

# TOWN & COUNTRY PLANNING ACT 1990

FORM TP1

APPLICATION FOR PERMISSION TO DEVELOP LAND AND/OR BUILDINGS IN GREATER LONDON

FOR OFFICE USE ONLY

**COMPLETE**

Borough Ref. ....

Fee £ 570-00

Registered No. ....

Cheque / Postal Order / Cash 100734 12 OCT 1998

Date Received TP981906

Receipt No. Issued 101011

**PLEASE READ CAREFULLY THE GENERAL NOTES BEFORE FILLING IN THE FORM**

<b>PART ONE</b>	To be completed by or on behalf of all applicants as far as applicable
<b>FEE</b> (where applicable)	£ 570-00

**1. APPLICANT** (in block capitals)

Name BT PROPERTY Address 19 STRATFORD PLACE LONDON WIN 9AF Tel. No. 0171 290 4000

**AGENT** (if any) to whom correspondence should be sent

Name BISCOE ASSOCIATES Address 85 CADOGAN GARDENS LONDON SW3 2RD Tel. No. 0171 591 3848 Ref. MB.0119

**2. PARTICULARS OF PROPOSAL FOR WHICH PERMISSION IS SOUGHT**

(a) Full address or location of the land to which this application applies

EARLS COURT TELEPHONE EXCHANGE  
BOLTONS PLACE  
LONDON SW10

(b) Site area

0.31 HECTARES (0.77 ACRES)

(c) Give details of proposal indicating the purpose for which the land/buildings are to be used and including any change(s) of use.

DEMOLITION OF EXISTING TELEPHONE EXCHANGE.  
CONSTRUCTION OF THREE DWELLING HOUSES - EACH WITH TWO BASEMENTS AND A GARAGE - ACCESS FROM BOLTONS PLACE (ONE NEW ACCESS TO BE CONSTRUCTED)

(d) State whether applicant owns or controls any adjoining land and if so, give its location.

NONE

(e) State whether the proposal involves:- State Yes or No

(i) New building(s) ANNING SERVICE or extension(s) to existing building(s)

YES  NO

If "Yes" state gross floor area of proposed building(s).

4180 m<sup>2</sup>

Stamp: 09 OCT 1998 TP DC SW

Stamp: 93

APPEALS	IO	REC	ARB	FWD	CON	FEES
				IN	DEF	

If residential development state number of dwelling units proposed and type if known, e.g. houses, bungalows, flats.

3 DWELLING HOUSES

(ii) Alterations  YES  NO

(iii) Change of use  YES  NO

(iv) Construction of new access to a highway

vehicular  YES

pedestrian  YES

(v) Alteration of an existing access to a highway

vehicular  YES

pedestrian  YES

If "Yes" state gross area of land or building(s) affected by proposed change of use (if more than one use involved state gross area of each use).

0.31 Hectares/m<sup>2</sup>

12 OCT 1998

Strike out whichever is inapplicable

**3. PARTICULARS OF APPLICATION**

State whether application is for: State Yes or No

(i) Outline planning permission  NO

(ii) Full planning permission  YES

(iii) Renewal of temporary permission or permission for retention of building or continuance of use without complying with a condition subject to which planning permission has been granted.  NO

(iv) Consideration under Section 72 only (Industry)  NO

If "Yes" strike out any of the following which are not to be determined at this stage.

- 1. Siting
- 2. Design
- 3. Landscaping
- 4. External appearance
- 5. Means of access

If "Yes" state the date and number of previous permission and identify the previous condition.

Date ..... Number .....

The Condition .....

**4. PARTICULARS OF PRESENT AND PREVIOUS USE OF BUILDINGS OR LAND**

State :-

(i) Present use of buildings/land TELEPHONE EXCHANGE

(ii) If vacant the last previous use and period of use with relevant dates. ....

**5. LIST ALL DRAWINGS, CERTIFICATES, DOCUMENTS, ETC; forming part of this application**

DRAWINGS NUMBERED 0119P200 to 0119P211 inclusive  
and 0119S001 to 0119S005 inclusive

**6. ADDITIONAL INFORMATION** State Yes or No

(a) Is the application for non-residential development  NO

If "Yes" complete PART THREE of this form (See PART THREE for exemptions)

(b) Does the application include the winning and working of minerals  NO

If "Yes" complete PART FOUR of this form

(c) Does the proposed development involve the felling of any trees  YES

If "Yes" state numbers and indicate precise position on plan  
SEE REPORT FROM PETER BRIDGEMAN + ASSOCIATES

(d) (i) How will surface water be disposed of? MAIN DRAINAGE AS EXISTING

(ii) How will foul sewage be dealt with? MAIN DRAINAGE AS EXISTING

(e) Materials - Give details (unless the application is for outline permission) of the colour and type of materials to be used for:

(i) Walls EXTERNAL WALLS STUCCO FINISH - WHITE/CREAM.

(ii) Roof FLAT - NOT VISIBLE

(iii) Means of enclosure BOUNDARY WALLS - FRONT STUCCO (SEE DETAILS) REMAINDER BRICK

**We hereby apply for (strike out whichever is inapplicable)**

(a) Planning permission to carry out the development described in this application and the accompanying plans in accordance therewith

(b) ~~Planning permission to retain the building(s) or work(s) already constructed or carried out, or a use of the land already instituted as described in this application and accompanying plans.~~

Signed [Signature] on behalf of BT PROPERTY Date 7th October 1998

**AN APPROPRIATE CERTIFICATE MUST ACCOMPANY THIS APPLICATION (See General Notes)**

If you are the ONLY owner of ALL the land at the beginning of the period 20 day before the date of application, complete Certificate A. If otherwise see PART TWO of this form.

**CERTIFICATE A - Certificate under Section 66 of the Town & Country Planning Act 1990. I hereby certify that:-**

- \*Strike out whichever is unapplicable. 1. No person other than the applicant was an owner (a) of any part of the land to which the application relates at the beginning of the period of 20 days before the date of the accompanying application.
- ~~2. None of the land to which the application relates constitutes or forms part of an agricultural holding; or~~
- ~~3. I have / the applicant has given requisite notice to every person other than \*myself/himself who, 20 days before the date of the application was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates, viz-~~

(a) "Owner" means a person having freehold interest or a leasehold interest the unexpired term of which was not less than 7 years.

Name and Address of Tenant .....

Date of Service of Notice .....

Signed [Signature] on behalf of BT PROPERTY Date 7th October 1998

TP981905

SUBJECT TO CONTRACT

BT PROPERTY LIMITED

R.B.K.& C.  
TOWN PLANNING  
09 OCT 1998  
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EARLS COURT TE: THE BOLTONS

**SUGGESTED HEADS OF TERMS FOR A SECTION 106 AGREEMENT WITH  
THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA  
RELATING TO THE HOUSES TO BE CONSTRUCTED  
AS PART OF THE PROPOSED REDEVELOPMENT  
OF THE SITE FOR RESIDENTIAL PURPOSES  
AND THE ROUTEING OF CONSTRUCTION VEHICLES**

**Introduction**

1. BT Property Limited ("BT") has submitted applications to the Royal Borough of Kensington and Chelsea ("RBKC") for detailed planning permission and conservation area consent for the redevelopment of the Earls Court TE site to provide three high quality private residential houses.
2. In pre-application discussions with BT, RBKC has expressed concern about the need to ensure that no part of the development proceeds without the prior demolition of the existing Telephone Exchange and in respect of the phased occupation of the development.
3. As a result RBKC wrote to us on 22 May 1998 setting out its initial views on the issues which it would wish to see dealt with in a Section 106 Agreement entered into before the issue of planning permission. BT has considered each of the issues raised in RBKC's letter and has agreed to enter into a Section 106 Agreement to provide that:
  - 3.1 before the commencement of the development the existing telephone exchange will be demolished
  - 3.2 there will be no occupation of the first completed dwelling and the second completed dwelling until the construction to base level of the second dwelling and third dwelling respectively
  - 3.3 to provide comfort to local residents in respect of the arrangements for the construction of the development BT has agreed to ensure that it will instruct all its

contractors to use specific routes in accessing the site and, in particular, not to gain access from the south along the Boltons.

4. In its letter of 22 May 1998 RBKC also suggested that the Section 106 Agreement provide that the whole of the development should be completed and ready for occupation within five years from the date of the Section 106 Agreement and that provision should be made for affordable housing.
5. On the question of the completion of the development Appendix B of Circular 11/95: The Use of Conditions in Planning Permissions makes it clear that conditions requiring the completion of a development within a fixed time limit are unacceptable for the reasons set out in Paragraph 61 of that Circular. As a result BT should not be expected to enter into an obligation in this form.
6. In respect of the affordable housing issue from the Government's up to date guidance in Circular 6/98: Planning and Affordable Housing it is clear that affordable housing should only be sought on sites in Inner London which are greater than 0.5 ha. in area or in association with schemes of over fifteen dwellings. In this case only three dwellings are proposed on a site of only 0.31 ha and therefore the proposed development does not fall within the criteria set out in Circular 6/98 for the provision of affordable housing which specifically includes Kensington and Chelsea within its definition of Inner London. In decisions the Secretary of State has made it clear that where local planning policies differ from the criteria set out in Government guidance by seeking to impose lower thresholds for the provision of affordable housing the Government's guidance should prevail. As a result in accordance with Government guidance BT does not propose to provide any element of affordable housing as part of its current planning application.
7. We set out below the proposed heads of terms for the Section 106 Agreement in accordance with our comments above. Once these heads of terms have been agreed we will prepare a full draft of the agreement for RBKC's consideration as soon as possible.



### **Parties to the Agreement**

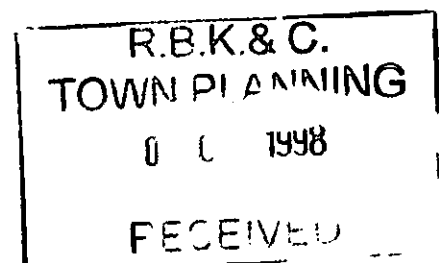
8. The parties to the agreement will be;
  - 8.1 BT in its capacity as the current owner of the site; and
  - 8.2 RBKC in its capacity as the local planning authority.
9. From the date that BT disposes of its interests in each of the plots, the agreement will bind BT's successors in title and any persons deriving title to the relevant land through them. The agreement will therefore, remain enforceable by RBKC against BT's successors.
10. The agreement will contain the normal provisions that save for any antecedent breaches BT will be released from liability under its terms upon parting with its interests in the site. In addition, as BT disposes of each of the plots it will be released from liability in respect of any plots which it no longer owns.

### **Powers**

11. The agreement will be under Section 106 of the Town and Country Planning Act 1990.

### **Conditionality**

12. BT's obligations will be conditional upon;
  - 12.1 the grant of planning permission and conservation area consent by RBKC for BT's applications; and
  - 12.2 the implementation of the planning permission by the commencement of the construction of any of the three houses by BT or its successors in title.
13. A draft of the planning permission and conservation area consent will be agreed between BT and RBKC before completion of the agreement to provide BT with certainty as to the planning conditions to be imposed.



**Planning Obligations**

- 14. BT shall not commence the development until the existing telephone exchange has been demolished.
- 15. The first dwelling to be constructed shall not be occupied until one of the remaining two dwellings has been constructed to base level.
- 16. The second dwelling to be constructed shall not be occupied until the remaining dwelling has been constructed to base level.
- 17. Nothing in the agreement shall regulate or restrict the construction of any further or alternative development on the site which may from time to time be permitted by any future applications submitted for planning permission or conservation area consent.

**Roueting of Construction Vehicles**

- 18. BT will issue instructions to all its contractors engaged in the development not to access the site from the south along the Boltons. Access shall be from the north from the Old Brompton Road and then the wider road network.

**General**

- 19. Usual "boilerplate" clauses to apply, for example relating to notices, lapse of agreement in the event that the planning permission for BT's proposal lapses or is revoked and provided that where required under the terms of the agreement, consents will not be unreasonable withheld or delayed.

**ASHURST MORRIS CRISP**

**16 September 1998**

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Biscoe Associates



Executive Director of Planning and Conservation  
Royal Borough of Kensington & Chelsea  
The Town Hall  
Hornton Street  
London W8 7NX

TP981906

7th October 1998

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990  
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990:  
EARLS COURT TELEPHONE EXCHANGE, BOLTONS PLACE, LONDON SW10  
DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF THREE DWELLING HOUSES**

We have pleasure in enclosing a Planning Application and an Application for Conservation Area Consent submitted on behalf of BT Property ('BT') for the redevelopment of the existing Earls Court Telephone Exchange to provide three new detached houses.

**1. The Earls Court Telephone Exchange**

BT has recently completed the phased modernisation of the last of its telephone exchanges by the replacement of analogue equipment with new electronic digital systems. As a result of improvements in the efficiency of its network BT has designated Earls Court Telephone Exchange as a site which can be removed from the network and its functions provided elsewhere.

Already the site has been excluded from future growth in some sectors of telecommunications services and all new equipment is being diverted to BT's South Kensington site which it is intended will take on the functions currently performed by the Earls Court Telephone Exchange.

As a result, BT needs to consider and plan for the future use of the site of the Earls Court Telephone Exchange. Whilst the existing building has been investigated for conversion to residential use, its configuration precludes an economical scheme. The permanent residential conversion of the building would also deny the opportunity which its decommissioning would present to replace the unsightly Telephone Exchange with a scheme which would preserve and enhance the character and quality of The Boltons Conservation Area. BT has therefore, decided to propose the site's redevelopment to provide three houses carefully designed to integrate with and compliment the character and quality of the Conservation Area.

**2. The Proposed Development**

The proposed development is described in full in the accompanying planning application forms, plans, sections and elevations. In addition, a Design Statement is enclosed which describes the planning

Executive Director of Planning and Conservation

25 September 1998

context which has been applied to the design exercise and describes the proposed development, its integration with the rest of The Boltons and the extent to which it complies with the local design influences.

Taking the opportunity which would be created by the removal of the existing Telephone Exchange, the proposed houses would enhance the quality and character of The Boltons Conservation Area as a whole and strengthen The Boltons as a neighbourhood of outstanding quality. The removal of the existing Telephone Exchange would open up views across the site and result in a net reduction of over 28% in the volume of buildings on the site above ground. In addition, at present only a very small proportion of the site is planted, the rest accommodating the telephone exchange and hardstanding for access, servicing and parking for cars and vans. The proposed development would increase this area by over 300% by the creation of new gardens and areas for planting.

### 3. Planning Policy

The enclosed planning statement reviews the relevant local and central Government planning policies and the provisions of The Boltons Conservation Area Policy Statement. It concludes that there would be significant planning benefits as a result of the removal of the existing Telephone Exchange and the redevelopment of the site to return it to residential use.

### 4. Phasing

Following its pre-application discussions with the Planning Officers, BT is prepared to enter into a Section 106 Agreement with Kensington and Chelsea to ensure that before the development is commenced, the telephone exchange will be demolished. It will also ensure that there will be no occupation of the first completed dwelling and the second completed dwelling until the construction to base level of the second dwelling and the third dwelling respectively in accordance with the request made in Kensington and Chelsea's letter to Ashurst Morris Crisp of 22 May 1998.

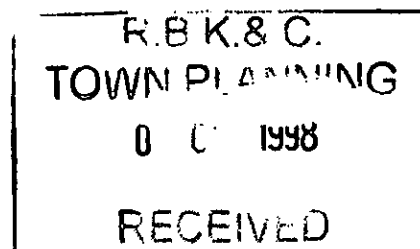
Ashurst Morris Crisp have prepared the enclosed draft set of heads of terms for the Section 106 Agreement and BT would wish to meet with your Planning Officers as soon as possible in order to settle the enclosed heads of terms with a view to the early completion of the Section 106 Agreement.

### 5. Routing of Construction Vehicles

BT is sensitive to the need to plan the construction of the development with care and to require contractors to route construction vehicles direct to the Old Brompton Road to avoid causing unnecessary disturbance to residents in the local area. As a result, BT is willing to offer to restrict the routes by which construction vehicles can access the site during the construction period by way of an obligation within the Section 106 Agreement. This is also included in the enclosed heads of terms and again we would wish to agree the detailed arrangements for the routing of construction vehicles with the Planning Officers as soon as possible.

### 6. Public Consultation

BT is anxious to participate in the public consultation process and will be arranging for an exhibition where local residents will be invited to examine the detail of the proposals and to provide their comments. For your information, we enclose copies of the leaflet which has been circulated by BT among residents close to the site. BT has also issued a press release, a copy of which is also enclosed.





Executive Director of Planning and Conservation

25 September 1998

**7. Conclusions**

BT would like its professional advisers to maintain the close working relationship with your Planning Officers whom they have met on a number of occasions before submission of the enclosed applications to enable them to bring these applications to committee as soon as possible. To assist this, once you have had the opportunity to consider the enclosed documentation, we would welcome the opportunity to have a further meeting with your officers to identify any further information or material which may be required in order to process the applications.

For your information, we attach a list of the documents which comprise the planning application and in due course should be grateful for an acknowledgement of receipt of the enclosed application fees.

Yours faithfully



Michael Biscoe

cc Nigel Reid BT Property  
Martin Evans Ashurst Morris Crisp  
enc.

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R.B.K. & C.  
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**Biscoe Associates**

**BT PROPERTY**

**EARLS COURT TELEPHONE EXCHANGE  
BOLTONS PLACE, LONDON, SW10**



**SCHEDULE OF DOCUMENTS**

**Submitted with the Planning Application and Application for Conservation Area Consent submitted to the Royal Borough of Kensington and Chelsea dated 6th October 1998**

	Copies
1. Application form TP1 with Certificate A.	5
2. Application form TP1 (HB/CA) Part 1 with Certificate A.	5
3. Drawings of redevelopment scheme numbered 0119P200 to 0119P211 inclusive.	10
4. Site survey drawings showing existing building and elevations numbered 0119S001 to 0119S005 inclusive.	10
5. Design Statement prepared by Biscoe Associates.	6
6. Planning Statement prepared by Ashurst Morris Crisp	4
7. Report on trees prepared by Peter Bridgeman Associates.	6
8. First draft heads of terms for a Section 106 Agreement prepared by Ashurst Morris Crisp.	3
9. Mounted on boards:	
Photographs of site (one set mounted one set unmounted)	2
Coloured scheme drawings (unmounted A3 copies also available)	1
2 perspective images (Originals will be available for the committee)	1
10. Leaflet distributed to neighbours (to follow)	10
11. Press release. (to follow)	1
12. To be prepared following the submission of the application:	
Model of site and its surroundings to the scale of 1:250	
Bound collection of all relevant documents	

07/10/98

RBKCCevtech250998