



20th October 2018

Dear Mr Whitworth,

PP/18/05313: Heythrop College, 23-24 Kensington Square, London W8 5HH

Reinstatement of three townhouses (Class C3), (part of 23 and 24 Kensington Square); refurbishment of college building (part of 23 Kensington Square) and use as an extra care facility (Class C2). Demolition of all other buildings on site. Erection of deck over adjacent London Underground line and construction of 5 buildings (ranging between 1 and 8 storeys in height) for use as an extra care facility including units, communal facilities and services areas, community hall and on-site affordable housing and associated access parking, servicing and landscaping. (MAJOR DEVELOPMENT)

I am writing to **object** to this planning application for:

- the demolition of buildings and the loss of a residential tertiary education college, including teaching facilities, a major hall (350sqm) used both by the college and the wider community, a 109-bedroom hall of residence (2,600sqm) and a nursery school – the loss of nearly 10,000sqm of social and community uses;
- the enlargement of the site through developing a major raft over the Circle/District Line railway; and
- a development consisting of 150 housing units, including 142 units of luxury extra care/retirement housing plus amenities (28,819sqm), 3 large town houses (totalling 1,527sqm) and 5 small affordable housing units (537sqm), and a much-reduced small community hall (125sqm).

Grounds for objection:

As a resident of more than 20 years, I strongly object to the proposed scheme and its consequences

The loss of educational facilities; which must be the base of any community life.

The scale of the development clearly based solely on the maximization of profit with no justification whatsoever for yet more luxury housing on such a scale, “Ultra High Net Worth” who are well known for leaving properties empty for months at a time and do not participate in our community.

The scheme is a lost opportunity to provide the borough with significant affordable housing including affordable care home facilities also the base of a balanced community. With the scale of the development comes an unacceptable level of traffic through residential street. The proposed long-term access to the development by its residents through residential street that are already very congested.

The deck over TFL lines must be stopped and be proposed under a separate planning consideration.

Lastly and not least the completely unacceptable proposed traffic management plan which would mean lorries, 60 runs daily at its peak, going through quiet residential streets where 2 cars cannot cross over for a considerable length of time due partly to the scale of the scheme.

I also fully second the technical objections formulated by our neighbourhood association.

I most strongly urge the Committee to refuse this application.



- the large-scale, total loss of educational use from this site, which has been in educational use for over 150 years;
- the proposal is completely contrary to development plan policies that seek to protect and enhance the supply of land and buildings in social and community uses and specifically seek to retain educational uses (Local Plan Policy CK1 and London Plan (2016) Policy 3.18);
- the Council has misinterpreted the basis of Policy CK1, which seeks to protect low land value social and community uses from being developed for high land value residential uses, by failing to understand the basis of policy and encouraging a use – a luxury retirement extra-care housing scheme - which is not the “same or similar use”, not another “social and community use” nor an enabling use. There is no policy basis for any housing on this site;
- the scheme does not meet any of the key tests for social and community uses in Policy CK1;
- the scale of the scheme: the development of a major raft over the railway, considerably raises the quantity of development, the scale of the works and the length and impact of the construction project;
- the housing mix is totally inappropriate: there is no shortage of luxury housing, but there is a shortage of affordable housing for older people, especially care homes;
- there is no housing need to justify this scale of provision of luxury retirement extra care housing, whilst the proposed development provides no significant contribution of affordable housing nor, what most people would regard, as an affordable care home;
- there are few public benefits that are directly linked to this scheme to offset the harm, other than access to the existing garden; and
- the Construction Traffic Management Plan is unacceptable.

1. Loss of educational use:

The Borough has lost a succession of large educational sites – all to luxury housing schemes – especially King’s College sites in Chelsea (College of St Mark and St John) and Kensington (Queen Elizabeth College), all before the Council’s Local Plan introduced Policy CK1 in 2010. The South Site of Holland Park School on the other hand was justified as enabling development for the rebuilding of the school.

This site has been in education use for more than 150 years. The proposal would expunge all educational use from this site including the loss of a 109-bedroom hall of residence. Both the loss of education and the hall of residence should be counted as losses, the latter as a housing loss to be offset against any gains when assessing the net change in housing.

This is specifically contrary to London Plan (2016) Policy 3.16.

2. Loss of social and community use

This scheme would see the loss of educational use, student housing, a large hall and a nursery school – all social and community uses described in para 30.3.4 of the Local Plan (2010/2015). Since Policy CK1 was designed to protect low value, social and community uses, their removal and replacement by high-value luxury retirement housing cannot be used to “compensate” for the loss of social and community uses.

This is specifically contrary to Local Plan Policy CK1.

3. Misinterpretation of Local Plan Policy, London Plan Policy and national policy

The Local Plan (2015) is very clear about the purpose of Policy CK1: Keeping Life Local and how it should be applied.

The purpose of the policy is very clear:

- to protect and promote functions that otherwise might be lost to residential use and ensure that necessary infrastructure is provided to support the scale, location and timing of development planned for an area. (para 30.1.1)
- to protect the uses that have lower land values, but high value to the community. (para 30.2.1)
- with high residential property values, social and community uses and other local services are being threatened in Kensington and Chelsea as they have a lower land value than other uses, in particular

housing. High land values can effectively prevent new social and community facilities from being established. Maintaining the present land bank of sites in these uses for future generations is thus essential. Where policy safeguards have been ineffective, social and community facilities have been lost to higher land value uses. (para 30.3.2)

- to allow for changes while maintaining the borough's overall stock of social and community uses. The Council also recognises, taking a pragmatic approach, that it may be necessary to support enabling development on a given site where the proposal will result in an overall improvement to the social and community facilities in the borough. (para 30.3.3)

The current proposal involves the total loss of low land value social and community uses to the highest value use – luxury retirement housing, with no obligation to provide an appropriate level of on-site affordable housing. It is the most extreme conflict that is possible!

It would appear that the Planning Department does not understand or has deliberately misunderstood the purpose of the policy.

The purpose of the policy is to protect low land value social and community uses, by using a sequential approach (see Policy CK1 (c)) which:

- firstly, "seeks the re-use of land and buildings for the same, similar or related use";
- secondly, "seeks another social and community use which predominantly serves, or which provides significant benefits to borough residents and where it is demonstrated that there is a greater benefit to the borough resulting from this change of use."; and finally
- permits enabling development in order to significantly improve that (social and community use)

4. This scheme does not meet any of the key tests of Policy CK1:

The key issues here are:

- the choice of luxury extra care housing is not a low value use which can be used to replace the loss of the current low value educational use, which requires protection from high-value uses such as residential. Whatever the Use Class classification it might have, the key issue is that is not a low value use, but the antithesis – an extremely high value use from which the low value use requires protection.
- it is not "the same, similar or related use" – the proposed use may be argued to be in the same use class (C2 – a residential institution), but that does not qualify it to be a low land value social and community use!
- the top-of-the range, luxury retirement housing characteristics – with a wide range of facilities, including a restaurant, swimming pool, sauna/steam room, gym/fitness centre, Yoga/Pilates room, hair and beauty salon, cinema – is aimed at a very narrow demographic - "ultra-rich, high net worth" people, which would not qualify it as providing "significant benefits to borough residents" nor could it be demonstrated that "there is greater benefit to the borough resulting from the change of use."
- The lack of a continuous open-air footpath that allows direct access to the gardens from both Kensington Square and South End.
- This scheme could not "provide significant benefits to borough residents" nor could it "demonstrate that there is greater benefit to the borough resulting from this change of use"; and, finally,
- the development is not enabling the retention or improvement of the existing social and community use.

To agree to the classification of the proposed luxury extra-care housing as a social and community use purely because it might be considered to be in the same Use Class (C2) is perverse and undermines the whole basis of Policy CK1.

How did this come about?

The draft SPD for Heythrop College contained no proposals for housing and none was proposed in the consultation responses, other than "a modest amount of enabling residential development may be acceptable",

The draft SPD said:

- 3.16 The main use of the site is as a residential institution (Class C2 in the Use Class Order). This use class comprises residential care homes and sheltered housing where there is an element of care, hospitals, nursing homes, boarding schools, residential colleges and training centres. Extra care housing, offering a sufficient level of care for residents, would also fall under a Class C2 use. Policy

CH2(c) (Chapter 35, CLP) encourages extra care housing in C2 use. This benign use could complement other uses on the site.

3.20.1 Subject to meeting the requirements of Policy CK1, a modest amount of enabling residential development may be acceptable on the site where this provides a greater benefit to social and community provision in the borough. Residential use on part of the site would be appropriate in the respect, including affordable housing unless it could be demonstrated that this was not possible for viability reasons.

Policy CK1 in the Local Plan is supported by the London Plan and the NPPF: London Plan (2016):

The current London Plan (2016) has three policies that are relevant to the loss of local social and community uses:

- Policy 3.1 Ensuring equal life chances for all:
B: Development proposals should protect and enhance facilities and services that meet the needs of particular groups and communities. Proposals involving loss of these facilities without adequate justification or provision for replacement should be resisted.
- Policy 3.16: Protection and enhancement of social infrastructure:
B: Development proposals which provide high quality social infrastructure will be supported in light of local and strategic social infrastructure needs assessments. Proposals which would result in a loss of social infrastructure in areas of defined need for that type of social infrastructure without realistic proposals for re-provision should be resisted.
- Policy 3.18: Education facilities:
C: Proposals which result in the net loss of education facilities should be resisted, unless it can be demonstrated that there is no ongoing or future demand.

NPPF:

The NPPF (2018) seeks to promote healthy communities (paras 92/93) seeks “to guard the unnecessary loss of valued facilities”.

5. The scale of development:

The proposed raft over the Circle and District Lines would greatly increase the area of the site resulting in a development three times the size of the existing buildings. This has greatly increased the impact of the proposal, especially in terms of the scale of construction and the length of the project – it is projected to take nearly 5 years.

The developer seeks to claim benefits from rafting over the railway. We agree with the Council that what benefits there may be accrue almost entirely to the developer – a larger site/development with residents of the scheme being the main beneficiaries.

VRARA's main concerns relate to the impact of raft on:

- the delivery of construction materials, especially the steels, to be used to bridge over the railway line;
- the length of the construction period; and
- the resulting scale of the development.

We are concerned that neither the CTMP nor the CMS indicate the scale of this operation, the means by which these materials would be transported into the site and how the raft would be constructed.

6. Housing mix:

The Local Plan (2015/2018) has a strategic objective (CO6) to have “a diversity of housing, that at the local level, will cater for a variety of housing needs, and is built for adaptability and to a high quality.” This is interpreted as meaning “a better mix of housing types and tenures.

This scheme is a large housing scheme (150 units) almost entirely (142 units) being top-of-the-range, luxury retirement housing aimed at a single demographic – “ultra- high net worth” individuals. This would be catering exclusively to this niche market, with no affordable housing to diversify the mix. This would be an exclusive luxury retirement housing ghetto.

As a housing scheme this development should be providing on-site affordable housing, but, due to claims that it is the equivalent of a care home, this scheme contains no affordable housing triggered by the scale of market housing that would be provided. This large, mono-tenure luxury retirement housing scheme provides no diversity of housing and would make little contribution to meeting the borough's housing needs, whilst losing 109 units of student housing.

7. Lack of need for this scale of specialist housing in the borough

There is not this scale of need for “extra-care housing”, let alone for such a luxury, niche housing market in Kensington and Chelsea. The Strategic Housing Market Assessment (2015) indicates that there is a need for 17 units/year of all types of extra-care housing to meet the needs of this borough, yet for this segment of the market it would require only a fraction of this – the Dovehouse Green scheme with 55 units could only attract 10 deposits. This scheme would add a further 142 units. This would mean that most of these flats would be meeting the need for this specialist product from a very wide catchment, including overseas markets. It would be difficult both to justify this scheme as “providing significant benefits to borough residents” or meeting the objectively assessed needs for housing in this borough. The real need for housing for older people is for more traditional care homes – many of which have been lost to luxury housing – such as Vicarage Gate and Delves House in Queen’s Gate Terrace.

8. Public Benefits:

This is now, following the removal of elements in the earlier withdrawn application, entirely a housing scheme. The only social and community use – the “community hall” - at 125sqm is less than a third of the size of the current hall (380sqm).

The housing mix of one and two-bedroom flats is appropriate for retirement housing, but the luxury nature of the flats and the associated facilities are purely for the benefit of future residents from a wide catchment and are of little public benefit, especially if the benefits are not meeting the housing needs of older residents of Kensington and Chelsea. The loss of the 109-bedroom hall of residence would need to be offset against any increase in housing units.

Access to the gardens, which up until now has been limited, is a public benefit, although it is limited as the access arrangements are limited by the lack of an open-air entrance from Kensington Square. This would deter people from entering

The “suggested” financial contribution to a potential step-free access scheme to High Street Kensington Station is

- neither necessary as a result of, nor directly associated with this scheme,
- not proportionate;
- appears as an unrelated donation, which does nothing to mitigate the harm caused by the scheme;
- is not necessary for the consent, nor directly related to the scheme nor does it mitigate the harm caused by the scheme; and, in addition,
- entirely speculative and may never happen. It looks like a purely financial inducement and should be entirely discounted. The key issue is whether or not planning permission should be given even if this inducement were not offered.

The amount of use of the underground generated by this development would be a major reduction compared to its use as a college, due to the reduction in the overall numbers of people and trips generated and the much lower propensity to use the underground. In any case, access to the station via Kensington Square would be sufficiently close. The financial contribution has nothing to do with mitigating the impact of the development.

9. Construction Traffic Management Plan

VRARA will be commenting separately on this issue, but would flag up that:

- the access to this site is highly constrained, with all construction traffic proposed to access the site via South End
- the access route is over 600m on quiet, narrow residential roads; We strongly object

to:

- any holding area with the Victoria Road area – it should, as it was for the De Vere Gardens development (aka One Kensington Road), be east of Palace Gate on the south side of Kensington Road;
- the creation of a one-way system at the top of Victoria Road and Prince of Wales Terrace is not acceptable; and
- all construction traffic being directed to South End - any construction traffic related to developments on the Kensington Square frontage should be serviced from Kensington Square.

Summary:

The Victoria Road Area Residents’ Association objects to this proposal, because:

- the current use of the land and buildings – a residential college – is a low-value social and community use which would be totally expunged. The site has been in education use for 150 years.
- Policy CK1 was formulated specifically to protect low-value social and community uses from the pressures of high-value land uses such as housing.
- The Council has misdirected itself by failing to understand the basis of its own policy – to protect low-value, social and community uses rather than seek to redefine a clearly inappropriate high-value, luxury retirement housing scheme as a “social and community use”. Basing the “similarity” on whether the proposed use would be in the same use class as Heythrop College (a residential institution), would produce a perverse outcome by enabling a very high land value use – luxury retirement housing - to displace a low land value social and community use, namely education.
- The development fails all the sequential test stages of Policy CK1 – the proposed use is not:
 - the re-use for the same, similar or related use (CK1 (c)(i));
 - a change to another social and community use, which predominantly serves, or which provides significant benefits to borough residents and where it is demonstrated that there is a greater benefit to the borough resulting from this change of use (CK1 (c) (ii))
 - enabling development in order to significantly improve the last use, provide another social and community use on site, or significantly improve or provide new social and community uses elsewhere within the borough and where it can be demonstrated that there is a greater benefit to the borough resulting from this enabling development.

In short, the proposed development fails all of the tests of Policy CK1

- the protection of social and community uses is supported by both the London Plan and the National Planning Policy Framework;
- the scale of the development has been greatly increased by the proposed raft over the railway, resulting in a development three times larger than the existing buildings, as well as considerably increasing the problems of construction, delivery of materials and the duration the project;
- the housing mix is limited to the luxury retirement housing market, a very small segment of Kensington and Chelsea’s housing needs. Even if housing were an acceptable use, this mix, with no affordable housing or care home facilities would be unacceptable. The absence of affordable housing (except that required due to the change of use to three large townhouses on Kensington Square), would make this unacceptable. With no affordable housing, the scheme can offer even higher land values than a luxury housing scheme that has the same range of facilities but no affordable housing requirement.
- the scale of this development, taken together with a 55-unit scheme in Chelsea by the same developer, could greatly exceed the acknowledged need for all types of “extra-care housing” (17 units/year) There is no local need for this scale of luxury retirement housing;
- the public benefits are minimal:
 - the public access to the gardens would be partial only, with no obvious open-air entrance from Kensington Square;
 - the raft over the railway is primarily to increase the site area and the benefits would be self-serving – going to the developer and the occupants;
- the proposed financial contribution to a highly speculative but unconnected project – to contribute to step-free access to High Street Kensington Station is not justified by the development, is not proportionate nor reasonably related to the scheme, and in no way mitigates the harm from non-compliance with the development plan.
- The Construction Traffic Management Plan is unacceptable.

cc. Queen’s Gate Ward Councillors VRARA
Committee
Kensington Society
Kensington Court Residents’ Association

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