



THE ROYAL BOROUGH OF
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John McNally
Environment Department
Hammersmith Town Hall
King Street
London W69JU

8th March 2012

Dear Mr McNally,

Imperial West Phase 2 application 2011/04016/COMB

This letter sets out the Association's objections to the above planning application.

Overall, we have serious concerns about the way this development has been progressed through pre-application negotiations between the council and Imperial College and its consultants. We await responses to letters to the council about the nature and content of pre-application negotiations. Our concerns relate to:

- the way in which the College has represented the proposals as an academic campus, with significant community benefits, while in practice taking a very commercial approach to the development through an off-balance sheet joint venture with Voreda Capital.
- the extent to which the Council has been willing to treat Imperial more favourably than other developers, in terms of the application of council planning policies and the level of encouragement and pre-application negotiation, in its efforts to secure a first development within the White City Opportunity Area.

We believe that a combination of these factors continues to distort what should have been a strategic and open approach to the development of a key site. The results will cause serious harm and loss of amenity to the area, and the alleged benefits of the scheme will not prove to be what has been promised to the public.

Our detailed comments on the application are as follows:

Building heights and massing

1. The proposed scale, massing, and building heights in the application are contrary to national planning policy PPS5, and to the policies set out in Chapter 7 of the 2011 London Plan.

2. The proposals are contrary specifically to London Plan policies 7.6 (Architecture) and Policy 7.7 (Tall Buildings).

Policy 7.7D states:

Tall buildings:

a should not affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunication interference

b should not impact on local or strategic views adversely

3. London plan Policy 7.7E states *The impact of tall buildings proposed in sensitive locations should be given particular consideration. Such areas might include conservation areas, listed buildings **and their settings** (our emphasis), registered historic parks etc.*

4) The applicant's consultants Jones Lang La Salle refer in detail to London Plan policy 7.7. at para 7.55 of their Planning Statement. They quote several sections of Policy 7.7 but omit any mention of 7.7E above. This is characteristic of the selective use of information in this and other material submitted with the application (see also at 8 below).

5) The application is contrary to RB Kensington & Chelsea Core Strategy policies. RBKC policies provides for limited numbers of tall buildings as District Landmarks, noting that such buildings '*are not characteristic of the Borough, being very occasional features in a Borough of predominantly low to medium rise development. Because district landmarks are visible over a much wider area, their location and use must be of significance to the Borough as a whole; and inevitably, they will remain very occasional features. Their location and relationship to the local townscape are of the utmost importance*'. District Landmarks are limited in K&C to up to 4 times their context in height. The proposed 35 storey tower within this application is 112m high and hence over 10 times the height of neighbouring two story housing.

6) The application pays no heed to the comments submitted by RB Kensington and Chelsea in June 2011 on the draft White City OAPF. This stated that

RBKC strongly objects to proposals for tall buildings set out in the OAPF, especially as these present an inappropriate scale in this part of London. RBKC is not convinced that the north of the OA, along the Westway, is a gateway to London.

RBKC objects most strongly to proposals for taller buildings (12 – 15 storeys) and towers of approximately 20 – 30 storeys along the Westway

(as set out in section 4.4.2 of the OAPF), especially those that disrupt views into and from the Oxford Gardens Conservation Area. Furthermore, RBKC is also concerned that buildings of this height in this location may result in unacceptable impacts on existing neighbouring communities, such as overshadowing and wind turbulence.

7) The application is directly contrary to LBHF policy statements set out in the 2004 White City OAPF. While planning officers may wish to view this as a historic document, it remains the adopted SPG for the area and hence a statutory planning document on which the public are entitled to rely. Residents in the Eynham Road area, and in Oxford Gardens and the western end of Highlever Road W10, will suffer very serious detriment from the proposals in the application. They should not be denied the protection within the current SPG which states; *'North of the A40 building heights and massing **must** (our emphasis) respect the surrounding residential area'*.

8) The applicant's consultants refer specifically to this paragraph of the 2004 SPD at 7.65 of their own Planning Statement, which refers to tall buildings. Once again, the key policy statement above (which is specific to the Imperial West site as the only site north of the A40 within the OAPF area) is not referred to or mentioned by the applicant. The same omission was made in the Planning Statement submitted with the Phase 1 application for this site. **This again appears to be a deliberate attempt by the applicant to ignore highly relevant but inconvenient planning policies.**

9) The Borough's adopted Core Strategy at paragraph **7.20** states *Parts of the area such as alongside the A40 and A3220 are less sensitive to the impact of building height, so tall buildings could be considered as part of the approach to urban design provided they are of exceptional design quality. The WCOAPF will set out a tall buildings strategy. Any buildings that are visible from RBKC should have regard to that borough's Core Strategy policy CL2 (subject to adoption).* The new version of the WCOAPF has yet to be published or adopted and hence does not set out a tall buildings strategy. The currently adopted 2004 OAPF includes relevant policy statements on tall buildings, with which this application wholly fails to comply.

10) The Borough's Core Strategy also states at paragraph 8.79 *'The White City Opportunity Area includes some parts which are less constrained in terms of local townscape context than other parts of the borough and so tall buildings may be appropriate, providing a distinctive recognisable landmark. The White City Opportunity Area Framework will set out guidance on this matter'*.

11) The Planning Statement submitted by the applicant states *'LBHFs position on tall buildings was recently consolidated in the newly adopted Core Strategy where policy **BE1** confirms the WCOA as a location where tall buildings are deemed acceptable'* **Again, this is a serious misrepresentation of policy BE1 which states:**

Development within the borough which includes tall buildings which are significantly higher than the generally prevailing height of buildings in the

surrounding area, particularly where they have a disruptive and harmful impact on the skyline, will generally be resisted.

However, areas where tall buildings may be appropriate are as follows:

In parts of White City Opportunity Area to be identified in a Supplementary Planning Document (SPD), and in masterplanning which is consistent with the SPD.

The new SPD for the area has yet to appear, let alone be adopted. The masterplan for Imperial West has never been consistent with the currently adopted 2004 SPD.

Proposed Submission Development Management DPD

12) The application is contrary to a series of policies set out in the Borough's draft DPD. In particular:

The proposals are not consistent with Policy G1 in that they are not *'compatible with the scale and character of existing development and its setting'* and nor do they *'respect:*

- a) the historical context and townscape setting of the site, and its sense of place;*
- b) the scale, mass, form and grain of surrounding development;*
- c) the relationship of the proposed development to the existing townscape, including the local street pattern, local landmarks and the skyline;*
- e) the principles of good neighbourliness;*

The proposals are not consistent with Policy G2, in that the proposals have a significant adverse impact and fail to demonstrate that they:

- a) have an acceptable relationship to the surrounding townscape context in terms of scale, streetscape and built form;*
- b) have an acceptable impact on the skyline, and views from and to open spaces, the riverside and waterways and other locally important views and prospects;*
- c) have an acceptable impact in terms of the setting of, and views to and from, heritage assets;*
- d) are supported by appropriate transport infrastructure;*
- e) are of the highest architectural quality with an appropriate scale, form and silhouette;*

The proposals are not consistent with Policy G7 on Heritage and Conservation, in that the proposals fail to have regard to matters of scale, height, massing, alignment, materials and use.

An application that is unduly premature

13) For the reasons set out at 7-11 above, the current application **is unduly premature**. The draft replacement version of the White City OAPF was published for consultation in 2011. It does not appear to have been formally approved at any stage by any council committee or executive member. Many strong objections were submitted, from RBK&C, local amenity bodies, and

individual residents to the section in the draft which suggested that very tall buildings would be appropriate along Westway, as a 'gateway to London'. The revised version of the OAPF has yet to be published, and no statutory consultation on this version has yet taken place.

The Imperial West Phase 2 application wholly pre-empts such consultation, and allows no opportunity for the public to give a view on the strategic planning framework and updated SPG for the area.

At this stage, the council cannot simply assume the outcome of the OAPF consultation as 'emerging policy'. Strength of public feeling may mean that the previous 2004 policy on building heights north of the A40 may survive into the 2012 version when finally adopted. No substantive justification for the omission of this 2004 policy has been made to date, beyond the spurious concept of tall buildings forming a 'gateway'. The urban grain of the area, and the open views to the west, remain as they were when the original policy was included (for good reason) in 2004.

The various stages through which the draft White City OAPF will gain material weight in determining planning applications are set out in the document itself at paragraph 1.4. There are many stages to go, not least statutory public consultation and reporting back on the outcome to the Mayor and Borough Council.

Imperial and its consultants have had continued meetings and negotiations with the GLA and Borough planners in recent months, as work has proceeded on revisions to the first draft OAPF. But the public have not been party to this process, and are entitled to be consulted before major decisions, in conflict with current adopted policies, are made.

LBHF Tall Buildings Strategy

14) This document is also prayed in aid by the applicant, in their Planning Statement. The applicants state '*in addition further guidance on tall buildings is contained in the LBHF Background Paper Tall Buildings (2010) which identifies 4 locations capable and suitable for accommodating tall buildings including the WCOA*'.

What the 2010 document in fact says is that '*High buildings **can** give an area focus and identity. It **might** therefore be appropriate to locate a tall building within the White City Opportunity Area provided it had positive social, economic, environmental and functional connections to the surrounding context.*' (our emphasis)

The same document goes on to say '*English Heritage has emphasised that tall buildings are not appropriate in historic settings such as **conservation areas**, and that no tall building however good the design would be acceptable in these historic contexts. PPS 5 aims to protect the setting of conservation areas from inappropriate development on sites outside of the conservation area that would have an impact upon it.*'

There are locations within the WCOA which many people might deem acceptable for buildings taller than their surroundings. But the Imperial West site is not one of them, particularly for towers over 10 times the height of their surroundings. The site lies immediately adjacent to low-rise housing to the north, and very close to a conservation area to the east.

Density of the proposed development

15) The proposals in this application involve very high densities. Based on the applicant's figures, 114,351 sq. metres of floorspace (GEA) is to be built on a 2.27 hectare site. We calculate the resultant plot ratio to be 5.0: 1. This is a density significantly higher than Paddington Basin (Plot Ratio 3.7) and even higher than Canary Wharf (Plot Ratio 4.7). Even within an Opportunity Area, these densities are excessive and wholly inappropriate for a site bordering on low rise housing and a conservation area.

In terms of the proposed housing units on the site, we calculate the proposals to involve a density of 11,967 habitable rooms per hectare. This exceeds the range of 650-1100 hr/ha for optimising density as set out in the Density Matrix of the 2011 London Plan, even for 'central' areas with a high level of accessibility to public transport. Hence this density level is contrary to London Plan Policy 3.4.

We do not believe these densities are justified to achieve the financial viability of the development, for reasons set out elsewhere in this letter.

Visual Assessments in Environmental Statement

16) Analysis of the images in the Townscape and Visual Impact Assessment provided in the application indicates that they employ a wide-angle Tilt-Shift lens with a horizontal angle of view of approximately 74°. This has been confirmed through verification of views from the same locations with similar equipment. Further analysis, using the digital model provided by the developers and made available to the St Helens Residents Association, confirms this.

Wide-angle Tilt Shift lenses are used in architectural photography to accommodate a very wide field of vision and to compensate for the perspective convergence that would otherwise characterise the view looking up at a tall building. **The effect of this is to minimise the apparent scale of distant objects and remove vertical perspective cues, producing a view that does not correspond to normal human visual perception.**

It is generally considered that lens with a focal length producing a horizontal field of view of approximately 40° provides a natural perspective that corresponds more closely to human visual perception. The impression provided by the photographs employed is therefore significantly distorted with the effect of minimising the perceived visual impact.

Furthermore, the photographs provided were taken in summer, and the foliage of trees masks many of the key views, which would otherwise be very visible from slightly different viewpoints, or at other times of the year.

For these reasons, while the views may be technically accurate, residents do not believe that they provide a fair or reasonable representation of the potential impact of the proposed development.

At the time of the decision on the Imperial Phase 1 application we pointed out that the visual assessments could not be relied upon and suggested that the council would need to seek its own assessment for the Phase 2 proposals.

As an alternative, we would welcome the opportunity to present further expert opinion on this matter to planning officers or to the committee, together with images that present a very different view of the development.

Overshadowing and loss of sunlight and daylight

17) The extreme proposed height of building F at 35 storeys, and of Building D will cast shadows over significant numbers of houses and gardens in Oxford Gardens and Highlever Road, as the applicant's own shadow studies show. Shadowing will occur in late afternoon from September through to March, the one time of day when residents are able to enjoy some sun on return from work.

As previously notified, the Association has commissioned an independent daylight/sunlight/right of light study from consultants. We will write further with the results of this exercise, and individual residents adversely affected may also wish to make additional representations after the March 8th deadline for comments on the application.

RB Kensington & Chelsea has been robust in defending the Oxford Gardens CA from intrusive commercial development and from increases in building heights to the west, along Latimer Road. Decisions by the council to reject applications for third or fourth floors in Latimer Road have been upheld by the Planning Inspectorate on appeal, following site visits, on grounds of sense of enclosure.

Local residents find it hard to believe that buildings of the height, scale and mass proposed can be seriously considered as falling within the terms of Hammersmith & Fulham planning policies – so great is the contrast in attitude between the two boroughs.

Affordable Housing

18) The Imperial West site forms part of what is designated Strategic Site WCOA1 in the Borough Core Strategy. The Strategy states '*40% of housing should be affordable. Approximately 25% of housing should be social rented in sizes and types that enable local estate regeneration*'.

The Planning Statement notes that 59 of the proposed 192 housing units will be reserved for key workers. Imperial has separately advised this Association that their definition of 'key worker' will be agreed with the council at S106 stage, and that '*in broad terms the intention is to provide accommodation for those at the post-doctoral stage of their careers*'.

It is not clear why Imperial is being relieved of the affordable housing requirements placed on other planning applicants. If key worker housing is to be accepted as a substitute, this surely needs to be fixed in perpetuity as a planning condition and a robust definition of key worker agreed with the council.

The Planning Statement refers to an *'affordable housing viability study (to be carried out by Savills) 'that will demonstrate that the amount of affordable housing proposed is the optimum combination that can be provided without the development being rendered financially unviable'*. Our Association has noted that Savills are retained as long-term corporate property advisers to Imperial College and hence their independence must be questionable.

We have been advised by the council that this study will not be available to the public, on grounds of 'commercial sensitivity'. As Imperial College is itself a public rather than a commercial body, we question this reasoning. We urge elected members on the council to call for a copy of this study and to examine it with care, in the light of what is known about Imperial's financing of this development (see below).

We have sought an explanation from the College on a series of statements on the financial background to this development, as reported to the College Council in November 2011 and in the College's accounts. The reply we have received from the chief executive of the College Fund answers none of our specific questions. The information that we have been able to obtain from College documents includes the following statements:

'The scheme has the flexibility to deliver either future academic buildings or profitable development sites. The brief of 2/3 academic and 1/3 commercial use delivers an indicative post planning land value of £58m versus the £28m cost – a net uplift of £24m after planning costs of £6m'.

The same report goes on to say: *'£12m of land gain has already been secured through Phase 1 and the planning work undertaken will remain valuable for any future schemes for the site'.*

A note to the College's 2010/11 accounts states *'The College, through the College Fund, sold a 150-year lease over land at the Imperial West site for cash proceeds of £22 million and generating a profit on disposal of £18.2 million'.*

These statements would suggest that the overall financial viability of the scheme is a long way from being at risk, and that there is no reason why the College should be exempted from normal expectations to provide affordable housing as part of this development.

Public benefits from the development and the ratio of Imperial use and commercial use

19) From the early days of public consultation, this development has been hailed as one bringing significant wider academic and community benefits to the Borough.

On closer enquiry, a number of these benefits are far from assured.

The pedestrian subway under the railway line, originally cited as a significant local public benefit, is not part of the application. Imperial states that it does not own the relevant land. It is not clear why this feature of the scheme was ever promised to the public in newsletters circulated by Imperial's consultants.

The October 2011 newsletter issued by Imperial also referred to '*New healthcare services and early years, education nursery for use by local residents*'. The College has confirmed that the healthcare centre remains a hope rather than a certainty at this stage, with no firm plans agreed with the NHS. In regards to the childrens day centre Imperial has recently advised us that '*spaces will be available*' (of indeterminate number) '*to the public as well as to college staff and students.*' This is not a significant community benefit.

The information in the Planning Statement that Imperial Innovations will occupy space in the Incubator building, we are now told is '*in error*'. The correct position is that '*the building will be operated by the College for technology transfer activities, including a mixture of offices for lease in the open market to new ventures **such as those created by Imperial Innovations plc.***' (*Imperial's emphasis*). Again, it is hard to see that the 22,500 sq. metres of Building D will prove to be anything different from normal commercial office use.

We have been assured by Baroness Manningham-Buller, chairman of the Imperial College Council, that at **least two thirds** of the completed development will be for College use. Yet there seem to be no guarantees that this position will be achieved in practice, or stay the same over time. The College has advised us that '*this ratio will remain so long as it is beneficial to the College's mission...*' It is not clear what conditions the council will be imposing (if any) to maintain this ratio of commercial and non-commercial use.

As a result of the above, the extent to which the College should be treated favourably by the council as a public body, rather than as a commercial developer, is highly questionable. Without answers from the College to questions about their financial relationship with its commercial development partner (Voreda Capital), it is difficult to establish what elements of the development are 'public body' as opposed to 'commercial'. **We would hope and expect that the council's officers have made rigorous enquiries on these issues in the extensive pre-application negotiations.**

Traffic

20) The Pell Frischmann transport assessment submitted with the application maintains that:

- *The future Access/Wood lane “junction” access to-from the site will operate within capacity.*
- *Analysis of the Wood Lane/Westway junction indicates that Imperial West traffic makes very small impact and the junction can operate effectively;*
- *Analysis of the Wood Lane/Du Cane Road junction indicates that the junction is reaching capacity but Imperial West traffic makes virtually no impact; and*
- *Imperial West traffic makes virtually no impact on the A40/A3220 junction, particularly now that the western extension of the Congestion Charge Zone has been removed.*

It is concluded that the impact on the surrounding highway network of traffic generated by Imperial West will be small.

Local residents remain to be reassured on these points. The junction of North Pole Road and Wood Lane is a key entry and exit point for North Kensington residents, and traffic routinely backs up with long delays at peak times of day. The Pell Frischmann report does not appear to cover this junction.

The junction at Wood Lane and Ducane Road, close to the entry to the site is another critical point, serving as it does as the access point for emergency vehicles on their way to Hammersmith Hospital A&E.

We accept that the availability of parking spaces on the site will be limited (with 77 to be available for the 192 residential units, and with smaller numbers for offices and other buildings). But we do not accept that trip generation on Wood Lane will be as low as suggested.

It seems to us unlikely that many occupants of what will be upmarket high rise flats, on the border of the UK's most expensive borough for housing, will carry out their daily comings and goings as pedestrians or public transport users. The immediately surrounding area (under Westway) is unattractive and not particularly safe for pedestrians. Use of taxis and minicabs for shopping trips and the school run is likely to be very high, if resident parking spaces are to be restricted to 0.4 places per housing unit. The proposed hotel will also generate very significant taxi and delivery traffic.

Wastewater and sewerage

21) The Association has benefitted from attending a recent meeting with Thames Water Authority, convened at the request of several residents groups and amenity societies in K&C and H&F.

We continue to have concerns that the cumulative impact of development proposals will outstrip the capacity of TWA to handle surface water disposal, and water supply. We are reassured that TWA are alert to this risk, and will ask for rigorous planning conditions in relation to surface water disposal on site, rather than through the common drainage system.

TWA made clear to us that reliance by developers on completion of the Counters Creek upgrade was not an option, there being no certainty that this scheme will receive funding approval in the foreseeable future.

The applicant's consultants propose that surface water and foul drainage can be discharged into the combined sewer system beneath Shinfield Street and Wood Lane, in accordance with agreements with Thames Water. It will be essential for such agreements to be checked with Thames Water and policed rigorously via planning conditions, given previous experience of sewerage problems and surface flooding in neighbouring areas in K&C.

Cumulative impacts

22) We share the strong concerns of the Hammersmith Society, Kensington Society, Norland Conservation Society, and other groups in Shepherds Bush and Earls Court, that the cumulative impact of proposed developments along Wood Lane is not being adequately assessed.

The combined effects of proposals for Westfield 2 (now approved in outline), the Helical Bar/Aviva scheme on the former Dairy Crest site, and the Imperial West proposals will be huge.

It is insufficient for each planning application to be considered in isolation, on the basis of less than independent assessments prepared for developers by their own consultants. This applies particularly to issues such as traffic, surface water disposal, sewerage and water supply, where each development is reliant on the same physical infrastructure (itself outdated in many respects). The consultant assessments for each individual application do not take account of other developments in the pipeline,

Conclusions

For the Borough to proceed to give final approval to the Imperial application, without public consultation and further work on the OAPF as the strategic planning framework for the wider area, would set a highly dangerous precedent for other schemes in the borough. It would be an act of irresponsibility that the council would live to regret for many years to come.

Our Association has no problem with the academic or administrative uses for the site as proposed by Imperial, nor with those proposals submitted for outline approval of Buildings A and G. We believe that the College is able to fund from its own resources a substantial proportion of its own proposed uses on this site, including the public health building.

The College has chosen to work with a commercial development partner, whose involvement (in its own words¹) is '*vital to ensuring that we capitalise on the favourable planning environment and avoid possible delays caused by the May 2012 Mayoral election*'. It has taken advantage of what it describes as a '*degree of support and encouragement from the local authority that is*

¹ These quotes come from reports to and minutes of the Imperial College Council, to which the public has access at

<http://www3.imperial.ac.uk/secretariat/collegedgovernance/governancestructure/council>

highly unusual'. It has used private pre-application negotiations to come forward with a development with excessive densities, building heights, and commercial content in order to achieve what it describes as '*a good return to the College Fund and the developer*'.

If the council chooses to approve this application in its present form, it will be the residents of the neighbouring area that will pay the price of this unjustified financial gain by a public body and its commercial partner.

We urge the council to refuse the present application.

Henry Peterson,
Chair St Helens Residents Association

cc Andrew Slaughter MP
Malcolm Rifkind MP
Sir Edward Lister, Deputy Mayor for London
Sir Merrick Cockell, Leader RBKC
Cllr Stephen Greenhalgh, Leader H&F
Cllr Tim Ahern, RBKC
Cllr Wesley Harcourt, LBHF
Colin Wilson, GLA
Alexandra Reitman GLA
Nigel Pallace, LBHF
John Anderson, Chief Executive, Imperial College Fund

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