

## **SLSAG Comments on November Amendments to 07/2142/FUL**

### **Introduction**

This amendment does not answer our objections to Linden's June 2007 application 07/2142/FUL. The concerns the Sandy Lane Site Action Group (SLSAG) raised in our July 2007 response to the application, and in our November 2007 submission on the negative impact the proposed scheme would have on Bushy Park's wildlife, remain valid.

In this current response, we have focused on the changes arising from the amendment and have touched only briefly on the topics already covered in our earlier submissions.

We are strongly in favour of improved eco-friendly measures, but do not believe that the environment should be used as an excuse to build a more massive and dense development. The amendment does nothing to address the environmental damage the proposed scheme would inflict on the surrounding infrastructure, services, neighbourhoods and Bushy Park.

Instead of returning to seek even more apartments on an already crowded site, Linden should focus on reducing the environmental impact of its approved scheme, 05/2114/FUL, and enhancing the value of those apartments through greater energy efficiency.

### **Built form**

This development would be visually overbearing, intrusive and unneighbourly for the surrounding streets, which are mostly two-storey terraced and semi-detached Victorian houses, and would adversely affect views from Bushy Park.

The skyline would have no visual logic. Facing the site from Sandy Lane and going from left to right, a three-storey building would be followed by three five-storey blocks and then two four-storey blocks. The sequence would be disruptive to the streetscape.

The aesthetic would be incoherent, as the proposal now seems to be for London stock brick finish on the front (south-facing) side and cedar boarding on the back (facing towards the railway). This incoherency would be particularly marked from School House Lane, where the finish of the buildings already under way under the approved application (05/2114/FUL) will be brick and the finish of the buildings in the new application (07/2142/FUL) would be cedar boarding.

### **Impact on wildlife**

Five storeys with such large windows would cause considerable light pollution in Bushy Park and would have a serious impact on vertebrate and invertebrate wildlife, including protected species such as bats and a number of rare species such as the Double Line and Dotted Chestnut moths. All the concerns we raised earlier on the negative impact this application will have on biodiversity are still valid (see SLSAG

submission dated 16 Nov 2007 on the Council's website page for planning application 07/2142/FUL).

### **Proportion of small units**

The amended application fails to satisfy the requirements of HSG 11 (8.57 B), which states that *“Developments will be expected to provide a reasonable number of small units appropriate to the site (bedsits or one bedroomed units) and the Council will seek to negotiate at least 25% small units on appropriate sites...The need for small units is in addition to any provision for affordable housing under policy HSG 6.”*

The 5<sup>th</sup> November letter from Lennon Planning states that under the amended application 34 of the 127 proposed apartments in blocks B, B1, C, C1 and D would be one bedroom, equal to 27%, which is “in compliance with London Borough of Richmond planning policy relating to the provision of small units.”

The amended application is **not** in compliance with London Borough of Richmond planning policy, whichever way it is analysed.

1. Under the approved application (05/2114/FUL), blocks B, B1, C, C1 and D contain 91 apartments, of which 29 are one bedroom. Under the amended application, there would be 127 apartments, of which 34 would be one bedroom. Thus the amended application is proposing 36 extra flats, with a net gain of 5 one-bedroom apartments. Therefore, one-bedroom apartments would account for 13.9% of the additional number of flats, well below the 25% minimum required by the council.
2. In performing the one-bedroom calculation, the amended application is wrong to treat blocks B, B1, C, C1 and D in isolation from the rest of the development. These blocks contain a disproportionate number of one-bedroom apartments under the approved application 05/2114/FUL: 29 of the 91 apartments are one bedroom, equivalent to 31.9%. The amended application reduces this ratio to 26.8%, which of course changes the proportion of one-bedroom flats for the development as a whole. The other blocks (E, F, G, H and I) have only 1 private sector and 21 affordable one-bedroom apartments between them. Under the amended application, only 56 out of 234 apartments on the Sandy Lane development would be one bedroom, equal to 23.9%.
3. However, this does not take into account the requirements of HSG 11, which specifically states that the “need for small units is in addition to any provision for affordable housing”. There would be 25 one-bedroom private sector flats in blocks B, B1, C, C1 and D under the amended application, which means that 26 apartments out of a proposed total of 234 apartments would be one bedroom private sector flats, which is equal to 11.1%.
4. Even if all 97 affordable apartments (all sizes) are removed from the calculation, only 26 out of 137 apartments are one bedroom, equal to 19.0%.

We have been advised that method (3) is the correct way to interpret HSG 11 (8.57B). However, whichever method is used, none reaches the Council's 25% target. Lennon Planning's attempt to consider the blocks in the amended application in isolation from the rest of the development when calculating the proportion of one-bedroom apartments should be firmly rejected. If not, developers would be able to evade council requirements for one-bedroom apartments (or affordable housing) simply by concentrating them in a few blocks in a larger development and then filing a new application for those blocks alone.

### **Affordable housing**

According to HSG 6, the Council expects that "40% of all new units will be permanent affordable housing" (8.31). Further on in HSG 6, it states that "the proportion of affordable housing should be reflected in floorspace, as well as the number of units" (8.37).

We have looked at the number of bedrooms in the affordable and private sector apartments, since this number is readily available and gives a good indication of relative floorspace. It shows the number of people who will live in each type of housing, and thus the contribution that will be made towards the goals of HSG 6.

36 additional apartments are sought by the amended application. 18 would be affordable, of which 9 would be one bedroom and 9 two bedroom, a total of 27 bedrooms.

In the private sector, the amended application would result in a net decrease (compared with 05/2114/FUL) of 4 one-bedroom flats, a net increase of 7 two-bedroom flats and a net increase of 15 three-bedroom flats, a total of 55 bedrooms.

Therefore, the amended application seeks to build another 82 bedrooms. Of this total, only 32.9% (27) would be affordable. Therefore, this amended application fails to satisfy the requirements of HSG 6 8.31 and 8.37.

### **Renewable energy provisions**

Linden appear to be offering two options for meeting their renewable energy obligations, but on closer inspection it becomes obvious that only one option is really being offered.

- Option A – a CHP plant fuelled by a mix of biofuel (e.g. biogas) and natural gas – would "be dependent on new technologies being proven elsewhere in the UK". This raises immediate doubts about viability, especially since the biofuel for the CHP plant would presumably, to some degree, face the same problems associated with production and transportation that led Linden to drop its Biomass Boiler proposal.
- Option B is for a CHP plant powered by natural gas and roof mounted solar collectors. This could be implemented now using current technologies.

Were Option A to be practical, Linden claims it would supply about 15% of the total energy demand.

Under Option B, with a natural gas-fuelled CHP plant, the renewable energy requirement would be provided by solar collectors. The table on p 12 of the Sustainability Appraisal says that “150m<sup>2</sup> of solar panels can provide 10% of the required energy on site”. Further detail is given on p 14: “about 153m<sup>2</sup> of solar collectors can provide 25% of the annual domestic hot water demand for 25 units and generate 10% of the energy required for the development on site”.

The absence of detailed information makes it hard to check the veracity of this claim. However, calculations done on the basis of the data submitted suggest that 153m<sup>2</sup> of solar collectors come nowhere near to supplying 10% of the site’s energy requirements, as explained below.

We have assumed that: the Sustainability Appraisal means that providing 25% of the annual domestic hot water (DHW) demand for 25 units is equivalent to supplying 10% of the site’s total energy requirements; and DHW accounts for 29% of total energy consumption (pie chart, p 10).

- If the solar panels provide 25% of the DHW demand for 25 units, then for 127 units they would provide  $25/127 \times 25\% = 4.9\%$ . Since DHW accounts for 29% of total energy consumption, then the panels would provide  $4.9 \times 0.29 = 1.4\%$ .

The table on p 14 gives the amount of renewable energy from the solar panels at 101,076 kWh per annum and shows that this is 10% of the annual energy requirement. From this the Sustainability Appraisal concludes that 10% of the development’s annual energy requirement will be supplied by renewable energy.

However, this is not true since it assumes that all of the renewable energy will be used. In the summer months, when most of the energy is generated by the solar panels (see [www.navitron.org.uk/solar\\_collector\\_panel.htm](http://www.navitron.org.uk/solar_collector_panel.htm) for a calendar solar energy chart for the UK), much of the energy will have to be dumped once the water cylinder has been heated. Moreover, most of the energy will be generated during the working hours of the day, when many of the residents will have left the development.

We would also like to draw attention to some of the apparent discrepancies between the figures used in the June 2007 application and the November 2007 amendments, which we think Linden should explain.

- In the June application, the total annual energy requirement for the development is given as 1,304,940 kWh, while in the November amendment it is 978,213 kWh. This 25% fall in energy requirement is larger than can be accounted for by the reduction in the number of flats or the loss of one floor.
- The CHP plant in the June application has an annual electrical output of 47 kWe, an annual heat output of 70 kWt, an annual gas input of 140 kW, an annual running time of 5,475 hours, and an annual carbon saving of 36,873 kgCO<sub>2</sub>. In the November amendments, the CHP plant has an annual electrical output of 33 kWe, an annual heat output of 50 kWt, an annual gas input of 99 kW, an annual running time of 5,840 hours, and an annual carbon saving of

54,627 kgCO<sub>2</sub>. Obviously different CHP plants are being considered, but why are the percentage differences in electrical and heat output much greater than the corresponding reduction in flat numbers or surface area, and how is it that the smaller CHP plant in the November amendments can deliver one-third more carbon savings?

### **Carbon savings**

The data supplied on potential carbon savings are so confused and conflicting that it is difficult to make any definite statements.

Linden provide two figures for carbon savings from energy efficiency. Under 'Reducing energy demand' on p 11, the first sentence reads "The energy efficiency strategy for the development reduces the carbon emission to below 2.3% below estimated Building regulations requirements [sic]". However, on p 15 they claim that the energy efficiency measures will reduce carbon emissions to 19% below Dwelling Emissions Rate (Building regulation Part L 2006). The huge difference between the two figures makes all their carbon saving claims suspect.

Moreover, the 19% figure is itself suspect. The footnote (3) on the bottom of p 15 says that they base their carbon saving calculations on four energy efficiency measures: better insulation, air tightness, heat recovery ventilation and "provision of 100% low energy lighting". However, on p 11 it says that "75% of habitable rooms" will have "at least one" low-energy light. This does not even commit them to 75% low-energy lighting, since a habitable room can have more than one light, and yet the carbon saving is calculated on the assumption of 100% provision.

Many of the other carbon saving figures are dubious. On p 15, which shows calculations for the carbon savings that should be achieved by the two energy provision options, it is claimed that the CHP plant will reduce annual carbon emissions by 19%. However, the table on p 13 states that a biofuel/natural gas CHP plant will cut emissions by 23%. Which is it? [Moreover, p 15 describes Option A as a "biomass/biogas CHP", which is puzzling since 'biomass' is an option they have discarded.]

Thus we have carbon savings from energy efficiency that are either 2.3% or 19%, and savings from the biogas/natural gas CHP that are either 19% or 23%. Using these figures, carbon savings from Option A (a biofuel/natural gas CHP plant) could be as low as 21.3%.

For Option B(a natural gas CHP plant plus solar collectors), the table on p 12 says that the solar thermal collectors will reduce CO<sub>2</sub> emissions by 8.4%. If one assumes that the CO<sub>2</sub> savings are the same as for a biofuel/natural gas CHP plant, the savings could be as low as 29.7%.

Of course, the savings could be much higher for both options if the higher figures are used. However, the contradictory figures and the questionable assumption used to calculate the energy efficiency saving mean that none of the carbon savings calculations can be trusted.

## **Surface water flooding**

In the July floods, the stretch of Sandy Lane running alongside the site was flooded to a depth of several feet – and this was when the site was mostly bare and freshly turned earth and so presumably at near maximum absorbency.

However, in Pol3 (surface water runoff) of the Ecohomes assessment, where credits are awarded for reducing peak surface runoff rates, we read that Linden is not seeking any credits. It does not sound as if they are trying very hard to address this major problem.

## **EcoHomes assessment**

The Sustainability Appraisal claims that this development scores an excellent rating under the Ecohomes 2006 assessment. The graphic on p 17 shows that the development scores 70%, on the border between very good and excellent. We believe that the errors we have identified below mean that Linden cannot claim an excellent rating, as required by the Council.

Ene1: The score of 9 depends on 10% of the site's energy requirements coming from renewable sources. The facts presented by Linden do not support this.

Ene3: It beggars belief that Linden are claiming an eco-point for a proposal that features an extractor fan in the bathroom for drying clothes.

Ene4: Linden define their energy efficiency measures in footnote (3) at the bottom of page 15 as better insulation, air tightness, low energy lighting and heat recovery ventilation. There is no mention of energy efficiency gains from A-rated white goods. How can they claim a point for ensuring that white goods have "sufficient rating where provided" if they don't intend to provide any? Moreover, this section is an EITHER/OR choice: you cannot award yourself one point for providing information on Eco labelling AND one point for assuming that you would provide white goods with sufficient rating were you to supply any. It would be interesting to know the Eco rating of the bathroom extractor fans, since these are being supplied to dry clothes.

Ene5: Linden award themselves 2 points on the assumption that "at least 75% of the light fittings will be dedicated low energy lights". However, this is not what they are promising in the main body of the Sustainability Appraisal. On p 11, they state that "75% of habitable rooms... will incorporate at least one low energy light". Thus, if any habitable room should have more than one light but only one low energy light is fitted (which would be possible to do without breaking the commitment on p 11), then the overall proportion of low energy internal light fittings would be under 75%. Since Linden has not made an unequivocal commitment to 75% of internal lights being low energy, they should receive only one point.

Tra1: 2 points are available if 80% of the development is within 500m of a 15 min peak and half hourly off peak service. Linden award themselves two points on the grounds that "Bus No. 481 stop is located 200m from envelopment [sic – perhaps they mean 'envelopment'], and meets frequency requirements". It does not. Bus No. 481

is an hourly service that stops at 8.30 pm and does not run on Sundays or Bank Holidays. The nearest bus stops that meet the requirements are over 500m distant.

Tra3: Linden give themselves a point for the development being within 500m of a food shop and post box. It is not: people will have to go around 685m to the Kingston Rd/Bushy Park Rd shops and 835m to the Hampton Wick shops (distances calculated using Google Earth measuring feature). Linden will have to lose this point.

Pol2: Linden awards itself a point on the grounds that “both gas boilers (CHP) and biomass boilers with less than or equal to 100 NO<sub>x</sub> mg/kWh are assumed”. This is rather puzzling, since they have dropped the proposal to install a biomass boiler, and yet they award themselves a point for something they are not proposing to do. It is true that the gas boiler may qualify for a point, but this lack of attention to detail makes the robustness of the Sustainability Appraisal questionable.

Pol4: Linden really excels itself on this one by awarding itself 3 credits, which can only be achieved by a) conducting a feasibility study on renewable and low emission energy and implementing the results and b) providing evidence that at least 15% of total energy demand is supplied from local renewable or low emission energy sources. Linden state that “A feasibility study was carried out and the recommendations (CHP/biomass combination) will be implemented”. This is unbelievable, since the CHP/biomass combination proposal has been dropped and much of the Sustainability Appraisal deals with two replacement options. Moreover, only Option A (the unfeasible one) would provide 15% of energy from renewable sources. For Option B the proportion is only 10%, according to Linden, and we do not think that even 10% will be achieved on the evidence presented. Therefore, one point would be more appropriate for this section, and two at the very most.

Mat: We cannot comment on the eco-credentials of the building materials used, since no evidence is available. However, given the standards of the rest of this submission, we think the points claimed should be closely scrutinised.

Wat1: The development’s average total water consumption “is calculated to be less than 44m<sup>3</sup>/bedspace/year”. This would qualify for two points. To qualify for the three points they claim, the average consumption would have to be equal to or less than 42m<sup>3</sup>/bedspace/year. Furthermore, it is assumed that dishwashers and washing machines would be “best practice”. Since they have made no commitment to installing white goods, how can this be assumed?

Eco3: One credit is available for “Ensuring the protection of any existing ecological features on the site”. Linden claims this point on the grounds that “No features of ecological value have to be removed”. This is nonsense – if there are no features of ecological value in the first place, then they cannot be protected and so no credit is available.

Hea3: A credit is available for the provision of “private or semi private space”. Linden claims the point on the grounds that “Communal space of sufficient area is provided”. This is puzzling, since the two terms would seem to be opposites. If Linden means that the communal space is large enough to provide private or semi-private space, then they should be required to point out on a plan exactly where

anyone can achieve this level of privacy in a development of five and four storey blocks. The amended proposal features larger balconies, so this would erode privacy (or even semi-privacy) even further.

Man1: We are glad to see Linden claiming three points for this section, which commits them to providing a simple guide to future occupants on both the environmental performance of their home and information relating to the site and its surroundings. We think Linden should be obliged to include the following information: the Ecohomes rating, even if it is less than excellent, with a brief summary of the system and the different grades; the history of the site, its use as a gasworks for a century and the resulting heavy pollution of the soil; the presence of Bushy Park just across the road and the fact that The Royal Parks and the Friends of Bushy and Home Parks were strongly opposed to this development; and the fact that Linden Homes, by going back on their word and seeking a substantial increase in the number of flats over their approved application 05/2114/FUL, have managed to enrage the neighbourhood.

Man2: We strongly contest the claim that the contractor is demonstrating “a commitment to go significantly beyond best practice site management principles”. There have been a large number of complaints from local residents over excessive dust, vibration, noise and other consequences of the work; the contractor has failed to implement agreed measures in the Remediation Methods Agreement (including such simple measures as playing water on a crusher while concrete was being reduced to rubble, which resulted in clouds of dust); an analysis of the dust and vibration monitoring has shown serious mistakes and shortcomings in the reports; and Linden’s response to householders in School House Lane, where cracks appeared in the rear walls during building works, has been unhelpful and unsatisfactory.

### **Reference height**

Linden have failed to reference the proposed scheme to the surrounding built environment. It will therefore be very difficult or impossible to measure the built scheme against the drawn proposals.

The amended application contains no sections through the site referencing the scheme to the surrounding built environment. The earlier application (07/2142/FUL) contained just two sections, both of which were completely inadequate. Their uselessness as a reference can be judged by the section showing a house on School House Lane: the School House Lane house is drawn larger than reality and is shown with a pitched roof, whereas in fact it should be a butterfly roof.

We fear that if there is no adequate referencing then Linden will be able to increase the actual height of their top storey apartments (with views over Bushy Park) by raising the height of the ground level, which they can manipulate as they move the earth during decontamination, and from raised concrete bases.

We feel this is particularly necessary since application 07/2142/FUL is uncertain as to the height of their development compared with the previous Seeboard building. In paragraph 7.13 of the June 2007 Environmental Statement, they say that Alderney House (the old office block) was 15m high, “2m lower than the Jewson building”.

That would make the Jewson building 17m high. Then in the next paragraph, 7.14, they say that their new 6-storey D block would be 20m high, “which is 1.7m higher than the Jewson depot building previously located on the site”. That would make the Jewson building 18.3m high.

Since building heights become variable in Linden’s hands, it would be best to reference this development to the existing built environment outside the site. Linden already have a history of building higher than allowed: earlier this year it was discovered that a Linden development in Chippenham was higher than the plans permitted (this story is on the front page of our website, [www.slsag.org.uk](http://www.slsag.org.uk), under the heading *A ‘Genuine Mistake’*, with links to press reports of the incident.

## **Omissions**

The amended application fails to give information on a number of important points:

- No revised child yield figures are given;
- The application ignores several of the matters that the GLA wants to be resolved, such as an investigation into the possible impact on bats and securing local employment/training initiatives.
- The amended application ignores the problems of surface water flooding (see above).
- There is no discussion of how the sewerage will be dealt with.

This latter point is important for the local community. Thames Water is alternating between two solutions: discharging to the Sandy Lane sewer; and pumping the effluent under the railway line to the sewer at the junction of Bushy Park Road and Wick Road. Either solution would cause local consternation. Residents at Park Court, downstream from the Sandy lane site, have reported repeated problems with their sewers in their comments on the various Linden applications. Meanwhile, several houses in Wick Road (Nos. 24, 26, 30 and 32) had their basements flooded with sewerage on November 24<sup>th</sup> 2007. The same happened at No. 30 in November 2005. This has been reported to Ofwat, which told the residents they had a prima facie case for an investigation.

## **Exaggerated claims**

The 8<sup>th</sup> November letter from Lennon Planning claims that under either option “at least 10% of the energy needs of the proposed development will be met by renewable methods” and that the options ensure the development “achieves the highest possible environmental standards”.

An examination of the Sustainability Appraisal shows that this claim is simply not true. Linden is doing the bare minimum to comply with current Richmond Council requirements. On page 14, the Appraisal states that “about 153 m<sup>2</sup> of solar panels can...generate 10% of the energy required for the development on site”. The table on page 14 shows that this is just what is being proposed, 153 m<sup>2</sup> of solar panels, even though the table reveals that there is 2,000 m<sup>2</sup> of roof area. If Linden really is driven by concern for the environment, then why are they using only 8% of the available roof area?

Linden's proposals will only just meet central government standards that will apply in a couple of years ("Government target for UK power supplied by renewable energy by 2010 is 10%. [DTI renewable energy policy guidance.]” – Sustainability Appraisal, page 10). In the future, the proposed development will slip drastically behind government targets ("10% of its electricity from renewable sources by 2010, 20% by 2020, and 30% to 40% by 2050 [Energy White Paper]). Perhaps Linden don't expect their buildings to be still standing by then.

Moreover, the government's goals refer to electricity from renewable sources, according to the Sustainability Appraisal, whereas Linden's proposals refer to energy (i.e. hot water) from renewable sources. Can the two terms be interchanged like this, or is the government specifically targeting electricity generation in addition to technology such as solar heat collectors? If so, then the proposal to use 100% natural gas for the CHP plant in Option B hardly counts as electricity from renewable sources.

### **Errors and inconsistencies**

We believe that applications should meet a minimum standard of intelligibility and accuracy to be acceptable. We do not feel this amendment reaches that standard. A small selection to illustrate what we mean follows:

- The table of page 14 gives the total annual energy requirement at 978,213 kWh, and the total domestic hot water energy required at 421,152 kWh, equivalent to 43%. However, the pie chart on page 10 puts the DHW share of energy consumption at 29%.
- In the table on page 13, the total annual energy requirement is given as 978,213 kWh/m<sup>2</sup>. The units of measurement have changed to kWh by page 14.
- Under 'Reducing energy demand' on page 11, the first sentence reads "The energy efficiency strategy for the development reduces the carbon emission to below 2.3% below estimated Building regulations requirements". Just how below do they plan to stoop? Or do two belows make an above?
- The table on page 12 giving the advantages and disadvantages of various sustainable energy options states that a disadvantage of a CHP plant is "Ensure dedicate a space for the CHP plant considering use, noise issues and maintains space". They seem proud of this wording, because they repeat it in the box below. However, we would argue that such gobbledygook should disqualify this from being considered as a proper filing.

David Harnden  
Chairman, Sandy Lane Site Action Group