of daylight and sunlight. As with the extant consent, wind conditions would remain within acceptable limits provided mitigation is incorporated where necessary.
- 11.4** The impact of the increase in residential units on the transport network has been assessed and considered acceptable, subject to securing site accessibility contributions and bus contributions in the S106.
- 11.5** The revised proposals remain in compliance with the NPPF and policies in the London Plan, the draft London Plan and the OPDC Regulation 19 (2) Local Plan. Subject to the completion of a Section 106 legal agreement to secure the enhanced benefits set out in the report and the conditions below, the proposals are considered acceptable.

12 Recommended Planning Conditions

12.1 COMPLIANCE – Approved plans

The development shall be carried out in accordance with the following drawings:

PA:0201 Rev01, 0202 Rev03, 0590 Rev02, 1990 Rev03

PB:2000 Rev03, 2001 Rev04, 2002 Rev03, 2007 Rev03, 2008 Rev03, 2010 Rev 01, 2021 Rev 01, 2022 Rev 01

PC:2000 Rev02, 2001 Rev02, 2002 Rev01, 2006 Rev01, 2007 Rev01, 2008 Rev01, 2009 Rev01

PD:2200 Rev04, 2201 Rev03, 2202 Rev03, 2203 Rev04, 2250 Rev04, 2251 Rev03, 2790 Rev02, 2791 Rev02, 2792 Rev01, 2793 Rev02, 2794 Rev01, 2795 Rev 01, 6498 Rev04, 6499 Rev04, 6500 Rev01, 6501 Rev03, 6502 Rev03, 6503 Rev01, 6504 Rev02, 6505 Rev01, 6506 Rev01

Planning Statement by Quod dated April 2017

Design and Access Statement by Make Architects dated 4 April 2017

Landscape Strategy by Townshend Landscape Architects March 2017

Energy Assessment and Sustainability Strategy by Meinhardt dated 31 March 2017

Framework Construction Environmental Management Plan by Quod (ref Q070270)

Health Impact Assessment by Quod dated March 2017

Light Pollution report by Point 2 Surveyors dated March 2017

Below Ground Drainage Strategy (Issue P03) by Meinhardt dated 13th June 2017

Flood Risk Assessment by Waterman dated June 2017

Statement of Community Involvement by Four Communications dated March 2017

Air Quality Assessment by Waterman dated March 2017

Noise and Vibration Impact Assessment by Waterman dated March 2017

Transport Assessment by i-Transport dated 29 March 2017

Travel Plan by i-Transport dated 29 March 2017

Framework Delivery and Servicing Plan by i-Transport dated 28 March 2017

Preliminary Ecological Appraisal by Waterman dated March 2017

Arboricultural Survey and Impact Assessment by Waterman dated April 2017

Daylight and Sunlight Report by Point 2 Surveyors dated March 2017

Pedestrian Level Wind Microclimate Assessment by RWDI dated 31 March 2017

Preliminary Environmental Risk Assessment by Waterman dated March 2017

Construction Logistics Plan (Issue 2) by Meinhardt dated 28 March 2017

Heritage, Townscape and Visual Impact Appraisal by Turley dated March 2017

Historic Environment Desk Based Assessment by Waterman dated March 2017

Affordable Housing Delivery by Quod dated March 2017

Mitre Yard response to Consultation by Make Architects 12 June 2017

Planning Statement Addendum (Rev 3) by Quod dated 20 December 2019

Affordable Housing Viability Addendum by Quod dated August 2019

Design and Access Statement Addendum by Make Architects dated 2 August 2019

DAS Addendum Appendix 1 – Post submission amendments following consultation by Make Architects dated 14 October 2019

Transport Assessment Addendum by i-Transport ref: NM/JN/ITL11364-011c

Updated Travel Plan by i-Transport ref: NM/JN/ITL11364-012 R TPA

Daylight & Sunlight Report Section 73 Application by Point 2 Surveyors Limited dated July 2019

Daylight & Sunlight Statement of Conformity – Post Submission Amendments by Point 2 Surveyors Limited dated October 2019

Wind Microclimate Statement of Conformity by RWDI dated 29 July 2019

Noise and Vibration Statement of Conformity by Waterman dated 16 July 2019

Historic Townscape and Visual Impact Assessment Addendum by Arc ref: A266 RE01

HTVIA Addendum Appendix 1 – Post Submission Amendments following Consultation by Arc ref A266 RE02v2

Health Impact Assessment Addendum by Quod dated August 2019

Statement of Community Involvement Addendum by Four Communications dated July 2019

Statement of Community Involvement Appendix IV: Additional Stakeholder Meeting by Four Communications dated September 2019

Energy Assessment Addendum by Meinhardt dated 2 August 2019

Correction Sheet by Quod dated December 2019

Reason: For the avoidance of doubt and in the interests of proper planning.

12.2 COMPLIANCE – Time limit

The development hereby permitted shall be begun before the expiration of three years from 1 February 2018.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (amended by Section 51 of the Compulsory Purchase Act 2004).

12.3 COMPLIANCE – Amenity Room

The communal amenity room on level 01 of the southern plot, indicated on drawing PC2001 Rev02, shall only be used for purposes incidental to the enjoyment of the dwellings within the development and shall not be used for any other purpose.

Reason: To ensure that the amenity room contributes positively to the amenity of residents and does not result in any harmful impacts to residential amenity in accordance with London Plan (2016) policy 3.5 'Quality and Design of Housing Developments' and OPDC Regulation 19(2) Local Plan (2018) policies D4: 'Well-Designed Buildings' and D6 'Amenity'.

12.4 PRIOR TO ABOVE GROUND WORKS – Detailed drawings

Notwithstanding the submitted details, prior to the commencement of work on the corresponding part of the development, detailed drawings comprising elevations and sections of the following parts of the development at 1:20 or 1:50 as appropriate with references to the heritage context shall be submitted to and approved in writing by the local planning authority:

- a. A bay study of the materials, cladding and glazing;
- b. Residential entrances (with canopies where relevant);
- c. Principle features on all facades;
- d. Balconies (including soffits and balustrades);
- e. Shopfronts and windows/glazing to the commercial uses;
- f. Typical window openings including surrounds;
- g. The parapets/roof edges and screens at the top of the building;
- h. Any roof level structures including flues and lift overruns;
- i. Service bay accesses.

The development shall only be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the building is suitable and it contributes to the character and appearance of the area in accordance with London Plan (2016) policies 7.4 'Local Character' and 7.6 'Architecture', LBHF Regulation 18 Local Plan (2015) policy DC2 'Design of new build' and OPDC Regulation 19(2) Local Plan (2018) policy D4 'Well-Designed Buildings'.

12.5 PRIOR TO ABOVE GROUND WORKS – Material samples and sample panels

Prior to the commencement of above ground works:

- a. Samples of all facing materials, including glazing, and elevations annotated to show where the materials are to be located shall be submitted to and approved in writing by the local planning authority;
- b. Sample panels shall be constructed on site to show the typical facades including glazing, cladding and frames where relevant, made available for inspection by the local planning authority and approved in writing.

The development shall only be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the building is suitable and it contributes to the character and appearance of the area in accordance with London Plan (2016) policy 7.4 'Local Character', LBHF Regulation 18 Local Plan (2015) policy DC2 'Design of new build' and OPDC Regulation 19(2) Local Plan (2018) policy D4 'Well Designed Buildings'.

12.6 PRIOR TO OCCUPATION – Antennae/satellite dishes

Prior to the first occupation of any of the units hereby approved details to show appropriate locations for communal antennae and satellite dishes that can be used by occupants of the development shall be submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

Reason: In the interests of the character and appearance of the area in accordance with London Plan (2016) policy 7.4 'Local Character', LBHF Regulation 18 Local Plan (2015) policy DC1 'Built environment' and OPDC Regulation 19(2) Local Plan (2018) policies D4 'Well-Designed Buildings'.

12.7 PRIOR TO ABOVE GROUND WORKS - External equipment

Prior to the commencement of above ground works details of any external equipment to be installed on the building including window cleaning equipment and mechanical plant shall be submitted to and approved in writing by the local planning authority. Above ground works shall not be commenced until the details have been approved in writing by the local planning authority. The equipment shall only be installed in accordance with the approved details.

Reason: In the interests of the character and appearance of the area in accordance with London Plan (2016) policy 7.6 'Architecture', LBHF Regulation 18 Local Plan (2015) policy DC1 'Built environment' LBHF Regulation 18 Local Plan (2015) policy DC2 'Design of new build' and OPDC Regulation 19(2) Local Plan (2018) policy D4 'Well-Designed Buildings'.

12.8 PRIOR TO OCCUPATION – Lighting strategy

Prior to the building being brought into use a lighting strategy to address all external lighting across the development shall be submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

Reason: In the interests of the character and appearance of the area in accordance with London Plan (2016) policy 7.4 'Local Character', LBHF Regulation 18 Local Plan (2015) policy DC2 'Design of new build' and OPDC Regulation 19(2) Local Plan (2018) policies D4 'Well-Designed Buildings' and D6 'Amenity'.

12.9 PRIOR TO OCCUPATION – Disabled Parking Bays

Prior to first occupation of the development seven disabled parking bays shall be marked out in accordance with the approved drawings. The disabled parking bays shall be made available at all time to motorist displaying a 'Blue Badge' parking permit.

Reason: To provide suitable parking for disabled persons in accordance with London Plan (2016) policy 3.8 'Housing Choice', LBHF Regulation 18 Local Plan (2015) policy DC2 'Design of new build' and OPDC Regulation 19(2) Local Plan (2018) policies D3 'Accessible and Inclusive Design' and T4 'Parking'.

12.10 COMPLIANCE - Accessibility

All units indicated on the approved drawings as being suitable for wheelchair users (WCH) shall be compliant with part M4 category 3 of the Building Regulations. All other units shall be compliant with part M4 category 2 of the Building Regulations.

Reason: To provide suitable access for disabled persons in accordance with London Plan (2016) policy 3.8 'Housing Choice', LBHF Regulation 18 Local Plan (2015) policy DC2 'Design of new build' and OPDC Regulation 19(2) Local Plan (2018) policy D3 'Accessible and Inclusive design'.

12.11 PRIOR TO OCCUPATION – Public Art

Prior to the occupation of the development details of public art to be delivered as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first occupation of the development.

Reason: In order to support place-making in accordance with OPDC regulation 19(2) Local Plan (2018) policy TCC5 'Culture and Art'

12.12 PRIOR TO ABOVE GROUND WORKS – Hard and soft landscaping

Prior to the commencement of above ground works a scheme of hard and soft landscaping for all private, public and communal amenity spaces on the site, including details of materials, street furniture, species and a planting schedule showing the number, size, species and location of trees and shrubs shall be submitted to and approved in writing by the local planning authority. The approved hard landscaping shall be carried out in full accordance with the approved plans prior to the occupation of the development and it shall thereafter be permanently retained. The approved soft landscaping shall be carried out in the first planting and seeding seasons following the occupation of the development or completion of the development, whichever is the

sooner. Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the character and appearance of the area, to ensure appropriate accessibility and to support biodiversity in accordance with London Plan (2016) policies 7.19 'Biodiversity and Access to Nature' and 7.4 'Local Character', LBHF Regulation 18 Local Plan (2015) policy OS5 'Greening the borough' and OPDC Regulation 19(2) Local Plan (2018) policy D2 'Public Realm'.

12.13 PRIOR TO OCCUPATION – Play equipment

Prior to any of the uses hereby approved being first brought into use, details of the play equipment proposed for the child play spaces shall be submitted to and approved in writing by the local planning authority. The development shall not be brought into use until the details have been approved in writing and the equipment installed in full accordance with the approved details.

Reason: To ensure that appropriate equipment is positioned in the areas identified for play space according to the intended age group in accordance with London Plan (2016) policy 7.5 'Public Realm' and OPDC Regulation 19(2) Local Plan (2018) policy D9 'Play Space'.

12.14 PRIOR TO ABOVE GROUND WORKS – Noise assessment

Prior to the commencement of above ground works, a noise assessment shall be submitted to and approved in writing by the local planning authority. The assessment shall identify current and future sources of noise and vibration disturbance for the proposed residential units and shall provide details of attenuation measures to be installed as mitigation, where necessary. The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq,T}$ arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level $L_{AF90,T}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142:2014. The development shall not be commenced until the noise assessment has been approved in writing by the local planning authority. The attenuation measures shall be provided in full accordance with the proposed details before any of the residential units are first brought into use.

Reason: To minimise the risk of noise or vibration disturbance for future residents in accordance with London Plan (2016) policy 7.15 'Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes', LBHF Regulation 18 Local Plan (2015) policy CC10 'Noise' and OPDC Regulation 19(2) Local Plan (2018) policy EU5 ' Noise and Vibration'.

12.15 PRIOR TO ABOVE GROUND WORKS – Internal noise transmission

Prior to the commencement of above ground works a scheme of sound insulation and noise control measures shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented to the satisfaction of the local planning authority prior to the first occupation of any of the residential units and permanently retained thereafter to achieve the following internal noise targets:

- Bedrooms (23:00-07:00 hrs) 30 dB LAeq;
- Living Rooms (07:00-23:00 hrs) 35 dB LAeq; and
- Kitchens, bathrooms, WCs and utility rooms (07:00-23:00 hrs) 45 dB LAeq.

Reason: To minimise the risk of noise or vibration disturbance for future residents in accordance with London Plan (2016) policy 7.15 'Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes', LBHF Regulation 18 Local Plan (2016) policy CC10 'Noise' and OPDC Regulation 19(2) Local Plan (2018) policy EU5 'Noise and Vibration'.

12.16 COMPLIANCE – Noisy working hours

You must carry out any building work which can be heard at the boundary of the site only between the following hours:

- 08.00 – 18.00 Monday to Friday;
- 08.00 – 13.00 on Saturdays
- Not at all on Sundays, bank holidays and public holidays.

Reason: In the interests of the amenity of local residents in accordance with London Plan (2016) policy 7.15 'Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes'.

12.17 PRIOR TO COMMENCEMENT OF ANY A3 USE – Ventilation/extraction system

Prior to the commencement of any restaurant or café (Class A3) use on site details of a ventilation/extraction system to serve the restaurant or café (Class A3) use shall be submitted to and approved in writing by the local planning authority. The approved system shall be installed in full accordance with the approved details before any of the units are brought into use and maintained thereafter.

Reason: To prevent nuisance from cooking smells for people using neighbouring properties in accordance with London Plan (2016) policy 7.14 'Improving Air Quality', LBHF Regulation 18 Local Plan (2015) policy CC9 'Air Quality' and OPDC Regulation 19(2) Local Plan (2018) policy EU4 'Air Quality'.

12.18 PRIOR TO OCCUPATION – Microclimate

Prior to the development being brought into use details of the proposed wind microclimate mitigation measures shall be submitted to and approved in writing by the local planning authority. The mitigation measures shall be installed in full before the building is brought into use.

Reason: To ensure that the microclimate around the buildings is appropriate in accordance with London Plan (2016) policy 7.7 'Location and Design of Tall and Large Buildings', LBHF Regulation 18 Local Plan (2016) policy DC3 'Tall buildings' and OPDC Regulation 19(2) Local Plan (2018) policy D6 'Amenity'.

12.19 PRIOR TO OCCUPATION – Electric Vehicle Charging Points

Electric vehicle charging points shall be provided for 20% of the car parking spaces and passive provision shall be made available for the remaining 80% of the spaces so that the spaces are capable of being readily converted to electric vehicle charging points. The location of the EVCP spaces and charging points shall be submitted to and approved in writing by the local planning authority before any of the residential units are first brought into use. The EVCP shall thereafter be constructed and marked out and the charging points installed prior to any of the residential units being brought into use and thereafter retained permanently to serve the vehicles of occupiers.

Reason: To encourage the use of electric vehicles in the interests of sustainability in accordance with London Plan (2016) policy 6.13 'Parking' and OPDC Regulation 19 Local Plan (2017) policy T4 'Parking'.

12.20 PRIOR TO OCCUPATION– Delivery and Servicing Plan

Prior to the building being first brought into use, a Delivery and Servicing Plan to demonstrate how deliveries to the site will be accommodated and managed shall be submitted to and approved in writing by the local planning authority. The Plan shall include suitable capacity for the anticipated size of delivery/servicing vehicles, appropriate storage areas and the intended routing of vehicles. The development shall not be brought into use until the Plan has been approved in writing and the Plan shall be adhered to thereafter.

Reason: To avoid blocking the highway network and to protect the amenity of people in neighbouring properties in accordance with London Plan (2015) policies 6.11 'Smoothing Traffic Flow and Tackling Congestion' and 6.12 'Road Network Capacity', LBHF Regulation 18 Local Plan (2016) policy T2 'Transport assessments and travel plans' and OPDC Regulation 19(2) Local Plan (2018) policies T7 'Freight, Servicing and Deliveries'.

12.21 PRE-COMMENCEMENT – Construction and Environmental Management Plan (CEMP)

No development shall take place, including any works of demolition, until a Construction and Environmental Management Plan (CEMP) for the proposed development to address how the impacts of demolition and construction on the local highway network and the local environment has been submitted to

and approved in writing by the local planning authority. The CEMP must include the following details (where appropriate):

- a construction programme including a 24 hour emergency contact number;
- parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- arrangements to demonstrate how any concurrent construction with HS2 works shall not impede the construction of the HS2 works;
- arrangements to minimise the potential for noise and vibration disturbance;
- locations for loading/unloading and storage of plant and materials used in constructing the development;
- erection and maintenance of security hoardings;
- wheel washing facilities and measures to control the emission of dust and dirt during construction; and
- a scheme for recycling/disposing of waste resulting from demolition and construction works in accordance with the waste hierarchy and circular economy principles.

The development (including any works of demolition) shall only be carried out in accordance with the approved CEMP.

Reason: To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties in accordance with London Plan (2016) policies 6.12 'Road Network Capacity' and 7.15 'Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes' and OPDC Regulation 19(2) Local Plan (2018) policies T7 'Freight, Servicing and Deliveries' and T8 'Construction'. The details are required prior to commencement because the demolition phase must be addressed in the CEMP.

12.22 PRE-COMMENCEMENT – Construction Logistics Plan (CLP)

No development shall take place, including any works of demolition, until a Construction Logistics Plan (CLP) for the proposed development has been submitted to and approved in writing by the local planning authority. The CLP shall include information on:

- i) booking systems;
- ii) consolidated or re-timed trips;
- iii) secure off-street loading and drop off facilities;
- iv) compliance with the Construction Logistics Strategy for the wider OPDC area, if available.

The development (including any works of demolition) shall only be carried out in accordance with the approved details.

Reason: To protect the amenity of local residents and to limit any impact on the local highway network in accordance with London Plan (2016) policy 6.12 'Road Network Capacity', LBHF Regulation 18 Local Plan (2016) policy T2 'Transport assessments and travel plans' and OPDC Regulation 19(2) Local Plan (2018) T8 'Construction'. The details are required prior to commencement because the demolition phase must be addressed in the CLP.

- 12.23 PRIOR TO ABOVE GROUND WORKS – Energy strategy** Notwithstanding the submitted details and prior to the commencement of above ground works a revised energy strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall explore all reasonable options for improving the energy efficiency of the building and reducing carbon dioxide emissions in accordance with the energy hierarchy set out in London Plan policy 5.2 'Minimising carbon dioxide emissions'. The strategy shall clarify where glazing is required to reduce solar gain and how this has been balanced against the need to ensure good levels of daylight. The development shall only be carried out in accordance with the approved strategy.

Reason: To ensure the development maximises energy efficiency measures in accordance with London Plan (2016) policies 5.2 'Minimising Carbon Dioxide Emissions' and 5.7 'Renewable energy' and OPDC Regulation 19(2) Local Plan (2018) policy EU9 'Minimising Carbon Emissions and Overheating'.

- 12.24 PRIOR TO OCCUPATION – Air Quality (Energy plant emissions standards, ventilation and gas boilers)**

Prior to the building being brought into use, detailed information on the following issues shall be submitted to and approved in writing by the local planning authority and thereafter carried out in accordance with the approved details:

- a ventilation strategy;
- the Combined Heat and Power units, abatement technologies and boilers installed to demonstrate compliance with the emissions standards set out within the agreed Low Emission Strategy. Where any combustion plant does not meet the relevant standard it should not be operated without the fitting of suitable NOx abatement equipment or technology (evidence of installation shall be provided);
- gas fired boilers to be provided for space heating and domestic hot water which shall have dry NOx emissions not exceeding 40 mg/kWh (at 0% O₂). Where any installations do not meet this emissions standard it should not be operated without the fitting of suitable NOx

abatement equipment or technology as determined by a specialist to ensure comparable emissions. Following installation, emissions certificates will need to be provided to the local planning authority to verify boiler emissions.

The maintenance and cleaning of the ventilation systems shall be undertaken regularly in accordance with manufacturer specifications and shall be the responsibility of the primary owner of the building. All approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained in good working order.

Reason: To ensure the development contributes to improvements in air quality in accordance with London Plan (2016) policy 7.14 'Improving Air Quality', LBHF Regulation 18 Local Plan (2015) policy CC9 'Air Quality' and OPDC Regulation 19(2) Local Plan (2018) policy EU4 'Air Quality'.

12.25 PRE-COMMENCEMENT – Air Quality (Low Emissions Strategy)

Prior to the commencement of the development a Low Emission Strategy shall be submitted to and approved in writing by the local planning authority. The Low Emission Strategy must address the results of the Air Quality Assessment and detail the remedial action and mitigation measures that will be implemented to protect residential receptors (e.g. abatement technology for energy plant, design solutions). This Strategy must make a commitment to implement the mitigation measures (including NO_x emissions standards for the chosen energy plant) that are required to reduce the exposure of on-site and off-site local receptors to poor air quality and to help mitigate the development's air pollution impacts, in particular the emissions of NO_x and particulates from on-site and off-site transport and energy generation sources. Evidence must also be submitted to and approved in writing by the local planning authority to show that the CHP and boiler units installed will comply with the relevant emissions standards in the Mayor's SPG 'Sustainable Design and Construction' (2014).

Reason: To ensure the development contributes to improvements in air quality in accordance with London Plan (2016) policy 7.14 'Improving Air Quality', LBHF Regulation 18 Local Plan (2015) policy CC9 'Air Quality' and OPDC Regulation 19(2) Local Plan (2018) policy EU4 'Air Quality'. The details are required prior to commencement because the demolition phase must be addressed in the Strategy.

12.26 PRIOR TO ABOVE GROUND WORKS – Drainage strategy

Prior to the commencement of above ground works, a revised drainage strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall investigate measures for attenuating surface water to greenfield run-off rates including permeable paving and green/brown/blue roofs. The approved measures shall be implemented in full

before the development is first brought into use and the development shall only be carried out in accordance with the approved details.

Reason: To minimise the risk of surface water flooding in the vicinity of the site in accordance with London Plan (2016) policy 5.13 'Sustainable Drainage', LBHF Regulation 18 Local Plan policy CC3 'Reducing Water Use and the Risk of Flooding' and OPDC Regulation 19(2) Local Plan (2018) policy EU3 'Water'.

12.27 PRE-COMMENCEMENT – Piling method statement (Thames Water)

No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. The development shall not be brought into use until any necessary mitigation measures identified by the method statement have been approved in writing by the local planning authority and carried out in full in accordance with the approved details.

Reason: To protect water infrastructure in the vicinity of the site because the proposed works will be in close proximity to underground water utility infrastructure in accordance with London Plan (2016) policies 5.14 'Water Quality and Wastewater Infrastructure' and 5.15 'Water Use and Supplies', LBHF Regulation 18 Local Plan (2015) policy CC3 'Reducing Water Use and the Risk of Flooding' and OPDC Regulation 19(2) Local Plan (2018) policy EU3 'Water'. The details are required prior to commencement because any piling will be undertaken at an early stage of construction.

12.28 PRE-COMMENCEMENT – Contaminated Land

- (i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the local planning authority:
- a. a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in 'Model Procedures for the Management of Land Contamination' Contaminated Land Report 11, 'Guidance for the Safe Development of Housing on Land Affected by Contamination R&D66: 2008' and BS10175:2011 (+A1:2013) – 'Investigation of Potentially Contaminated Sites - Code of Practice'; and, unless otherwise agreed in writing by the local planning authority;
 - b. a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate

- by the desk top study in accordance with BS10175:2011 (+A1:2013);
and, unless otherwise agreed in writing by the local planning authority;
- c. a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases and vapours when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.
- (ii) Unless otherwise agreed in writing pursuant to paragraph (i) above, the development hereby permitted shall not be occupied or brought into use until there has been submitted to and approved in writing by the local planning authority a verification report prepared by the competent person approved under the provisions of (i) (c) above confirming that any remediation scheme required and approved under the provisions of (i) (c) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:
- a) as built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress; and
 - c) certificates demonstrating that imported and/or material left in situ is free from contamination.
- (iii) Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i) (c).

Reason: Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works in accordance with London Plan (2016) policy 5.21 'Contaminated Land', LBHF Regulation 18 Local Plan (2015) policy CC8 'Contaminated Land' and OPDC Regulation 19(2) Local Plan (2018) policy EU13 'Land contamination'. The details are required prior to commencement because the site investigation must be undertaken prior to demolition works to avoid any risks to health.

12.29 PRE-COMMENCEMENT – Ecology review

No demolition of existing buildings or removal of existing trees shall commence until a survey is undertaken by a suitably qualified ecologist to investigate the potential presence of ecology on the site and an ecological assessment is submitted to and approved in writing by the Local Planning Authority. Any demolition or tree removal shall be carried out in accordance with the approved assessment.

Reason: To ensure that the development would not cause any unacceptable harm to ecology not present on the site at the time the submitted ecological assessment was undertaken in accordance with policy 7.19 of the London

Plan (2016) and OPDC Regulation 19(2) Local Plan (2018) policy EU2 'Urban Greening and Biodiversity'. The details are required prior to commencement because demolition works may affect ecology.

12.30 PRE-COMMENCEMENT – Written Scheme of Investigation (Archaeology)

No demolition or development shall take place until a stage 1 Written Scheme of Investigation (WSI) dealing with archaeology has been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved in writing by the local planning authority. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

- a. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- b. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason: To protect archaeological interests by providing an opportunity to investigate and excavate archaeological remains on the site in accordance with London Plan (2016) policy 7.8 'Heritage Assets and Archaeology' and OPDC Regulation 19(2) Local Plan (2018) policy D8 'Heritage'. The details are required prior to commencement because demolition works may impact upon archaeological remains.

12.31 PRIOR TO OCCUPATION – Waste and Recycling Storage

Prior to first occupation of the development the waste and recycling storage and collection facilities shown on the approved plans shall be fully constructed. The waste and recycling storage and collection facilities shall be made available at all times and shall not be used for any other purpose.

Reason: To ensure that adequate arrangements have been made for the storage and collection of waste and recycling in accordance with London Plan

(2016) policies 5.17 'Waste Capacity' and 6.12 'Road Network Capacity', LBHF Regulation 18 Local Plan (2015) policy CC6 'On-site Waste Management' and OPDC Regulation 19(2) Local Plan (2018) policy EU6 'Waste'.

12.32 PRIOR TO OCCUPATION – Cycle Storage

Prior to the first occupation of the development the cycle storage indicated on the approved plans shall be constructed and fully fitted out for use as secured cycle storage. The cycle storage shall be made available at all times to everyone using the development and not used for any other purpose.

Reason: To encourage cycling as a means of sustainable transport in accordance with London Plan (2016) policy 6.9 'Cycling', LBHF Regulation 18 Local Plan (2015) policy T4 'Increasing opportunities for cycling and walking' and OPDC Regulation 19(2) Local Plan (2018) policy T3 'Cycling'

12.33 COMPLIANCE – Building Heights

The development hereby permitted shall comprise two new buildings ranging from 6 storeys (24 metres above ground level) to 22 storeys (77.5 metres above ground level).

Reason: For the avoidance of doubt and in the interest of proper planning

12.34 COMPLIANCE – Floorspace

The development hereby permitted shall comprise the following uses and floorspace

Use	Approved Floorspace
Residential (241 units) (Use Class C3)	25,587sqm (GIA)
Ground floor flexible non-residential floorspace (Use Class A1/A2/A3/A4/B1/D1/D2)	609sqm (GIA)
Ground floor workspace (Use Class B1/Artist Studios)	514sqm (GIA)

Reason: For the avoidance of doubt and in the interest of proper planning

13 Recommended Informatives

- 13.1** The written scheme of investigation required by Condition 30 will need to be prepared and implemented by a suitably professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from

deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 13.2** A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing. Application forms should be completed online via www.thameswater.co.uk/wastewaterquality.
- 13.3** Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development
- 13.4** There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.
- 13.5** Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. Liability to pay CIL must now be assumed by submitting an Assumption of Liability Notice to the OPDC at planningapplications@opdc.london.gov.uk.
- 13.6** The applicant and/or contractor are encouraged to sign up to the Fleet Recognition Scheme (FORS) which promotes better safety standards during construction. The FORS guidance can be found at <http://www.tfl.gov.uk/info-for/freight/safety-and-the-environment/managing-risks-wrrr>.
- 13.7** The applicant is advised that the application site falls within land that may be required to construct and/or operate Phase One of a high speed rail line between London and the West Midlands, known as High Speed Two. Powers to construct and operate High Speed Two were secured on 23rd February 2017 when Royal Assent was granted for Phase One of HS2. As a result the application site, or part of it, may be compulsorily purchased. More information can be found at: <https://www.gov.uk/government/collections/high-speed-rail-london-west-midlands-bill>.

- 13.8** The applicant is advised that prior to making a submission in relation to condition 12.5, requiring further details of external materials, that they should discuss the materials to be submitted with an Approved Building Control Surveyor in order to ensure that they meet with current fire safety regulations.
- 13.9** The applicant is strongly encouraged to consider the use of a sprinkler system within the development. Sprinkler systems installed in buildings can significantly reduce the damage caused by fire and the consequential cost to businesses and housing providers, and can reduce the risk to life.
- 13.10** The applicant is advised that the proposal works to facilitate the layout and design of the development will need to be agreed with Network Rail due to the proximity of the works to the existing operational railway and the potential for those works to impact upon the safe operation and integrity of the railway infrastructure:
- All excavation, earthworks and piling works
 - All drainage works
 - All scaffolding works
 - All crane / tower crane working and loading
 - Noise and vibration assessments for the proposed buildings should consider the existing operational railway and also any future increase in usage in the area of the railway
 - All works will need to consider overhead 25kv power lines and induced voltages
 - Any demolition or remediation works
 - Boundary treatments, including trespass proof fencing, vegetation, road vehicle incursion protection measures
 - Risk assessments and method statements for works on site
 - All works on site and as a permanent arrangement must be undertaken wholly within the applicant's land ownership footprint (including foundations) which must not over-sail or encroach the railway boundary

In order to facilitate the above, an APA (Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The APA will be in addition to any planning consent. The applicant / developer should liaise directly with Asset Protection to set up the APA AssetProtectionLNWSouth@networkrail.co.uk

Background papers

- 1) 2017 Planning Committee Report (17/0055/FUMOPDC)
<https://www.london.gov.uk/moderngovopdc/documents/s57190/OPDC%20PLANNING%20COMMITTEE%20REPORT%20-%20Mitre%20Yard.pdf>
- 2) Representations in response to consultation

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