

Nursery Lane planning application

SHRA/StQW Forum/
Nursery Gardens Action Group
Open meeting
June 1st 2015

Background

The application was submitted by Metropolis Property Ltd – a Guernsey based company

We do not know who they are

London Realty are the ‘development managers’

We are told that the land has been sold ***without*** any conditions on planning permission

Completion has been delayed by ‘legal process’

Why then would the Legards still be using CgMs as planning consultants?



DALGARNO GARDENS

HAVELOCK ROAD

HAVELOCK GARDENS

HURDLY LAKE



01 EAST ELEVATION - COURTYARD FRONT
SCALE: 1/8" = 1'-0"





01 SOUTH ELEVATION - COURTYARD FRONT
(SCALE: 1/8" = 1'-0")

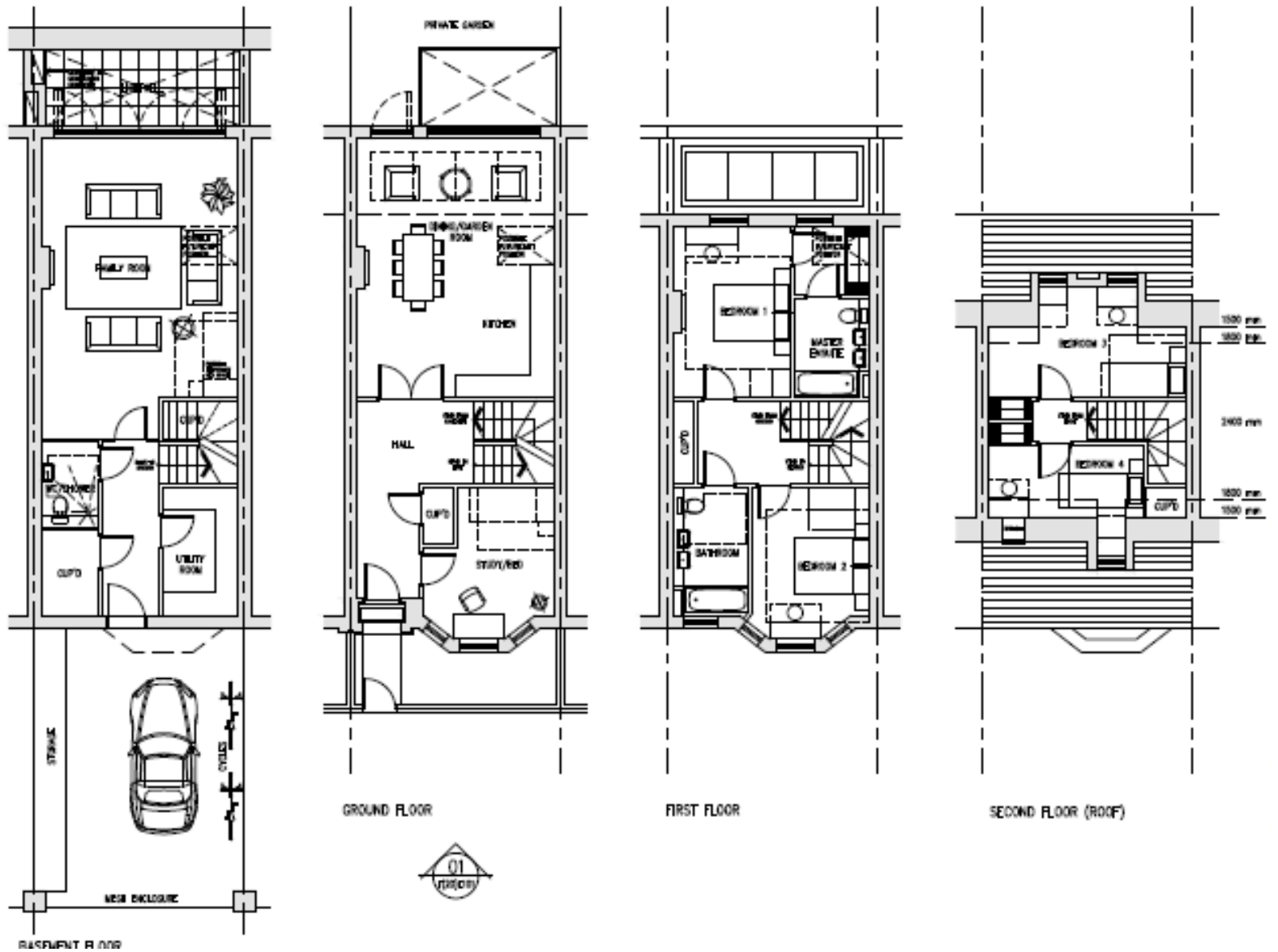


02 SOUTH ELEVATION - COURTYARD FRONT
(SCALE: 1/8" = 1'-0")



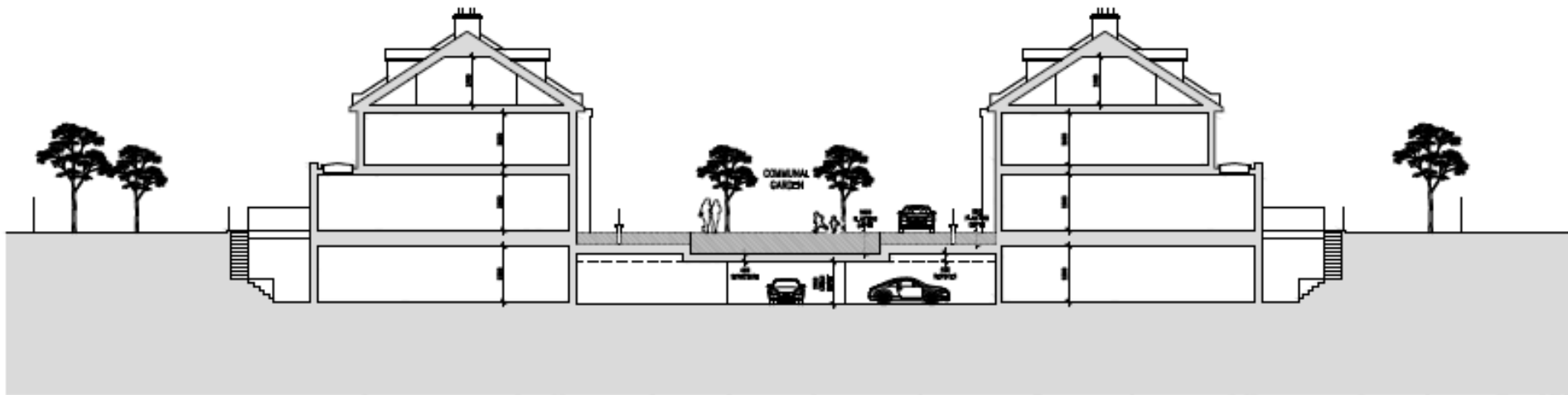


Basement covers 71% of the site area (not 50%)
One parking space per house exceeds RBKC standards



Typical house plan. 'Family room' in basement

9.13 Proposed Courtyard Section



Section through basement and courtyard

Conflicts with RBKC policies

Loss of private open space giving views CR5

No respect for 'context and character' CL1

Harm to the Conservation Area CL3

Contrary to Biodiversity policy CE4

Fails to protect trees CR6

Basements maximum 50% of site area CL7

No affordable housing CH2

Breaches parking standards (12 places)

Conflict with national policy

Applicants claim the land has been 'developed' as a tennis club and a nursery garden

Council says the site has '*some of the features of developed land*'

We say wooden tennis pavilion, sheds, greenhouses, and containers are excluded from NPPF definition of 'previously developed land'. We say agricultural use since 1950s.

NPPF says prioritise 'brownfield' over 'greenfield' sites (hence new StQW Policy 4c)

Timetable issues

Developers have probably submitted early May to try to beat the neighbourhood plan timetable

StQW Draft Plan submitted to RBKC May 17th

Council now publicises for 6 week final consultation (from this week until mid July)

Likely Planning Committee date 21st July (unless refused previously under delegated authority)

Neighbourhood Plans gather more 'weight' after this second consultation. Case for refusal for 'prematurity' strengthens.

Claims to challenge – Planning Statement

- *There are a number of structures existing on site and with an environment which is wholly artificial and associated with the commercial use of the site (para 6.1.1.)*
- *The application site has been identified as having low environmental value with a number of trees which are unhealthy and have short lifespans. It is not considered to contribute positively to the conservation area (para 6.1.2)*

Claims to challenge – Transport Strategy

- *‘The existing site is currently used as a storage and recycling depot ‘ (para 2.3)*
- *‘Between 07:00-19:00 there were 18 vehicle movements (two-way) into / out of the site’ (2.9)*
- *‘20 town houses would generate in the region of 2 two-way vehicle trips in the AM Peak (08:00-09:00) and 2 two-way vehicle trips in the PM Peak (17:00-18:00)’ (para 6.3)*
- *‘the development proposals will result in no material difference to the existing situation, where the current operation results in 18 two-way movements per day’ (para 6.4)*

Claims to challenge – Heritage statement

- *‘... the site’s contribution is very limited and has been compromised by its very unkempt condition and the poorly designed sheltered housing to the south’ (para 8.3)*
- *‘There is the opportunity to do something quite special here, and a high quality medium density housing scheme seems the best option for the site’ (para 8.3)*

Claims to challenge – Flood Risk Assessment

- *‘Based on the above information the probability of groundwater flooding is considered to be low to negligible’ (Para 4.3.4)*
- *‘entrances and openings will be set above the surrounding ground levels, in particular the openings at the lightwell areas, to protect the basement floor. Waterproofing or a suitable impermeable membrane is also recommended for the basement levels to mitigate against groundwater flooding seepage’ (Para 8.1.3)*

Claims to challenge – Ecological Report

- *‘Apart from evidence of fox activity and some Japanese knotweed, as previously mentioned, and a few common species of birds either recorded on the site or flying overhead, including Blackbird, Robin and Great Tit, no other species of any note was recorded’ (Para 3.16)*
- *no evidence of protected species recorded (Para 4.1).*

RBKC planning advice

Councils give developers planning advice, for a fee

We submitted FOI request in December 2014 to see RBKC advice to Metropolis

Request refused - 'commercial confidentiality'

We appealed as a forum – second refusal

Now told we will get a copy, but probably not until June 12th (statutory deadline for RBKC)

We have reserved right to send more comments after June 5th - these will still be considered.

What next?

Legal advice from Matthew Hornton QC
(£2,000 funding from Kensington Society
matched by resident contributions)

Tree survey from Fergus Kinmonth

Some residents taking advice on Rights of Light,
daylight, sunlight impact on their houses.

As many objection letters/emails as possible

Other tactics (SoGS petition will feature in
officer report to committee)

Contacting all Planning Committee members
when we see committee report in July.

Long term objective?

- Reduce value of land from potential '*market residential*' to a use tightly constrained or LGS
- Encourage the Council to consider purchase at much reduced price
- Identify a series of viable uses that have local community benefit
- Garden space for extra care housing, public shared garden, 'community market garden'
- Other ideas and development work needed.

Useful links

See at www.stqw.org under 'news' for copies of draft objection letters from SHRA and StQW

See at

<http://www.rbkc.gov.uk/planning/searches/details.aspx?adv=0&simple=Nursery+Lane&simpleBatch=20&simpleSubmit=Search&id=PP/15/02798&cn=190450+Rolfe+Judd+Planning+Old+Church+Court+Claylands+Road+&type=application&tab=tabs-planning-1#tabs-planning-6>

Send comments and objections to
planning @rbkc.gov.uk

Email info@stqw.org to join mailing lists