

GOLD STANDARD 2010

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**St Helen's Residents Association
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Stewart Murray
Assistant Director Planning
GLA

27th July 2012

Dear Mr Murray,

**Imperial West, Woodlands, 80 Wood Lane, Hammersmith & Fulham 2011/04016/
COMB**

We wrote to Colin Wilson on March 23rd, in response to the GLA report PDU/2540b/01 commenting at first stage on this application, but received no reply. A further copy of this letter is attached.

Following the decision on July 25th of LB Hammersmith & Fulham to approve the above application, we are writing to draw your attention to the risks of legal challenge against both the GLA and the Borough should this decision be implemented.

We are asking on several grounds that the Mayor intervenes under Article 5 of the 2008 Order.

Our previous letter set out at length the planning grounds why the Imperial West proposals are in breach of London Plan and LBHF Core Strategy policies. We will not rehearse below the detail all of points raised. They relate to the cumulative impact of schemes in the White City area, affordable housing, building heights and density, traffic and highways, use of visual assessments, and the impact on views from the neighbouring Conservation Area.

The scheme proposals have not changed significantly since the PDU report was issued to the Borough. Colin Wilson's letter of 7 March to John McNally stated that *'the Mayor expressed concern over the height of the proposed 35 storey tower building (Block F) and the potential impact it would have on the surrounding conservation area and requested the applicant to review this aspect of the scheme'*.

As you may know, the applicant chose not to reduce the height of this tower. The minor changes made to its design do nothing significant to mitigate its impact. The adverse impact of Buildings C and D on the neighbouring Oxford Gardens CA is similarly unchanged, as is the damage that the whole development will do to the wider skyline of West London.

What has changed in recent months is the position on the 2011 draft White City Opportunity Area Planning Framework. After extensive delays since 2011, publication of this document was due this month, we are now told by LBHF that a revised draft White City OAPF will not be ready for consultation until late September 2012.

Should the council proceed to publish and consult on this document as a draft SPD, rather than a DPD Area Action Plan, there is a very significant risk of legal challenge to its status. Our association is not the only residents group or amenity body in this part of London currently taking a close interest in the legal challenge at Earls Court and in the decision of the High Court in the Wakil case.

LBHF withdrew the PAC report for its July 10th meeting, following receipt of letters from this Association and our solicitors Webster Dixon, and replaced it with a revised version for the July 25th meeting. This revised report conceded two important points:

- That the original draft 2011 WCOAPF carries 'very limited weight' in relation to any decision on the Imperial West application.
- That the 2004 adopted version of the WCOAPF remains 'extant' and has not been rescinded or revoked by the council.

We believe that these two points reflect significant changes of position by the borough council, which have implications for the GLA report PDU/2540b/01. We also believe that the Mayor will need to take them into account in considering the recent LBHF approval to the Imperial West Phase 2 application.

The PDU report of March 7th acknowledges that the Imperial West scheme will impact on North Kensington and explores in some detail the adverse impacts on the Oxford Gardens CA and the wider area. It concludes that '*despite some adverse impacts*' the proposal is consistent with London Plan policies 7.1, 7.4 and 7.7.

However, the report reaches this conclusion by relying on statements in the 2011 draft WCOAPF, in particular in relation to building heights. Paragraph 60 notes *that 'the tall building at 110m (Block F) would be taller than the guidelines set out in the draft OAPF'*. Paragraph 72 (on Building C) refers to the draft OAPF '*assuming*' that *a building on this site would be 10 storeys in height*'. Paragraph 68 states that *'the developers have been fully engaged in the process of delivering the aspirations of the draft White City OAPF, which is reflected in the overall site masterplan and welcomed.'*

We firmly believe that had there not been a 2011 draft WCOAPF, and the related pre-application discussions that took place between Imperial, the GLA and LBHF officers in 2010-11, no one would now be discussing the prospect of a 35 storey tower at this location.

Take away the draft White City OAPF (as we believe that LBHF will be forced to do, unless re-issued as an AAP rather than a SPD) and the whole case for the mass and height of the Imperial West proposals falls away. Give 'very limited weight' to the draft WCOAPF (as LBHF now concede is necessary) and much of the argument in the March 2012 PDU report is seriously weakened.

Either way, we believe that a revised assessment by the GLA needs to be made of the Imperial West proposals, in this new context, before the Mayor makes a decision on whether to intervene.

Our second main ground for asking the Mayor to intervene is the need for both the Borough and GLA to take account of the policies set out in the 2004 version of the WCOAPF. This document was approved by LBHF in July 2004, and published as Supplementary Planning Guidance to the Borough's UDP. The document states that it was endorsed by the Mayor for London.

The document sets out a framework for the development of the White City area including the Imperial West site. It includes policies on urban design and built form, and the clear policy statement that *'North of the A40 building height and massing must respect the adjacent residential area'*.

LBHF now attempts to argue (at paragraph 3.6 of the July 25th 2012 version of the PAC report) that the 2004 WCOAPF *'has effectively been superseded by the site specific policies within the Core Strategy for the WCOAPF including policy BE1'*. We do not believe this view will stand up to legal challenge. Nor do we accept that there are sufficient 'freestanding' policies in the 2011 LBHF Core Strategy to justify approval to the Imperial West application – given the extent to which the proposals breach many other London Plan and Core Strategy policies.

The Core Strategy policies relied on in the July 25th PAC report to justify approval are not 'freestanding'. They each refer to the fact that detail will be provided in the WCOAPF. Nor are they 'site specific'. They deal with large areas of the WCPOAF, and not individual sites, in defining where certain built forms may be appropriate. The same applies to the LBHF 2010 Tall Buildings Background Paper, referred to at the LBHF PAC meeting as justifying a 35 storey tower on the Woodlands site.

The only policy statement amongst all these which is site-specific is that in the 2004 WCOAPF, the Woodlands site being the only part of the OAPF north of the A40M.

LBHF chose not to refer to this policy statement in the 2004 PAC report recommending approval to Phase 1 of Imperial West. They similarly chose not to refer to it in the two versions of the PAC report published this month (although the fact this 2004 document remains extant is now admitted).

We consider that a LBHF officer 'view' that the 2004 WCOAPF *'should be given no weight as supplementary planning guidance to the 2011 Core Strategy'* will not hold water under serious scrutiny. The 2004 version deals with policies that have been retained in the Borough's UDP, and remains Supplementary Planning Guidance to the Council's framework for decisions on planning applications until it is either replaced or revoked.

The Mayor of London endorsed the 2004 WCOAPF. You will be familiar with the September 2011 GLA document which describes OAPFs in the following terms:

- *A strategic and design-led approach to spatial planning, specifically considering how key development sites fit together within the existing and emerging policy context.*
- *Positive planning - identify & resolve contentious policy issues at an early stage in planning process*
- *Certainty - give greater certainty to the development process and investment*

This 2011 GLA document also describes OAPFs as '*a material consideration for strategic planning applications*'.

We do not believe that either the GLA or the Borough can simply wish away the 2004 version of the WCOAPF. The certainty that this document was intended to give, on the unsuitability of tall buildings on the Woodlands site, remains a very extant and live issue for local people in the area. Any revised version, as LBHF admits, can carry only very limited material weight given the recent High Court judgment in the Wakil case.

As a residents association, we are entirely serious in our plans to apply for judicial review unless this application is reconsidered as a result of Mayoral intervention. Recent experience on the King Street redevelopment has shown that the Borough can be rescued from the consequences of its over-ambitious pre-application negotiations, by a Mayor of London willing to listen to the concerns of Londoners, as expressed across borough boundaries.

We trust that, despite the demands of the Olympics, that the Mayor will find time to look again at the Imperial West application in the context of the points raised in this letter.

Regards,

Henry Peterson
Chair, St Helens Residents Association
cc

Andrew Slaughter MP
Sir Malcolm Rifkind MP
Mayor for London
Sir Edward Lister, Deputy Mayor
Kit Malthouse, GLA member
Jenny Jones, Chair of London Assembly Planning and Housing Committee
Murad Quereshi, GLA Labour lead on Environment Committee
Cllr David Lindsay RBKC
Colin Wilson GLA
Alexandra Reitman GLA
Nigel Pallace, Director of Environment LBHF
Matt Butler, LBHF

John Anderson, Imperial College
Rosemary Pettitt, Hammersmith Society
Amanda Frame, chairman Kensington Society
Michael Webster, Webster Dixon solicitors