



St Quintin and Woodlands Neighbourhood Forum

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Sophie Lee
OPDC
City Hall
Queens Walk
London Se1 2AA
2015

December 14th 2020

Dear Sophie Lee,

North Kensington Gate (South) Planning Application 20/0088/FUMOPDC

We previously submitted a detailed letter of objection to this application (dated 30th August 2020). This further letter is a response to a re-consultation on revised proposals.

Our main ground for objection remains that the site context is completely inappropriate to a building of this height and housing density. This is a fresh application following on from a 2017 consent granted to different developers. It needs to be determined in the planning context as at the time of a forthcoming decision. As we have argued before, we do not consider that the 2017 planning consent granted to landowners/developers Aurora (16/0119/FULOPDC) should be given any significant material weight in deciding this application from City & Docklands.

The planning context for the site has changed out of all recognition since 2017. In the past six months since our previous objection a further set of factors have emerged which need to be taken into account in deciding this application:

1. The New London Plan has still not reached the stage of formal 'publication' and is not in force. The 2016 London Plan, with its policy 3.2. on Housing Density and its density matrix remains in force. This application with a proposed density of 547 units per hectare does not begin to get close to meeting this London Plan policy, even allowing for intensification in an Opportunity Area.
2. On the Draft New London Plan, the Secretary of State has written to the Mayor of London with new directions on Tall Buildings. His letter states *Second, I am issuing a new Direction regarding Policy D9 (Tall Buildings). There is clearly a place for tall buildings in London, especially where there are existing clusters. However, there are some areas where tall buildings don't reflect the local character. I believe boroughs should be empowered to choose where tall buildings are built within their communities. Your draft policy goes some way to dealing with this concern. In my view we should go further and I am issuing a further Direction to strengthen the policy to ensure such developments are only brought forward in appropriate and clearly defined areas, as determined by the boroughs whilst still enabling gentle density across London. I am sure that you share my concern about such proposals and will make the required change which will ensure tall buildings do not come forward in inappropriate areas of the capital.*
3. Scrubs Lane is not a location in a 'clearly defined area' for tall buildings. The Scrubs Lane Development Framework Principles document never progressed to the stage of a SPD and dates from a time when Old Oak North was due to become a major town centre. Even during that period of 2015-19, Scrubs Lane was originally defined in the Regulation 18 Draft Local Plan as a 'sensitive edge' to new development.
4. While the Scrubs Lane Development Framework Principles subsequently identified a series of proposed

'clusters' in Scrubs Lane where a tall building would be appropriate, this document dates from a previous era of planning for the Old Oak area. Historic England and RBKC continue to object to a tall building at this location, given the potential impact on St Mary's Conservation Area, the Grade I Registered Park & Garden (and Conservation Area) of Kensal Green.

5. Our concerns focus more on the complete unsuitability of this location for a very high density building. The site is a significant distance from shops, GP surgeries, schools and other amenities—as we have pointed out previously.

6. In terms of access to public transport, since our August 2020 objection, it has become clear that there will be no 'eastern approach' to the HS2/Crossrail interchange and that no new vehicular connection is planned, or likely to be planned and funded, between the interchange and the southern end of Scrubs Lane and the NKG South site. There is no current justification for claims that this site will have a PTAL level that increases above 1b. The assertions in the TfL letter of 21 October 2016 should be entirely set aside.

7. This TfL letter stated *The distance between the site and the nearest rail station exceeds the maximum distance used in PTAL calculations (960m from a station). As a result, the site records a Public Transport Access Level of 1b, on a scale from 1 to 6b (6b being the best). However, there are extensive planned transport improvements for the Opportunity Area, which will enhance the site's access to public transport e.g. the proposed Hythe Road station will be located approximately 250m to the west of the site, giving access to the London Overground network.* There are no longer 'extensive planned transport improvements' for this location and development site other than a Crossrail connection too far away to be of much practical value.

8. It is simply no longer the case that *Old Oak Common HS2 and Crossrail stations will be located 500m to the south-west of the site. The site is expected to achieve a PTAL of 5-6a as a result of planned future rail improvements and other transport infrastructure in the Old Oak and Park Royal OA.*

9. The only improved connectivity being investigated by OPDC is a pedestrian/cycle route making use of the canalside towpath. This involved stairs and a towpath which many people are reluctant to use (heavy use by cyclists, perceived fear of crime). The actual walking/cycling distance from the NKG South site to the HS2/Crossrail platforms will anyway be at or close to 960m.

10. The Transport Assessment submitted with the application relied on the New London Plan, the 2105 OAPF for the OPDC area, the Scrubs Lane Development Framework Principles, and the LBHF 2011 Core Strategy. All these documents have been overtaken by the OPDC's change of direction towards its 'Western Lands' strategy and abandonment of proposals for a major town centre and high density housing at Old Oak North.

11. The content of 'Future Transport Infrastructure' section of this assessment should also be set aside. This states that *A significant new London railway station is to be created some 500m south-west of the site.* The likely actual pedestrian/cycle distance involved, via the canalside towpath, is almost twice this figure.

12. On the legal front, we have argued in previous objections to the Mitre Yard development (on the other side of Scrubs Lane) that changes in site context are important when considering modified applications under S96A and under S73. In this case, the application is a full new application. We argue that the judgment in [Hillside Parks Limited v Snowdonia National Park Authority](#) (Court of Appeal, 3 November 2020) has some relevance to this application.

13. In this case at the Court of Appeal, in his judgment Singh LJ reaffirmed the principle that modern planning permissions must be interpreted in their context. As stated in his judgment *I would accept Mr Lewis's fundamental submission that the decision in Sage made it clearer than it had previously been that*

a planning permission should be construed “holistically.” While the Hillside Parks case deals with a different situation, and the 2017 permission granted to Aurora is not an ‘antique’ permission, the fact remains that this 2017 decision was made in a context for the site of the development which is now entirely different from the position in 2017.

We set out in our previous objection of 30th August 2020 the extent to which the site context differs from when the 2017 consent was granted. The events of the past six months have added to these differences rather than reduced them. The 2017 decision by OPDC was premature at that time. The fresh application **20/0088/FUMOPDC** from City & Docklands should be assessed in a 2020 content for the site.

On this basis, the application fails to conform with current London Plan Policy, and with the latest set of directions from the Secretary of State on the New London Plan. Emerging OPDC policy has yet to surface in terms of any detailed proposed modifications to the 19.2 Draft Local Plan, or the supporting documents being prepared to justify these modifications.

This Government has signalled a shift away from tall buildings in the capital, taking account of increasing public hostility and the impact on those Londoners who have had to live through a 2020 pandemic in high rise towers. London managed without such a building typology for 20 years following the Ronan Point disaster in 1968, and is learning again to do so post Grenfell. OPDC needs to take note.

For the above reasons we ask that this application be refused.

Yours sincerely,

Henry Peterson
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