



St Quintin and Woodlands Neighbourhood Forum

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APPLICATION [PP/23/06575](#) CANAL WAY, SAINSBURYS AND FORMER UTILITIES LAND: OBJECTION FROM THE ST QUINTIN AND WOODLANDS NEIGHBOURHOOD FORUM AND ST HELENS RESIDENTS ASSOCIATION

Background

The Forum and the St Helens Residents Association have a membership of 380 local residents and a number of businesses in the northwest corner of RBKC. The neighbourhood area was designated by the Council in 2013 and lies to the immediate south west of the Kensal Canalside Opportunity Area,

We have been involved in consultations on proposals for Kensal Canalside the RBKC 2012 Issues and Options paper, and have attended the two RBKC Development Management sessions convened by RBKC and a number of sessions held by Ballymore/Sainsburys over the last three years.

We submitted comments on the 2021 SPD for Kensal Canalside, and on the Site Allocation policies in the Regulation 18 and 19 Draft Local Plan. We also made written representations at the Examination in Public of the New Draft Local Plan, and made oral representations to the Inspector.

Context of the application

Our views on the Ballymore/Sainsburys proposals have not changed. Given the geography of the Opportunity Area (with no vehicle access from the north, west or south and reliant on a sole entry/exit point on Ladbroke Grove) we consider the 7.6ha landholding for this proposed development to be wholly unsuitable for a high rise/high-density scheme as proposed.

While we appreciate the need and demand for new housing in the Borough, a development of 2,519 housing units in this part of the Opportunity Area will not, in our view, create a sustainable and successful new district or neighbourhood in North Kensington, of the kind envisaged by the Council a decade ago.

The infrastructure requirements needed to unlock this Opportunity Area, in terms of bridges across existing barriers of the canal and rail lines, were identified a decade ago. The Council sought to achieve the outcome of a Crossrail/Queen Elizabeth Line station on the site, but there is now no prospect of this transport improvement within the lifetime of the New Local Plan (2023-2043).

We fully support the analysis in the representation by the Kensington Society of the long history of unrealised efforts to deliver the basic infrastructure needed in this Mayoral Opportunity Area, **before** high density development is built. This application includes no bridges, either for vehicles or pedestrians/cyclists, to provide connectivity to the surrounding parts of the Borough.

The sole point of connection at Ladbroke Grove is already heavily congested. Reliance on a Bus

Strategy to improve modest-to-low PTAL levels and enable residents to journey to and from work, and to access local services, we see as unrealistic. Entry and exit routes to North Kensington are already very limited, given the barrier of the West London Line. Our members are very aware of the daily levels of traffic congestion, including buses, at the North Pole Road/Wood Lane junction.

Grounds for refusal

As set out in the detailed Annex to the Kensington Society representation, we consider that this application fails to comply with London Plan policies as listed below:

- **London Plan Policy SD1 B3)** requiring London boroughs to: *plan for and provide the necessary social and other infrastructure for major new residential communities*
- **London Plan Policy D1 B2)** in that the development capacity of the site was not adequately reviewed and re-assessed once it became clear that a new Elizabeth Line station (and a Hythe Road Overground station) were off the agenda.
- **London Plan Policy SD1 B5** in that the 2021 SPD for Kensal Canalside departed fundamentally from previous assessments of capacity of the Opportunity Area in a ‘no new station’ scenario (moving the goalposts from an appropriate level of 2,000 new homes across the OA to 4-5,000 new homes across the OA).
- **London Plan Policy D2 on Infrastructure requirements for sustainable densities.** The proposed density of application PP/23/06575 is understood to be 330.5 units/ha and is not *‘proportionate to the site’s connectivity and accessibility by walking, cycling, and public transport to jobs and services (including both PTAL and access to local services).’*
- **London Plan Policy D3 on Optimising site capacity through the design-led approach.** Since the initial design stages there has been a lack of recognition of this policy requirement that *Higher-density developments should generally be promoted in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.* The link between the ‘connectivity’ of a site and the density level is a basic principle of urban planning. In the days of the London Plan Density Matrix (2016-2021 London Plan, this site would have fallen within what was then deemed an appropriate density range for site with a medium to low PTAL level, and an ‘urban’ rather than ‘central’ setting. This would have been around half what is proposed in the application.
- **London Plan Policy D9 on Tall Buildings** (see further below).

We recognise that financial viability considerations and high decontamination costs have combined to push these development proposals in the direction of a high-density/high rise building typology. But this is not a justification for the Council accepting an outcome that conflicts with London Plan and Local Plan policies. This risks condemning incoming residents to living in an isolated and inward-looking community of the kind that RBKC set its face against in its own early ‘visions’ of a new district or neighbourhood in Kensal, in Local Plans from 2008 onwards.

The opportunity for a much better long-term outcome for the north of the Borough will not come again, this being the last major brownfield development site in North Kensington.

The 2021 Supplementary Planning Document (SPD) for Kensal Canalside was clearly drawn up as a means of paving the way for development in the Opportunity Area at densities and heights very different to the three options for housing 'capacity' put forward in the 2012 RBKC Issues and Options consultation.

Pre-application discussions with Ballymore/Sainsburys were taking place at the same time as the SPD was being prepared. In March 2021 the Project Flourish website carried wording stating *Our plans for the site have drawn heavily from the findings of RBKC's SPD*. This was in advance of the public consultation on the Draft SPD on 12th April. **This is evidence that the SPD was in part a 'developer-led' exercise. Local residents and community groups (including the StQW Forum/St Helens RA) objected strongly to the 'findings of the SPD' at public consultation stage. The weight given to the SPD in determining application PP/23/06575 should be seen in this context.**

Non-compliance with the RBKC Local Plan

The adopted 2019 Local Plan seems likely to be adopted in before application PP/23/06575 is decided. Insofar as the 2019 Local Plan is relevant to a decision, our grounds for an objection are:

- **The Site Allocation Policy CA1** for the Kensal Canalside makes no mention of Tall Buildings, and fails to identify 'suitable locations' and 'appropriate heights' as required by 2021 **London Plan Policy D9 Part B**.
- **Principle h)** in Policy CA1 requires *improved infrastructure including a new road bridge over the railway, a new pedestrian and cycle bridge over the canal, remodelling of the Ladbroke Grove junctions, and new streets that connect the site into its surrounding context and other public transport links*; Application PP/23/06575 does not provide for these other than in respect of junction improvements. Those familiar with traffic congestion in Ladbroke Grove do not accept that these measures, or the removal of the existing Sainsburys petrol station, will offset the traffic generated by the proposed development of 2,516 new homes and a new superstore.
- Borough-wide Policy CL12 on Building Heights requiring new buildings *to respect the setting of the borough's valued townscapes and landscapes, through appropriate building heights*. Including (in respect of a hybrid application the important qualifier of CL12 c) requiring full planning applications for any building that exceeds the prevailing building height within the context

In relation to the New Draft Local Plan, due for adoption in the first half of 2024, our grounds for objection are:

- **RBKC draft policy CD7 E)** which states *Introducing new buildings which are tall relative to their context should be done with careful consideration of the impact they may have in the surrounding townscape. Buildings that are tall in their context should contribute to enhancing the character and legibility of the local area*. The impact of the tall buildings in application PP/23/06575 will be negative on the surrounding area. 'Legibility' for the purpose of 'wayfinding' has become a largely irrelevant factor when most of the public carry GPS enabled phones.
- Non-compliance with **RBKC draft Policy T5A) and T5B)** requiring new development to be located in areas where sustainable transport requirements can be met and with PTAL scores of 4 or above where high trip generation is involved (as will be the case with high-density housing for 8-9,000 residents).
- Non-compliance with **RBKC draft Policy T6** requiring *Improvements to the walking and cycling environment, including pedestrian and cycle links through new developments*. These proposals leave the development cut off from the surrounding area even for cyclists and pedestrians, apart from the canalside path. This is already heavily used and suffers from pedestrian/cyclist conflicts.

- In the New Draft Local Plan as examined, failure to identify 'suitable locations for tall buildings with sufficient specificity, on maps in the local plan, as required by London Plan D9 Part B. Figure 4.4 as linked to Draft Policy CD7 on Tall Buildings, and to Policy PVC1 and Draft Site Allocation Policy SA1, do not show 'suitable locations' across a 15.4 hectare Opportunity Area.
- This undermines the clear intention of the Secretary of State, when intervening in December 2020 to strengthen London Plan Policy on Tall Buildings, that the public should be able to see clearly at the stage of local plan preparation what 'locations' are deemed suitable for tall buildings and the reasoning behind such assessments. We do not consider at that a 15 hectare urban area can be described as a 'location' when an ordinary English definition of this term is 'a particular place'.
- Failure to meet the high standards of **Design quality, character and growth set by RBKC Draft Policy CD2**, including part h) on the relationship with the surrounding public realm (in this instance a near complete lack of connectivity with the surroundings of the site).
- Non-compliance with **RBKC Draft Policy CD14 parts A, B and C on Views**
- Insufficient provision of **community housing/affordable housing**, contrary to the requirements of **RBKC Draft Policy HO3**. The application proposes 20% affordable homes. The RBKC Local Plan seeks 35% of 'genuinely affordable' community housing by floorspace. The developers should be required to find ways to ensure this policy can be met. The Development Specification states 'up to' 148 social rent homes will be built in Phase 1 and 'up to' 194 of these in Phase 2, making a maximum of 342 social rent homes in all. This is out of total homes of up to 2,522 (paras 04.3.2/3) so that the social rent total will at maximum be under 14% of the development. RBKC should require a minimum of 875 'genuinely affordable' homes of which the large majority should be social rented.
- RBKC draft **Policy GB16: Parks, Gardens and Open Spaces** does not include any quantified standards of public open space provision in major new development. Nor do RBKC Housing policies (other than in respect of London Plan policy on childrens playspace). LB Camden's 2021 Planning Guidance on Public Open Space sets a requirement of 9 sqm per occupier for residential development. In response to queries from the Kensington Society, the level of public open provision in application PP/23/06575 has been given by Ballymore as 2.5 sqm per resident, setting aside private shared open space on podiums. While this level is higher than (for example) within an extreme high rise cluster such as North Acton, it falls far short of the 'exemplary' standards of architecture and design required by a series of RBKC policies.
- In respect of RBKC draft **Policy GB20 on Contaminated Land**, part h) states that *On Opportunity Area sites and other large sites within the Borough, developers should work collaboratively to consider the feasibility of a strategic approach to land remediation where feasible*. Concerns over whether the Ballymore/Sainsburys application site can be safely and effectively decontaminated are a major issue for residents in the surrounding area, including the members of our Forum/residents association. With the Berkeley Homes/St William proposals no longer proceeding in parallel with Ballymore/Sainsburys, and the lack of any road access to the western part of the Opportunity Area, we are not clear how Policy GB20 will be adequately met?

New NPPF policy on character of an area

Revisions to the National Planning Policy Framework were announced by the Secretary of State in December 2023. The newly updated version of the NPPF includes paragraphs 129 and 130, promoting the use of area based character assessments, design guides, codes and masterplans, as means of achieving 'appropriate densities' when supporting development.

RBKC's new draft Local Plan does not include a borough-wide character assessment or design guide. Nor does it include any 'minimum density standards' as referred to in NPPF paragraph 129.

The new NPPF paragraph 130 reads *In applying paragraphs 129a and b above to existing urban areas, significant uplifts in the average density of residential development may be inappropriate if the resulting built form would be wholly out of character with the existing area. Such circumstances should be evidenced through an authority-wide design code which is adopted or will be adopted as part of the development plan*

The draft new Local Plan does not include an authority-wide design code. Examination of the NDLP has yet to be concluded and a further public consultation on proposed Major Modifications has yet to take place. The absence of what Government envisages as future basic features of a local plan, following enactment of the Levelling up and Regeneration Act, may be raised as part of this final consultation.

As part of the preparation of the New Draft Local Plan, the Council at Regulation 18 stage commissioned consultants Arup to prepare a Character Study of the Borough. This defines 41 'character areas' within the Borough and identifies their existing 'character' and the building typologies considered appropriate for future development in each.

'Kensal Gasworks' is defined in this study as an 'area of change' with the comment that *There is opportunity for new development to improve the character of the area with associated high quality public realm and green infrastructure connected to the existing canal corridor, Little Wormwood Scrubs and Ladbroke Grove/Barlby Road, alongside provision of improved public transport.* The Kensal Canalside SPD is also cross referenced. There is no mention on the Character Study of tall buildings as a future typology for the Kensal Gasworks area.

The immediately neighbouring 'character areas' in this Arup study are those defined as Kensal New Town, Kensal Green Cemetery, St Charles Square, Balfour and Treverton Estates, and Dalgarno Neighbourhood Estates.

Given the descriptions of these surrounding areas, it is hard to conclude that the Ballymore/Sainsburys proposals will be other than a development of the scale, height and density '*wholly out of character with the existing area*'. Insertion of such a development into North Kensington would seem to be contrary to this part of the new NPPF and to the Government's stated intentions towards 'gentle densification' for new development in urban areas.

Given the totality of the above instances of non-compliance with London Plan policies, adopted and draft new Local Plan policies, and the policy direction of the December 2023 NPPF, we ask that application PP/23/06575 be refused.

St Quintin and Woodlands Neighbourhood Forum
St Helens Residents Association
January 2024