

**Planning Application PP/12/01833
Kensington Academy And Leisure Centre**

21st September 2012

Dear Councillor Buxton,

I am aware that it is normal to address objections to the planning officer responsible. However under present circumstances we prefer to address these late objections to you, as Chairperson of the Major Planning Development Committee, because we have no confidence in the power or willingness of the officers concerned to respond meaningfully to the objections raised.

You may already be aware that, in addition to the original application, comprising 105 documents submitted on 22nd June 2012, an additional 103 revision documents were subsequently submitted on 10th August, 17th August, and 22nd August respectively.

At that time the pre-decision consultation was still ongoing but, to the best of our knowledge, none of the consultees was informed of the publication of the additional 103 documents, and nor was a guide made available that identified the changes in the revision documents and cross-referenced them to the original documents. As a consequence of this failure we only became aware of the existence of the 103 revision documents at the end of August, and then only through the vigilance of a single local resident, who conducted a search following receipt of a revised site notice listing just two minor changes, which was sent by post to local residents at the August bank-holiday weekend.

Under the circumstances, and given the complexity of the application, it has proved all but impossible for the consultees to identify and respond to all the changes in the revision documents. In our view the failure of the applicant to inform consultees in a timely fashion of the existence of the revision documents, and the failure to provide a cross-referenced guide to aid consultees in identifying the significance of any changes in the revised application, was highly irresponsible.

In our view the consultation was therefore fatally flawed and the application is unsafe and unsound.

Impact Of The Development On The Local Community

Our first and most serious objection arises from the impact that the development will have on the resident community through loss of residential amenity, loss of open space, loss of green space in particular, and the accompanying over-development of the site. Residential amenity in the Grenfell Tower area will be destroyed completely, and the impact of this loss of amenity on local residents, especially the families living in Grenfell Tower, who have no other amenity space, will be profound and intolerable. On this point alone we make the strongest of objections and appeal to the Major Planning Development Committee to refuse planning permission.

The planners have made much in their pre-publicity, and in the planning application, of alleged improvements that are proposed for the Lancaster Green area, but in our view what they are proposing in the name of 'improvement' will be such a radical transformation of the open space that it will change utterly the appearance, character, and usage of the space in ways that will completely alienate the resident community, and will deny them the uses of the open space to which they have long been

accustomed, and of which they have a vital and irreplaceable need. The open space, known locally as Lancaster Green, will no longer belong to or serve the local community. It will belong instead to the Academy and Leisure Centre complex and will primarily serve the interests and needs of the users of these institutions, to the exclusion and great detriment of the local community.

We urge the Committee to refuse planning permission on grounds of the unacceptable impact this development will have on residential amenity in the Lancaster Green area to the great detriment of the local resident community.

The impact of the development on the local community has been addressed in detail in other submissions to the Committee, notably by Planning Aid For London, who were commissioned to speak on behalf of the local community, by our local ward councillors, and by The Kensington Society. We fully endorse the comments and objections contained in those submissions. The intention of the present submission, therefore, is not to repeat what has already been said in those documents, but to identify other major flaws in the planning application which have come to our attention more recently, and which, in our view, render the planning application unsafe, unsound and grossly misleading.

Errors, Inconsistencies And False And Misleading Statements

Our recent examination of the planning application documents has revealed them to be strewn with errors, inaccuracies and inconsistencies, and with false and misleading statements. While some of the errors and inconsistencies may be relatively minor, others clearly are not, and we have been able to identify a number that we regard as very serious.

We are also strongly of the opinion that some of the more serious false and misleading statements are deliberately intended to mislead, and we strongly protest against these. In our opinion a planning application that seeks deliberately to mislead the public, and the members of the planning committee, should not be approved, and we urge the Committee to refuse planning permission on these grounds

The remainder of this submission will be concerned with presenting a selection of these erroneous and misleading statements, and exploring their implications.

Outdoor School Sports Facilities and Building Bulletin 98 Recommendations

According to page 17 of the Design & Access statement ;

“The size of the proposed Academy has been determined from government BB98 guidelines”

this statement is further elaborated on page 12 of the Revision Planning Statement which claims;

“The Academy has been designed to meet the necessary design standards (e.g. BB99) for the construction of new schools of this nature. This includes the provision of sports facilities.” (NB reference to BB99 is presumably a typographical error)

Both of these statements are manifestly false and the Applicant knows them to be false. The Council’s planners are fully aware that BB98 recommendations require the provision of extensive outdoor sports areas suitable for team games such as

football, hockey, athletics or cricket. The proposed academy is devoid of such provision because the site is far too small. Furthermore the Council were forewarned that the site would not satisfy BB98 recommendations in their own Latimer Area Masterplanning Study by Urban Initiatives in 2009, and the KALC Feasibility Study by McAslans in 2010. To claim now that the planning application satisfies BB98 recommendations can only be a cynical attempt to deceive.

We strongly object to the building of the new academy on a site that is too small to accommodate the outdoor sports facilities which a school of this type should have, and we object even more strongly to the use of deceitful statements in this respect in the planning application. We ask for planning permission to be refused on these grounds.

Destruction of Trees

The fate of the many trees that adorn the Lancaster Green site has been a source of ongoing concern to the local community, and reassurances were offered by the planners to the KALC community forum that trees would be protected wherever possible. The detail of which trees will be destroyed and which retained is provided in the planning application via two colour-coded drawings (an original and a revised version of the same drawing). According to the revised drawing 66 healthy trees will be destroyed, 42 will be retained, and 86 new trees will be planted. However some of this information is contradicted in the Revision Clarification Report which claims that only 63 healthy trees will be destroyed and only 75 new trees will be planted. We are left wondering which is the true figure, and indeed if either of these figures can be trusted. This kind of error, with statements made in one document contradicted in another, or sometimes in the same document, is typical of the general sloppiness of the planning application, and suggests that no statement made in the application can be trusted for accuracy, or indeed for veracity.

These errors are not the only problem with the tree retention proposals. On close inspection of the drawings it becomes obvious that most of the trees marked for retention are street trees which are outside the site boundary, whereas nearly all the trees marked for destruction are located centrally, at the heart of the site. We can think of no other explanation for this discrepancy other than that it represents a deliberate and cynical attempt by the Applicant to mislead by creating a false impression suggesting a near equivalence between the number of condemned trees and the number of trees to be retained.

Since beginning the writing of this submission we have received new information with regard to the numbers of trees marked for destruction. According to the Committee Report, published on 18th September, 78 trees will be destroyed, 42 will be retained, and 86 new trees will be planted. This accords with the numbers shown in the original planning application drawing, but contradicts the revised version of the same map published on 10th August. We are forced to ask, therefore, what was the point of the revised map if the Committee Report contradicts it and reiterates the original figures? Which figures should we accept as correct? Are any of these figures correct? In our view this is evidence of the chaotic and haphazard nature of the planning application, indicating that it is unsafe and unsound, and should be rejected by the MPDC.

We strongly object to the provision of this deliberately false and misleading information in the planning application. In our view the Committee cannot

reasonably be expected to make a correct decision when provided with false and misleading information, and we urge the Committee to reject the application on these grounds.

Open Space And Public Realm

The planning application provides a bewildering array of figures relating to the alleged loss or retention of open space, which render it virtually impossible to make any reasoned judgement, based on the Applicants figures, of how much open space or public realm exists currently, of how much will survive after development, and in what form ie whether soft or hard landscape etc.

According to the Design & Access Statement in the initial application the total building footprint will be **11326m²**. This is then contradicted by Revision Drawing 911253 which states a total building footprint of only **9931m²**, and this is followed by a later revision (sent to Cllr Blakeman on 17th September) stating a total building footprint of **10008m²**. The Committee Report then produces yet more figures, this time stating a total building footprint of **9867m²** (or **10666m²** if one includes the new residential block in the calculation). The net outcome of all these manipulations is a difference of at least **1000m²** between the earlier estimates, and the later revised estimates. This is a significant difference that demands explanation..

Given that there is no evidence in the planning application, and no changes in any of the drawings, to indicate that any of the proposed buildings have actually been reduced in size, one is forced to question why these figures have been revised downwards, and which figures are more likely to be correct, if indeed any can be assumed to be correct. It is noteworthy that the higher estimates are more consistent with the estimates used in both the Latimer Masterplan of 2009 and the McAslan Feasibility Study of 2010, although they are more conservative than McAslan which estimates a total building footprint above **12,000 m²**. We are entitled to assume, therefore, that the higher estimates are more likely to be correct. We are also entitled to inquire, and as we are unlikely at this stage to receive any answers, we believe we are entitled to speculate, as to the possible reasons for the downward revisions.

We would suggest that the inaccuracy of the revised figures is evidence either of incompetence on the part of the Applicant and/or his consultants, or of sharp practice by the Applicant and/or his consultants. Either explanation would amount to an indictment of the planning application. We might further ask, therefore, what reason could there be for sharp practice in this context and what benefit might accrue to the Applicant from such trickery?

The answer to this is of course very simple - the more the building footprints are understated the more scope there is to overstate the open space and public realm figures, and as these have been a source of great dispute and contention between the Council and the local community, and have served as a rallying point for local opposition to the KALC proposals, we would have no difficulty in suspecting the Applicant of such sharp practice. In our view the deliberate understatement of the building footprint estimates is more likely to be sharp practice than incompetence.

Another of the tricks used has been to change the definition of the site so as to include in newer drawings areas that were formerly outside the site boundary, or should not reasonably be considered as public realm in the context of the site in question – for example the Grenfell Tower service yard, the service yard of the new academy, and the private courtyard of the new residential complex. All of these

appear to have been included in the newer estimates of the open space that will result from the development. This enables the Applicant, by sleight of hand, to calculate existing open space based on the smaller original site boundary while calculating the open space remaining after development based on an extended site boundary, thus creating a false impression that less open or green space will be lost to development than is true in reality.

The figures quoted for Open Space and Public Realm in the various documents and drawings are even more arbitrary and bewildering in their meanderings and permutations than those quoted for the building footprints. We present below an assortment of Soft Landscape and Public Realm figures drawn from a number of different documents within the planning application. We do not ask the reader to attempt any logical analysis of these – we don't believe they are amenable to such analysis. We merely offer them as witness to the arbitrary and capricious nature of the documents and invite the reader to simply note the almost total absence of consistency between the various figures quoted. We ask the reader to note also that there is no question of explaining this inconsistency as a logical progression from earlier iterations to more refined later revisions, as the revisions are as mutually contradictory and inconsistent as the earlier iterations they are intended to replace.

Open Space Assessment (in the initial application)

P4 - The new layout retains the same level of overall public realm provision i.e **11500m²**. There is an overall reduction in green space of **1242m²** but this is more than offset by an increase in the areas of hard paving.

Design & Access Statement (in the initial application)

P20 – existing site has **11509m²** public realm increasing to **11425m²** after development - **5268m²** of soft landscape reducing to **3655m²** after development

P50 - existing site contains approximately **11500m²** of Public Realm, The new layout retains the same level of overall public realm ie **11500m²**

P51 – existing site **11684m²** public realm increasing to **12046m²** after development – soft landscape **5268m²** reducing to **4026m²** after development

Revision Drawing 911253 – existing site has **18677m²** public realm decreasing to **13779m²** after development – soft landscape **5268m²** increasing to **5707m²** after development

Revision Drawing 341 Public Realm Areas rev F – existing site has **12155m²** public realm decreasing to **11339m²** after development – soft landscape **5444m²** reducing to **4171m²** after development

(Please note that the drawing above was supplied by Mr George in an email to Cllr Blakeman dated 17th September. It was not published online and was not part of the planning application. It's significance is therefore unclear)

Clarification Report (revision content)

P6 - Since these calculations were prepared the area of soft landscape has been **increased by 10%** which will further enhance the biodiversity credentials of the scheme.

Committee Report (18th September)

P52 – existing site **12115m²** public realm decreasing to **11329m²** after development – soft landscape **5444m²** reducing to **4171m²** after development

From all of the above we conclude that the proposals in relation to Open Space and Public Realm are so ambiguous, unclear, inconsistent and mutually contradictory as to render it impossible to form a clear understanding of what is proposed in spatial terms. We cannot tell from the documents what the extent of the building footprints will be, how much public realm will be created or lost, how much of what remains will be green-space and how much will be hard-surface. We also conclude that the likely explanation for the chaos and confusion in the figures provided is that they result partly from incompetence and are partly deliberate and cynical, the intention being, we assume, to obfuscate and camouflage the true intentions of the Applicant.

We therefore strongly object to the deceitfulness apparent in the application documents, and to the confusion, arbitrariness, and error-strewn analyses of open space and public realm that have been supplied by the Applicant. We urge the Committee to refuse planning permission on these grounds, or at least until the Applicant produces credible and competent assessments of the disposition of the various spaces that comprise the site both before and after the proposed development.

The Committee Report published on 18th September introduces a new concept of Formal Open Space (page 52) that has not hitherto appeared in the SPD or the planning application. We are unsure of the implications of the use of this term, but it appears to be an attempt to assert that there is no Public Open Space on the site, hence policy CR 5 of the Core Strategy, which protects public open space, does not apply. Instead the Applicant appears to argue that only the protections offered to Formal Open Space apply to this site, and the Applicant then falsely claims to have increased the quantity of formal open space on site. If we are correct in our reading of this use of new terminology we can only say that we consider it to be more smoke and mirrors and a particularly low and odious attempt to misuse and misrepresent open space policy in an attempt to deny breaching it.

Unworkable And Inadequate Car Parking Arrangements

A revised site notice sent by post to local residents on the August bank-holiday weekend announced a change in the proposed parking provision to 35 on-site and on-street carparking spaces. This superseded an earlier site notice that proposed a total of 32 carparking spaces.

The first problem with the figures provided for carparking provision is that there is a lack of consistency between documents. The original Transport Assessment, for instance, proposes 25 on-street and 7 disabled bays. This would be consistent with the original site notice, but is contradicted by the Design & Access Statement which proposes only 21 on-street spaces and 7 disabled bays. The 35 carparking spaces proposed in the Revised Site Notice is then contradicted by the Revised Planning Statement which proposes (on page 15) 29 on-street and 7 disabled bays (a total of 36 spaces)

However, these errors and inaccuracies fade into insignificance when compared to the most fundamental parking issue. Because the proposed development necessitates the loss of the two existing municipal carparks, the planning application

proposes the only replacement carparking provision - inadequate provision in our view - on two short stretches of road at Dulford Street and Bomore Road. While the short stretch of Dulford Street, immediately in front of the existing leisure centre, is just about wide enough to accommodate 10 additional parking spaces, the adjoining stretch of Bomore Road is certainly not. Bomore Road is only 7 metres wide and already has residents-only parking along one side of it. The planning application requires the provision of 19 additional spaces along the nearside of Bomore Road, but this stretch of road is long enough only for 11 spaces, and is too narrow to provide any additional parking. It would need to be widened considerably, but there is no proposal in the planning application for any widening, and given the severe constraints of the KALC site, and particularly the site proposed for the residential element of the development, it hardly seems possible that any space can be found to widen Bomore Road.

Since beginning the writing of this submission we have now seen the Committee Report published on 18th September. This last minute report proposes widening Bomore Road, but provides no explanation of how this can be accomplished, and no explanation of why the original planning application failed to identify the narrowness of Bomore Road as a problem. We would suggest that the Applicant failed to realise Bomore Road was too narrow for the proposed parking because the planning application was prepared in haste, and without due care and attention, and that this is further evidence that it is unsafe and unsound, as we have argued throughout this submission.

The Committee Report also appears to announce a change of plan with regard to provision of parking spaces on the adjoining stretch of Dulford Street. Parking spaces will apparently not now be provided at this location, adjacent to the proposed luxury housing being built for private sale, but 15 spaces will instead be dumped on the residents of the nearby Walmer Road, who occupy mostly rented social housing at Foreland House. On the face of it, this appears to be a crass and shameless exercise in class discrimination.

It should be noted also that Walmer Road, like Bomore Road, is too narrow to accommodate extra parking provision. This can only be provided, therefore, either in place of the residents-only parking that already exists at this location, or by widening Walmer Road at the expense of local residents who will lose half of the pavement that fronts Foreland House.

Furthermore, there is no proposal in the planning application to widen Walmer Road, and nor have the residents of Foreland House, nor of Nottingwood House, been given any advance notice of the plan, and have not been consulted about it.

We strongly object to the cavalier and careless attitude of the Applicant with regard to parking provision, and urge the Committee to refuse planning permission for the reasons described above.

Inadequate Coach Parking Arrangements

The proposal for coach parking is based on a flawed assessment of the existing situation. The transport assessments, including the revised transport assessment submitted on 22 August, seriously understate current parking requirements for school

coaches visiting the Leisure Centre. The revised Transport Assessment states (on page 2)

"It is understood that the current leisure centre does not have a daily arrival of large coaches, instead, between two and three mini-buses would generally arrive to drop-off leisure centre users before vacating the site. These mini-buses would then return to the site to collect the leisure centre users. The need for long dwell times on-site for coaches and mini-buses is therefore not an essential part of the existing leisure centre's activity, which, under the new leisure centre proposals this activity will see an increase in mini-bus activity in the order of four to five drop-off and collection movements per day, mostly associated with local schools."

The reality is that school parties from various local schools visit the existing leisure centre on most days, arriving by coach, and not by minibus as stated in the assessment, and it is not uncommon to see up to four coaches parked together in the Silchester Road carpark on weekday afternoons. The proposal to provide just two coach parking bays in Silchester Road is therefore entirely inadequate.

The proposal to use the entrance to the north/south route adjacent to the main academy entrance as a coach drop-off point is also flawed. The planners appear not to have understood that the process involved in school parties boarding and/or decanting from coaches generally takes some time, as boarding and decanting have to be carefully organised and heads have to be counted etc. With multiple coaches arriving and departing simultaneously the potential for gridlock at the boarding and drop-off point is therefore very real.

We urge the Committee to refuse planning permission on grounds that the transport assessment was incompetent and the resulting coach parking proposals are inadequate.

The New North/South Road And The Open Spaces Act 1967

The planning application proposes the creation of a new stretch of vehicular road to replace the existing pedestrian route linking Silchester Road to Grenfell Road. This will bisect the existing Lancaster Green open space. This proposal has been fiercely resisted by many respondents and is particularly disliked by local residents for a number of reasons. However the Applicant has resisted all calls to abandon this proposal and has offered only compromises that fall far short of what is required.

We believe that the provisions of the "Ministry Of Housing And Local Government Provisional Order Confirmation (Greater London Parks And Open Spaces) Act (1967)" apply to this proposal. Under the provisions of the Act a local authority is empowered to;

"...utilise alienate or replace with other land any part of any open space...for the purpose of the construction alteration or widening of any street".

The exercise of this right, however, requires the prior consent of the Secretary of State, who is in turn required to conduct a public consultation lasting 28 days.

The applicant appears to be unaware of his responsibilities under the Open Spaces Act 1967 to seek the consent of the Secretary Of State for the creation of the proposed new road through Lancaster Green. We therefore urge the

Committee to refuse planning permission, at least until such time as the Applicant's responsibilities under the Act have been discharged.

No District Heating Network

Policy CE1 And Policy CA 4 of the RBKC Core Strategy both require the provision of a district heating network as part of the KALC development, capable of serving the adjacent Lancaster West Estate. The required heating network was also featured in the KALC Supplementary Planning Document but was subsequently dropped from the planning application based on the recommendations in a report by Max Fordham (consultants) the "Combined Heat and Power and Heat Network Further Appraisal of Viability". Max Fordham's examined a stock condition and feasibility study of the Lancaster West heating system prepared for the TMO in 2008 by Edward Pearse & Partners, from which they concluded that the Lancaster West pipework and distribution system would be too difficult and too expensive to upgrade as part of the district heat network proposed for the KALC project. They therefore recommended dropping the CCHP element from the project.

The Max Fordham's report quotes estimates from the earlier Pearse report of the cost of replacing the Lancaster West system with individual combi-boilers in all dwellings. However, the figure quoted - £5.5 million - does not appear anywhere in the Pearse report which estimated the cost of these works at £10.6 million.

Given the costs involved we think it possible, if not likely, that the TMO may have postponed for several years replacing the Lancaster West heating system in the expectation that the problem would be solved by the KALC development. We now fear that quoting such an erroneously low estimate to the MPDC may facilitate a further abdication of the same responsibility by the Council in the equally mistaken belief that the works are affordable by the TMO. The real cost of the works at £10.6 million will be extremely difficult for the TMO to find, unless there is a commitment by the Council to provide additional funding to assist with this.

It is very hard to understand how Max Fordham's could have got the figures so badly wrong. We can only speculate that the error in quoting a mere £5.5 million, instead of the correct figure of £10.6 million, may have resulted from incompetence on the part of Max Fordham's, or from the unseemly haste with which the KALC planning application has been rushed through. However, we have suspicions that, like other errors in the planning application, this also may have been deliberate and cynical, and may have been an attempt to facilitate the granting of planning permission by the MPDC, by making the implications of abandoning the district heating network required by the Core Strategy appear less serious than they are in fact.

We stress the vital importance of this issue to the Lancaster West community and the bitter disappointment of once again being denied long awaited and urgently needed remedial works to the Lancaster West heating system. We urge the Committee, in the event that a decision is made to grant planning permission, to impose a S106 planning obligation requiring the Applicant to offer match-funding to the TMO on condition that the TMO agrees to deliver the recommended combi-boiler system to the Lancaster West Estate within a reasonable timeframe (eg within three years)

No Environmental Impact Assessment

The EIA screening opinion for the KALC Supplementary Planning Document produced by the Executive Director for Planning and Borough Development in March 2011 contained the following note;

“The planning application for the whole development proposed by the SPD will require an environmental impact assessment in accordance with the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 as it qualifies as a Schedule 2 (10b) development in terms of the above regulations.”

However the screening opinion for the planning application produced by the same officer in April 2012 stated the opposite opinion, claiming instead that the development is not an EIA development for the purposes of the EIA Regulations. This volte-face has never been adequately explained, although the officer falsely claimed in the April 2012 screening opinion that;

“the development is not of a significantly greater scale than the previous use, nor are the types of impact of a markedly different nature”.

We strongly dispute and object to the reasons given for the decision to forego EIA for this application. We strongly object also to the unexplained change of opinion by the officer concerned and we urge the Committee to refuse planning permission pending an Environmental Impact Assessment that includes proper consideration of the significant impact of the proposed development on the local resident community.

Conclusion

We have presented in this letter just a selection of the errors, contradictions, inconsistencies and false or misleading statements with which this planning application is riddled. We are quite sure that, had we the time and the patience to explore the documents in greater detail, and the technical skill to unpick the detail of the more complex technical drawings, we would have found many more flaws. In our view this planning application has been so incompetently and so cynically drafted, and is so riddled with errors and inconsistencies, that it is unsafe, unsound and unworthy to receive planning permission. We believe that the the dishonest and deceitful manner in which false and misleading information has been provided by the Applicant is an affront to the Committee and to the planning system, and that it would be reckless and irresponsible of the Major Planning Development Committee to grant planning permission based on the information provided in these deeply flawed and untrustworthy documents.

We urge the Committee to refuse planning permission on these grounds and on the other grounds detailed in this letter.

Yours Sincerely,

Francis O'Connor
Grenfell Action Group