

# ST HELENS RESIDENTS ASSOCIATION

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Matt Butler,  
Planning Department  
LB Hammersmith & Fulham  
Town Hall  
King Street, W6 9JU

April 22nd 2015

Dear Mr Butler,

**Imperial West Application 2015/01328/VAR Application to amend planning permission (2013/05635/VAR)**

We are writing to object to the above application from Imperial College to vary the approval granted in July 2012 to a hybrid application including a masterplan, at Woodlands, 80 Wood Lane.

We do not consider that this latest application qualifies as a minor material variation which can be approved under S73 of the TCPA 1990. The change to the approved masterplan is material and significant.

CLG Planning Practice Guidance 017 states *'There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved'*.

Section 96A of the same Act states *"in deciding whether a change is material, a Local Planning Authority must have regard to the effect of the change, together with previous changes made under this section, on the planning permission as originally granted."*

There have been a series of S73 applications submitted and approved on this development since 2012, which were accepted as minor variations. This one we do not consider as minor.

We appreciate that Local Planning Authorities have some discretion in assessing whether or not variations can be considered under Section 73 and that it is the responsibility of each LPA to determine a definition of 'minor material'. As far as we are aware, the Council has not established detailed criteria for making such a judgement. We are however assuming that the Council follows the CLG guidance set out above.

In forming our view that the latest proposals for this development are *'substantially different from what has been approved'* we have assessed the proposals against criteria published by LB Ealing. Ealing Council states that *'If none of these tests are positive, then a proposal is likely to*

*be appropriate to be dealt with as a 'minor amendment', though each request will be considered on its merits having regard to all relevant circumstances'.*

As shown below, in the case of Imperial's application almost all these tests are positive, and not just one or two. On this basis we do not believe that a Local Planning Authority, acting reasonably could treat this application as a minor material variation.

**1. Is the proposed change material/significant in terms of its scale (magnitude, degree etc) in relation to the original approval?**

We consider the proposed change to be material/significant, in terms of loss of originally proposed public open space, increased building height and significantly increased footprint, within a masterplan which was already very high density.

**2. Does the proposed change modify any use the development originally approved?**

Yes, the proposed new building E is a biomedical engineering centre. The original proposed Building 'E' was intended to be a 220 bedroom hotel.

While the proposed new use is not opposed, it did not form part of the approved masterplan. The Planning Statement for the separate application for building E provides some information on how (for example) traffic forecasts will change in the revised as opposed to the original approved scheme. But application 2015/01328/VAR contains no systematic analysis, nor adequate drawings, that demonstrate the many differences between the new masterplan and that approved in 2012. The only drawings included are landscape plans.

The original masterplan and hybrid application was the subject of two discussions at the LBHF Design Review Panel, and a report from CABE. It was also reviewed by the Kensington & Chelsea Architectural Appraisal Panel. None of these reviews were without some criticisms of the proposals, in terms of the relationship of the buildings on the site. The RBKC appraisal commented that *'The panel believed that the public space could be much improved both by reviewing the footprint of the surrounding buildings, especially the hotel, to provide a cohesive space and more formal central square...*

*The surrounding building heights and forms appeared disparate and failed to gel. The architecture needed either to embrace and emphasise their diversity; or draw more similarities and sense of co-ordination in their detailed finish.*

The latest set of applications introduces an entirely new building designed by a different (and third) firm of architects and with a significantly larger footprint than the one that it replaces.

The density of the original application and approved scheme was already very high. Based on the applicant's figures in the original application, 114,351 sq. metres of floorspace (GEA) was to be built on a 2.27 hectare site. We calculated the resultant plot ratio to be 5.0: 1. This is a density significantly higher than Paddington Basin (Plot Ratio 3.7) and even higher than Canary Wharf (Plot Ratio 4.7).

The proposed amended scheme replaces Building E (which had a GEA of 14,500 sq m) with the Micheal Uren building at 20,241 sqm. On a very densely developed site (even within an Opportunity Area) this 39% increase in building footprint cannot reasonably be classed as a 'minor variation'. The site adjoins the Oxford Gardens Conservation Area and low rise terraced housing in the Eynham Road area, developed at far lower densities.

It is notable that no information on floorspace comparisons between original and proposed is provided in the documentation accompanying application 2015/01328/VAR, nor in the JLL Planning Statement accompanying the application for the Michael Uren building.

### **3. Would the proposed change result in a materially detrimental impact either visually or in terms of amenity?**

Yes, the visual impact from those driving on Westway will be of an increased wall of tall buildings (an adverse feature of the original scheme commented on by the LBHF Design Review Panel). The view approaching the site from the south along Wood Lane will be of an oppressive collection of tall buildings sites in even closer proximity to each other than before. There will no longer be a view of the 'public square' from this approach.

In terms of amenity, the 'public square' depicted as one of the community benefits of the original scheme will shrink significantly in size. The JLL Planning Statement accompanying the separate application for the Michael Uren building comments (disingenuously) that a comparison exercise on the original application '*demonstrated that the central open space was larger than or equal to notable open spaces such as Soho Square, Hanover Square and Fitzroy Square*'. This is hardly relevant to the new proposal.

Comparison of the previous and proposed masterplans shows that this public space is much reduced in the latest application. The JLL Planning Statement for the Michael Uren building refers to '*the Central Public Square which extends to 0.5 ha (1.25 acres)*'. The actual green space shown on the 1:500 landscape masterplan in the application looks more like 0.3 ha. No comparable figure is provided for the public square in the original and approved masterplan, but this public space is clearly much reduced. An application for a minor material variation should quantify and provide such information.

When surrounded by a set of buildings, with a taller Building E on its southern side with an increased footprint, this open space will receive even less sunlight than that approved as part of the original masterplan.

The proposed Michael Uren building will be 29.5 metres higher than the Building E approved in outline in the 2012 application. Again, this cannot reasonably be viewed as 'minor material amendment' in a context where RBKC (and many members of the public) strongly opposed very tall buildings on this site.

Despite the assurances in the Planning Statement for the Michael Uren building that wind tunnel tests have been conducted and levels found acceptable, experience of similar clusters of tall buildings built in close proximity to each other suggests that the pedestrian experience will be badly affected. For the many local residents who will be using the pedestrian/cycle underpass and route between Latimer Road and Wood Lane, to be created as part of this

development, this will a further loss of amenity as compared with the original approved masterplan.

**4. Would the interests of any third party or body who participated in or were informed of the original application be disadvantaged in any way?**

Yes, the St Helens Residents Association and Woodlands Area Residents strongly opposed the original scheme on the grounds that it was in conflict with London Plan and LBHF Core Strategy policies on building height, and on the provision of affordable housing. A judicial review was initiated on the LBHF approval to the hybrid application in January 2013 but could not be pursued as a result of lack of funds. RB Kensington and Chelsea Council also strongly opposed the 2012 application.

**5. Would the amendment be contrary to any relevant development plan policy?**

We consider the original 2012 hybrid application to be contrary to the following policies, and that this application for a variation creates even greater policy conflicts:

London Plan policies 7.6 (Architecture) and 7.7D and 7.7.E (Tall Buildings)  
LBHF Core Strategy Policy BE1 when coupled with the 2013 WCOAPF which states that slender towers of approximately 21- 30 storeys (up to 100 metres) could be appropriate along the Westway.

**6. Is the proposed change contrary to a restrictive condition on the original approval?**

Not to our knowledge

**7. Would there be significant increases in site coverage, height of building or site levels?**

Yes, as spelt out above.

**8. Would there be additional and/or repositioned windows/doors/openings that will have an impact on neighbouring properties?**

No significant impact on existing properties, but impact on future occupants of the proposed adjacent residential tower (Building F)

**9. Would there be any change to the external materials which would adversely affect the character or appearance of the development or erode the quality of what was originally approved?**

The previous Building E was approved in outline only, with no materials or finishes specified.

**10. Would the amendments reverse design improvements secured during the processing of the original application?**

The LBHF Design Review Panel commented previously, in relation to the masterplan, that there were 'concerns about the relationship between buildings, too much proximity with just 12m separation'. However much the applicants have sought to juggle the distances between

the residential tower, the Michael Uren building, and Buildings C and D under construction the fact remains that too many buildings are being squeezed onto the site with a unsatisfactory relationship between them. Again, the application 2015/01328/VAR should not be treated as a minor material variation.

**11. Would there be increased impact on existing trees or any proposed landscaping scheme?**

The original landscaping scheme is significantly reduced in extent.

**12. Would there be any alteration to the application site boundary (red line)?**

No.

**Conclusions**

The application for a minor material variation tests positively against almost all the criteria in use by LB Ealing, and not just one or two. While these criteria are not those adopted by LBHF, they provide an objective means of testing what constitutes *'a development which is not substantially different from the one which has been approved'*.

The proposed Imperial West Phase 2 development is now substantially different from that approved.

For all the above reasons, we consider that the applicants should be required to re-submit a revised hybrid or final application for the masterplan and the entire development. This should be subject to further assessment by the LBHF Design Review Panel, and CABE at the Design Council. RBKC should also be invited to comment. The current S106 Agreement between the Council and Imperial College should be re-examined in the light of the £35m grant from HEFCE, and the £40m donation from Michael Uren, towards the costs of the total development.

The applicants should be asked to reconsider the location if the proposed 35 storey residential tower in the light of the College's acquisition of a major landholding south of the Westway.

The Planning Statement explains that the inclusion of the Michael Uren building within the masterplan will strengthen the academic and research content of Imperial's site north of the Westway. This change is supported, in reducing the disparate uses clustered together in the original masterplan. But there is no recognition that locating a 35 storey residential tower on this part of the site makes even less sense than when the hybrid application was approved in 2012.

The residential tower will stick out like the proverbial sore thumb, within what is now proposed as a complex of buildings that exclusively reflect Imperial's core business as a global university and centre of research. All activity on the site, and all comings and goings, will involve staff and employees devoted to these core functions of the College. This does not make for a sensible or suitable location for market housing.

The proposed tower is sited immediately next to the entrance ramp to an urban motorway, at an air pollution hotspot. The immediate pedestrian environment is unattractive and inhospitable, with pedestrian subways which many avoid in the hours of darkness, very limited

active frontages, and only a couple of shops nearby. Public transport access is not great, with an unappealing walk beneath the elevated motorway to reach the Central Line at White City.

Neighbouring local residents continue to believe that, given a forthcoming glut of residential towers in the planning and construction process across London, market apartments at the Woodlands site will for the most part remain empty and unsold. While this is not a planning consideration, it is a legitimate concern on which the Council could act by requiring a rethink of the originally proposed masterplan.

There is a case for locating Imperial key workers on the Woodlands site. A building reduced to the lower third of that proposed in the original masterplan would achieve this objective, while enabling market housing to be relocated to a more suitable part of Imperial's landholding, closer to the Central Line, the St James and Stanhope/BBC developments, and the residential element of the Westfield development.

Yours sincerely

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