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Caring for The Mall Conservation Area (Designated 1971)

17 December 2010

By email and printed by hand delivery

Susie Saraiva

Special Projects Officer

For the Head of Development Management – Planning Division

London Borough of Hammersmith & Fulham

Hammersmith Town Hall Extension

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Dear Ms Saraiva,

Application References: 2010/03465/FUL, 2010/03466/LBC, 2010/03467/CAC

Address: Hammersmith Town Hall Extension, Adjacent Buildings at 181-187 King Street and 207-217 King Street, Nigel Playfair Avenue, Cromwell Avenue and land at Furnivall Gardens, London W6 (Referred to in this letter as “the Site”)

Development: Redevelopment involving demolition of existing buildings to provide a civic square, construction of new civic offices with a “one stop shop”, 320 residential dwellings (up to 15 storeys in height to the north west of the Site), a food store (A1 Use Class), five retail units within Use Classes A1, A3 and A4, construction of a new footbridge to Furnivall Gardens with associated landscaping, car parking, servicing, access and other associated works. (Referred to in this letter as “the Proposed Development”)

In accordance with the instructions in your letter to The Hammersmith Mall Residents Association (“HAMRA” & “we”) dated 16 November 2010, I am writing on behalf of HAMRA with objections to the applications for planning permission and listed buildings and conservation area consents identified above and to request the Planning Applications Committee of the London Borough of Hammersmith & Fulham (“LBHF” and the “Borough”) to refuse the grant of the approvals sought.

In the course of preparing this letter, HAMRA has received advice from Alsop Verrill LLP, town planning consultants.

HAMRA's objections may be summarised as follows:

1. **DESIGN:** the scale and appearance of the Proposed Development causes significant harm to heritage assets and protected views, contrary to policies in the LBHF Unitary Development Plan ("UDP"), the London Plan, and to guidance in Planning Policy Statement 5 (PPS5), CABE and LBHF Guidance on Tall Buildings and Strategic Guidance on the River Thames **(pages 4 - 20)**
2. **THE FOOTBRIDGE:** the design and location of the proposed footbridge causes significant harm to heritage assets and protected views, contrary to policies in the UDP and the guidance in PPS5, and the alternatives to a footbridge have not been satisfactorily assessed **(pages 21 - 26)**
3. **DEVELOPMENT NOT REGENERATION:** the lack of regenerative benefits and loss of the cinema is contrary to policies in the UDP and the London Plan and undermine the emerging policies in the LBHF Proposed Core Strategy ("Core Strategy") **(page 26 - 28)**
4. **LIGHT POLLUTION:** there is no adequate environmental assessment of light pollution **(pages 28 - 29)**
5. **TRAFFIC:** the increase in traffic on a Borough Distributor Road and a bus route is contrary to policies in the UDP and the London Plan, and the significant increase in traffic on Cromwell Avenue is harmful to residential amenity and safety **(pages 29 - 30)**
6. **AFFORDABLE HOUSING:** the lack of affordable housing, and loss of existing supported/affordable housing, is contrary to policies in the UDP and the London Plan, and undermines the achievement of targets in the Core Strategy **(pages 31 - 32)**
7. **VIABILITY:** the viability assessment is based on flawed assumptions and does not adequately assess the alternatives **(pages 32 - 34)**
8. **ABILITY OF LBHF TO MAKE A DECISION PURELY ON PLANNING GROUNDS:** the ability of LBHF to make a decision on planning grounds, and not give undue weight to benefits it would receive is questionable **(page 35)**
9. **MATERIAL CONSIDERATIONS:** the significant harm that the Proposed Development would cause would overwhelmingly outweigh the benefits **(pages 35 - 37)**
10. **SUMMARY OF ADDITIONAL INFORMATION REQUIRED:** on the basis of the existing information, planning permission and listed building and conservation area consent must be refused. Additional information is

required to make a proper assessment against policies in the development plan (**pages 37 - 38**)

HAMRA recognises from the outset there will be potential for benefits and harm arising from any development. The need for careful objective evaluation increases with the scale and complexity of the Proposed Development as well as the character and appearance of the area which will be affected by it.

On a balanced evaluation, the Proposed Development conflicts significantly with planning policy on numerous counts and, by its nature, would be harmful. HAMRA can see no material planning considerations which outweigh this harm. Unless the Council of the LBHF ("the Council") as local planning authority, can demonstrate their existence and relevance, approval would be unlawful.

Included with the documentation of the planning applications was the King Street Regeneration Consultation Statement produced on behalf of King Street Developments Ltd by M&N Communications Ltd. This document is referred to by Councillor Greenhalgh in his letter to amenity society chairmen of 1 November 2010 posted on the LBHF website and which contains comments which appear to have a bearing on these planning applications. Accordingly, that letter and the response to it by this Association, which has already been sent to Councillor Greenhalgh, are included at Appendices H and I.

Please will you acknowledge receipt of this letter as soon as possible.

Yours truly,



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LIST OF APPENDICES

- APPENDIX A Proposed Northern Elevation**
- APPENDIX B Sussex House Assessment**
- APPENDIX C Conservation Areas and Zone of Visibility**
- APPENDIX D Existing and Proposed Views from Conservation Areas**
- APPENDIX E Thames Policy Area and Viewpoints**
- APPENDIX F Required Viewpoints**
- APPENDIX G At-grade Crossing in A4 Green Corridor**
- APPENDIX H Letter from Councillor Greenhalgh dated 1st November 2010**
- APPENDIX I Letter from HAMRA to Councillor Greenhalgh**

1. DESIGN: THE SCALE AND APPEARANCE OF DEVELOPMENT AND ITS IMPACT ON HERITAGE ASSETS AND PROTECTED VIEWS

a. The Facts

The Proposed Development involves the massive intensification of development on this Site: a net increase in 266 homes and 6,661 sq m of non-residential floorspace on an area of land little more than one hectare in size, including the introduction of several buildings up to 14-15 storeys on a Site where the highest existing building is just 7-storeys, which itself stands clear above all surrounding buildings.

The Site context is sensitive: it is in, adjacent or visible from 10¹ different conservation areas. The Site is adjacent to 3 listed buildings, with many more in the surrounding area, including 17² listed buildings in the Mall Conservation Area alone. The Site contains 2 buildings on the Local Register of Buildings of Merit, with many more in the surrounding area, including 15³ in the Mall Conservation Area alone. The Site is also partly within Furnivall Gardens, which is an open space of Borough-wide importance and is included in the Inventory of Historic Green Spaces compiled by the London Parks and Gardens Trust. The Site is also plainly visible to a wide area within, and beyond, the Thames Policy Area, from which views of Upper and Lower Mall are protected, and is a highly visible section of the Oxford and Cambridge Boat Race.

In this section we consider whether this sensitive Site is an appropriate location for tall buildings, and what impact the Proposed Development would have on listed buildings, conservation areas and protected views.

b. Is this an Appropriate Location for Tall Buildings?

The essence of the policy guidance is this: tall buildings can be beneficial, but they are not appropriate everywhere. Great care needs to be taken in assessing whether a particular location is suitable, with reference to local character, including heritage.

London Plan Policy 4B.1 sets out design principles, which, although these include maximising the potential of sites, also include the need to respect local context, history, built heritage, character and communities. Policy 4B.8 highlights the importance of local distinctiveness and states that Proposed Developments should preserve or enhance local social, physical, cultural, historical, environmental and economic characteristics.

¹ Old Chiswick CA (Borough of Hounslow), The Hammersmith Mall CA, St Peter's CA, Westcroft Square CA, Ravenscourt Park and Starch Green CA, Brackenbury CA, King Street East CA, Hammersmith Broadway CA, Fulham Reach CA and Castelnau CA (Borough of Richmond upon Thames)

² Hammersmith Bridge, Lower Mall, Nos 6 – 12 & Westcott Lodge, Upper Mall, Sussex House (12 & 14), Nos 13, 15, 17, 19, 22, 24 and Kelmscott House.

³ Nos 14 and 15 Lower Mall and 30, 32, 38, 40, 42 – 58 (even numbers) Upper Mall

Policy 4B.9 supports tall buildings, but only where they are acceptable in terms of design and impact. Policy 4B.10 states that large scale buildings must be suited to their wider context and relationship to other buildings.

The Secretary of State has endorsed the CABE / English Heritage Guidance on Tall Buildings (2007) as a material consideration in the determination of planning applications. One of the criteria for the evaluation of tall buildings is *“the effect on the historic context, including the need to ensure that the proposal will preserve and/or enhance historic buildings, sites, landscapes and skylines.”*(paragraph 4.1.2). The guidance states that *“in some places, historic environment considerations may be of such significance that no tall buildings will be appropriate”* (paragraph 2.8).

The guidance endorses a ‘plan-led’ approach to the location of tall buildings (paragraph 2.5). Following this plan-led approach, the Council published a background paper on Tall Buildings in September 2010. The Tall Buildings Guidance states that *“new development in the boroughs conservation areas would be expected to respond to the existing townscape context which would include the height of the surrounding buildings”*.

The guidance suggests that most areas of the Borough are not appropriate locations for tall buildings:

An analysis of the scale and character of the Hammersmith and Fulham townscape and open spaces suggests that tall buildings would be generally inappropriate across the Borough. However, it is recognised that outside of those areas which present significant constraints, there are limited areas where the existing physical character and townscape composition provides some opportunity to accommodate tall buildings.

The guidance recognises that the setting of listed buildings would be sensitive to the impact of tall buildings, and that even tall buildings some distance from a listed building could have a significant detrimental impact on its setting. The Site would certainly be classified as an area with significant constraints:

- The Site is in, adjacent or visible from 10 different conservation areas;
- The Site is adjacent to 3 listed buildings, with many more in the surrounding area, including 18 listed buildings in the Mall Conservation Area alone.
- The Site contains 2 buildings on the Local Register of Buildings of Merit, with many more in the surrounding area, including 15 in the Mall Conservation Area alone.
- The Site is also partly within Furnivall Gardens, which is an open space of borough-wide importance and is included in the Inventory of Historic Green Spaces compiled by the London Parks and Gardens Trust.

- The Site is also plainly visible to a wide area within, and beyond, the Thames Policy Area, from which views of Upper and Lower Mall are protected, and is a highly visible section of the Oxford and Cambridge Boat Race.

The guidance notes that particularly sensitive riverside views have been identified in UDP policy. The view from the Thames Policy Area of Upper and Lower Mall is one of these sensitive views, identified within Policy EN31.

Views from the Borough's open spaces can also be sensitive especially where their character is one of tranquil seclusion and where views out are generally uncluttered by tall buildings appearing over perimeter tree screens.

With consideration of the Council's Tall Buildings Guidance, the Site is clearly not an appropriate location for a tall building.

This view is endorsed in the Core Strategy. In June 2009 LBHF published its Core Strategy Options and identified areas where tall buildings maybe appropriate. These included the central parts of Hammersmith town centre, but not the western end of the town centre where the Site is located. The Core Strategy (paragraph 8.69) notes that "not all parts of the town centre will be suitable" for tall buildings. As with the Council's Tall Building Guidance, all the relevant statements within the Core Strategy point to this location as being inappropriate for tall buildings.

The appropriate height for development on this Site was considered in the 'Town Planning Guidance' prepared by Eversheds, Cushman and Wakefield and LBHF, which formed Appendix F to the Invitation to Participate in Competitive Dialogue. Paragraph 2.8 states:

"The height of any Proposed Development should be considered carefully. The possibility of some elements rising to around the height of the existing Town Hall extension (for instance, new buildings on King Street flanking a new public square) is not ruled out, in principle, provided that is seen as part of the composition of the development as a whole, and that all the buildings are of an excellent design."

This advice suggests a specific maximum height (up to the height of the existing Town Hall extension; 7 storeys) and a specific location for the taller elements of the scheme (on King Street flanking a new public square). It goes on to give a warning regarding any buildings rising above the Town Hall and surrounding buildings (which are up to 4 storeys in height):

"Any height above the existing general level of the Town Hall and the buildings surrounding the Site will need to be examined very carefully in relation to views from the river, and the relationship with the adjacent residential areas, particularly west of Cromwell Avenue. There would also be significant views of the Site from the Mall Conservation Area and from the Grade 2 listed Hammersmith Bridge. Proposed

Development that have an effect on those views should protect and, if possible, enhance them" (paragraph 2.8).

The height of the proposed buildings is not restricted to 7-storeys as recommended by the Town Planning Guidance for the Site. As well as containing several 7-storey elements, the Proposed Development includes 8-storey and 9-storey buildings on King Street flanking a new public square, and two 14 & 15 storey buildings, one fronting Cromwell Avenue, and one adjacent to the listed Town Hall.

In its pre-application advice dated 18th July 2008, English Heritage stated its concerns:

"The scale and height of the proposed new buildings, both inside and outside the conservation area, was also thought to be inappropriate. Their relationship to the more domestic buildings within the conservation area on the north side of King Street, and in wider views, especially when seen from the Thames path adjacent to Furnivall Gardens, was thought to be somewhat overbearing. Much greater attention needs to be given to a sense of placemaking and providing an appropriate architectural setting for the listed Town Hall."

It should be noted that since English Heritage expressed its concerns about the scale and height of the new buildings in 2008, the height of the proposed buildings has actually increased in order to make the Proposed Development more financially valuable. It is not good design practice for the height and density of new development to be driven by financial viability rather than consideration of what is appropriate to the character and appearance of the Site and surrounding area. This is especially so when the context is so sensitive in terms of heritage assets and protected views, as is the case with this Site.

The height of the proposed buildings is contrary to the following:

- To the LBHF Tall Buildings Guidance which makes it clear that tall buildings are not appropriate in areas such as this which has significant constraints, namely Grade II and II* Listed buildings, designated conservation areas, and protected views;
- To the Core Strategy, which did not identify this part of the town centre as suitable for tall buildings and warned that "*not all parts of the town centre will be suitable*";
- To the London Plan Policies 4B.1, 4B.8, 4B.9 and 4B.10 which require buildings to be appropriate to the local context, including the historic environment.
- To the advice provided by Council-appointed experts that new buildings on this Site should rise up to the height of the existing Town Hall extension, and that these taller buildings should front King Street;

- To the advice provided by the Council-appointed experts that Proposed Development should protect views of the Site from the Mall Conservation Area and from Hammersmith Bridge.

c. Impact on Listed Buildings

The Council has a legal duty and a policy requirement to protect designated listed buildings. Under s66 (1) and s16 (2) of the Listed Buildings and Conservation Area Act 1990, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

UDP Policy EN3 states that the Council will protect listed buildings and that permission will not normally be granted for any development which would not preserve the setting of any listed building.

i. Grade II Listed Town Hall

The removal of the Town Hall Extension and reinstatement of the public square in front of the Town Hall would improve the setting of the northern elevation of the Grade II Listed Town Hall. Specifically, it would improve the setting of the Town Hall when viewed from King Street, as the Town Hall is currently hidden from view by the Town Hall Extension. It is notable that this is the only element of the Proposed Development that English Heritage supported in its pre-application advice dated 18th July 2008. However, the benefits to the setting of the Town Hall associated with the removal of the Town Hall Extension and the creation of a public square are significantly outweighed by the harm caused to its setting by the other elements of the Proposed Development.

With the Proposed Development, the setting of the Town Hall when viewed from King Street, which is 3-storeys with an attic, would be dominated by one 8-storey and one 9-storey building either side of the new public square, and two adjacent 14 & 15 storey buildings. The presence of these new tall buildings, modern in design and unrelated to the Town Hall in character, would be dominant in every view of the Town Hall from King Street. These new buildings would, without doubt, have an adverse impact on the setting of the Grade II Listed Town Hall. This would reduce the beneficial effect on the northern elevation associated with the removal of the existing Town Hall Extension. We refer you to the Proposed Northern Elevation at **Appendix A**.

In respect of the view of Furnivall Gardens from the river (the Thames Policy Area), The Mall Conservation Area Character Profile states that:

Viewed from the river, the frontage is dominated by the south flank of Hammersmith Town Hall and the four storey block of flats (Riverside Gardens) on the north side of the Great West Road, which help frame the space to the north (paragraph 5.57).

The Character Profile also identifies key views, stating that *"Hammersmith Town Hall is a significant building evident in views within and into the conservation area"* (paragraph 6.34). It goes on to state that:

"great care is require so as not to block, or have an impact on, key views by intervening or inappropriate development. The existence, and importance of these views should help determine the permitted heights of new buildings in sensitive parts of the conservation area" (paragraph 6.36).

In stark contrast to the Conservation Area Character Profile, and to the importance attached to the southern elevation in the listing, the applicant describes this as *"currently an indistinctive view"* (View 5, page 34 of the Environmental Statement).

The views of the southern elevation of the Town Hall, which was originally the main entrance, from Furnivall Gardens would be adversely affected, not only by the presence of the adjacent modern 14 & 15 storey buildings, but by the ramps up to the new footbridge, which would obscure the lower half of the southern elevation. This is clearly shown in View 5 in the Townscape and Visual Impact chapter of the Environmental Statement. We consider this view to be damning in its portrayal of the impact of the Proposed Development on the setting of this listed building, and this important view out of the Mall Conservation Area.

The Environmental Statement acknowledges that the proposed raised walkway to the footbridge, and the footbridge itself would obscure part of the western elevation (*paragraphs 9.79 and 9.83*). It is suggested at paragraph 9.79 of the Environmental Statement that this is not one of the most important elements of the building. This is incorrect; it has as much merit as the northern elevation. The effect of the improvement to the north elevation at the expense of the west elevation gives the distinct impression of *"robbing Peter to pay Paul"*.

HE7.1 of PPS5 requires local planning authorities to *'assess the particular significance of any element that may be affected by the relevant proposal'*. In this case, the listing record can help to provide us with details of what is particularly significant about the listed Town Hall. It is clear from the listing description that the western elevation contains several notable features, and is of more interest than the eastern elevation. We refer to the *'double gates of decorative iron'* at ground floor, the *'sculpted frieze with five metope reliefs'* above the western elevation, and the *'arched, double height windows at first and second floor levels with shallow balconies in front'*.

In its pre-application response dated 18th July 2008, English Heritage, with specific reference to the western elevation, states that the proposals would not preserve the setting of the listed building:

"The proposals to partially enclose the western elevation, in order to facilitate movement between it and the new council offices, below a

new pedestrian thoroughfare, was seen as inappropriate intervention into the fabric of the building which would compromise its setting."

The Environmental Statement acknowledges that the footbridge would 'alter' the setting of the listed Town Hall, Sussex House and 13 & 15 Upper Mall, but nevertheless suggests that the adverse impact is outweighed by the benefits the bridge would bring (*paragraph 9.84*). These benefits appear to be restricted to 'new more considered views of the Town Hall' (*paragraph 9.83*). The applicants themselves conclude that the impact of the bridge on views of the listed Town Hall from the west and the south would be a 'minor beneficial effect' (*paragraphs 9.101 and 9.102*). We most strongly think that the impact of a new strikingly alien structure in obscuring existing views of Grade II and Grade II* listed buildings cannot be mitigated by creating new views of the buildings in question from the new structure.

Furthermore, the new footbridge would prevent the Town Hall from being appreciated as it was originally intended. The building was designed to be viewed from street level, not from an elevated position looking down. The listing for the Town Hall describes it as "a fine example of an interwar town hall" and "a building of bold presence". The 'bold presence' of the building is undoubtedly diminished by obscuring views from street level and cannot be replicated by introducing new elevated views. The sense of boldness is also diminished by the overbearing presence of 14 & 15 storey buildings adjacent to it, which would dominate every view of the Town Hall. It would cease to be the dominant building it was intended, and designed, to be.

In summary, the Proposed Development would have a beneficial effect on the northern elevation of the Town Hall, but the beneficial effect would be reduced by the presence of overly dominant 8-storey and 9-storey buildings either side of the new square. The Proposed Development would have significant adverse effects on the setting of the western and southern elevations. This is unacceptable for an asset of acknowledged 'high importance'. The Proposed Development would fail to protect the setting of the Grade II Listed Building and is contrary to UDP Policy EN3.

ii. Sussex House Grade II* and 7 Grade II Houses in Upper Mall

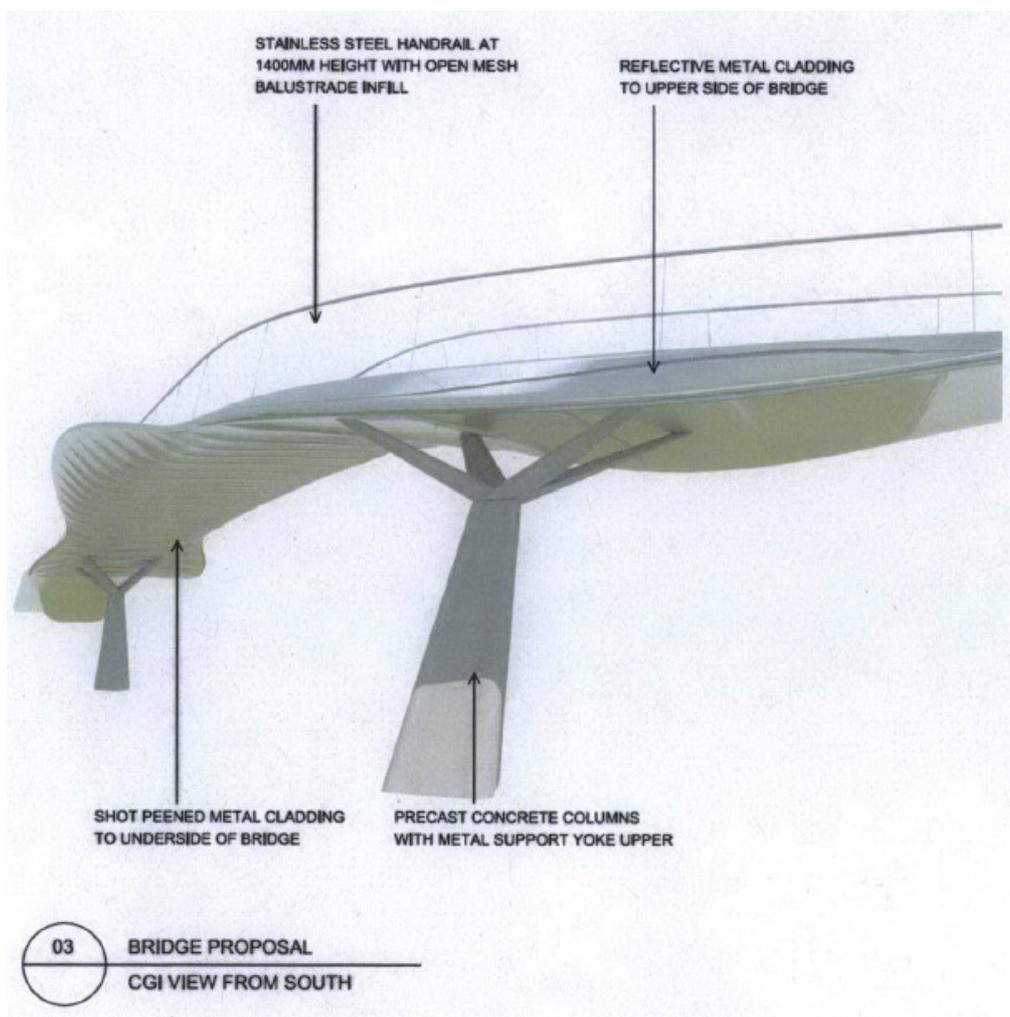
The Heritage Statement acknowledges the "considerable historic value" that these buildings have, both in themselves and as part of a group. It recognises that both buildings are visible from Furnivall Gardens, and that the elevation of Sussex House overlooking Furnivall Gardens is "carefully composed and of some interest" (page 30 Heritage Statement). Features of the eastern elevation and the boundary wall to Furnivall Gardens are referenced in the listing.

Despite this recognition of importance, none of the proposed views in the Townscape and Visual Impact chapter of the Environmental Statement show the proposed footbridge in the context of these listed buildings, the closest point of which would be just 8.5 metres from the eastern elevation of Sussex House. It is essential that such views be provided in order to make a proper

assessment of the impact the Proposed Development would have on the setting of these listed buildings.

HE9.1 of PPS5 states that substantial harm to a grade II listed buildings, such as 13-15 Upper Mall, should be 'exceptional'; it stresses that substantial harm to a grade II* listed building, such as Sussex House, should be 'wholly exceptional'. A proper assessment of the level of harm cannot be made without providing verified views of the impact of the footbridge on these listed buildings.

The footbridge would cause substantial harm to the settings of Sussex House and 13 & 15 Upper Mall by introducing an alien structure that fails to respect its historic context so close to buildings of acknowledged importance. Nothing about the form, materials or location of the proposed footbridge, as shown below, is respectful to its historic context, which consists of 18th century brown brick houses, traditional in form. The design and proximity of the proposed footbridge would therefore fail to protect the settings of the Grade II listed 13-15 Upper Mall and the Grade II* listed Sussex House contrary to Policy EN3.



As stated above, we most strongly consider that the impact of a new structure in obscuring existing views of, and providing an inappropriate setting

to, Grade II and Grade II* listed buildings cannot be mitigated by creating new views of the buildings in question from the new structure.

Sussex House and 13-15 Upper Mall are important elements of the group of buildings at Upper Mall. The view of these buildings from the Thames Policy Area is protected by UDP Policy EN31 (2), which is discussed in more detail below. The proposed new buildings, particularly the 14 & 15 storey buildings overlooking the A4, would have an overbearing impact on Sussex House and 13-15 Upper Mall when viewed from the Thames Policy Area. The scale and appearance of the proposed buildings would fail to protect the settings of the Grade II listed 13-15 Upper Mall and the Grade II* listed Sussex House contrary to Policy EN3.

A study of the impact of the Proposed Development on the Town Hall, Sussex House and Furnivall Gardens prepared by Mr and Mrs Chopra, owners of Sussex House, has been included in their objections to the Proposed Development lodged with LBHF on 15 December, which HAMRA fully endorses, extracts of which are attached at **Appendix B**, for further information.

d. Impact on Conservation Areas

The Council has a legal duty and a policy requirement to protect designated conservation areas. Under section 72 of the Listed Buildings and Conservation Area Act 1990, special attention should be paid to the desirability of preserving or enhancing the character or appearance of designated conservation areas.

UDP Policy EN2 states that:

“development within conservation areas, including alterations or additions to existing buildings, will only be permitted if the character or appearance of the conservation area is preserved or enhanced. Particular regard will be given in the design of new developments to details such as the scale, massing, bulk, height, materials, colour, vertical and horizontal emphasis, and the relationship to adjoining buildings, the street building line and open spaces. New developments in conservation areas must, where possible, respect the historic context, volume, scale, form, materials and quality. These will be matters of particular importance to the historic context.”

UDP Policy EN2B states that development will only be permitted if the character or appearance of the conservation areas in terms of their setting and views into or out of them is preserved or enhanced.

Figure 10.1 of the Environmental Statement identifies 11 designated conservation areas located close to the Site. By overlaying the Visibility Zone (Figure 10.3) on the conservation area map (Figure 10.1), it is apparent that the Proposed Development will be visible from all eleven conservation areas, with the possible exception of the Hammersmith Odeon Conservation Area (refer to **Appendix C**). Yet the Built Heritage chapter of the Environmental

Statement, and the Heritage Statement, whose task it is to consider the impacts on listed buildings and conservation areas, only assesses the impact of the Proposed Development on the King Street East and the Mall Conservation Areas.

The applicants' assessment of the impact on other conservation areas is restricted to passing comments in the Townscape and Visual Impact Assessment chapter of the Environmental Statement. The visual assessment is different in methodology and does not assess the impact of the development in the context of the specific character and appearance of each individual conservation area. Furthermore, there is no assessment whatsoever of the views out of the Castelnau Conservation Area, in the London Borough of Richmond upon Thames. This is especially concerning as the part of the Castelnau Conservation Area from which the Proposed Development would be visible is within the Thames Policy Area, where views towards Upper and Lower Mall are protected by UDP Policy EN31 (2).

It is not possible to determine the planning application without a detailed assessment of the impact of the Proposed Development on the character or appearance of all the conservation areas, bearing in mind that Policy EN2B requires their setting and views into or out of them to be preserved or enhanced.

The Mall Conservation Area contains some 17th and 18th Century buildings, and late Victorian residential development structured around an historic street pattern. It has a strong relationship with the river, including river related uses such as boathouses and river-facing residential properties. There are clear views along the river and towards the southern bank, which is rural in character (*paragraphs 5.1-5.4 Conservation Area Character Profile*).

The introduction of a group of tall buildings, two of which are 14-15 storeys in height, and modern in design and materials, would not be in keeping with the character and appearance of the Mall Conservation Area, as described above. The scale and design of the proposed buildings would be harmful to the setting of, and to views into and out of, the conservation area, contrary to Policy EN2B.

The new footbridge would obstruct, and be harmful to, views within the conservation area. Nothing about the proposed footbridge, which would land within the Mall Conservation Area, respects the historic context, volume, scale, form, materials and quality of the conservation area, as required by Policy EN2.

We have already discussed the adverse effect the Proposed Development would have on the view of the Town Hall from the conservation area, which is recognised as an important view in the Character Profile. The applicants agree, concluding that the residual impact on the character and appearance of the Mall Conservation Area, and on views out of the conservation area, would be 'moderate adverse' (*paragraph 9.117 of the Environmental Statement*). This failure to preserve or enhance views out of the conservation area is contrary to UDP Policy EN2B.

The King Street East Conservation Area extends as far west as Nigel Playfair Avenue, including the Town Hall and its Extension. The Character Profile has yet to be prepared (as required by Section 71 and 72 of the Listed Buildings and Conservation Areas Act 1990). This stretch of King Street is characterised by retail uses on the ground floor and two floors of residential or office above. A smaller number of properties are four storeys in total. The Town Hall Extension, at 7-storeys, is the exception. The King Street East Conservation Area is more urban in feel than the Mall Conservation Area. It contains some notable buildings, including the Salutation Inn and the Town Hall. The applicants conclude that the residual impact on the King Street East Conservation Area would be moderate adverse (*paragraph 9.117 of the Environmental Statement*).

The views out of the riverside conservation areas, including the Old Chiswick Conservation Area, in the London Borough of Hounslow, Castelnau and Fulham Reach, towards the Mall Conservation Area are important. These views are protected by UDP Policy EN31 (2). The river skyline from Hammersmith Bridge to Upper Mall is characterised by a low density of development, between 2- and 4-storeys in height, mostly residential in use, generous tree cover, with moorings for boats. The applicants note that a defining feature of the Mall Conservation Area is "*its riverside buildings maintaining a traditional continuity of height next to the Thames*" (*page 10-20 of the Environmental Statement*).



View from south bank towards The Mall Conservation Area

The Town Hall Extension, at 7-storeys is the only building that breaks the consistent skyline. It is clear that, if the existing 7-storey building has a harmful impact by breaking an otherwise consistent skyline, then the proposed buildings, two of which are 14-15 storeys in height will have a much more significant harmful effect.

Further along the river to the west is the Premier Inn building, which, as a tall building itself, stands out in the skyline. It is clear from the references in the Environmental Statement and the Design and Access Statement that the applicant considers this isolated tall building to be a negative feature and that the impact of the building needs to be 'reduced'.

Whilst we appreciate that interpretation of buildings is somewhat subjective, we do not understand how the applicants have concluded that the introduction of new buildings that break the consistency, so vastly different in character and scale, would have a beneficial impact (*Views 1, 2, 3, 4 and 5 in Chapter 10*). What is not a matter of interpretation but a matter of indisputable fact is the loss of open sky in the views which is a grievous degradation of the both the views and the environment. We fail to understand how the introduction of tall buildings into a stretch of the river skyline which is notably historical in character and scale, will “*provide the skyline with order and balance*” (*page 10-20 of the Environmental Statement*).

View 1 reveals how the scale of the Proposed Development would tower over the consistent skyline along this stretch of the river. This view demonstrates the harm to views out of Old Chiswick Conservation Area, and views into the Mall Conservation Area.

View 2 reveals how the proposed buildings dominate the setting of the listed Hammersmith Bridge. This is harmful to the setting of the Grade II* listed bridge and to views out of Fulham Reach Conservation Area.

Proposed views are intended to give people an idea of how the Proposed Development would look in context if it was built. As far as possible, the views should present a human field of vision. They should be taken from street level, and show a field of view that any normal person would have. View 3 is a wide angled view of which only the central part of the image is a ‘verified view’. The effect of the inclusion of a much wider panorama view is to reduce the impact of the scale of the proposed buildings.

View 3, from Hammersmith Bridge, is particularly important, as it is one of the only ones chosen by the applicants that shows the protected view from the Thames Policy Area towards Upper and Lower Mall. The proposed view on page 10-25 of the Environmental Statement shows clearly how the Proposed Development would cut through the established roofline. We cannot understand how the applicants can conclude that “*its impact on this view is negligible and the Proposed Development will leave the settings of Hammersmith Town Hall and the Mall Conservation Area unharmed*” (*page 10-25 of the Environmental Statement*). From View 3, the Proposed Development would also result in the loss of view of the spire of the locally listed Rivercourt Methodist Church. This view demonstrates the harm to views within, and out of, the Mall Conservation Area.

With reference to Views 4 and 5, the applicant concludes that the proposed buildings would leave Furnivall Gardens and the Mall Conservation Area unharmed, and would in fact have a beneficial impact (*page 10-34 of the Environmental Statement*). The impact would clearly be one of significant harm, as discussed above, considering the impact the proposed footbridge would have on obscuring views of the original entrance to the grade II listed Town Hall, and the overbearing impact of the 14-storey residential building. We consider this view to be damning in its portrayal of the impact of the

Proposed Development on the setting of this listed building, and this important view out of the Mall Conservation Area.

View 13 reveals how overbearing the proposed 14 & 15 storey buildings would be on the setting of the listed Town Hall, even when viewed from close to the Town Hall. This demonstrates harm to the setting of the grade II listed building and harm to views within and out of the King Street Conservation Area.

The existing View 18 reveals the extent to which the 7-storey Town Hall Extension stands above other buildings within the King Street East Conservation Area. The proposed View 18 reveals how out of keeping the proposed buildings, rising to 14-15 storeys in height, would be with the character and appearance of the conservation area. This view demonstrates the harm to views into the King Street East Conservation Area and views out of the Ravenscourt and Starch Green Conservation Area.

The Environmental Statement suggests that the *"the impact of the height of the Proposed Development upon the King Street East Conservation Area would be mitigated by the high quality of design of the new buildings"* (paragraph 9.85). No matter what the quality of materials and articulation, there are some locations that are simply not appropriate for tall buildings. This is recognised in the Council's Tall Buildings Guidance, and in its Core Strategy. The CABE/English Heritage guidance makes it clear that lack of either an appropriate location or high quality design must result in refusal (paragraph 2.5):

"Tall buildings should not be supported by local planning authorities unless it can be demonstrated through the submission of fully justified and worked-up proposals that they are of excellent architectural quality and in the appropriate location."

English Heritage, in pre-application advice dated 18th July 2008, made it clear that the scale and height of the proposed new buildings is inappropriate.

e. Conclusion on Impact on Heritage Assets

The 'Town Planning Guidance' prepared by Eversheds, Cushman and Wakefield and the Council, which formed Appendix F to the Invitation to Participate in Competitive Dialogue, states at paragraph 2.10:

"the designers should produce a very high quality and sensitive solution which would secure the support of local interest groups, interested bodies such as English Heritage and CABE".

English Heritage, in pre-application advice dated 18th July 2008, has already stated that it considers the scale and height of the proposed new buildings to be inappropriate. In addition to HAMRA, we are aware of 22⁴ other local

⁴ Ashchurch Residents Association ("RA"), Barnes Community Association, Brackenbury RA, Cambridge Grove & Leamore Street RA, Cathnor Park Area Action Group, Cinema Theatre Association, Digby Mansions RA, English Heritage, Friends of Furnivall Gardens, Friends of

community and conservation groups who have objections to the Proposed Development. The Proposed Development has failed to receive support from these groups because it fails to preserve or enhance the character of the conservation areas, and fails to preserve the setting of the listed buildings.

Policy HE9 of PPS5 states that there should be a presumption in favour of the conservation of designated heritage assets, and makes it clear that significance of a heritage asset can be harmed through development within its setting. HE9.1 of PPS5 states that substantial harm to a grade II listed building, such as the Town Hall and 13-15 Upper Mall, should be 'exceptional'; substantial harm to a to a grade II* listed building, such as Sussex House, should be 'wholly exceptional'.

It is clear that substantial harm would be caused by the footbridge to Sussex House, and by the raised walkway and footbridge to the Town Hall. Substantial harm would be caused by the scale and appearance of the proposed new buildings to the settings of the Town Hall, Sussex House and 13-15 Upper Mall. The Proposed Development would fail to protect the settings of the Grade II and II* listed buildings, contrary to Policy EN3.

With reference to HE9.2 of PPS5, substantial harm to a listed building can only be justified if the harm 'is necessary to deliver substantial public benefits that outweigh that harm'. The benefits of the Proposed Development in heritage terms are limited to improving the setting of the northern elevation of the Town Hall. In heritage terms, the harm overwhelmingly outweighs the benefits. We consider the wider benefits of the Proposed Development in more detail in section 9.

The Proposed Development fails to preserve or enhance the character and appearance of the Mall and King Street Conservation Areas, contrary to Policy EN2. The scale and appearance of the new buildings and proposed footbridge would fail to preserve or enhance the settings and views into the Mall and King Street Conservation Areas, contrary to Policy EN2B. The scale and appearance of the proposed new buildings would also fail to preserve or enhance the setting and views out of the Castelnau, Fulham Reach, Old Chiswick, Ravenscourt and Starch Green, Westcroft, Bradmore and Hammersmith Broadway Conservation Areas, contrary to Policy EN2B.

The following views, prepared by the applicants and found within the Visual Impact chapter of the Environmental Statement (included at **Appendix D** for ease of reference), provide clear and unambiguous evidence of the harm to the setting of listed buildings and the views into and out of, conservation areas:

- View 1 – View out of Old Chiswick Conservation Area;

Ravenscourt Park, The Fulham Society, Hammersmith & Fulham Historic Buildings Group, The Hammersmith Society, The London Parks and Gardens Trust, Lord Napier Place RA, North Barnes RA, The Old Chiswick Protection Society, Ravenscourt Action Group, Ravenscourt Society, Save our Skyline, St Peter's RA, Thomas Pocklington Trust, The Victorian Society and The West London River Group comprising 29 member groups from Chelsea to Richmond, and 9 associates.

- View 2 – View out of Fulham Reach Conservation Area;
- View 5 – View out of the Mall Conservation Area;
- View 13 – View within and out of King Street East Conservation Area; and
- View 18 – View out of Ravenscourt and Starch Green Conservation Area.

We believe that the views referenced above speak for themselves. Following the guidance in HE9.2 of PPS5, and with reference to policies EN2, EN2B, EN3, the Council must refuse planning permission.

The section on Design in Planning Policy Statement 1: Delivering Sustainable Development, a most important National Planning Policy document, includes the following statements:

- Good design *"should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted"* (paragraph 34).
- Good design *"should be integrated into the existing urban form and the natural and built environments"* (paragraph 35).
- Developments *"should respond to their local context and create or reinforce local distinctiveness"* and should *"be visually attractive as a result of good architecture and appropriate landscaping"* (paragraph 36).

We believe that the design of the proposed development is contrary to the guidance in PPS1. The proposed design would be inappropriate in its local context and would be harmful to the character and quality of the area and should, therefore, not be accepted.

f. Impact on Protected Views

Policy EN31 (2) states that development will not be permitted if it would cause demonstrable harm to the view from within the Thames Policy Area of any of the following important local landmarks identified on the Proposals Map, or their settings. The first important local landmark is (a) Upper and Lower Mall. The policy lists the key features of this local landmark as:

"the richness, diversity and beauty of the historical waterfront which includes Hammersmith Terrace, Kelmscott House and neighbouring group of listed buildings, and the open space of Furnivall Gardens allowing views of the skyline of Hammersmith and the spire of St. Paul's Church."

Policy EN31X states that development will not be permitted within the Thames Policy Area unless it respects the riverside context, and is of a high standard of urban design and maintains or enhances the quality of the built environment. The supporting text states that development on the riverside needs to respect the unique character of the river.

The part of the Site to the south of the A4, including the area where the footbridge would land in Furnivall Gardens, lies within the Thames Policy Area. This stretch of the river is characterised by a low density of development, up to 3 storeys in height, mostly residential in use, generous tree cover, with moorings for boats.

The proposed footbridge, which lands within the Thames Policy Area, is alien in form, scale and design and does not respect the unique character of the river, contrary to Policy EN31X. It would also result in the loss of trees in Furnivall Gardens. It would cause demonstrable harm to the view from the Thames Policy Area of Upper and Lower Mall and their setting, contrary to Policy EN31 (2).

As discussed in the section on conservation areas above, the height and scale of the proposed buildings, particularly the presence of the southern 14 & 15 storey buildings overlooking the A4, would cause demonstrable harm to the setting of this view, also contrary to Policy EN31 (2). We refer you to views 1 to 5 in Chapter 10 of the Environmental Statement.

These concerns are shared by English Heritage. In its pre-application advice dated 18th July 2008, it described the scale and height of the proposed new buildings as 'overbearing', 'especially when seen from the Thames path adjacent to Furnivall Gardens'. The Thames path is within the Thames Policy Area. The south bank of the Thames is also within the Thames Policy Area.

The plan at **Appendix E** indicates the extent of the Thames Policy Area in relation to the viewpoints selected by the applicant.

The Councils of the London Borough of Hounslow (ENV-W.1) and the London Borough of Richmond upon Thames (ENV26) also have policies that protect the Thames Policy Area. Strategic Guidance for the River Thames (RPG 3b/9b) requires developers to submit an assessment of scale, mass, height, silhouette, density, layout, materials and colour in relation to:

- 1) The local context, including the river frontage;
- 2) Impacts on local and strategic views, including views across, along and from the river;
- 3) The skyline; and
- 4) Local landmarks and historic buildings and structures

The Environmental Statement (*paragraph 10.64*), lists three important local views and states that the impact of them has been considered. One of these is "Hammersmith Upper and Lower Mall including moored boats, from the river and opposite bank". Of the three identified by the applicants, this is the

one that would clearly be most affected by the Proposed Development, and is also protected by Policy EN31 (2). Incredibly, this view does not feature at all within the 21 views assessed within the Townscape and Visual Impact Assessment chapter of the Environmental Statement. Accordingly, HAMRA has included a photomontage of this view to illustrate the grotesque impact of the Proposed Development on this view, below, compared with the view on page 14.



Photomontage by Save Our Skyline from the south bank of the river.

The applicants have failed to submit an adequate assessment. Only Viewpoints 1 to 5 are located within the Thames Policy Area, and the distribution of these means that the impact on large areas of the Thames Policy Area has not been assessed. It is not possible for the Council to determine this application against Policy EN31 and EN31X without a detailed assessment of the impact of the Proposed Development on views within and from the Thames Policy Area.

We have indicated some additional viewpoints in **Appendix F**. In particular, detailed assessment is required from:

- a) The river itself, looking towards Upper and Lower Mall, and towards Furnivall Gardens in particular (a view which is protected by UDP policy EN31 (2));
- b) Other points within Furnivall Gardens, looking within the park, and towards Upper Mall (protected as above), and towards Grade II* Listed Sussex House in particular;
- c) From the south bank of the Thames, which will have a direct view towards the Proposed Development (the south bank of the Thames is also within the Thames Policy Area, so the views of Furnivall Gardens and Upper and Lower Mall from here should also be protected).

2. THE FOOTBRIDGE

We have discussed above how the proposed footbridge would:

- cause substantial harm to the settings of the Grade II* Sussex House, Grade II 13-15 Upper Mall and Grade II Town Hall;
- fail to preserve the settings and views into and out of the Mall and King Street East Conservation Areas; and
- fail to respect the unique character of the river when viewed from the Thames Policy Area, causing demonstrable harm to the protected view of Upper and Lower Mall.

In this section we consider the impact of the proposed footbridge in terms of open space, biodiversity, crime and safety and residential amenity. We also discuss the requirement for, and alternatives to, the footbridge.

a. Impact of Footbridge

Furnivall Gardens is part of The Mall Conservation Area and is identified as public open space of Borough-wide importance on the Proposals Map. UDP Policy EN22 states that development on public open space and other green open space of Borough-wide importance identified on the Proposals Map will not be permitted unless it can be shown that such development would preserve or enhance its open character, its function as a sport, leisure or recreational resource; and its contribution to biodiversity and visual amenity. It is clear from the use of 'and' rather than 'or' in policy EN22, that applications should be refused unless the proposals comply with all relevant parts of the requirements.

The proposed footbridge would contribute to the function of Furnivall Gardens in terms of improving access to the open space from the north of the A4. This does not constitute an enhancement to the Mall Conservation Area. However, the footbridge would not preserve or enhance the open character of Furnivall Gardens and would have an adverse impact on biodiversity and visual amenity, as discussed below.

It would not preserve the open character of Furnivall Gardens. It would result in the loss of around 18%⁵ (the applicant estimates 11%) of the 'open space of Borough-wide importance'. The visual impact of the bridge, which would block views into, out of, and within, Furnivall Gardens, would also have an adverse impact on the open character and visual amenity of Furnivall Gardens. We cannot understand how the applicant can suggest that the effect of the loss of useable space within the gardens, and the introduction of an alien structure, would be '*enhancing the space's open character ... and its contribution to visual amenity*' as suggested in the Environmental Statement (*paragraph 9.83*).

⁵ HAMRA's estimate:.. Approximate area of Furnivall Gardens = 15,427 m², deduct approximate area of memorial garden 1,142m² = 14,285m² approximate usable area. Area of proposed footbridge access and terraces = 2,625 m² = 18.38% of lost usable space.

The proposed footbridge would have an adverse impact on biodiversity, resulting in the loss of open space and loss of trees within this Site of Importance for Nature Conservation. It would result in the loss of most of the trees along the boundary of Furnivall Gardens with the A4. The UDP (*paragraph 4.148*), states that the loss of trees will nearly always result in a deterioration of environmental character and will not be acceptable without good cause.

The Arboricultural Implication Study by ACS Consulting – Dec. 2009 concludes (*paragraph 5.02*) in respect of Furnivall gardens that “The loss of trees from the car park and along the boundary of Furnivall Gardens will have some impact but this is significantly mitigated for with new landscaping.” This cannot be justified: drawing no: TOWN393(08)3000 “Existing Trees and their conditions” shows the trees which will be lost and clearly shows that the steep retaining banking along the A4 for the access ramps for the footbridge do not permit them to be replanted. This is also clear from View 05 and View 05n.

The UDP Policy EN10 states that development (including new residential and commercial buildings, landscaping, open areas, landscaping, and environmental and pedestrian improvements) will not be permitted unless it provides users with a safe and secure environment. The gaps between the ramps down from the proposed footbridge into Furnivall Gardens would create hidden spaces which present opportunities for crime. This is also contrary to Secured by Design guidance.

The footbridge would also affect residential amenity. The closest point of the footbridge would be just 8.5 metres from the eastern elevation of Sussex House. The height of footbridge, above first floor level, and the likely level of activity, would result in overlooking and loss of privacy for Sussex House. It would also have a significant adverse impact on the outlook from this property.

b. Requirement for a Footbridge

The Core Strategy, *paragraph 8.72*, states that “*where possible, any development between the town centre and riverside must help improve the pedestrian links between the two and overcome the barrier effect of the A4 and the flyover.*” The Core Strategy, Policy HTC 1, states that “*The opportunity should be taken to improve links with Furnivall Gardens and the river*”.

The emerging policy seeks the improvement of accessibility ‘where possible’; it is not a fundamental requirement of any redevelopment scheme. Furthermore, the policy does not specify what form these improvements should take.

The Planning Statement states (*paragraph 3.8*) that “*it is an ambition of the Council to reconnect the town centre and the extensive residential areas on the northern side of the A4 with the Thames*”. Whilst we appreciate that such a “reconnection” might be a desirable ‘ambition’, it is not a fundamental

requirement of the redevelopment of the Site, and it should not be pursued regardless of its impact.

The Planning Statement sets out the original objectives for the development that were set by the Council in its Invitation to Tender Paragraph 3.14. The provision of a new or improved pedestrian connection to Furnivall Gardens was not part of the Council's original objectives. The Planning Statement confirms (*paragraph of 3.17*) that improving the connection to Furnivall Gardens and the river was included as an objective following consultation with local stakeholders.

The Consultation Statement, prepared by M&N Communications Ltd and submitted in support of the application, sets out (*paragraph 4.1, page 21*) the main comments raised throughout the consultation process. The comments received from four stages of consultation over two and half years are summarised in just nine comments. Five of the nine comments relate to negative comments about the footbridge, indicating that this is a major concern for local stakeholders. If the objective of improving the connection was only introduced as a result of consultation with local stakeholders (as stated by the applicants at paragraph 3.17) and the applicants contend that a footbridge is the only feasible means of achieving this, then the level of public opposition to the proposed footbridge must undermine its inclusion of this as an objective.

In order for the footbridge to be acceptable in planning terms, it must be demonstrated that the benefits of an improved crossing outweigh the adverse impact on the conservation area, the settings of listed buildings, the loss of trees, the loss of parkland and the loss of amenity to people who live, work or otherwise spend time in the vicinity. This is clearly not the case. There are currently 3 subway crossings within 340 metres, the furthest subway being 185 metres from the site. There is a surface-level pedestrian crossing 420 metres to the east of the site. It might reasonably be concluded that existing connections allow for adequate accessibility between the two sides of the A4 in this area. In planning terms, improvements in accessibility are desirable not essential, and certainly do not justify the substantial harm the proposed footbridge would cause.

For the footbridge to be considered acceptable, it must also be demonstrated that alternative means of improving access across the A4, with less significant adverse, or even positive, impacts on the conservation areas, the setting of listed buildings and the loss of trees, parkland and amenity, are not feasible.

English Heritage agrees that the alternatives to a footbridge would be more desirable in terms of impact on heritage assets. In its pre-application response, dated 18th July 2008, it stated that "*along with a refurbishment of the existing pedestrian subway, a surface level crossing would provide a less obtrusive form of connectivity*".

We now discuss the alternatives to a footbridge.

c. At-grade Crossing

The choice of a footbridge as the means of improving access is puzzling, given that footbridges in the Greater London Area and elsewhere are being removed in favour of at-grade crossings. This is due to the policy objective of prioritising pedestrian movement. In *'Improving Walkability'*, Transport for London ("TfL") states, "*routes should be direct, and designed for the convenience of those on foot, not those in vehicles.*" The recommendations include simplifying pedestrian crossings, and removing clutter (page 20) and examples of good practice include removing footway gradients to create a level pedestrian environment (page 15).

Some examples include:

- A new level crossing facility and footway improvements have replaced the previous subway at Tolworth Broadway;
- A new 'Pegasus' at-grade crossing on the five-lane A3 between Richmond Park and Wimbledon Common so that pedestrians, cyclists and horse riders do not have to negotiate the existing footbridge (which has been dismantled);
- The removal of a footbridge and replacement with an at-grade crossing on the A309 at Hinchley Wood;
- The proposed removal of the existing footbridge between Luton railway station and Bute Street and its replacement with a level walk through station square;

This approach to 'connectivity', elevating the needs of pedestrians and cyclists over motorists, involves greater emphasis on safety and traffic calming and lesser emphasis on apparent speed of movement. The philosophy is consistent with contemporary town and transport planning.

In a letter dated 29th July 2010, Transport for London (TfL) states that "*although a detailed design has not been assessed, TfL is unable to provide "in principle" support for the concept of an at-grade pedestrian crossing facility in this location and considers that the proposed footbridge and/or upgrading of subways presents the best solution in terms of providing for walking and cycling.*"

This confirms that TfL has not been asked to consider a detailed design of an at-grade crossing. TfL must be asked to consider a detailed design of an at-grade crossing so that a proper assessment can be made as to whether it is a feasible alternative.

TfL has expressly indicated previously that it would support an at-grade crossing in this location. The *'A4 Green Corridor'* report was prepared in 2004 by consultants on behalf of the Mayor of London, Transport for London, the London Borough of Hammersmith and Fulham, and the Royal Borough of Kensington and Chelsea.

Recommendation R7 is that *“At-grade pedestrian crossings should be introduced at key points along the Great West Road. The existing public subways should be closed and their protective railings and crash barriers removed.”*

Hammersmith Town Hall was one of the locations identified for an at-grade crossing (recommendation R36). The proposed crossing is shown at **Appendix G**. A staggered crossing is recommended, but it is also stated that *“a non-staggered crossing at this location should not compromise the overall operation of the corridor”* (recommendation 36). This view was formed after undertaking capacity testing to understand the implications of the proposed crossings.

It is clear from the A4 Green Corridor report that, following detailed analysis, TfL considered an at-grade crossing to be appropriate in this location. In fact, it is stated on page 37 that *“construction of the new crossing is within TfL’s current programme”*.

An at-grade crossing would be the simplest and easiest form of crossing for pedestrians, and accessible to all. It is in line with current objectives to prioritise pedestrians over cars. It would also not involve the unnecessary loss of parkland within Furnivall Gardens. An at-grade crossing would not have the adverse effects on the listed Town Hall, listed Sussex House and The Mall and King Street East Conservation Areas associated with the alien structure of the proposed footbridge. Furthermore, the introduction of the crossing would reduce traffic speeds, which would have a beneficial effect on the setting of the listed buildings and conservation areas, and would improve residential amenity in the area.

An at-grade crossing was recommended by Whitelaw Turkington Landscape Architects, Peter Brett Associates, Sutton Vane Associates and Gardiner and Theobald in *A4 Green Corridor*, which was endorsed by the Council and Transport for London. It is clearly the favoured option for increasing accessibility and must be considered in detail by the applicant, in consultation with Transport for London and English Heritage.

d. Subway Improvements

The comments in TfL’s letter of the 29th July also confirm its opinion that the upgrading of the existing subways is on equal footing with a footbridge in terms of improving walking and cycling access. Therefore, if the benefits of upgrading the subways are similar to those associated with a new footbridge, but the adverse impacts on heritage assets and local landmarks of acknowledged importance are much lower, then the upgrading of the subways must be the appropriate option in planning policy terms.

The simplest method of improving the pedestrian connection to Furnivall Gardens would be to make improvements to the existing subway. These could include lighting, artwork, CCTV and creating a gentler gradient on the sloped access. Improvements of this kind have been made to other subways

across London. We refer you in particular to the A13 Artscape project, which was a Council-initiated project in which artists were commissioned to redesign thoroughfares and facilities such as subways along the A13 corridor in east London.

e. Statutory Requirement for Assessment of Alternatives Considered

It is a statutory requirement (Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 schedule 4, part 1, 2) that the environmental impacts of alternatives studied must be described in the Environmental Statement and that the reasons for choosing the Proposed Development, taking account of the environmental effects, should be justified. This includes alternative Sites, alternative Site layouts, alternative processes and alternative phasing of construction. EIA guidance states that the Best Practicable Environmental Option (BPEO) should be described and any variation between the Proposed Development and the BPEO should be explained.

It is clear from the discussion in the applicants' Design and Access Statement and Planning Statement that alternatives to the footbridge were considered, including an at-grade crossing and improvements to the existing subway. However, the Environmental Statement contains no assessment of the impact of these alternatives, and no justification for the choice of the footbridge as a means of improving access. In fact, the specific inclusion of a footbridge (as opposed to improving access) is listed in paragraph 3.3 of the Environmental Statement as a key objective of the Proposed Development. Paragraphs 3.90 to 3.97 discuss the design of the footbridge, but there is no discussion of alternative means of improving pedestrian access.

The application cannot be determined until details have been provided of an environmental assessment of all alternatives to the footbridge considered, with justification for the option chosen with reference to the Best Practicable Environmental Option. Little convincing analysis has been provided by the applicants to demonstrate that alternatives to the footbridge are not viable. From the evidence available, it is impossible to conclude that the footbridge is the 'best practicable environmental option'.

3. DEVELOPMENT NOT REGENERATION, AND LOSS OF CINEMA

The Core Strategy Policy HTC2 identifies the Site as a Strategic Site and promotes the 'regeneration' of the western part of the town centre around the Town Hall. We question what benefits the redevelopment of this Site, which would result in the loss of the cinema, the loss of supported/affordable housing within the Pocklington Estate and relocation of a religious meeting house, would bring to the local community. Is this not development, rather than regeneration?

The Core Strategy states:

"We will encourage a general upgrading of the shopping offer at the western end of King Street, up to and around the Town Hall. To achieve

this, there needs to be a clearer attractor which will lead to greater pedestrian flows in King Street while not detracting from the core shopping area. This will be provided by our proposal for the creation of a high quality civic centre campus based around the listed Town Hall with a public square and with some new shopping and restaurants” (paragraph 8.61)

The Council is seeking to bring about regeneration on a Site in, adjacent or close to 5 conservation areas, adjacent or close to 3 listed buildings and containing 2 buildings on the Local Register of Buildings of Merit. In its publication, *Regeneration and the Historic Environment*, English Heritage set out a ‘checklist for successful regeneration’. Key elements of successful regeneration include a respect for local residents and businesses and a respect for what already exists. English Heritage warns that new large-scale developments risk losing the fine grain that characterises historic areas. As discussed in the section on design, the Proposed Development fails to respect the setting of the Site whilst the scale and density of development is wholly at odds with the character and appearance of the listed buildings and conservation areas.

In *Culture at the Heart of Regeneration* (DCMS 2004) the Government argues that there is hard evidence of the benefits that providing for cultural activities brings in regeneration. The document begins with the following quote from Robert Hughes, former Chief Executive Kirklees Council:

My own blunt evaluation of regeneration programmes that don't have a culture component is they won't work. Communities have to be energised, they have to be given some hope, they have to have the creative spirit released.

Not only does the proposed ‘King Street Regeneration’ not contain a cultural component, but it proposes the loss of a cultural facility of recognised importance: the cinema.

The London Plan identifies Hammersmith Town Centre as having a strategically important cluster of night time activities. London Plan Policy 3D.4 states that the boroughs should support evening and night-time activities in town centres, and encourage arts and cultural facilities in major mixed-use developments.

The Core Strategy, at paragraph 8.60, recognises that the cinema is a significant contributor to the town centre’s cultural offer. However, the Core Strategy goes on to state that “*Hammersmith should continue to have a mainstream cinema but a better located and a modern venue would be desirable*” (para 8.64). The Council’s desire to seek a better location for the cinema appears to contradict its desire for the ‘regeneration’ of this part of the western end of Hammersmith Town Centre, set out in Policy HTC2. At paragraph 8.61, the Council states that *‘there needs to be a clearer attractor which will lead to greater pedestrian flows in King Street while not detracting from the core shopping area’*. The cinema is an important cultural facility, which currently draws people to the western end of the town centre.

The Core Strategy Policy CF1 protects existing cultural facilities that remain satisfactory for purpose. The loss of the existing, viable, cinema and the failure to provide any cultural facilities in the Proposed Development would undermine the aims of the Core Strategy Policy HTC2, and is contrary to the Core Strategy Policy CF1 and London Plan Policy 3D.4.

The assertion that the cinema is not viable by Councillor Greenhalgh (*letter 1 November 2010 at Appendix H*) is challenged in HAMRA's response dated 14 December 2010 at Appendix I.

The building that houses the cinema is included in the Council's Local Register of Buildings of Merit. UDP Policy EN6 states that:

Development will not be permitted if it would result in the demolition, loss or harmful alteration to buildings, structures and artifacts that are of local townscape, architectural or historic interest, including all buildings identified on the council's Register of Buildings of Merit (Glossary) contained within Supplementary Planning Guidance unless:

- 1. (a) The building or structure is no longer capable of beneficial use, and its fabric is beyond repair; or*
- (b) The proposed replacement would bring substantial benefits to the community and which would decisively outweigh the loss; and*
- (c) The Proposed Development cannot practicably be adapted to retain any historic interest that the building or structure possesses; and*
- (d) The existing building or structure has been fully recorded;*

The UDP reiterates this (*paragraph 4.69*), stating “*locally important buildings are of value in terms of townscape, architectural or historic interest, and it is especially important that they shall not be demolished*”.

The Proposed Development is dominated by the 320 new residential apartments, none of which would be affordable housing. It also involves the loss of the cinema. The Proposed Development is stated to have “ a food store (A1 use Class) five retails units with Use Classes A1, A3 and A4. In any common sense assessment this does not amount to a net gain in terms of regeneration and does not equate to ‘substantial benefits to the community and which would decisively outweigh the loss’ (UDP Policy EN6).

4. LIGHT POLLUTION

The applicants state that the impacts of solar glare and light spill were ‘scoped out’ of the Environmental Statement during the scoping process. What information was submitted or considered in order to determine that the Proposed Development was unlikely to have a significant effect on light spill? At Paragraph 7.2 of the Scoping Report, and repeated at paragraph 2.15 of the Environmental Statement, the applicant states:

Quantitative criteria for acceptable levels of light spill as detailed within the Institution of Light Engineers (ILE) document entitled 'Guidance Notes for the Reduction of Light Pollution' will be used to proactively measure the proposals' lighting strategy. In addition, it is anticipated that through careful lighting design future levels from the Proposed Development will be no higher than existing levels of this well-lit urban Site. Accordingly it is considered extremely unlikely that light spill from the Proposed Development would increase existing high levels of night-time lighting or be in breach of the guidelines.

The Environmental Statement states that the Proposed Development would be 'extremely unlikely' to 'increase existing high levels of night-time lighting'. The Proposed Development involves a massive intensification of development on this Site: a net increase in 266 homes and 6,661 sq m of non-residential floorspace on an area of land little more than a hectare in size, including the introduction buildings up to 14-15 storeys on a Site where the highest building is just 7-storeys. In addition, there would be new lighting throughout the public realm, including the proposed elevated footbridge. The possible effects on light pollution cannot be dismissed simply on the basis that the Site has 'existing high levels of night-time lighting' when the intensification of development is so great.

The Lighting Design Strategy prepared by Hoare Lea submitted with the planning application relates only to proposed lighting within the public realm. It does not contain an assessment of the increase of light pollution from the proposed buildings.

We note here that the applicants appear content with the '*existing high levels of night-time lighting*', but do not attempt to put forward any practical ideas (that could be enforced by planning condition) aimed at reducing light pollution. In this respect alone, the applicants have failed in the duties required of them by Planning Policy Statement 1 (*paragraph 34*) and have put forward a development design which is both inappropriate in its context, and which fails to take the opportunities available for improving the character and quality of an area and the way it functions. PPS1 exhorts about such development proposals that they should not be accepted.

5. TRAFFIC

London Plan Policy EC.17 aims to achieve zero traffic growth across inner London. It requires all Proposed Development to be assessed in terms of their traffic generation and impact on traffic congestion, with particular regard to impacts on bus routes and the main network.

King Street is designated as a Borough Distributor Road (*UDP: Appendix 5.1*). UDP Policy TN8 states that "*development will not be permitted if it would prejudice the effectiveness of these roads to distribute traffic to land and property within any local area bounded by the strategic route network and London distributor roads, or introduce additional through traffic on them*".

The applicants summarise the impact on traffic in the following words (page 36 Non-Technical Summary):

*The significance of the residual impact (taking into account the effects of the proposed Green Travel Plan) of the Proposed Development traffic on King Street was considered to be **minor adverse**. However, on the northern section of Cromwell Avenue, the significance of this residual impact was considered to be **major adverse**.*

*The increase in delay per vehicle due to background traffic growth and Proposed Development traffic for junctions was considered to be **minor adverse**. The impact of increased traffic flows on severance will vary depending on the road, with the impact on Cromwell Avenue being **substantial adverse** although the flows are not expected to contribute to pedestrian delay impacts.*

The **adverse effects** of the Proposed Development, ranging from minor to major in significance, are the result of such a great intensification of development on this Site which relies solely on Cromwell Avenue for access for all vehicles. There is no direct vehicular access to/from the Site via the A4⁶.

The Environmental Statement (paragraph 15.106) confirms that the Proposed Development would result in an increase of a further 10% traffic growth above a background traffic growth of 10%. As it would introduce additional traffic to King Street, a Borough Distributor Road, it would be contrary to Policy TN8. Furthermore, King Street is a bus route, and the additional traffic would result in delays to bus journeys, contrary to London Plan Policy EC.17.

Cromwell Avenue is a quiet residential road, with no through access. It provides access only for the residential properties on Cromwell Avenue. In terms of traffic generated by the Site, this includes only a small number of on-street spaces. In the Proposed Development, Cromwell Avenue would be the only vehicular access for the entire development, which involves the massive intensification of development on the Site, including a net increase in 266 homes and 6,661 sq m of non-residential floorspace. Cromwell Avenue would provide the access for the 417 car parking spaces within the Proposed Development. It would also provide the access for large delivery vehicles to the proposed retail store. All this puts an entirely unacceptable strain on Cromwell Avenue which was not laid out for this purpose.

The Environmental Statement acknowledges that the increase in traffic would be greater than 90% and the impact would be substantial adverse (paragraph 15.116). Such an intensification of traffic movements, including the introduction of large delivery vehicles, would have a devastating effect on this quiet residential road in terms of noise, air quality, pedestrian safety and residential amenity.

⁶ The only access roads to and from the A4 are via the two residential roads, Weltje Road (one way on to the A4 and Rivercourt Road, one way from the A4).

6. AFFORDABLE HOUSING

The Site currently contains 54 homes, known as the Pocklington Estate. The housing is owned and managed by the Thomas Pocklington Trust, a Registered Social Landlord and a charity that finds housing for registered blind or partially sighted people. Some of the homes on the Site are rented to blind people. As defined by PPS3 Annex B, affordable housing includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market. The existing sheltered housing would be classified as intermediate affordable housing, not market housing as suggested by the applicant.

No affordable housing would be provided in the Proposed Development, resulting in a net loss of affordable/sheltered housing.

UDP Policy H01 (i) requires no loss of a type of accommodation for which there is a continuing and known need. The Housing Needs Study prepared by Fordham Research in 2001, which informed the UDP, confirmed the need for affordable housing. In fact the research revealed that *"for the next five years there is an estimated shortfall in affordable housing in the Borough of around 3,650 affordable homes per year"* (Housing Needs Summary, page 4). The report describes this as *"a significant shortfall that cannot possibly be met unless the highest targets and lowest thresholds for affordable housing are adopted"* (page 8).

Policy H01(ii) requires the replacement of residential accommodation lost through redevelopment. The Proposed Development would not provide any affordable/sheltered housing to replace that lost through redevelopment.

Policy H010 states that development that would result in the loss of special needs housing will only be permitted if the development would be wholly for permanently available affordable housing in accordance with policy HO5. The Proposed Development, which involves the loss of affordable/supported housing for the blind, would not

Housing Market Assessment October 2010 states that the Council *"aims to build a minimum of 6150 additional dwellings over the next 10 years and 2,460 additional affordable dwellings"* (page 5).

The Core Strategy Policy H2 sets a borough wide target of 40% affordable housing. The Core Strategy (paragraph 8.68) states that *"all new housing developments will be expected to contribute to a more mixed and balanced community and to provide more choice for people on low to middle incomes"*.

The failure to provide any affordable housing within the 320 homes proposed on this Site would undermine the Council's target to achieve 40% of the overall number of homes as affordable.

London Plan Policy 3A.10 states that Boroughs should seek the maximum reasonable amount of affordable housing when negotiating, having regard

to: targets adopted in line with Policy 3A.9; the need to encourage rather than restrain residential development; and the individual circumstances of the Site.

The loss of affordable/supported homes, and the replacement by 100% market housing, is contrary to UDP Policies HO1 and HO10 of the UDP, Core Strategy Policy H2 and London Plan Policy 3A.10.

In both the Core Strategy Policy H2 and London Plan Policy 3A.10, financial viability is noted as a consideration in negotiating the appropriate level of affordable housing. The Affordable Housing Viability Assessment prepared for the Council by BNP Paribas Real Estate in June 2009 confirmed that:

"in normal market conditions, the delivery of 40% affordable housing in combination with other planning obligations of between £5,000 and £10,000 per unit is likely to be deliverable in most development circumstances in the borough, especially when residential sales values are at or above £5500 per square metre."

A key reason that affordable housing is not viable within the Proposed Development is the provision of new Council offices at no cost to the taxpayer. We consider that the benefits associated with the provision of new Council offices on this basis do not outweigh the significant harm caused by the loss of affordable/supported homes, and the failure to provide any affordable housing within 320 new homes. The need to save the Council money in refurbishing or replacing its own offices does not justify the failure of the Proposed Development to comply with UDP, the Core Strategy and London Plan policies on affordable housing.

7. VIABILITY

As we have established in the discussion above, the Proposed Development is not in accordance with the development plan, against which the Council must determine the application unless material considerations indicate otherwise. The issue of financial viability is central to the consideration of this planning application, as the applicant has used viability as a justification for:

- An increased density of development, with an associated increase in adverse impact on heritage assets (Conservation Areas and Listed Buildings); and
- The provision of no affordable housing within the new proposed residential development, resulting in a net loss of supported/affordable homes.

We also believe that viability has contributed to the inclusion of the footbridge to Furnivall Gardens in order to make the proposed homes more marketable and valuable. In summary, it seems that the need to make the Proposed Development financial viable has led to the Proposed Development incorporating elements that render it contrary to the development plan.

In certain circumstances, financial considerations may be a material consideration where funds are being provided by development being allowed contrary to the development plan in order to enable development which is not contrary to the plan to proceed. This is known as enabling development. With reference to enabling development, Policy HE11 of PPS5 requires local planning authorities to "assess whether the benefits of an application for enabling development to secure the future conservation of a heritage asset outweigh the disbenefits of departing from the development plan". Relevant considerations include whether:

- *It will materially harm the significance of the heritage asset or its setting;*
- *It is necessary to resolve problems arising from the inherent needs of the heritage asset, rather than the circumstances of the present owner, or the purchase price paid;*
- *There is a source of funding that might support the heritage asset without the need for enabling development;*
- *The level of development is the minimum necessary to secure the future conservation of the heritage asset and of a design and type that minimises harm to other public interests.*

It is necessary to consider whether the development which is not contrary to the development plan (the removal and replacement of the existing Town Hall Extension) is essential, and whether or not it could come forward without the enabling development (the high density residential development).

a. Continued Use of the Existing Town Hall Extension

It is stated at paragraph 3.3 of the Planning Statement that the continued use of the Town Hall extension has been considered, but discounted on the basis of cost:

"The 1970s Town Hall Extension has come to the end of its life and needs to be either demolished or extensively refurbished. The Council has estimated that it would cost taxpayers at least £15 million to refurbish the building. There is not the money available to do this and even if it could be funded, the finished building would be worth only some £8 million."

Could the refurbishment be funded, or partly funded, by selling the other parcels of land that make up the Site?

It is a statutory requirement (EIA Regulations, schedule 4, part 1, 2) that the environmental impacts of alternatives studied be described in the environmental statement and that the reasons for choosing the Proposed Development, taking account of the environmental effects, should be justified. It is clear from the Planning Statement that the alternative of

refurbishing the existing building was considered. However, the Environment Statement contains no assessment of the impact of this alternative.

In *Regeneration and the Historic Environment*, English Heritage states that re-using existing buildings is a simple way of achieving sustainability, and note that demolition and construction account for 24% of the total annual waste produced in the UK. The Environmental Statement estimates the Proposed Development would generate as much as 5,000 m³ of waste from demolition, 35,500m³ of waste from excavation and 5,567m³ of waste from construction. This is a huge amount of waste. Any environmental benefits associated with a more efficient replacement office building must be set against the environmental costs of demolishing the existing buildings and constructing replacement buildings.

b. Viability Assessment

We consider that the viability assessment is flawed because it assumes that the new Council offices need to be entirely cross subsidised by other components of the development. Paragraph 3.14 of the Planning Statement sets out the original objectives for the development that were set by the Council in its Invitation to Tender. These included:

- *To provide improved and more efficient civic office accommodation;*
- *To modernise information infrastructure and improve access to services for stakeholders;*
- *To achieve efficiencies by concentrating service departments in one locality;*

Whilst the provision of **improved** Council offices was part of the original objectives, the provision of new offices was not. Furthermore, the provision of new offices **at no cost to the Council** was not an objective and should not be considered a fundamental part of the redevelopment of the Site.

The applicant must provide an independent financial assessment of what development would be viable if the Council was to wholly or partially fund its own replacement offices, or alternatively, if the Council was to sell its land to the developer, using the proceeds to fund alternative office accommodation. For example, would it possible to redevelop the Site for mixed uses, including residential, office and retail, in buildings up to the height of the existing Town Hall Extension, with on Site replacement of affordable housing and an appropriate proportion of the new homes as affordable housing, with improvements to the existing subways rather than a new footbridge? In other words, would a planning policy compliant redevelopment scheme be viable on this Site?

If the answer is yes, how can it be appropriate for the Council, whose duty as local planning authority is to determine applications against the development plan unless material considerations indicate otherwise, grant planning permission for a scheme that fails to comply to with so many policies

in the development plan on the basis that it will get replacement offices at no cost to the taxpayer?

The independent financial appraisal should also consider whether there are any alternative sources of funding (as required by HE11 of PPS5), such as the sale of Council owned land, that would enable the heritage assets to be protected.

8. ABILITY OF LBHF TO MAKE A DECISION PURELY ON PLANNING GROUNDS

Included within the documentation of the planning applications was the King Street Regeneration Consultation Statement produced on behalf of King Street Developments Ltd by M&N Communications Ltd. This document is referred to by Cllr Stephen Greenhalgh, Leader of Hammersmith and Fulham Council in his letter to Amenity Society Chairman dated 1st November 2010. This letter contains contentious comments which have a bearing on the determination of these planning applications. Accordingly, the letter from Cllr Greenhalgh and the response to it from this Association are included at **Appendix H and I**.

In his letter of the 1st November 2010, Cllr Greenhalgh stated:

“Let me also reassure you that, if the scheme does progress, the council will not be spending one penny of taxpayers’ cash on the development. However, if the scheme does not go ahead there will be huge costs for us all.”

“...this application will be considered robustly against planning criteria at a Planning Applications Committee next year”

It is natural to ask how Councillors can be expected to make an impartial decision against planning criteria when, as a result of approving the application, the Council would benefit from a new office building provided free of charge and, if it chose to refuse the application, it would incur 'huge costs'.

Councils, as local planning authorities and landowners, are often required to determine planning applications from which they would financially benefit. The relevant legal test (established in *R v Sevenoaks DC, ex p Terry [1985] 3 All ER 226*) is whether the planning authority genuinely and impartially exercises its discretion. To act impartially, it should not give undue weight to the benefits that it would receive, or costs that it would incur, as referred to by Cllr Greenhalgh.

9. MATERIAL CONSIDERATIONS

Local planning authorities are required by Section 37(6) of Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations

indicate otherwise. As we discuss in this letter, the Proposed Development is not in accordance with numerous policies in the development plan.

In certain circumstances, financial considerations may be a material consideration (*R v Westminster City Council, ex p Monahan (1988) JPL 107*) where funds are being provided by development being allowed contrary to the development plan in order to enable development which is not contrary to the plan to proceed. This is known as enabling development. In such cases, it is necessary to weigh up whether the harm caused by the development contrary to the development plan would outweigh the benefits from enabling the development.

Provided that the ultimate determination of a planning decision is based on planning grounds and not on some ulterior motive and that it is not irrational, financial realities can be a material consideration. The decision must be based on weighing up the relevant benefits against the harm.

a. Benefits versus Harm

The table below lists the benefits and harm associated with the Proposed Development.

Benefits	Harm
Improved setting of north elevation of Town Hall, and improved setting of King Street East Conservation Area achieved through the removal of the Town Hall extension and the creation of a public square	Benefits to northern elevation of Town Hall and setting of King Street East Conservation Area tempered by overbearing impact of new buildings either side of the square, and overbearing impact of nearby 14-storey towers
Provision of new retail uses and public square which would help to draw people to western end of town centre	Obstruction of western elevation of Town Hall caused by raised walkway to footbridge and access from new civic offices to the Town Hall
Improved access between King Street and Furnivall Gardens	Obstruction of southern elevation of Town Hall cause by new footbridge and associated ramping, particularly when viewed from Furnivall Gardens
Provision of replacement office floorspace, with associated improvements in environmental efficiency	Significant harm to the setting of Grade II* listed Sussex House caused by new footbridge
Provision of new residential units, with associated increase in resident spend	Significant harm to the protected views from the Thames Policy Area towards Upper and Lower Mall, caused by the footbridge and the overbearing impact of new buildings, including harm to views out of Old Chiswick, Fulham Reach and Castelnau Conservation Areas
	Significant harm to the setting and views into and out of the Mall Conservation Area caused by the footbridge and the overbearing impact of new buildings
	Significant harm to the setting and views

	into and out of the King Street Conservation Area caused by the footbridge and the overbearing impact on the new buildings
	Environmental cost of waste associated with demolition of existing buildings and construction of replacement buildings
	Loss of cinema, which already acts to draw people to western end of town centre, undermining the aim of regeneration, and resulting in the loss of a building of merit
	Failure to provide any of the 320 proposed units as affordable housing, making it more difficult to meet housing need targets
	Adverse impact on traffic on King Street and Cromwell Avenue in particular, with possible increase in parking problems
	Adverse impact on air quality along King Street associated with increase in traffic
	Adverse impact on noise associated with increase in traffic

It is apparent that the harm that would be caused by the Proposed Development, including significant harm to listed buildings, conservation areas and protected views, overwhelmingly outweighs the benefits the Proposed Development would bring. A rational planning decision would conclude that planning permission must be refused, as the wider benefits are woefully insufficient to justify granting planning permission for a development that is contrary to so many policies in the development plan, and contrary to so much local, regional and national planning guidance.

The Council has a dual role as landowner and decision maker. The Council itself would financially benefit from one of the wider benefits: the provision of new office accommodation at no cost to the taxpayer. Having read the letter from Cllr Greenhalgh dated 1st November 2010, we are extremely concerned that, in determining this planning application, undue weight will be given to the benefits that the Council itself would receive as a result of the Proposed Development. The determination of the planning application on this basis would be unlawful.

10. SUMMARY OF ADDITIONAL INFORMATION REQUIRED

Notwithstanding our view that the planning applications should be refused on the basis of the information submitted, we consider that the proper assessment of the Proposed Development against policies in the development plan is not possible unless the following additional information is provided:

- 1) More verified views of what the Proposed Development will look like, as identified in section 1, particularly from within the Thames Policy Area, where views of the Upper and Lower Mall are protected;

- 2) Assessment of the impact of the Proposed Development on the other 9 Conservation Areas within the Zone of Visibility;
- 3) Environmental assessment of all alternatives to the footbridge considered, with justification for the option chosen with reference to the Best Practicable Environmental Option;
- 4) Environmental assessment of impact on light pollution; and
- 5) Environmental assessment of alternatives to demolishing existing Council offices; and
- 6) Independent financial appraisal of what development would be viable if the Council was to wholly or partially fund its own replacement offices, and whether there are any alternative sources of funding that would enable the heritage assets to be protected, such as sale of the Council-owned land to fund alternative office accommodation.