



FIFTH OBJECTION FROM THE OLD OAK NEIGHBOURHOOD FORUM TO IMPERIAL COLLEGE'S APPLICATION AT ONE PORTAL WAY (21/0181/OUTOPDC)

This representation is the fifth submitted on this application since it was originally validated and published for public consultation by OPDC in November 2021. This series of objections has been necessitated by the fact that the application has continued to change significantly in the 20 months subsequent its submission.

The latest changes, set out in an OPDC notification letter of August 2nd 2023, may seem relatively minor at first sight. We see these change as having a substantial impact on a set of over-ambitious commercial development proposals from a higher education body. The lawfulness of Imperial College engaging in such activity, within its statutory powers and vires, we believe to be questionable.

This amended hybrid application, as before, seeks outline consent for seven major buildings with a forecast build period of a decade, and full planning consent for two buildings.

We consider that this hybrid application should be refused in its present form, on a series of grounds explained in this and previous representations.

We also consider that were OPDC and GLA officers minded to support the principles of the scheme **serious consideration should be given to encouraging Imperial College to withdraw the present application and to re-submit separate applications for the proposed Phase 1 Buildings A and F and for meanwhile use of the existing Carphone Warehouse building on the potential site of buildings C and D1.** Further separate application(s) for Buildings D2 and E might or might not then follow.

We believe that it would be highly irresponsible of OPDC to grant outline planning consent to a masterplan involving all seven buildings as proposed. We cannot see why it would be in the public interest to do so, for reasons detailed below and in previous representations.

1. The latest revised proposals **no longer conform with the 'description' of the application as published for consultation between November 2021 and August 2023.** This referred to the demolition of *all* buildings on the site. Departure from the published description has legal implications.
2. Proposals for meanwhile use of substantial parts of the former Carphone Warehouse building have surfaced 20 months after the application was submitted. Their emergence suggests **uncertainties over whether the applicants will be able to obtain funding for the full scheme (see further below).**
3. A key feature of the application as submitted, emphasised by the applicants in consultations and online, was the provision of a large central public open space as part of the initial stages of the development. **This major public benefit will no longer appear at the time and in the form promised to the public, affecting the 'planning balance' on the application.**
4. Lack of public open space and a very low quality of public realm at North Acton has emerged since 2015 as a major failure of spatial planning, for which both OPDC and LB Ealing are

responsible (see further below). **Granting outline consent to the 7 building scheme in the application risks locking into place this failing.**

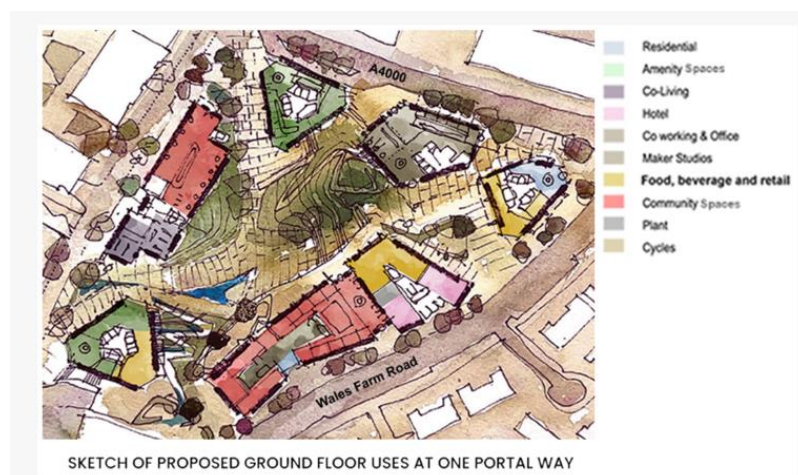
5. The financial context for a scheme of this scale has changed completely since the application was submitted in November 2021. In that month the BoE Monetary Policy Committee voted by a majority of 7-2 to maintain Bank Rate at 0.1%. OPDC has confirmed to us that **no financial viability studies have been submitted on this application**, on the basis that it has been submitted as a Mayoral ‘fast-track’ scheme delivering 35% affordable housing.
6. There would seem to be no financial information in the public domain on how Imperial College intend to raise finance for this project. The College has confirmed that it has parted company with its original development partner [Frame Re](#). Information requests made to the College have gone unanswered as have **questions on whether non-academic property development activity falls within the powers and vires of the College** (see further below).
7. The nature of the proposed ‘meanwhile uses’ has been clarified only after the OPDC circulated its notification letter of August 2nd 2023. We believe that further information supplied by the applicants on August 10th was furnished only because OONF asked relevant questions in an email to OPDC on August 5th.

The promised ‘new green heart for North Acton’

The ‘proposals’ section of the consultation website for One Portal Way includes the following material.

- *With the arrival of the Elizabeth Line and improvements to North Acton station, the area needs a central public space to bring the community together. A ‘green heart’ at One Portal Way will provide this.*
- *We are proposing a new landscaped square at the centre of our site. This green heart will be a garden with large trees, flowerbeds and lawns, and cater to a range of needs and activities.*
- *The green heart will also serve as a civic area, providing a space for the community to come together, as well as establishing clear routes to local transport hubs for visitors to the area.*
- *Feedback from our first phase of consultation showed that over 85% of people who answered our digital survey supported the creation and provision of this central space.*

We are keen to build a community and provide a new heart for North Acton at One Portal Way, which is why we are looking to deliver a large part of our community benefits in the first phase of development. This will include: 95% of the central green space.



This previous commitment has now unravelled. OPDC advise (in response to specific questioning) that *The part retention of the existing building results in a temporary reduction of 685sqm of public realm being delivered as part of Phase 1.*

In terms of the change to an original scheme delivering a permeable site with walking and cycle routes through what is now a very poor and traffic-heavy public realm, we do not feel that the recent OPDC notification letter comes close to flagging up the real impact of these further changes to the November 2021 application. The position on the ground is shown below with a site now split in two.

Figure 12 Location of Temporary Meanwhile Use

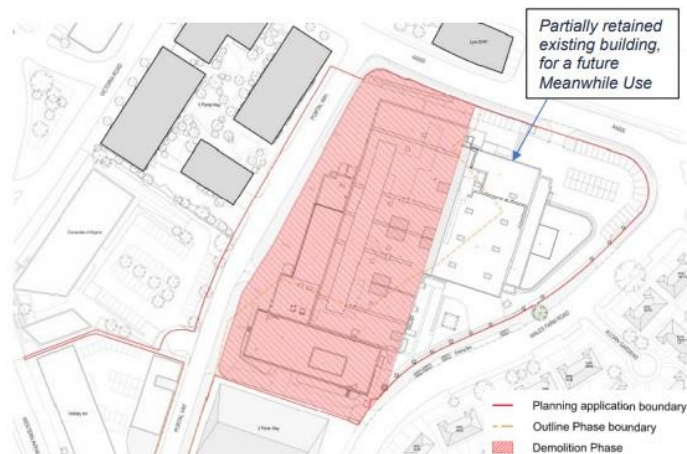


Figure 13 Revised Year 1 Construction Logistics Plan

Open Space at Noth Acton

A recent publication on the impact of high density/high rise buildings in London¹ includes an analysis of open space provision in four London regeneration areas. Comparison is made with the standard of open space per person recommended in the Abercrombie 1944 London Plan of '4 acres per thousand' or 16.2 sq m as a suitable figure to aim for. LB Camden currently set 9 sq m per person as standard for new housing developments. This new comparative analysis provides the following figures:

Queen Elizabeth Olympic Park: 480 ha development area with a projected 18 sq m of shared and public open space per person (excluding visitors)

Kings Cross: 27 ha development area with 10.5 ha of public open space at 2.57 sq m per person for all users (inc visitors)

Vauxhall/Nine Elms/Battersea: 226 ha development area with a 4.5 ha linear park with projected open space of 0.78 sq m per person

North Acton: 33 ha core development area with projected open space of 0.31 sq m per person for a population of 17,000 residents.

This publication's commentary on regeneration at North Acton reads *Development has been brought forward incrementally by landowners and without the benefit of an overarching masterplan. Around*

¹ [What is the future of high-rise housing?](#) → Pollard Thomas Edwards a collection of essays from architectural firms and LSE researcher on High-density living Kath Scanlon.

2,500 apartments and 1,000 student rooms have been built here in the past 10 years, mostly in tall buildings ranging from 12 to over 50 storeys. The only public open space built so far is Station Square, which provides around 1,650 m² of mostly hard landscape. The current planning application for 1 Portal Way contains a public park of some 0.43 hectares, which will no doubt be very well used. We are not aware of other proposals for public open space within the core area: it is possible some will come forward on the remaining undeveloped sites alongside further tall buildings. Assuming 1 Portal Way proceeds, then some 0.6 hectares of public open space may have to serve an overall projected (2038) population of over 17,000 residents and 2,400 workers – around 0.31 m² per person.

Since 2015, our forum members have been drawing attention to the ‘North Acton Cluster’ as one of London’s most serious failures of urban renewal. OPDC Planning Committee members need to call for further empirical and comparative data of the kind covered in this recent independent study. As we have pointed out many times, development at North Acton will forever form a significant part of the Corporation’s legacy.

Imperial College as applicant for development at One Portal Way

It may be argued that the institutional status of a planning applicant is not a material consideration in determining a planning application. But it has long been evident that Imperial College plays on its reputation as a globally respected university body, in the contextual material it has featured in its Planning Statement and on the [public consultation website](#) for this scheme managed by the London Communications Agency.

We therefore consider that OPDC officers and the OPDC Planning Committee should undertake due diligence checks on the role, aims and legal status of the College, in determining application 21/0181/OUTOPDC.

- Does the College have access to the financial resources needed to fund this highly ambitious development over the next 10 years?
- Is there a serious risk of the College selling on a planning consent, were a consent to this hybrid application is granted?
- Does the College have the legal powers and vires to undertake this project, given the absence of academic content amongst the proposed building uses?

We explore below each of these three questions:

Does the College have access to the financial resources needed to fund this highly ambitious development over the next 10 years?

Like most universities, Imperial College has experienced financial problems resulting from the pandemic, and revaluation of pension liabilities. The College’s 2021/22 Financial Report opens by stating *The College’s deficit before other gains and losses was £96.2 million in 2021–22 compared to a surplus in the prior year of £22.9 million. The overall deficit, including gains and losses on investments, was £123.6 million (2021: surplus £161.7 million), with some of the investment gains of the prior year partly reversing in 2021–22. These deficits incorporated a large increase in pension provision (£153.0 million) following the conclusion of the latest USS actuarial valuation.*

The College’s Annual Report and Accounts say very little about the College’s development activities. There is a brief reference to continued projects at White City but no mention of One Portal Way. ‘Non-core’ property assets are managed via an Endowment Board and a Property Committee. Minutes of these bodies are no longer available to the public (although they used to be a decade

ago). It is therefore near impossible to establish how the College intends to raise finance for the development of One Portal Way.

We consider that OPDC as a development corporation has a public duty to make at least some enquiries on this score. A number of English local authorities are now hugely indebted as a result of ill-considered property ventures. It is not clear how such debts are ever to be met, other than via the public purse. The same applies to university bodies who embark on high risk investment strategies. It is unclear what happens should a Russell Group university default on its debts.

Is there a serious risk of the College selling on a planning consent, should this be granted?

When asked this question at public consultation session, College staff respond by citing the Imperial White City campus as a previous development where the College has stayed the course for a decade with an approved masterplan and major development project.

In reality the uses of two plots on the site of the College's development at White City have varied since the 2013 planning consent. Use by Imperial of a combination of S73 and fresh planning applications have changed the masterplan significantly. A 'public square' as a major community benefit has yet to materialise after over a decade of construction work. A S106 commitment entered into with LBHF to construct a pedestrian/cycle underpass from the development site through to Latimer Road in RBKC has not been fulfilled despite constant pressure from local residents.

We see a potential risk of Imperial using its global reputation to gain a planning consent, parts or all of which the College it will then choose to sell on, following reviews of the merits and risks of the project as an investment vehicle. Imperial makes much of its role as a responsible future landowner, in managing the 7 proposed buildings and the public open space. But will this scenario materialise?

We are not clear what conditions OPDC can impose on a planning consent to secure the long-term involvement of the College. This is a point which we consider needs clarifying in any report to the OPDC Planning Committee.

Does the College have the legal powers and vires to undertake this project, given the lack of academic content in terms of proposed building uses?

Imperial College is far from alone amongst higher education bodies in moving into the realm of property development as a source of investment income. But unlike Oxbridge colleges, able to exploit land ownerships dating back centuries, Imperial holds no historic land assets.

The College has been active in acquiring sites and building student housing at North Acton and in North Hammersmith. The 'Imperial White City campus' is billed as the product of partnership working with LB Hammersmith & Fulham and as *a platform for innovation, entrepreneurship and multidisciplinary research*.

The White City campus includes research and academic buildings, in addition to commercial offices and commercially operated student housing. In relation to One Portal Way, **the question remains as to whether the College is straying beyond the remit of the College Charter and statutory 'aims and articles' as a university body and exempt charity.**

The original application in November 2021 for buildings at One Portal Way included no academic or university content. The College maintains that its Charter and Objects give it unrestricted powers to engage in property and development activities.

In October 2022 OONF raised further questions on whether this claim is correct, in a detailed submission to the regulatory body for universities (the Office for Students). A copy of this submission is attached to this representation as Annexe A.

Since last October, the College has sought to vary the 'description' of the application to include the possibility of student housing as a possible alternative to co-living accommodation.

When we have raised with the College the question of its lawful vires and powers to engage in non-academic development activity, we have not received a substantive or detailed answer. The Office for Students declined to look at our concerns in any depth, saying in its response *We have not tested the information you have given more thoroughly with legal colleagues, however, on the basis of our initial review of the information received, we do not wish to take this forward at this time.*

We argue that OPDC as a public body should take steps to satisfy itself that it will not precipitate a series of future legal questions over the proposed scheme at One Portal Way, as a consequence of granting consent to hybrid application 21/0181/OUTOPDC.

On a separate legal point, we questioned in our first and second objections (January and February 2022) whether OPDC should place any reliance on the planning consent purported to have been granted on this site by LB Ealing in August 2016 (LPA ref: P/2015/0095).

We have long argued that planning consents issued by LBE under supposed delegated authority from OPDC between 2015 and December 2020 are null and void through want of proper authority. This situation arose because of administrative failure by LBE officers in failing to secure a formal decision of the Council (during thus 5 year period) to enter into the Scheme of Delegation between the two planning authorities.

OPDC has chosen to retain to itself a decision on determination of planning application 21/0181/OUTOPDC, rather than to delegate this to LB Ealing (as that Council had assumed would happen). If an OPDC committee report prays in aid the 2016 planning consent, we think it incumbent on OPDC and LBE officers to explain why they consider that this 2016 decision was lawful and valid at the time.

Continued inadequate public consultation on the application, contrary to OPDC's Statement of Community Involvement.

This ground of inadequate consultation on the application was covered in detail as Ground 7 in the second objection from OONF (February 2022). OPDC held no 'stakeholder forum' on this application, arguing that it had originally been assumed that Ealing would be the determining authority and hence not subject to OPDC practices on 'early engagement'.

Since the application's submission in 2021, it has become clear that there have been continued significant discussions between the applicants and LBE and OPDC officers during which a series of changes to the original application have been brought forward and considered.

No record of these discussions has been placed on the OPDC online planning register (unlike the position for pre-application advice, publication of which is routine and is ensured by the OPDC SCI para 3.15). Hence the background to the changes made has been non-transparent and opaque.

On 7th August 2023, in response to OPDC's notification of further changes to the application, we emailed to ask whether OPDC are prepared to make available and/or publish on the planning file copies of all written advice provided to the applicants by OPDC or by LBE since the date of the last pre-application note of 29th July 2021. To date we have no response to this request.

Cumulative summary of grounds for objection to application 21/0181/OUTOPDC on One Portal Way

In our four previous representations, we have identified the following grounds on which the Old Oak Neighbourhood Forum asks for refusal or withdrawal of this application. One or two of these points have been addressed through changes to the application of the passage of events, as noted below.

First objection January 2022

1. Prematurity and contrary to LBE Local Plan policy to resist outline applications at North Acton (overtaken by June 2022 adoption of OPDC Local Plan).
2. Reliance on null and void August 2016 planning consent PP/2015/0095 granted by LBE
3. Application contrary to July 2021 NPPF changes and direction of travel of Government policy
4. Application not in conformity with London Plan especially in relation to D9 on Tall Buildings

Second objection February 2022

1. Prematurity, given that the OPDC PSMDLP at that time remained the subject of unresolved draft policies on which the Planning Inspector had yet to report (overtaken by adoption of OPDC Local Plan in June 2022).
2. The risks involved in OPDC granting planning consent to a hybrid application, the outline elements of which will not be built out for many years to come, at a time when the planning and financial context for development in London is highly uncertain.
3. Unresolved legal issues, including the lawfulness of the 2016 LBE planning consent for the site.
4. Questions over the legal capacity of Imperial College as applicants to undertake this development and the College's willingness to fulfil S106 commitments as entered into as part of securing consent.
5. Fire safety, and the content of the Fire Statement and Fire Strategy submitted with the application (later addressed by the addition of second staircases in buildings above 30m).
6. Detailed material on environmental issues
7. Unfair consultation on the planning application, contrary to the OPDC Statement of Community Involvement, with the applicant team having been granted an opportunity to present the proposals to members of the OPDC Planning Committee on January 20th 2022.

Third objection March 2022

1. Commentary on LB Ealing representation on the application, pointing out that Ealing 2012/3 Local Plan policy would not support the application in respect of policies for North Acton.
2. Strong support to LBHF representation stating *'The scale of the tall buildings proposed would have significant and adverse townscape and heritage impacts when viewed from Hammersmith and Fulham. In this respect the proposals are considered to be contrary to Policy P7 of the OPDC Post-submission Modified draft Local Plan (PSMDLP) and Policy DC8 of the H&F Local Plan 2018'*.
3. Questioning of GLA comment in Stage 1 report stating *'the site is considered suitable for tall buildings'* and GLA officer interpretation of London Plan D9 wording requiring identification of *'suitable locations'* for tall buildings. The whole of North Acton does not meet the ordinary English definition of a *'location'* as *'a particular place'*.

Fourth objection May 2023

1. Objection to the proposed change to the description of the development as an 'either/or' use of Building F as co-living accommodation or student housing as an alternative. Where full consent is sought we argue that the proposed building use should be made clear in the published description.
2. Were student housing to become the proposed use, an objection that this would be contrary to London Plan Policy H15 and to commitments made by OPDC to the Planning Inspector during the Examination of the Draft Local Plan. North Acton already experiences an excessive concentration of student housing.

Fifth objection August 2023

1. Description in the application no longer conforms with that validated and published for public consultation.
2. New proposals for meanwhile use (18 months after validation) suggest that the applicants face challenges in financing the full scheme.
3. Loss of a significant part of the central public open space – a key community benefit from the original application – and resultant impact on the 'planning balance'.
4. Granting outline consent to a hybrid masterplan will lock in a high risk approach to later phases of a 10 year construction project.
5. Complete lack of financial viability information.
6. Unanswered questions on whether non-academic property development activity falls within the powers and vires of Imperial College.
7. Late attempt by applicants to clarify the nature of meanwhile uses, subsequent to notification of re-consultation on the application.
8. Severe Inadequacy of public open space at North Acton in relation to proposed densities.
9. Questions on the Imperial College's access to funding for a development of this scale.
10. Risk of the College selling on a planning consent
11. Lack of any public access to records of post application discussions between the applicants and OPDC and LBE since November 2021.

Conclusions

We reiterate our view that for OPDC to grant consent to this much altered hybrid planning application would seal the fate of the 'North Acton Cluster' as one of London's least successful examples of urban regeneration.

The proposals date from an era which is already passing, in relation to high-density high-rise residential towers in London. Public acceptance of this building typology is waning rapidly as a result of a wider understanding of the construction costs, embodied carbon costs, and maintenance costs involved. These feed through into drawbacks in the BTR model (lease complexities, escalating service charges) of which the public are becoming increasingly aware.

The project is very high risk for a university institution with limited experience in residential and commercial development. It is not clear what happens if the scheme falters or fails part way through a 10 year build period.

We suggest that the latest proposals for a range of meanwhile uses in a large existing building on the site should underpin an alternative and more appropriate way forward than a hybrid planning

consent. Imperial College has a successful track record at its White City campus of using buildings with a 10 year lifespan (Scale Space and the Invention Rooms). The College is pursuing an incremental approach to development of its northern and southern landholding at White City.

Given continuing uncertainties about the level of electricity supply available for new development at North Acton, the date of completion of OOC station, passenger numbers and transport impacts in the period before a (potential) HS2 terminus opens at Euston, **where is the public interest in granting planning consent to the hybrid application prepared in autumn 2021?** We see multiple reasons why such a decision will not contribute to the successful and sustainable development of this part of the OPDC area.

In our view, in the present financial climate, the College should now withdraw the present application and resubmit an alternative series of applications, adopting a similar incremental approach as for its landholdings at its White City north and south sites on Wood Lane.

The applicants may argue that it is not the business of the Old Oak Neighbourhood Forum to proffer such suggestions. But the College is a public body, reliant on public funding, and not a commercial developer liable to pick up the consequences of any financial missteps.

We ask the OPDC Planning Committee to take these factors into consideration in the determination of this very major planning application.

Old Oak Neighbourhood Forum August 24th 2023.

Annexe 1 to this objection: copy of Third Party Notification submitted to the Office for Students on October 4th 2022 questioning the statutory powers of Imperial College to undertake commercial development projects as a form of investment.