

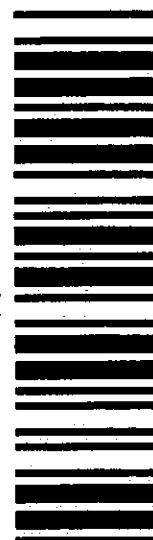
**ROYAL BOROUGH  
OF  
KENSINGTON & CHELSEA**

**DOCUMENT SEPARATOR**

**DOCUMENT TYPE:**

**COMMITTEE REPORT**

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ROYAL BOROUGH OF KENSINGTON & CHELSEA

REPORT BY THE EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

PLANNING & CONSERVATION COMMITTEE  
PLANNING SERVICES COMMITTEE  
DELEGATED

APP NO. PP/02/01324  
AGENDA ITEM NO.

ADDRESS/SUBJECT OF REPORT:

Lots Road Power  
Station and  
Chelsea Creek,  
London, SW10

APPLICATION DATED

07/06/2002

APPLICATION REVISED

APPLICATION COMPLETE

17/06/2002

APPLICANT/AGENT ADDRESS:

Montagu Evans,  
44-48 Dover Street,  
London  
W1X 4AZ

CONS. AREA N/A

CAPS No

ARTICLE '4' No

WARD CRA

LISTED BUILDING

No

HBMC DIRECTION

CONSULTED

OBJ.

SUPPORT

PET.

RECOMMENDED PROPOSAL:

RBK& C DRAWING NO(S):

RECOMMENDED DECISION:

CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:

**ROYAL BOROUGH OF KENSINGTON & CHELSEA**  
**REPORT BY EXECUTIVE DIRECTOR, PLANNING & CONSERVATION**

**APP NO. PP/02/01324/MAJM**

**MAJOR PLANNING APPLICATIONS COMMITTEE 15/09/2003**

**AGENDA ITEM NO. A1**

**SITE ADDRESS**

**Lots Road Power Station  
and Chelsea Creek,  
London, SW10**

**APPLICATION  
DATED**

07/06/2002

**APPLICATION  
COMPLETE**

17/06/2002

**APPLICATION  
REVISED**

13/12/2002

05/03/2003

10/07/2003

514

**APPLICANT/AGENT ADDRESS**

**Montagu Evans,  
44-48 Dover Street,  
London W1X 4AZ**

**LISTED  
BUILDING**

No

**CONS.  
AREA**

N/A

**WARD Cremorne**

**CAPS**

No

**ENGLISH  
HERITAGE**

N/A

**ART '4' No**

**CONSULTED**

2145

**OBJECTIONS**

282

**SUPPORT**

2

**PETITION**

1 (6 sigs)

**Applicant**

**Circadian Ltd.,**

**PROPOSAL: Conversion of Power Station to provide a mix of residential, retail, office, business and restaurant uses, together with erection of a 25 storey residential tower with ground floor gym, a 3-8 storey building incorporating commercial and residential uses, a 7 storey residential building, associated parking, servicing and landscaping, and works to Chelsea Creek, including three pedestrian bridges.**

**RBK&C Drawing No(s): PP/02/01324/B, PP/02/01324/C and PP/02/01324/D**

**Applicant's Drawing No(s): LRTW4/PA/00-001, LRTW4/PA/03-001,**

LRTW4/PA/03-002-A, LRTW4/PA/03-003-A, LRTW4/PA/04-01, LRTW4/PA/04-003, LRTW4/PA/04-004, LRTW4/PA/04-005, LRTW4/PA/04-006, LRTW4/PA/04-007, LRTW4/PA/05-001-A, LRTW4/PA/05-002-A, LRTW4/PA/05-003-A, LRTW4/PA/05-004-A, LRTW4/PA/05-005-A, LRTW4/PA/05-006-A, LRTW4/PA/05-007-B, LRTW4/PA/05-008-B, LRTW4/PA/05-009-A, LRTW4/PA/05-010-A, LRTW4/PA/05-011-A, LRTW4/PA/05-012-A, LRTW4/PA/05-013-A, LRTW4/PA/05-014-A, LRTW4/PA/05-015-A, LRTW4/PA/05-016-A, LRTW4/PA/05-017-A, LRTW4/PA/05-018, LRTW4/PA/05-019-A, LRTW4/PA/07-001, LRTW4/PA/07-002, LRTW4/PA/07-004, LRTW4/PA/07-007, LRTW4/PA/08-101, LRTW4/PA/08-102, LRTW4/PA/08-103, LRTW4/PA/08-104-A, LRTW4/PA/08-105, LRTW4/PA/09-001, 589/01A, 589/02A, 589/03A, 589/04A, 589/05, 589/06, 589/07A, 589/08, 589/09B, Unnumbered illustrations of landscaping materials and fixtures, Environmental Statement consisting of Non-technical Summary, Environmental Statement, Appendix A1 Analysis, A2 Tall Buildings Justification, B Socio Economic Studies, C1 Townscape & Visual Assessment, C2 Standing Building Assessment, D1 Archaeological Assessment, D2 Monitoring of Geotechnical Boreholes, E Options for Chelsea Creek, F1 Evaluation of Ecological Receptors, F2 Intertide Ecological Survey, F3 Bird Survey, F4 Invertebrate Assessment, G1 Review of Decommissioning Scope of Works, G2 Asbestos Report, G3 Site Investigation/EA Summary Report, H Transport Assessment, I Dispersion Modelling Study, J Noise & Vibration, K1 Wind Tunnel Test Results, K2 Sunlight & Daylight Report, L Television Reception Interference Report, M Draft Environmental Management Plan, Addendum February 2003 Re Air Quality/Traffic/ River Transport.

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full phase -

Environmental Assessment

Illustrative plans relating only to development within Hammersmith & Fulham (Site B): LRTW/PA/04-002-A, LRTW4/PA/06-020-A, LRTW4/PA/06-021-A, LRTW4/PA/06-022-A, LRTW4/PA/06-023-A, LRTW4/PA/06-024-A, LRTW4/PA/06-025-A, LRTW4/PA/06-026-A, LRTW4/PA/06-027-A, LRTW4/PA/06-028-A, LRTW4/PA/06-029-A, LRTW4/PA/06-030-A, LRTW4/PA/06-031-A, LRTW4/PA/06-032, LRTW4/PA/06-033-A0, LRTW4/PA/06-034, LRTW4/PA/07-003, LRTW4/PA/07-005, LRTW4/PA/07-006, LRTW4/PA/08-106, LRTW4/PA/08-107-A, LRTW4/PA/08-108-A, LRTW4/PA/08-109, LRTW4/PA/08-110-A, LRTW4/PA/08-111-A, 589/10A, 589/11A, 589/12, 589/13A, 589/14, 589/15, 589/16A, 589/17A, 589/18, 589/19, 589/20, 589/21

#### **RECOMMENDED DECISION:**

**Grant planning permission**

- A) Inform the Government Office for London of the intention to grant planning permission in respect of a departure from the development plan in accordance with the requirements of the Town and Country Planning (Development Plans & Consultation) (Departures) Directions 1999.**
- B) Inform the Mayor of London of the intention to grant planning permission in accordance with the requirements in Section 4. of the Town and Country Planning (Mayor of London) Order 2000.**

- C) Subject to there being no direction to the contrary by the First Secretary of State or the Mayor of London, GRANT PLANNING PERMISSION subject to a Section 106 agreement on the terms set out in the report.**
- D) Inform the First Secretary of State and the public of the decision to grant planning permission in respect of an EIA application in accordance with the requirements of regulation 21(1)(c) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.**
- E) Inform the London Borough of Hammersmith and Fulham that the Royal Borough of Kensington and Chelsea Raises no objection to the proposed development on 'Site B' subject to their proposed conditions and heads of agreement under Section 106.**

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**CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS.**

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1. **The development hereby permitted shall be begun before the expiration of five years from the date of this permission. (C001)**  
*Reason - As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions. (R001)*
2. **Full particulars of the following shall be submitted to and approved in writing by the Executive Director, Planning and Conservation before the development hereby permitted commences and the development shall not be carried out otherwise than in accordance with the details so approved; unless otherwise agreed by the Executive Director, Planning and Conservation.**
  - (a) **Improvements to the junction of Lots Road and Cremorne Road**
  - (b) **A streetscape improvement plan for the Lots Road Triangle area**
  - (c) **The detailed design of cycle parking facilities within the development**
  - (d) **Detailed design of the Thames Path public right of way through the site**
  - (e) **External building materials**
  - (f) **Hard and soft landscaping details and materials**
  - (g) **Detailed Landscaping drawings at a scale not less than 1:20**
  - (h) **Details of a scheme of lighting and CCTV surveillance of the Thames path and other public areas within the site**
  - (i) **A detailed scheme for the encouragement and management of recycling of domestic and business waste generated by the scheme**
  - (j) **The detailed design and materials of the**

**main loading bay door to the power station building on the Lots Road elevation**

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**(k) Details of the hours of opening and the means of gating the central and western creek bridges outside the trading hours of the commercial units within the power station building**

**(l) The design, construction, external appearance, materials and lighting for the bridges over the creek**

**(m) The design, external appearance, materials and proposed scheme of lighting for the glazed lanterns on top of the power station chimneys**

**(n) An access statement.  
(C011)**

*Reason - The particulars hereby reserved are considered to be material to the acceptability of the development, and the Local Planning Authority wishes to ensure that the details of the development are satisfactory. (R011)*

**3. No more than four of the off-street car parking spaces within the development hereby permitted shall be used by occupiers of the Class B1 employment units.**

*Reason - To ensure the satisfactory provision of off street parking for the proposed mix of uses within the development.*

**4. No more than thirty six of the off-street car parking spaces within the development hereby permitted shall be used for public car parking.**

*Reason - To ensure the satisfactory provision of off street parking for the proposed mix of uses within the development.*

**5. Parking spaces for two Kensington and Chelsea Community Trust vehicles shall be provided and thereafter retained.**

*Reason - To ensure the satisfactory provision of off street parking for the proposed mix of uses within the development.*

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6. **Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 or any subsequent statute re-enacting or modifying that order, the Class B1 units located on the ground and basement floors of the development hereby permitted shall be used only for purposes falling within use classes B1(b) and (c) and for no other purposes without the prior permission in writing of the Executive Director, Planning & Conservation.**  
*Reason - To ensure appropriate provision of employment floorspace in this designated employment zone.*
7. **Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 or any subsequent statute re-enacting or modifying that order, the ground floor unit identified as a Nursery on plan no. LRTW4/PA/05-004-A shall be used solely as a Class D1(b) Creche or Day Nursery unless otherwise agreed in writing by the Executive Director, Planning & Conservation.**  
*Reason - To ensure adequate provision of nursery facilities in the vicinity.*
8. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any part of the development hereby permitted, without planning permission first being obtained.**  
*Reason - To safeguard the appearance of the buildings/area.*
9. **The ground floor unit identified as a food store on plan no. LRTW4/PA/05-004-A shall be used solely as retail convenience food store falling within Class A1 unless otherwise agreed in writing by the Executive Director, Planning & Conservation.**  
*Reason - To ensure adequate provision of local convenience shopping facilities in the vicinity.*
10. **The central and westernmost bridges across Chelsea Creek shall be completed and open for use by the public on substantial completion of the development.**  
*Reason - To ensure adequate provision of pedestrian access to the development and public open space.*



11.

**The gymnasium on the ground and first floors of building KC1 shall be available for use solely by residents of the development hereby permitted unless otherwise agreed in writing by the Executive Director, Planning & Conservation.**

*Reason - To ensure use of the facility does not give rise to activity detrimental to the amenities of neighbouring residential property and the free flow and safety of traffic.*

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12.

**Prior to the opening of the Thames Path extension and creek bridges hereby approved for use by the public, riparian life saving equipment to include grab chains, access ladders and lifebuoys shall be provided to a standard recommended in the 1991 Hayes Report on the Inquiry into River Safety in accordance with details to be first submitted to and agreed in writing by the Executive Director, Planning & Conservation and so retained.**

*Reason - To ensure the creation of a safe environment for users of the path and bridges.*

13.

**The proposals shall not result in a net loss of tidal flood storage volume. This volume is to be calculated as that below the flood defence level of 5.41 metres ODN and above an accepted silted profile of the Creek. Prior to development commencing, both the degree of siltation and methodology for calculating the volume shall be agreed by the Executive Director, Planning and Conservation.**

*Reason - To prevent the increase of water levels upstream and downstream of this site and an increase in the risk of flooding due to a reduction in flood storage capacity.*

14.

**Before any works affecting the creek are begun a scheme for the treatment of the Creek bed shall be submitted to and approved in writing by the Executive Director, Planning & Conservation. The scheme shall then be completed in accordance with the details agreed and so retained.**

*Reason - To protect and enhance the ecological value of the River Thames.*

15. **Prior to the commencement of development a scheme for the enhancement of the riverside to include intertidal terraces alongside the River/Creek shall be submitted to and approved in writing by the Executive Director, Planning & Conservation. The scheme shall be implemented as approved and shall include the design, method of construction, dimensions, elevation (in relation to tidal levels) and materials.**

*Reason - To protect and enhance the ecological value of the River Thames.*



16. **Before any works affecting the creek are begun, a methodology for the phasing of works to the creek shall be submitted to and approved in writing by the Executive Director, Planning and Conservation. Works shall be completed in accordance with the agreed details and so retained.**

*Reason - To protect and enhance the ecological value of the watercourse.*

17. **There shall be no storage of materials within 8m of the Thames and 4m from the creek for the duration of demolition and construction works. This area shall be suitably marked and protected with fencing during development. No fires dumping or tracking of machinery shall take place within this area without the prior permission in writing of the Executive Director, Planning and Conservation.**

*Reason - To protect and enhance the ecological value of the River Thames.*

18. **Prior to the commencement of any soft landscaping works a planting scheme including suitable marginal and aquatic species for the development shall be submitted to and approved in writing by the Executive Director, Planning and Conservation. This shall include a programme for planting and maintenance related to stages in the completion of the development. Works shall be completed in accordance with the agreed details and so retained.**

*Reason - To protect and enhance the ecological value of the watercourse.*

19.

**No development shall take place until a methodology has been submitted to and approved in writing by the Executive Director, Planning and Conservation of how television interference as a result of the development hereby granted permission will be remediated. Such methodology as approved shall be implemented as appropriate to remediate any television interference immediately upon its discovery.**

*Reason - To ensure that television interference caused by the development is remediated.*

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20.

**No development shall take place until a methodology has been submitted to and approved in writing by the Executive Director, Planning and Conservation of how Electromagnetic Radiation from the retained transformer equipment will be remediated in relation to the residential properties hereby approved. Such methodology as approved shall be implemented as appropriate to remediate any such effects identified.**

*Reason - To protect the amenity, health and safety of future occupiers of the residential units within the development.*

21.

**No development shall take place until the implementation of a programme of archaeological work in accordance with a written scheme of investigation submitted to and approved in writing by the Local Planning Authority, has been secured. The development shall only take place in accordance with the detailed scheme so approved. The archaeological works shall be carried out by a suitably qualified investigating body approved in writing by the Executive Director, Planning and Conservation.**

*Reason - To minimise damage to any archaeological remains that may exist on site and to ensure satisfactory recording in accordance with the guidance contained in Planning Policy Guidance Note 16, and the Council's policies.*

22.

**No development shall take place until the applicant has secured the implementation of a programme of recording and historic analysis, which considers building structure, architectural detail and archaeological evidence. This shall be undertaken in accordance with a written scheme of investigation submitted to and approved in writing by the Local Planning Authority.**

*Reason - To ensure satisfactory recording in accordance with the guidance contained in Planning Policy Guidance Note 16, and the Council's policies.*

## **INFORMATIVES**

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1. I10
2. I02
3. I08
4. I43
5. The applicant's attention is drawn to the status of the adjacent Cremorne Wharf site as a statutorily safeguarded working wharf. You are therefore advised to give consideration to the provision of measures to safeguard future residential occupiers of the development from potential noise or activity from the adjacent commercial site.
6. Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters (eg. watercourses and underground waters), and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or intowaters which are not controlled waters. Such consent may be withheld. Contact The Environment Agency, Environmental Protection, Water Quality on 01707 632300 for further details.
7. Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for dewatering from any excavation or development to a surface watercourse. Contact The Environment Agency, Environmental Protection, Water Quality on 010707 632300 for further details.
8. You are advised that the remaining steel skeleton frame in the Turbine and Boiler Rooms, identified in the standing building assessment (ES appendix C2), is considered to inform presentation of the history of the building. You are therefore invited to consult with English Heritage (Archaeology) with a view to incorporating some retention of these elements in the completed development.

9. The reasons and considerations on which this decision is based are the provisions of the development plan, the material considerations contained in the officer's report together with those raised in the course of debate at the Committee meeting, including the environmental information contained in the applicant's Environmental Statement and all representations made about the environmental effects of the proposed development.

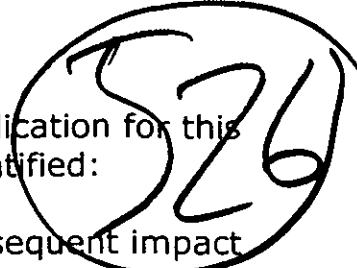
524

10. STRAT9, STRAT10, STRAT11, STRAT12, STRAT13, STRAT20, STRAT22, STRAT23, STRAT25, STRAT26, STRAT27, STRAT28, STRAT29, STRAT30, STRAT31, STRAT32, STRAT34, STRAT44, STRAT46, STRAT47, STRAT48, STRAT49, STRAT50, STRAT52, CD1, CD2, CD5, CD6, CD7, CD13, CD14, CD15, CD16, CD27, CD27, CD28, CD33, CD36, CD37, CD63, CD92, H12, H23, TR1, TR2, TR3, TR4, TR5, TR6, TR8, TR9, TR12, TR13, TR14, TR15, TR16, TR17, TR23, TR24, TR27, TR31, TR32, TR33, TR34, TR35, TR36, TR37, TR38, TR41, TR42, TR44, E1, E5, E11, E20, E23, E25, E27, LR2, LR13, LR19, LR26, LR36, PU3, PU4, SC4 & SC6.



## **1.0 INTRODUCTION**

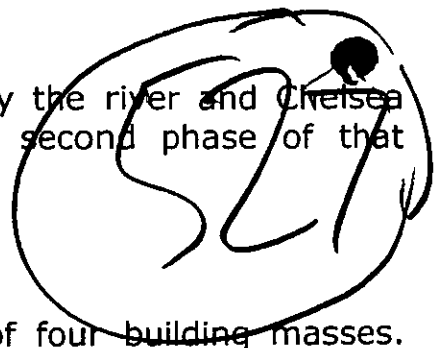
- 1.1 This report relates to a planning application submitted simultaneously to the Royal Borough of Kensington & Chelsea and the London Borough of Hammersmith and Fulham. It proposes development of a site comprising land on either side of Chelsea Creek which forms the boundary between the two boroughs. The creek itself, which is within the ownership of the Royal Borough, is included as part of the application site.
- 1.2 The application seeks to develop the land following de-commissioning of the power station by London Underground Limited, who are now using power supplied by the national grid.
- 1.3 The application was submitted in duplicate initially in June 2002 and has been the subject of an extensive statutory and public consultation process which is described in detail in section 11 of this report.
- 1.4 Assessment and analysis of the substantial body of information supporting the planning application has been carried out by a project team consisting of officers from the following Directorates and divisions: Planning & Conservation, Transportation and Highways, Housing, Environmental Health, Education, Legal Services, Valuers and Policy and Partnerships. An external consultant assisted in the assessment of sunlight and daylight impact.
- 1.5 Initial appraisal of the application and supporting information resulted in a letter sent to the applicants' agent in September 2002 identifying principal areas of concern in respect of the scheme. The letter identified aspects of the proposal which were regarded as unacceptable and considered to conflict with the provisions of the Unitary Development Plan in order to give the applicants the opportunity to address them by way of revised submissions. It went on to identify matters of detail and apparent omissions from the submissions in support of the proposal which needed to be addressed by additional material. Finally, it set out an initial schedule of matters which, should a measure of common ground between the Council and the developer be found to exist, the Council would seek to include in a section 106 Planning Obligation. It was however made clear in the letter and discussions with the applicants that the proposal would be unlikely to receive a recommendation for the grant of planning permission unless it could be demonstrated that the proposal would comply with the provisions of UDP Policy or that evidence of compelling material considerations could be provided which would justify setting aside any policy provisions with which it would conflict. This approach is consistent with the precepts of Section 54A of the Town & Country Planning Act 1990 (As amended).
- 1.6 The aim of this report is therefore to set out what are seen as the principal relevant Policies of the UDP and other material considerations, to analyse the main characteristics of the revised proposal in relation to these policy areas, and to consider the extent to which this major application can be considered consistent with UDP objectives and policy.

- 
- 1.7 In the context of all previous discussions and the earlier application for this site, the following four core areas of concern have been identified:
- 1.7.1 The height and design of the proposed buildings and the consequent impact on the amenities of neighbouring property, townscape, strategic views and views from neighbouring conservation areas.
  - 1.7.2 The proposed mix of land uses in view of the inclusion of the site within the Lots Road Employment Zone.
  - 1.7.3 The level of affordable housing provision offered within the scheme and the location, configuration and tenure thereof.
  - 1.7.4 The adequacy of measures proposed in order to accommodate the impact of the proposed development on the transportation network.
- 1.8 An additional important consideration is that of measures which may be application, to take a broad view of the context of this redevelopment. Rather than perceiving this major redevelopment proposal as one which should simply fit into a site in an existing neighbourhood and make provisions to ameliorate the impact on the immediate locality, it is considered to represent an opportunity to secure environmental and socio-economic benefits for the wider community. These are set out in section 8 of this report and addressed in the draft S.106 heads of agreement.
- 2.2 This 'Neighbourhood Approach' has informed not only physical aspects of the development within the site, such as improvements to the Chelsea Creek environment and the provision of public access to the river frontage via the Thames Path extension, but has also resulted in the offer of funding through a Section 106 obligation, of facilities and funding to benefit the surrounding area in the longer term. This offer can to some extent be weighed against the disruption and disturbance which the local community may experience during the course of implementation should planning permission be granted for this, or any other redevelopment of the power station site.

### **3.0 THE SITE**

- 3.1 The application site within the Royal Borough 'Site A' consists of approximately 1.98ha and is occupied by the Power Station Generating Building, East and West Yards, and the creek & basin. The site excludes the west yard transformer building which would be retained by LUL. This area contains the bulk supply equipment which links the Underground system to the national grid. For the purposes of calculating residential density, the site area includes half the width of the adjoining road and half the width of Chelsea Creek. This indicates a residential site area of 2.077 ha (5.13a).
- 3.2 The buildings are unlisted and lie outside any conservation area. The adjacent foreshore of the River Thames lies within the Thames Conservation Area.
- 3.3 The site within the London Borough of Hammersmith & Fulham 'Site B' consists of approximately 1.7ha and comprises land occupied by the former coal stacking wharf and building on the south side of the creek and an area

previously referred to as the 'P&O land, bounded by the river and Chelsea Harbour which was originally intended to form a second phase of that development.



#### **4.0 PROPOSAL DETAILS**

4.1 The development of the RBKC site would consist of four building masses. These are numbered KC1-KC4 on the application plans.

#### **4.2 Basements and Parking Areas**

4.2.1 A sub-basement car parking area would be located beneath the easternmost third of the power station building and the majority of the east yard. This would contain 182 car parking spaces, escape stairwells, plant areas and a bicycle park with a capacity of 80.

4.2.2 Above this, at basement level, a more extensive area would extend beneath the southern half of the power station building. This would contain 218 parking spaces, stairwells, lift pits, meter rooms, plant areas and four bicycle stores with a total capacity approximately 195. At the westernmost end, this level would contain a Class B1 unit of 345sqm and 180sqm of community space linked to ground floor and mezzanine levels forming a unit of 445sqm.

4.2.3 The total car parking provision would be 400 spaces. 250 of these would be allocated to the private residential units. 110 would be allocated to affordable housing units and the remaining 40 would be available for the commercial units/visitors/community uses. 47 of the spaces would be designated disabled bays.

#### **4.3 The Residential Tower KC1**

4.3.1 KC1 would be a tower of 25 storeys with a rhombic floor plan located on the north side of the creek mouth with its long axis aligned east-west. It would measure some 40m long and 21m wide in plan. It would have a 'chisel' roof profile sloping from floors 19-25 with the highest point at the western extremity being approximately 81m above ground and the lower end of the slope 60.5m.

4.3.2 At ground floor level a single storey element would be physically joined to the south-east corner of KC2. This level would contain a gymnasium, which would also occupy the first floor, and ancillary café and a separate Class B1 workshop of 277sqm.

4.3.3 Floors 2-25 would contain 40 private residential apartments, 2x2 bedroom and 2x1 bedroom units on levels 2&3, 2x3 bedroom units on levels 4-17, 2x3 bedroom units and 1x5 bedroom maisonette on levels 18 & 19, 1x3 bedroom unit on each of levels 20 & 21 and a 6 bedroom penthouse on levels 22-24. A schedule of unit types and mix for the whole development is set out in tables at 4.8.1.



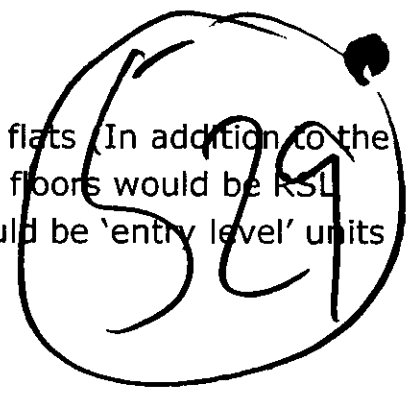
#### 4.4 The East Yard Buildings KC2

S28

- 4.4.1 KC2 has evolved from the three sided 8 storey block featured in the previous planning application to an 'L' shaped block with its long elevations to Lots Road and the eastern boundary of the site. Where formerly an attached wing projected west from its southern extreme, there is now proposed a free standing rotunda, 24m in diameter on 9 storeys with a recessed ground floor surrounded by supporting columns.
- 4.4.2 The 'L' shaped building would be 3 storeys high on the Lots Road frontage with a fourth floor recessed 4.5m from the boundary. The northern half of length. The southernmost section adjacent to the rotunda and tower would rise to 8 storeys.
- 4.4.3 At ground floor level the building would contain a plant area, two class B1 workshops of 262 and 128sqm, two small Class B1 office units of 40 and 60sqm, a 400sqm area providing a 100 place private nursery (Class D1) for children under 5, a loading bay, refuse store and the vehicular access to the basement car parking.
- 4.4.4 The upper floors would contain a total of 55 flats for occupation as RSL rented accommodation as set out in the schedule of units and types at 4.8.1.
- 4.4.5 The free standing rotunda building would contain 19 private residential units on its 9 floors (See 4.8.1).

#### 4.5 The Power Station Building

- 4.5.1 The Power Station building would be refurbished cleaned and adapted. Window openings would be created within the brickwork arches of the elevation to Lots Road and an internal 'street' created on the long axis of the building covered by a glass roof at 7<sup>th</sup> floor level. The arches on the creekside elevations would contain recessed balconies serving flats on the ground and 3<sup>rd</sup> to 10<sup>th</sup> floors. Flats on the 7<sup>th</sup> floor of the Lots Road flats. The two remaining full height chimney stacks would be topped by glazed lanterns adding 6m to their overall height of approximately 80m.
- 4.5.3 Openings in the south (creekside) elevation at ground floor level would give access to two bridges leading to public walkways and an open area within the Hammersmith and Fulham part of the development.
- 4.5.4 The ground floor of the power station building would contain the upper level and mezzanine of the designated community space referred to at 4.2.2, the main loading bay for the commercial elements within the building, an estate office, transport management office, a restaurant (Class A3), a doctors' surgery (Class D1), seven further retail units including a food store and four creek-side flats. A schedule of commercial units within the power station building is set out at 4.8.3.
- 4.5.5 The first floor would contain twelve class B1 units of which two would be substantial suites of 995 and 832sqm book-ending the building.



- 4.5.6 Floors 2-12 would contain a further 252 residential flats (In addition to the 4 at ground floor level) of which 39 on the 2<sup>nd</sup>-4<sup>th</sup> floors would be RSL shared ownership flats and 22 on the 2<sup>nd</sup> floor would be 'entry level' units for designated Key Workers.
- 4.6 **The West Yard Building KC4**
- 4.6.1 The proposed building in the west yard would replace an existing metal clad structure of approximately 8 storeys equivalent height which houses water pumps and switchgear associated with the power station and dates from the early 1960s. The new building would have 42m frontage to Lots Road creek. It would contain 50 affordable one, two and three bedroom residential units for rent on nine floors.
- 4.6.2 The remainder of the west yard falls outside the application site and contains a building housing the transformers which link the Underground system to the national grid.
- 4.7 **Chelsea Creek Walkways and Open Space**
- 4.7.1 In the absence of the flow of cooling water from the operational power station it is estimated the creek would silt up completely in a period of 20-30 years. The application proposes a programme of remedial measures to compensate for the effect of ceasing the discharge of water from the de-commissioned power station.
- 4.7.2 The creek walls would be reduced in height and a series of terraces formed flanking a 10m wide channel. The terracing would provide a range of plant and wildlife habitats and increase the flood storage capacity of the creek.
- 4.7.3 The creation of sufficient flow to prevent silting would entail a combination of rainwater runoff from the development, discharge of cooling water from the buildings, groundwater abstraction and pumped water abstraction from the River Thames.
- 4.7.4 The proposal would make provision for an extension of the Thames Path riverside walkway across the RBKC site. This would consist of a bridge across the creek mouth linking the site to the LBH&F section and continuing along the river bank to provide a point where it can be linked in future to a section on the adjacent Cremorne Wharf site. In the interim the walkway would be routed onto Lots Road via the 'plaza' laid out between the eastern end of the power station and block KC2.
- 4.7.5 The 'plaza' consisting of the open area between KC2 and KC3 would cover creek between the central and eastern bridges. It would provide the main pedestrian link from Lots Road to the river. The 'street' space within the power station open to the public would cover some 0.42ha within the building and link Lots Road to the central and eastern creek bridges. It would however be indoors and subject to closure outside trading hours of the commercial units.

530

## 4.8 Tables

### 4.8.1 Schedule of Proposed Residential Accommodation

| Building & Unit Type         | Studio    |           | 1 Bed     |           | 2 Bed      |            | 3 Bed      |            | 4 Bed     |            | 5 Bed    |           | 6 Bed    |           | Total      |             |
|------------------------------|-----------|-----------|-----------|-----------|------------|------------|------------|------------|-----------|------------|----------|-----------|----------|-----------|------------|-------------|
|                              | No.       | Hab. Room | No.       | Hab. Room | No.        | Hab. Room  | No.        | Hab. Room  | No.       | Hab. Room  | No.      | Hab. Room | No.      | Hab. Room | No.        | Hab. Room   |
| KC1 Private                  | 0         | 0         | 2         | 4         | 4          | 12         | 32         | 128        | 0         | 0          | 1        | 7         | 1        | 7         | 40         | 158         |
| KC2 Private                  | 0         | 0         | 3         | 6         | 0          | 0          | 6          | 24         | 10        | 50         | 0        | 0         | 0        | 0         | 19         | 80          |
| KC2 RSL Rented               | 0         | 0         | 7         | 14        | 13         | 39         | 18         | 72         | 17        | 85         | 0        | 0         | 0        | 0         | 55         | 210         |
| KC3 Private                  | 0         | 0         | 3         | 6         | 112        | 336        | 72         | 288        | 8         | 40         | 0        | 0         | 0        | 0         | 195        | 670         |
| KC3 RSL Shared Ownership     | 11        | 11        | 11        | 22        | 12         | 36         | 5          | 15         | 0         | 0          | 0        | 0         | 0        | 0         | 39         | 84          |
| KC3 Entry Level 'Key Worker' | 12        | 12        | 5         | 10        | 5          | 15         | 0          | 0          | 0         | 0          | 0        | 0         | 0        | 0         | 22         | 37          |
| KC4 RSL Rented               | 0         | 0         | 12        | 24        | 28         | 84         | 10         | 40         | 0         | 0          | 0        | 0         | 0        | 0         | 50         | 148         |
| <b>TOTALS</b>                | <b>23</b> | <b>23</b> | <b>43</b> | <b>86</b> | <b>174</b> | <b>522</b> | <b>143</b> | <b>567</b> | <b>35</b> | <b>240</b> | <b>1</b> | <b>7</b>  | <b>1</b> | <b>7</b>  | <b>420</b> | <b>1387</b> |

**RESIDENTIAL SITE AREA**

**2.077ha (5.13a)**

**RESIDENTIAL DENSITY**

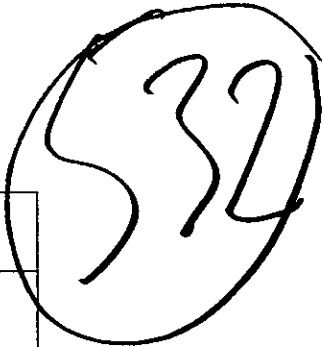
**667hrha (270hra) (Approx 202 Dwellings/Hectare)**

#### 4.8.2 Schedule of Class B1 (Business Units)

531

| No.          | Location     | Floorspace (sq.m.) |
|--------------|--------------|--------------------|
| 1            | KC1 Ground   | 277                |
| 2            | KC2 Ground   | 262                |
| 3            | KC2 Ground   | 128                |
| 4            | KC2 Ground   | 40                 |
| 5            | KC2 Ground   | 60                 |
| 6            | KC3 Basement | 345                |
| 7            | KC3 First    | 995                |
| 8            | KC3 First    | 191                |
| 9            | KC3 First    | 160                |
| 10           | KC3 First    | 158                |
| 11           | KC3 First    | 160                |
| 12           | KC3 First    | 191                |
| 13           | KC3 First    | 832                |
| 14           | KC3 First    | 254                |
| 15           | KC3 First    | 199                |
| 16           | KC3 First    | 199                |
| 17           | KC3 First    | 199                |
| 18           | KC3 First    | 254                |
| <b>TOTAL</b> |              | <b>4904</b>        |

#### 4.8.3 Schedule of Shops, Restaurants and other Non-Residential Units



| No.          | Location            | Floorspace (sq.m.) | Use Class | Description          |
|--------------|---------------------|--------------------|-----------|----------------------|
| 1            | KC1 Ground/first    | 813                | C3        | Residents' Gym       |
| 2            | KC2 Ground          | 400                | D1(b)     | Day Nursery          |
| 3            | KC3 Ground          | 82                 | A2        | Transport Management |
| 4            | KC3 Basement/Ground | 445                | D1(g)     | Community Centre     |
| 5            | KC3 Ground          | 157                | A3        | Café*                |
| 6            | KC3 Ground          | 132                | A1        | Bakers*              |
| 7            | KC3 Ground          | 114                | A1        | Newsagent*           |
| 8            | KC3 Ground          | 165                | A1        | Sandwich Bar*        |
| 9            | KC3 Ground          | 273                | A1/A2     | Estate Agent*        |
| 10           | KC3 Ground          | 132                | D1(a)     | Doctors' Surgery     |
| 11           | KC3 Ground          | 55                 | A1        | Post Office*         |
| 12           | KC3 Ground          | 150                | C3        | Estate Office        |
| 13           | KC3 Ground          | 459                | A1        | Food Store           |
| 14           | KC3 Ground          | 371                | A3        | Restaurant*          |
| <b>TOTAL</b> |                     | <b>3748</b>        |           |                      |

\* Indicative occupiers

#### 4.9 Hammersmith & Fulham Site

4.9.1 The area within LBH&F would be redeveloped with seven separate buildings containing a total of 397 residential flats. At the mouth of the creek would be a tower of 122 metres height on 37 storeys reflecting the design of the lower structure in RBK&C. It would contain private residential flats and a riverside restaurant. The other buildings would vary in height between 5 and 10 storeys. Semi-basement parking would provide 261 car parking spaces and there would be a further three surface spaces. Planning permission was granted for this development, subject to a Section 106 agreement, on 22<sup>nd</sup> June 2003.



## 5.0 PLANNING HISTORY

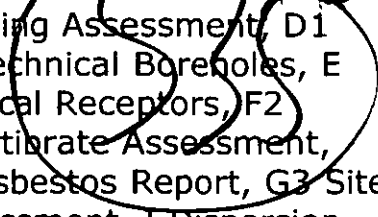
- 5.1 The modified UDP adopted in May 2002 identifies the Lots Road site in the Schedule of Major Development Sites as suitable for Residential, including affordable housing, Business (Offices, Light Industrial, R&D), Artists' studios, Social and Community and Education uses. Policies H15 (Requiring a substantial proportion of housing on the site) and H23 (Requiring negotiation and retention of a significant proportion of affordable housing on the site) are of relevance. The site is included within the Lots Road Employment Zone in recognition of its potential for business as well as residential development. It is therefore subject to Policy E27 which requires the provision of business uses in proposals for the development of sites in employment zones.
- 5.2 A planning brief issued in February 1999 in respect of the site envisaged a primarily residential development with at least one third of units providing affordable housing and supporting commercial and community uses. It development would be likely to underwrite effective decontamination and remediation necessitated by the history of power station use.
- 5.3 The brief envisaged residential development at a density of 350 habitable rooms per hectare. It suggested that if the power station building were retained, all other new buildings should be subordinate in height to it. It indicated high buildings would be resisted and suggested that development on the Lots Road frontage should achieve a harmonious balance with the three storey buildings on the north side. Development as envisaged by the brief was intended to protect important views from the river and the south bank and have regard to the impact on sunlight and daylight conditions.
- 5.4 A proposal for the redevelopment of this site excluding the additional land in the west yard was submitted to this authority in parallel with an application to the London Borough of Hammersmith and Fulham, in June 2001. It proposed a mixed use scheme for refurbishment of the power station building including an internal street and thirteen floors of accommodation; a 130m, 39 storey high residential tower at the creek mouth; and an 8 storey building around a courtyard in the east yard. The scheme contained 448 flats of which 136 were described as 'key worker' units.
- 5.5 The application was considered by this committee on 20<sup>th</sup> March 2002. Planning permission was refused for the following reasons. In brackets, where appropriate, are the revised policy numbers from the final published version of the modified UDP:

- "1. The proposal would involve construction of a high building in an inappropriate location which would be harmful to the skyline, detrimental to the character and appearance of the area and to important views from neighbouring conservation areas and open spaces, contrary to the provisions of the Unitary Development Plan and Proposed Modifications thereto, in particular Policies CD4 (CD6), CD11 (CD13), CD12 (CD14), CD13 (CD15), CD14 (CD16) and CD31 (CD37).**

- 24
2. The proposal by virtue of its height and bulk would adversely affect sunlight and daylight conditions and contribute to a sense of enclosure to neighbouring residential property contrary to the provisions of the Unitary Development Plan and Proposed Modifications thereto, in particular Policies CD28 (CD33) and CD30a (CD36).
  3. The development, by virtue of the height, massing, orientation, bulk and design of the buildings would be poorly integrated into its surroundings to the detriment of the character and appearance of the river frontage, views from surrounding areas and townscape contrary to the provisions of the Unitary Development Plan and Proposed Modifications thereto, in particular Policies STRAT 5 (STRAT 9), STRAT 7 (STRAT 11), STRAT 8 (STRAT 12), CD1, CD4 (CD6), CD25 (CD 27), CD25A (CD28), CD31 (CD37) and CD54 (CD63).
  4. The proposed development provides insufficient affordable housing of an appropriate tenure and quality to meet the housing needs of the Borough, contrary to the provisions of the Unitary Development Plan, and Proposed Modifications thereto, in particular Policy H23.
  5. The proposed development, in conjunction with the development of adjoining sites, would be likely to result in the generation of traffic over and above that which could be adequately accommodated on the existing highway network, contrary to the provisions of the Unitary Development Plan and Proposed Modifications thereto, in particular Policy TR39 (TR36).
  6. The proposal fails to make adequate provision for business and employment floorspace in the context of redevelopment within a designated employment zone contrary to the provisions of the Unitary Development Plan and Proposed Modifications thereto, in particular Policies STRAT 17 (STRAT 20), STRAT 19 (STRAT 22), E13 (E11), E23f (E25) and E23h (E27).
  7. The proposed development would represent a significant departure from the Unitary Development Plan without any reasoned justification."

## **6.0 ENVIRONMENTAL STATEMENT**

- 6.1 The application falls within criteria under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, which require a report identifying, describing and assessing the effect the development is likely to have on the environment. A full Environmental Statement (ES) prepared on behalf of the applicants has been submitted with this application. The ES consists of a main written statement, a non-technical summary and 22 appendices consisting of: A1 Analysis, A2 Tall Buildings Justification, B Socio Economic Studies, C1



Townscape & Visual Assessment, C2 Standing Building Assessment, D1 Archaeological Assessment, D2 Monitoring of Geotechnical Boreholes, E Options for Chelsea Creek, F1 Evaluation of Ecological Receptors, F2 Intertide Ecological Survey, F3 Bird Survey, F4 Invertebrate Assessment, G1 Review of Decommissioning Scope of Works, G2 Asbestos Report, G3 Site Investigation/EA Summary Report, H Transport Assessment, I Dispersion Modelling Study, J Noise & Vibration, K1 Wind Tunnel Test Results, K2 Sunlight & Daylight Report, L Television Reception Interference Report and M Draft Environmental Management Plan. An addendum to the ES was submitted in February 2003 providing additional submissions with regard to Air Quality, Traffic Assessment and River Transport.

- 6.2 The ES states that revisions from the earlier proposal are intended to take account of comments raised by consultees, the public and the Planning Committees of both RBKC and LBHF on the previous applications. The ES covers both the application site in this borough 'site A' and that within the London Borough of Hammersmith & Fulham 'site B'.
- 6.3 The principal changes from the previous applications to both authorities are set out in the non-technical summary as follows:
- Increase in the amount of affordable housing to 380 units (but a decrease of 6 on site B. This represents nearly 47% of the total housing compared to 43% in the previous application).
  - Improvement in mix and type of affordable units to meet the requirements of both boroughs (68% family housing and affordable key worker housing compared to 39.6% in the previous application).
  - Reduction in number of private units from 498 units to 435 units, a 12.5% fall (221 to 181 on site B representing an 18% fall).
  - Improvement of the public and private open space, including relocating the open space in LBHF to reflect UDP policy (provision of Creekside Gardens and Walk).
  - Reduction in height of tower in RBKC to 25 storeys (81.5m) and an increase in the height of the tower in LBHF to 37 storeys.
  - Reduction in the overall number of car parking spaces and additional provision of car parking for the affordable units (267 spaces including 92 for affordable housing compared to 296 spaces including 20 for affordable housing in the previous application). [n.b reduction in parking relates solely to the LBH&F site].
  - Re-engineering of Chelsea Creek to reflect comments from the Environment Agency.
- 6.4 Following initial appraisal of the ES, formal requests for further information were made resulting in the submission in February 2003 of an addendum covering matters of Air Quality, Traffic and River Transportation. This further



information was the subject of the required statutory notification and publicity and was copied to the First Secretary of State as required by the regulations

- 6.5 The Environmental Statement and addendum are considered to provide a comprehensive and suitably detailed analysis of the environmental impact of the proposal.

## **7.0 PLANNING CONSIDERATIONS**

The principal issues for consideration remain those identified at 1.7 above, namely High Buildings and Amenity Impact; Land Use; Affordable Housing; and Transportation. The intention of this report is first to focus on these aspects of the proposal; secondly to examine to what extent the reasons for refusal offered in March 2002 have been addressed by the revised scheme; and thirdly to examine the extent to which the consequences of the development could be addressed by means of conditions and/or measures secured by means of a Section 106. Planning Obligation.

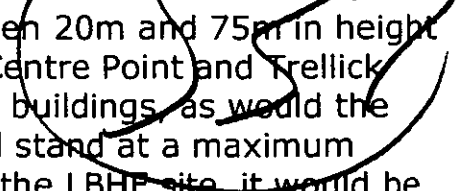
### **7.1 High Buildings. Urban Design & Amenity Impact**

#### **7.1.1 High Buildings**

The proposed RBKC tower must be examined in terms of any impact upon identified Strategic Views in London, and on other long views from important locations within the Royal Borough or in neighbouring boroughs. At a more local level, the proposed tower must be considered in terms of its impact upon the immediate townscape and its Urban Design context within the wider redevelopment scheme covering sites in both boroughs.

- 7.1.2 UDP Policy CD1 seeks to protect and enhance views and vistas along the riverside, CD6 requires development on the waterfront to preserve and enhance the waterfront character, protect or improve physical links with the river and be of no greater height than the general level of existing buildings to the east of Blantyre Street, CD15 resists proposals that would encroach upon or adversely affect the setting of Holland Park and CD16 seeks to protect the special character of Brompton Cemetery. Policies CD13 and CD14 seek to protect views from Hyde Park and Kensington Gardens, and to ensure that any new buildings do not impose themselves as unsympathetic backdrops to Kensington Palace. Policy CD63 requires consideration of the effect of development on adjacent conservation areas and views from them.

- 7.1.3 In addition to the Policies of the UDP, recent guidance is contained in 'High Buildings and Strategic Views in London', published by the London Planning Advisory Committee in April 1999, and 'Guidance on Tall Buildings' published on 12th June 2001 jointly by English Heritage and the Commission for Architecture and the Built Environment (CABE). The GLA 'Interim Strategic Planning Guidance on Tall Buildings, Strategic Views and the Skyline in London' published in October 2001 has informed the relevant sections of the Draft London Plan. In 2002 the DLTR gave its views to the Urban Affairs Select Committee on tall buildings and the Government subsequently responded to the recommendations in the Committee's report.

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- 7.1.4 LPAC's 1999 guidance defines buildings of between 20m and 75m in height as 'mid-rise', and to that end buildings such as Centre Point and Trellick Tower both fall within the definition of 'high-rise' buildings, as would the proposed building in this application which would stand at a maximum height of some 81.5m. Like the higher tower on the LBHP site, it would be topped by a 15m mast.. LPAC regarded 100m height as an important threshold, and therefore set the requirement for London-wide consultation at 100m and over. Their concluding comment is that "high buildings are part of London's skyline", but that "the existing skyline is a positive but vulnerable asset which should not be damaged needlessly but managed sensitively in an appropriate strategic context". Within their general caution, it is noted that LPAC are encouraging towards residential use where a tower is found to be suitable in principle, commenting that "high (or higher) residential development could play a significant role in bridging the demand and supply gap for housing in London.
- 7.1.5 The CABE/English Heritage guidance sets out evaluation criteria for tall buildings in relation to their architectural quality and context in relation to listed buildings, the historic environment, open spaces and important views. The overriding consideration for English Heritage is whether the location is suitable in relation to these criteria. If it is not, then no tall building, whatever its architectural merits, would be considered acceptable. For CABE the principal objective is to ensure that any new tall building should be of first class design quality and should enhance the quality of its location and setting.
- 7.1.6 The relevant recommendations of the Urban Affairs Select Committee Report on Tall Buildings acknowledged that they are not essential to urban renaissance and are only one of several ways to achieve higher building densities; that the impact on transport capacity must be a major consideration and developer contributions should be used to address this; that high quality design and sensitivity to the historic context are essential; that such buildings should be 'clustered' rather than 'pepper potted' across the city; that development plans should identify areas unsuitable for tall buildings and that the CABE/English Heritage draft guidance should receive Government endorsement. The Government's response was generally in accord with the Select Committee recommendations and confirmed it would encourage EH/CABE to finalise their guidance, taking on board the Committee's recommendations, in order for it to serve as a material consideration in the determination of planning proposals, and to inform the drafting of planning policies.
- 7.1.7 One further material consideration, of particular significance in relation to the issues of 'clustering', townscape and cumulative impact, is the grant of planning permission in principle by the London Borough of Hammersmith and Fulham for the 37 storey tower on the adjacent part of the site at the mouth of the creek.
- 7.1.8 There are a number of tall buildings close to the application site which feature strongly in views within and towards the Royal Borough. These include the towers of the World's End Estate which are approximately 20

storeys, the Belvedere at Chelsea Harbour and the Montevetro building in Battersea which are similar in height. The proposed Lots Road tower at 25 storeys and 81.5 metres in height is not considered to exceed the height of these buildings to a significant degree. However paragraph 4.2.10 of the UDP states: "The high buildings of the World's End estate are not in character with the remainder of the Riverside and should not be seen as a precedent for similar developments..". UDP Policy CD6 seeks development on the riverside to preserve and enhance character, and to be of a height no greater than the general level of existing building heights to the east of Blantyre Street, and Policy CD37 resists high buildings which would significantly exceed the height of neighbouring buildings and which would harm the skyline. Conflict with Policies CD6 and CD37 is a ground on which the proposal constitutes a departure from the development plan.

- 7.1.9 The appendices to the applicants' Environmental Statement 'A2 Tall Buildings Justification' and 'C1 Built Heritage, Townscape and Visual Assessment' respectively include a map demonstrating that the proposal site does not fall within prospects from the inner London parks; and a series of 39 montages and 'wire frame' diagrams which depict the position and height of the proposed buildings superimposed on photographs taken from viewpoints both within and outside the Royal Borough. At the request of the Royal Borough, the scope of the visual assessment has been expanded since the first application in order to take in views from Holland Park, Kensington Gardens, Paultons Square, Brompton Cemetery, Tadema Road/Burnaby Street, Stadium Street/Ashburnham Road, Cremorne Gardens, Redcliffe Square & Westfield Park.
- 7.1.10 With regard to Hyde Park, Kensington Gardens and Holland Park, the montages demonstrate that the proposed towers would be most unlikely to be visible. There is therefore considered to be no significant impact in relation to UDP Policies CD13, CD14 and CD15.
- 7.1.11 There would be views, particularly of the taller LBHF tower, from some points within Brompton Cemetery. However, in the context of its location the proposed 25 storey building on the RBKC site is considered unlikely to intrude on the environment of the cemetery and conservation area to such an extent that serious harm would result. The existing power station building and chimneys, although visible, lie at a distance of some 700m from the southern boundary of the cemetery and are obscured by tree cover from many areas to a greater extent than, for example, the Chelsea Village development, which stands almost adjacent to the western boundary on the opposite side of the railway lines. The impact of the high building is not therefore considered likely to harm the special character or environment of Brompton Cemetery to the extent that conflict with UDP Policy CD16 could be demonstrated.
- 7.1.12 With regard to the impact on views from conservation areas, in addition to the montages from Brompton Cemetery Conservation Area, the submitted visual assessment includes, at the Council's request, montages demonstrating visibility from Paultons Square (Cheyne CA), Redcliffe Square (The Boltons CA), Holland Park (Holland Park CA), and Chelsea, Albert and Battersea Bridges and the Embankment (Thames CA). These

indicate that, with the exception of the Thames Conservation Area there is unlikely to be any significant impact on the character or appearance of these areas to the extent that conflict with UDP Policy CD63 could reasonably be claimed. The impact on the Thames Conservation Area will be discussed in the context of impact on the river frontage.

- 7.1.13 The applicants' photo montages include four which are based on views from the bridges and embankment within the Thames Conservation Area. They depict the proposed towers as dramatic and slim landmarks in long views which also include the Worlds End estate, Montevetro and Chelsea Harbour. The orientation of the buildings are such that the views of their bulkiest aspect (The 'long' elevation) would be from the south bank of the river at Vicarage Crescent and as a backdrop to the power station building in views from the streets of the 'Lots Road Triangle' immediately to the north.
- 7.1.14 The proposed 25 storey tower would significantly exceed the height of the main power station building and the predominantly 2-3storey buildings in the 'Lots Road Triangle' as well as the general height of buildings to the east of Blantyre Street referred to in UDP Policy CD6. At its highest point it would be comparable with the power station chimneys and their proposed lantern additions but clearly lower than the corresponding 37 storey tower which has been approved in principle by LBHF. The qualifying objectives set out in Policy CD6 are to improve waterfront character, and physical links between the River and the rest of the Borough. That of CD37 is not to harm the skyline. The proposed development would certainly improve links with the river frontage through the proposed public areas and Thames Path extension. The extent to which the high building would preserve and enhance waterfront character is inevitably subjective, as is the issue of whether it would harm the skyline. It is accepted that the design and orientation of the building to present its 'slim' profile to long views from the river to the east is the optimum approach for minimizing its impact on them. The impression that the tower and its counterpart within LBHF will together form something of a 'looming' presence in the skyline when viewed from the streets to the north, is one which it is difficult to argue against. A comparable situation is the presence of the Worlds End Estate as a backdrop to the streets of the 'Ten Acres Estate'.
- 7.1.15 The view of the Mayor of London on this issue as expressed in his formal response to notification of the application has been given in a letter dated 6<sup>th</sup> March 2003. It states:
- "...The design of the scheme is of a high quality with the towers contributing positively to the London Skyline and the setting of the Thames and the Lots Road Power Station. Accessibility into and through the site and the creek is a significant urban design gain. The legibility and permeability of the scheme has been further enhanced by amendments to the layout and overall the design is of high quality."
- 7.1.16 The formal response to consultation of the Commission for Architecture and the Built Environment (CABE) states:

"We welcome the changes which have been made to the scheme, which we

think have improved it, although the broad principles of the project which we supported are still in place.

The changes to the site layout have in our view resulted in a successful sequence of open spaces each with a distinct character. We think that the relative heights and locations of the towers work well..."

7.1.17 The applicants advance an argument that the architectural quality, orientation, location and lack of visual harm resulting from the proposed high building, in the context of the wider scheme and package of benefits, constitutes a justification for flexible application of policies CD6 and CD37 to permit a building which would exceed the general height of neighbouring buildings and those to the east of Blantyre Street.

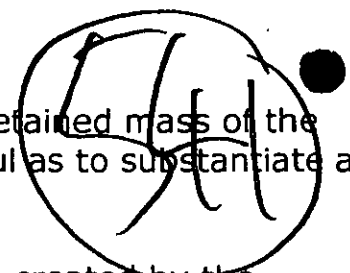
7.1.18 The scheme including the high building is the work of a noted architect and has the support of CABE. When the architectural merits and the wider benefits of the proposal as a whole are weighed against the single issue of height, it is considered that a departure from these development plan policies is justifiable.

7.1.19 Urban Design

From an Urban design perspective it can be inferred that the proposed tall buildings have dictated the layout of the master plan, especially for the RBKC part of the site. The positioning of the towers, their orientation, profile, and detailed design, have been driven by the desire to make a dramatic impact on strategic river views. The layout of other new buildings, and the arrangement of open spaces, is dependent upon, and largely subsidiary to, the positioning of the towers. The river frontage of the RBKC site is one of the most important in London, and includes the mile long vista from Chelsea Reach between Chelsea and Albert Bridges. The proposed tall building, and its counterpart in Hammersmith and Fulham, would sit centrally within that view and would constitute one of London's most visually prominent landmarks. The open river, bridge arches and superstructures, sky, and the slender chimneys of the power station currently define the view. Although there are other towers randomly located in the vicinity, it is difficult to say they form a meaningful relationship with each other. To a significant extent, the existing power station already serves as an appropriate landmark, the question in this respect is whether this is the right location for an even greater landmark.

7.1.20 Important though the strategic river views are, there are clearly other townscape implications, the key one being the appearance of the towers when seen from the north. From the Victorian streets and squares of the 'Lots Road Triangle', the broader profiles of the towers would result in a different and more 'squat' appearance to that seen from river views. The massing and scale would appear more dominant. This impact is best illustrated by figures 57-63 of the applicants' visual assessment. Notwithstanding this, the impact of the 25 storey tower the subject of this application is considered to be significantly less than that of its counterpart in the adjoining borough which has been accepted in principle. Whilst this aspect of the development is considered one of the less desirable in townscape terms, in the context of the proposal as a whole and the

relationship between the surrounding area and the retained mass of the power station building, it is not considered so harmful as to substantiate a reason for refusal.



- 7.1.21 The 1999 Planning Brief states; "A new node may be created by the convergence of paths into a new public open space adjacent to the riverside." This is considered to be achieved by the pedestrian links through the power station building itself and by the extension to the Thames Path. The path, by way of a S.106 agreement, can be secured with an interim route through the 'piazza' to Lots Road, with the potential also being secured to link it to Cremorne Gardens via Cremorne and Chelsea Wharves when a route becomes physically available. The provision of this section of Thames Path is consistent with the aims of UDP Policies STRAT 48 which encourages a continuous Thames path, CD7 which seeks to ensure the provision of a riverside walk within appropriate developments, LR13 which seeks to provide new public rights of way where appropriate and LR19 which seeks to complete the Thames Path along the river frontage.
- 7.1.22 In the earlier proposal, a 'square' within the RBKC site was set back from the river, in an area enclosed by the wings of the KC2 building and the east wall of the power station. It was consequently unlikely to work well as a successful public space and to an extent formed a barrier. The separation of the 'rotunda' element from KC2 is considered to have afforded a more convincing transition from Lots Road by opening the square to the river.
- 7.1.23 The proposed bridge links and the increased permeability through the power station are welcomed, as are the recreational/wildlife proposals for the creek. Implementation of these can also be secured through provisions in a Section.106 agreement.
- 7.1.24 It is therefore considered that in terms of townscape and design, the proposal would be satisfactory in relation to the requirements of UDP Policies STRAT 9 which seeks preservation and enhancement of the residential character of the Royal Borough; STRAT 10 which seeks to preserve and enhance the character and appearance of conservation areas, areas of metropolitan importance, local character, and other buildings or places of interest; STRAT 11 which promotes high environmental and architectural design standards; STRAT 12 which protects London's skyline and strategic views, STRAT 13 which protects the river Thames and its setting; CD1 which protects views and vistas along the riverside; CD6 (Referred to at 7.1.8 above); CD 13, CD14, CD15 & CD16 (Referred to at 7.1.10 and 7.1.11); CD27 which seeks high standards of design, sensitivity and compatibility with surrounding character; CD28 which requires development to be physically and visually integrated into its surroundings; CD37 (Referred to at 7.1.6) and CD63 (Referred to at 7.1.2).
- 7.1.25 Sunlight & Daylight  
Appendix K2 'Sunlight and Daylight Report' of the submitted EA was prepared for the applicants by Gordon Ingram Associates. The parts relevant to the RBK&C development were examined on behalf of the Council by the specialist consultancy Anstey Horne and Co. Their initial

findings resulted in a request for further information which was met by additional submissions in July 2003. These were duly examined by Anstey Horne and a summary statement produced.

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- 7.1.26 The initial submission analysed the impact on properties within RBK&C on the north side of Lots Road on which the proposals would be likely to have some effect. These are nos. 60-88 (even) Lots Road, Heatherly School of Art, Ashburnham Community Centre, Ashburnham Adventure Playground and the Lots Road Public House. It concluded that the Vertical Sky Component (VSC) currently experienced by habitable room windows in nos. 62-82 Lots Road would be reduced by slightly more than the 20% margin recommended in Building Research Establishment (BRE) guidance and that some windows in the community centre, adventure playground building and public house would also be similarly affected.
- 7.1.27 With regard to overshadowing the study has assessed the effect of shadow from the high building during March and June. It indicates that the KC1 tower would cast a shadow across some south facing properties in the 'Lots Road Triangle' for periods in the morning during March but that overall sunlight availability would remain acceptable. It states that in June the angle of the sun would be such that this would not occur.
- 7.1.28 The overall conclusion of the study is that, whilst there would be some transgressions of BRE guidance, the remaining levels of sunlight and daylight to the affected properties would be satisfactory in an urban context.
- 7.1.29 The Council's consultants, in response to the initial submission accepted that in the main, affected properties would still retain reasonable levels of light, but felt that the technical transgressions of the BRE guide were perhaps a little understated. It was recommended that to be fully comprehensive the report should be expanded to include the additional 'Daylight Distribution test' set out in BRE guidance, and more comprehensive sunlight tables.
- 7.1.30 Additional submissions representing the results of these tests were received in July 2003 and forwarded to Anstey Horne & Co. Their response states that, when combined with the VSC results, the Daylight Distribution tests reveal that the most significant percentage reductions will generally be to the hallways of the affected Lots Road properties, and that the key living room areas at ground floor level would continue to enjoy reasonable levels of light for this kind of location. Consequently it is concluded that the overall impact on daylight is quite moderate and that the main habitable rooms of affected properties would continue to receive a reasonable amount of daylight.
- 7.1.31 The consultants further conclude that summer sunlight will not be significantly affected and, although the impact on winter sunlight would be greater, this is not of great concern in an urban context particularly as the level of winter sunlight available in this country is not high in any case.
- 7.1.32 The impact on neighbouring residential amenity in terms of sunlight,

daylight, overshadowing and sense of enclosure is considered satisfactory in relation to the requirements of UDP policies CD33 which resists development which significantly reduces sunlight or daylight enjoyed by existing adjoining buildings and amenity spaces, and Policy CD36 which resists development where it would result in a harmful increase in the sense of enclosure to nearby residential property. The improvements in this regard over the previously refused application derive principally from the reduction in height of the KC1 tower from 130m to 81.5m, and the reduction in height of the KC2 east yard building on the Lots Road Frontage from 8 storeys to the present configuration whereby the street frontage stands at 3 storeys and successive elements of the building step up gradually to 9 storeys at the furthest point from Lots Road.

## **7.2 Land Use**

7.2.1 The application site lies within the designated Lots Road Employment Zone. The contribution of the proposal to the economic development potential of the site is considered to comprise three elements. First, the provision of Class B1 employment units within the scheme; secondly, the provision of other employment generating commercial floorspace; and thirdly the provision of measures conducive to employment generation and training by means of Section.106 undertakings.

7.2.2 Against the background of UDP Policy STRAT 22 which seeks to retain a range of business premises and to give priority to the provision of small business units particularly small light industrial premises, Policy E1 resists large scale business development unless it replaces existing environmentally acceptable business floorspace or would have no significant adverse amenity impact, would be in a location where business uses are concentrated, would include a substantial proportion of housing, and would be well served by public transport or would make a contribution towards improving public transport facilities. Policy E5 seeks the provision of social and community facilities, workplace nurseries, sports and recreation facilities, small business units of 100sqm or less, flexible sized business accommodation and secure cycle parking in association with large scale business development. E11 encourages the provision of premises for the start-up and expansion of small businesses, particularly small light industrial businesses, in appropriate locations. E20 resists the loss of business uses in the Employment Zones. E23 seeks to restrict, through the use of conditions attached to planning permissions, future changes from light industrial use to other uses within the B1 and B8 use classes in Employment Zones. E25 encourages the provision of small, flexible business units in the employment zones. E27 requires the provision of business uses in proposals for the development of sites in the Employment Zones.

7.2.3 The 1999 Planning Brief for the site stated:

..In line with the overall aim of the UDP, a primarily residential development will be sought with supporting commercial and community uses as appropriate. Residential is the highest value land use in the Borough and will help pay for the necessary remediation of contaminated



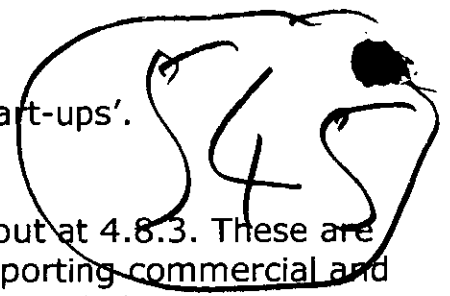
land and community uses..”

The application site was included in the Lots Road Employment Zone in the modified UDP adopted in May 2002.

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- 7.2.4 In October 2002 The Council published Supplementary Planning Guidance on Employment Zones. This acknowledges that the Lots Road Employment Zone has a different character to the other two, being dominated by antiques and art related firms and by designers and business services. The guidance accepts that 'Major Development Sites within employment zones are considered to be suitable for mixed use developments. It lists Class B1 uses along with B8 warehousing, Class A1 retail, A3 Food and drink and C3 housing as appropriate as part of mixed use schemes.
- 7.2.5 The EA includes a summary of a study relating to employment use carried out on the applicants' behalf by Jones Lang Lasalle. It assessed the general character of employment uses within the Lots Road Employment Zone and carried out a marketing survey of similar businesses to test perceptions of the Lots Road area as a business location. This concluded that:
- A minimum of 1858sqm of workspace would be needed within the scheme
  - Workspaces should be in a range of sizes between 13.93sqm and 464sqm
  - The B1 spaces within the Power Station Building would be attractive to a number of local businesses
  - The spaces in the scheme would draw upon the existing business base of small media and design operations which characterize the Employment Zone.
- 7.2.6 The JLL study makes an estimate of potential job creation based on the employment, and supporting commercial floorspace within the proposal. This suggests that office space could provide 348 jobs, light industrial units 40, retail uses 30, restaurant 15, nursery 5 and a further 12 by the gymnasium, community space, and other estate related functions- a total of 450. When the power station was last operational it employed the equivalent of 99 full time staff. The potential employment generation within the finished scheme could therefore be a net increase of 351 jobs.
- 7.2.7 As set out at 4.8.2 above, the development proposes six Class B(1) units at ground floor and basement level within buildings KC1, KC2 & KC3 with a total floorspace of 1112sqm, and twelve Class B1 units at first floor level within KC3 with total floorspace of 3593sqm. The Class B1 units range in size from 40sqm to 995sqm and provide the range of units sought by Policy E5. Those at first floor level are physically more suited to office use whilst in the event of planning permission being granted it is considered appropriate to restrict the use of the ground floor and basement units to Class B1(b) or (c) use to ensure the availability of light industrial units to accord with the objectives of Policy E11. Additionally it is recommended, by way of a Section.106 clause that two identified ground floor Class B1 units are offered at 50% of market rent to Council approved tenants for a period

of three years. This would assist local business 'start-ups'.



- 7.2.8 The range of 'non-business' units proposed is set out at 4.8.3. These are considered to represent an appropriate mix of supporting commercial and community uses as sought by Policy E5. In the event of planning permission being granted it is considered appropriate to secure the provision of space for the Ashburnham Community Association and restrict the use of the proposed Doctors' surgery unit by way of Section.106 clauses. To ensure the provision of a convenience food store a condition restricting use of the large Class A1 unit to that specified purpose would also be appropriate, as would conditions restricting the proposed unit within KC2 to Creche or Day Nursery use, and limiting the Gymnasium within KC1 to use by residents of the development. The S.106 agreement would also secure financial contributions to fit out the community space and to support off-site provision of sport and recreation facilities, these measures would be consistent with Policy E5 objectives.
- 7.2.9 In addition to the 'start-up' units which would be secured through the S.106 agreement, a scheme of construction training would also be operated during the life of the development in order to provide employment training and opportunities for local people. This would follow the model promoted by the Policy and Partnerships Unit and operated successfully on other sites. The developer's participation in the scheme would be secured through the S.106 agreement.
- 7.2.10 In that it proposes a predominantly residential scheme in what is now a designated Employment Zone, it could be argued that the proposal involves the loss of business use to the extent that it represents a further departure from the development plan particularly in respect of Policy E20. However the reasoned justification for this policy is based on the need to retain small scale specialist firms and storage and distribution uses which contribute to the local economy. The power station is not considered to fall within this definition of 'business use', nor would the proposal result in the loss of any such use. As set out above, the proposal would result in the creation of accommodation suitable for small business use and would result in potential employment generation of some additional 350 jobs. In these circumstances it is neither considered to conflict with this policy or to represent a departure from the development plan.

### 7.3 **Affordable Housing**

- 7.3.1 This major development site is required to provide a significant proportion of affordable housing, in accordance with UDP Policy H23 and the advice in PPG3. Depending on the type and size of units proposed and the land use profile of the development this should be in excess of 33%. Whilst the scheme remains predominantly residential, it is considered, in the light of the levels of demand and provision in the Royal Borough, that a figure in excess of 33% would be justified.
- 7.3.2 The current submission indicates the provision of 166 'affordable' units on the RBKC site. These would include 22 'entry level' units of 'key worker

housing'. Whilst Key worker housing is a desirable commodity, it does not meet the criteria for provision of affordable housing which would address the most pressing needs in the Borough. In the context of the provision of RSL rented and shared ownership units in the scheme as a whole however it is considered to make a valid contribution to the Borough's housing stock.

- 7.3.3 The 144 RSL rental and RSL shared ownership units proposed in the current scheme equate, on their own to 35% of the total of 420 residential units in the development. The 22 'entry level' Key Worker units equate to a further 5% giving an overall figure of just under 40% for the RBKC development.
- 7.3.4 A credible and sustainable scheme for the provision of affordable housing should involve a Registered Social Landlord and ensure provision of the accommodation at an agreed stage in the implementation of the development to satisfactory standards.
- 7.3.5 The draft heads of agreement under Section 106 include provisions requiring the 105 affordable rental and 39 shared ownership units to be provided for eligible occupiers from the Council's common housing register through transfer to an RSL at affordable rents with capped service charges.
- 7.3.6 Draft heads of Section.106 agreement will set out eligibility criteria for occupation of the 'entry level' key worker units by persons in specified occupations who are on the Council's common housing register, and cap the purchase price of these units (By linking it to average income) and service charges. Further heads of agreement restrict the subsequent disposal of these units to persons meeting the eligibility criteria.
- 7.3.7 With the safeguards set out in the draft heads of agreement in place it is considered the proposed scheme will deliver and retain a satisfactory contribution to the Borough's stock of affordable housing on this major development site in accordance with the requirements of UDP Policy H23.

#### 7.4 **Transportation**

- 7.4.1 The Director of Highways & Transportation was first approached by the developer in January 2001. Since that time officers have worked closely to ensure that the developer undertook a robust transport assessment of the proposal and developed realistic and achievable improvements to public transport provision in the Lots Road area of a suitable magnitude to accommodate increased demand envisaged as arising from the proposal. This culminated in the developer submitting an Addendum to the Environmental Assessment in February 2003.
- 7.4.2 In order to determine the impact of the proposal the developer has considered the traffic generation from the site using trip generation rates chosen for similar developments, and trip rates provided by the Royal Borough. These are considered to show that the development can be accommodated on the local highway network.

7.4.3 The assessment indicates that flows at the Lots Road junctions with Cremorne Road and Kings Road will increase as follows:

|            | AM hour predicted Flow Increases |     |            |     |
|------------|----------------------------------|-----|------------|-----|
|            | Cremorne Road                    |     | Kings Road |     |
|            | In                               | Out | In         | Out |
| TA flows   | +44                              | +43 | +12        | +3  |
| RBKC flows | +58                              | +57 | +32        | +17 |

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7.4.4 The TA demonstrates that these flows can be accommodated on the local network and that the improvements to the Lots Road area proposed by means of a 'Streetscape Improvement zone' will improve the environment for pedestrians, cyclists and motorists.

7.4.5 At the request of the DTH no allowance was made for the reduction in traffic which could result from proposed public transport improvements in the area designed to increase transport choices for residents in the locality. The developer predicts that these changes could be more significant than the flow increases set out at 7.4.3 above.

7.4.6 The developer is offering, by way of provisions in a planning obligation, a package of improvements to transportation in the area with a total value exceeding £5 million. The DTH is satisfied overall that implementation of these improvements would be adequate to address the consequences of the proposed development.

7.4.7 Site Characteristics

The 'Lots Road Triangle' is bounded by the West London Line, River Thames and Cremorne Road, a Red Route which forms part of the Transport for London Road Network (TLRN).

7.4.8 The Lots Road area is rated as having Low accessibility in the Royal Borough's Public Transport Accessibility map (PTAL) [UDP page 188]. The site is some distance from existing retail, commercial and public transport facilities.

7.4.9 Vehicular access to LBHF will be restricted to residents of Site B only, by means of a barrier under the West London Line bridge.

7.4.10 The previous land use had a low impact on transport in the area due to the low number of people employed on the site in recent years and the nature of the activity.

7.4.11 Subject to final approvals from Network Rail and the Railways' Inspectorate, the Strategic Rail Authority (SRA) has now approved a new station on the West London Line at Chelsea Harbour. Works orders are expected to be placed in October 2003. Partial funding is expected by way of monies paid to LBHF through a section 106 agreement in connection with the Imperial Wharf development. Further funding of up to £1 million is offered in connection with the current proposals. Peak hour services are expected to start in December 2004.

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7.4.12 Assessment Process

The developer's position is that the proposal will have a positive impact in the area due to the improvements that will be made to public transport.

7.4.13 The DTH has assessed the proposal in terms of similar developments in the Borough and London and requested that the developer use traffic generation rates experienced at these sites, with no adjustment being made for improved public transport accessibility

7.4.14 Existing and proposed developments in the area have been considered in the assessment in order to ensure that the highway network can accommodate all traffic currently expected in the area. No allowance has been made for traffic reduction associated with congestion charging or other initiatives.

7.4.15 Public transport improvements have been discussed with the operators and Transport for London (TfL) and are considered to be viable proposals. The budget has recently been increased from £5 million to £5.56 million to accommodate increases in the cost of providing bus services since January 2001.

7.4.16 Highway Impact

The Council's Traffic Management section and TfL Street Management are satisfied that the Developer has undertaken a suitable assessment, and that the predicted traffic can be accommodated on the existing highway network without an unacceptable increase in traffic flows, queue lengths or journey times. This will require changes to Lots Road /Cremorne Road junction which the developer has demonstrated can be achieved. This would involve land owned by the Council and under the control of the TMO.

7.4.17 The plans for Lots Road junction with Cremorne Road include a new signalised junction with a cycle time which has now been confirmed by the applicants as 80 seconds. Traffic Management's concern that this should not exceed the recommended time of 90 has therefore been addressed. The final decision on this issue rests with TfL.

7.4.18 The development is likely to increase traffic flows on Lots Road and within the Lots Road triangle. In order to ensure that the local area is not adversely affected the developer proposes to designate the area a 'Streetscape Improvement Zone'. The detail of measures to be introduced in this zone will be the subject of future agreement but are likely to include carriageway lighting and pavement improvements.

7.4.19 In order to improve the bus service on Lots Road TfL London Buses have requested that the developer relocate some on-street parking to within the development. Officers are not convinced that this is required but if it is subsequently deemed necessary the Council would experience a loss of income which should be addressed by the developer.

7.4.20 Parking

The proposal includes 360 parking spaces for the residential accommodation and 40 spaces for other users. Provision of parking at the maximum standard is justified due to the current poor public transport accessibility of the area, the likelihood that residents would own cars and the limited on-street parking available in the adjacent area.

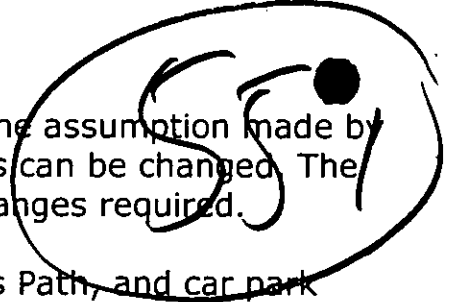
- 7.4.21 No more than 4 spaces should be available for the B1 uses within the site. The proposed provision of 40 spaces is considered a maximum which should be reduced depending on the outcome of the review of waiting and loading on Lots Road required before the new bus services are introduced. The exact number provided should be equal to those spaces removed in the review.
- 7.4.22 The public parking must be adequately controlled to ensure that it is not used for commuter parking.
- 7.4.23 The developer proposes to introduce a car club to limit demand for parking and restrict car use to essential journeys only. The provision of parking for the car club and a financial contribution will be the subject of S106 clauses. The Council is currently leading a consortium of seven Boroughs to introduce the London City Car Club and the Developer has indicated that they are prepared to use it.
- 7.4.24 The development includes parking for two Kensington & Chelsea Community Trust (KCCT) vehicles which will provide a base serving community groups in the south of the Borough. A condition is proposed requiring the provision in perpetuity of these spaces.
- 7.4.25 The proposed restaurant would have a capacity of approximately 185 covers and is consequently considered likely to generate demand for 37 parking spaces (assuming a car driver rate of 20%). These could be accommodated in the on-site public car parking area.
- 7.4.26 Public Transport  
TfL are seeking to ensure that the WLL Station is built to 8 car length in order to accommodate 8 car trains associated with Orbirail. Despite a request made by the DTH in January 2003 TfL have yet to provide a satisfactory explanation as to how this will speed development of Orbirail.
- 7.4.27 The Transport Assessment is considered to have demonstrated that, whilst the proposal will be acceptable without the West London Line, travel options will be limited. In order to promote development of the new station a clause is proposed to the effect that £1 million will be available in the Hammersmith & Fulham S.106 agreement towards the cost of the station, and in the event of it not being required for this purpose it will be divided between the authorities and made available for other transportation improvements.
- 7.4.28 The transport assessment includes proposals for significant changes to bus services in the area. The exact nature of these will ultimately depend on the pattern of demand following the station opening, but it is likely to

include improvements to the C3 corridor, improving north-south links to Earl's Court and Kensington High Street and a new service to Westminster via the embankment.

S106

- 7.4.29 Implementation of the proposed level of improvement in bus services to the area is considered to represent a significant change in public transport provision in the area. However there is concern regarding the recent high levels of bus cost inflation and the consequent implications for the developers' offer which has recently been increased from £5 million to £5.56 million. Despite estimates provided by TfL in 2001 the estimated cost has required significant revision to meet current rates. In order to avoid these measures being diluted the provisions of the s106 agreement would index link the developers' contribution.
- 7.4.30 In order to improve the level of service provided by London Buses the developer proposes to improve the Townmead bus gate, bus stops, countdown and AVL technology.
- 7.4.31 The developer proposes to introduce an enhanced ferry service from Chelsea Harbour pier and to pay an annual subsidy towards its running costs.
- 7.4.32 Green Travel Plan  
Central to the Transport Assessment is the introduction of a Green Travel plan with measures to encourage walking, cycling, provision of transport information and sustainable travel choice.
- 7.4.33 It is important that implementation of transport improvements are coordinated with key stages in the development process. These include construction, first occupation and completion. A timetable will be required to ensure that measures are implemented at appropriate times. These 'triggers' will form part of the relevant clauses of the s106 agreement.
- 7.4.34 The travel plan will be kept under review to ensure that the impact of the proposal is as expected. The s106 agreement will therefore accommodate a measure of flexibility to ensure that the traffic impact is minimised notwithstanding changes in circumstances.
- 7.4.35 The developer proposes to introduce school travel plans and safe routes to school measures for pupils at six local schools. Funding will be secured by way of the S.106 agreement.
- 7.4.36 The measures introduced as part of the green travel plan, including car club, cycle hire and travel information office and advice centre will be available for all members of the local community and not just those resident within the development
- 7.4.37 Geometry  
The addendum report to the Environmental Assessment has considered how the service bays and entrances will operate. These assessments do

not take account of on-street parking although the assumption made by the developer is that the on-street arrangements can be changed. The DTH is awaiting confirmation of the on-street changes required.



- 7.4.38 The detailed design of cycle parking, the Thames Path, and car park layout are the subject of proposed conditions.
- 7.4.39 Construction  
The developer has estimated that approximately 50% of materials can be transported to site by the River. It is expected that the development will require 73800 vehicle movements. This equates to 12 HGV movements per hour between May 2004 and October 2005 and a maximum of 4 per hour until June 2009. 41200 of these can be transferred to the river with the result that HGV movements would decrease to 4 per hour throughout the construction period. These arrangements are the subject of a proposed provision in the s106 agreement.
- 7.4.40 With regard to the transportation of construction staff to and from the site, a draft Section 106 agreement clause is recommended requiring this to be by public transport and preventing parking of private cars belonging to employees or contractors on any part of the site during demolition or construction.
- 7.4.41 Chelsea Creek  
In order to be in a position to implement their scheme of environmental improvements, and to construct bridges across Chelsea Creek, the Developers are seeking to acquire the freehold of the Creek which is currently in Council ownership. Should the creek remain in Council ownership, these works would require the Council's consent as landowner.
- 7.4.42 It is therefore considered, subject to the measures set out in draft heads of s106 agreement and conditions, that the transportation implications of the proposed development can be satisfactorily accommodated in the local network. The development is therefore considered satisfactory in relation to UDP Policies STRAT 23, STRAT 25, STRAT 26, STRAT 27, STRAT 28, STRAT 29, STRAT 30, STRAT 31, STRAT 32, STRAT 34, TR1, TR2, TR3, TR4, TR5, TR6, TR8, TR9, TR12, TR13, TR14, TR15, TR16, TR17, TR23, TR24, TR27, TR31, TR32, TR33, TR34, TR35, TR36, TR37, TR38, TR41, TR42 & TR44.

## 7.5 **Land Contamination & Sustainability**

- 7.5.1 The proposed works to Chelsea Creek described at 4.7 above are considered to be consistent with the objectives of UDP Policy STRAT 49 and LR26 which seek regard for nature conservation and the protection of natural habitat and wildlife environment in the consideration of development proposals.
- 7.5.2 In addition to the proposed works to the creek, there are two principal issues of environmental management arising from this major



development proposal. The first is the matter of remediation in respect of decommissioning the existing buildings and decontaminating the site, and the second is that of management and control of these and all other activities associated with the implementation of the development in order to minimize the impact on the surrounding environment and neighbouring residents.

ES2

7.5.3 It is inevitable that the construction period of a development of this scale will have consequences for the residential environment of adjoining streets. Implementation of an agreed and monitored remediation strategy will ensure a proper approach to the removal of hazardous materials, and an effective environmental management plan would secure good practice in respect of matters such as the timing of works and the type, volume and timing of demolition and construction traffic movement.

7.5.4 Decommissioning

The ES states that the decommissioning of the power station is an essential prerequisite of the development. However, the principal decommissioning works do not form part of the development proposal as LUL are legally obliged to undertake this prior to vacating the site. Some of these works have already been carried out. This part of the process includes shutting off and removal of live services and equipment and draining and removal of chemicals and fuels from plant and pipe work. On taking possession of the site, the applicant will continue dismantling plant and removing of asbestos and internal fixtures. Removal of asbestos would be carried out in accordance with best practice and relevant regulations. Redundant materials and equipment would be transported off-site either by road/rail or river barges.

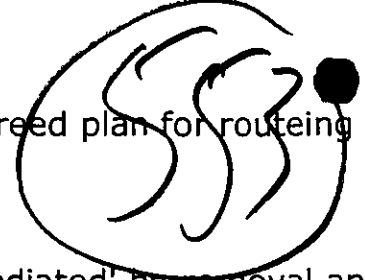
7.5.5 Timeline

The ES contains an outline programme for implementation of works. This envisages that on the RBK&C site the decommissioning and decontamination will continue until the end of 2005. Refurbishment of the Power Station would commence in Spring 2005 and continue to the end of 2008. Works of infrastructure and services installation would commence in Spring 2004 and end in Spring 2007. Construction of new structures and envelopes would commence in Summer 2005 and finish at the end of 2008, and new building finishes would take place between Spring 2006 and finish in Autumn 2009.

7.5.6 Demolition and Construction Traffic

The issue of construction traffic and the use of river transport to reduce heavy vehicles on the road network is dealt with at 7.4.39 above. The objective of maximizing use of river transport for both construction traffic and in respect of materials removed as a result of demolition and decontamination will be addressed by way of S.106 obligations. The developers would be obliged to agree with the Council details of the proportion of materials and construction traffic to be river borne prior to implementation of the planning permission. A further clause

would require implementation of a previously agreed plan for routing and times of construction traffic.



#### 7.5.7

##### Contamination

Areas identified as contaminated would be 'remediated' by removal and disposal of materials as they are encountered. The assessment in the ES concludes that Chelsea Creek and the River Thames would not be at significant risk from contamination. No specific remedial action within the creek and river is therefore anticipated. Soil containing more significant levels of contamination may require specific transfer and disposal procedures. A clause in the S.106 obligation would secure the implementation of a remediation strategy in respect of land contamination, which would be submitted to and approved by the Council prior to implementation of the planning permission. The requirement would include presentation and approval of a validation report confirming removal of all contamination prior to occupation of any part of the development. The obligation would also make provision for the developer to fund the appointment and retention of a contaminated land consultant to be present on-site for the duration of the works who would provide regular progress reports to the Council. This is considered to satisfy the requirements of UDP Policies PU3 and PU4 which require assessment and remediation of land contamination in the context of development proposals.

#### 7.5.8

##### Environmental Management Plan

The ES envisages implementation of an Environmental Management Plan (EMP), which would require best practice by contractors and site management. Measures in relation to efficient use of energy and water, waste management, use of recycled materials, dust and noise suppression, visual screening, construction traffic management, public security, safety and amenity would form part of this plan. A Section 106 clause would require submission and approval of the EMP by the Council prior to implementation of the planning permission. The clause would also secure funding and office space for an on-site liaison officer to provide an advertised point of contact for the Council and members of the public throughout the duration of the development works.

#### 7.5.9

Implementation of the Remediation Strategy and Environmental Management Plan are considered to address the objectives of UDP Policies STRAT 50 regarding air quality and land contamination issues and STRAT 52 in relation to waste reduction and maximization of recycling.

#### 7.6

##### **Density**

##### 7.6.1

It has been observed, and commented on at some length by objectors to the proposal, that the implicit density of residential development on the site would be excessive and considerably in excess of the 'very high' density figure of 350hrha set out in the UDP (And referred to in the 1999 Planning Brief) which Policy H12 states is only justified if necessary for townscape reasons to comply with the policies of the conservation and development chapter. The density of the proposed

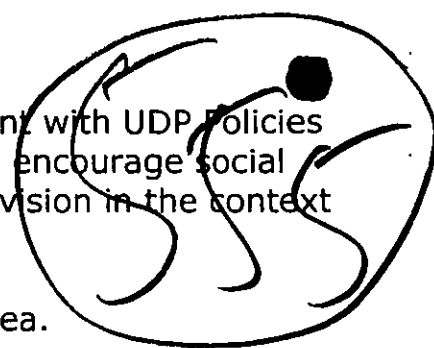
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scheme is approximately 667hrha. The main physical objections to the proposal centre around the height, bulk and appearance of the additional buildings proposed for the site. The new buildings (the tower, eastern block and west yard building) would only contain 164 of the 410 proposed residential units with the tower containing just 40. Consequently, even in the absence of the proposed new buildings, bringing the existing power station building into beneficial re-use as proposed with the insertion of 13 floors would result in a density of some 411hrha, well in excess of the 350 hrph figure. This was recognized in the report to committee regarding the previous application and under these circumstances, a reason for refusal on the grounds of density alone was not considered appropriate. Implicitly, if the density of development proposed does not result in material harm to the extent that planning permission could reasonably be refused, it cannot, of itself form a sustainable reason for refusal.

## **8.0 COMMUNITY BENEFITS**

- 8.1 As indicated in Section 2. of this report, in addition to necessary measures designed to ameliorate the impact of the proposed development, discussions without prejudice to the outcome of this application have sought undertakings from the applicants to fund measures which will improve the environment in the vicinity of the site and benefit the wider community. Draft heads of agreement set out the measures in full including the extent and timing of payments. The following measures are featured:
- 8.2 The implementation of a streetscape improvement zone within the 'Lots Road Triangle' involving improvements to footways and planting of street trees.
- 8.3 The implementation of improved cycling facilities with improvements to cycle routes beginning in the vicinity of the development, 'Toucan' crossings and cycle parking facilities.
- 8.4 Improvements to public transport provision including subsidies for bus and riverboat services and a contribution towards a new West London Line station.
- 8.5 Funding for a transport information service available to local residents. The scheme would feature an on-site transport management office and an intranet service providing up-to-date transport information.
- 8.6 Funding for development of school travel plans.
- 8.7 Provision of new premises within the development for the Ashburnham Community Association. The Association currently occupies the former Ashburnham School premises on the north side of Lots Road but is without a lease. A new space within the power station building at ground floor and basement level would be made available. The Council would have approval of the rent and service and estate management charges would be agreed and capped. A grant for the fitting out of the

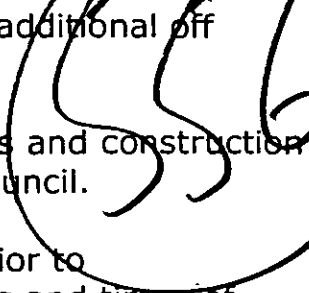
new space would also be provided. This is consistent with UDP Policies STRAT 44, SC4 and SC6 which seek to protect and encourage social and community facilities and to negotiate their provision in the context of development schemes.



- 8.8 Funding for improved education provision in the area.
- 8.9 Funding for improvements to Westfield Park. This is consistent with UDP Policy STRAT 47 which seeks to maintain and increase provision and quality of open space of local value.
- 8.10 Funding for the provision of public sports facilities in the area. This is consistent with UDP Policies STRAT 46 and LR2 which encourage the provision of additional sport and recreation facilities.
- 8.11 Funding for the provision of public works of art in the vicinity of the development. This is consistent with the objective of UDP Policy LR36 to provide new works of art in association with development proposals.

## **9.0 RECOMMENDED SECTION 106. CLAUSES**

- 9.1 UDP Policy CD92 states the Council will, in appropriate circumstances, negotiate planning obligations to achieve conservation and development aims and objectives. In addition to undertakings relating to affordable housing and matters of detail concerning the development itself, the applicants have indicated willingness to make financial contributions in respect of a number of matters arising from consequences of the proposal. The overall contributions, particularly some relating to transportation improvements, would be split between RBK&C and Hammersmith and Fulham. The draft heads of agreement indicate which payments would be made to LBH&F.
- 9.2 The recommendation to grant planning permission is subject to the completion of a Section.106 agreement incorporating a range of heads which have been agreed in principle. Matters of detail within these heads have been the subject of ongoing negotiations in the run up to consideration by this committee and the most recent agreed draft is appended to this report.
- 9.3 The measures to be secured by way of the Section 106 agreement are as follows:
  - 9.3.1 A package of transportation improvements to junctions, cycling and pedestrian facilities, streetscapes, bus and riverboat services, school travel plans and contribution towards car club facilities and development of the West London Line station. The total contribution to be £5.56 million divided between RBK&C and LBHF. Payments to be index linked.
  - 9.3.2 Provision of a specified and controlled number of public parking spaces within the development.

- 
- 9.3.3 A contribution of £1,500,000 to fund the provision of additional off street parking in the Lots Road Area.
- 9.3.4 Use of river transport for such proportion of, materials and construction traffic to accord with details to be approved by the Council.
- 9.3.5 Implementation of a plan, approved by the Council prior to implementation of the planning permission, for routing and times of construction and demolition road traffic.
- 9.3.6 Implementation of measures, approved by the Council prior to implementation of the planning permission, to ensure construction staff travel to and from the site by public transport and to prevent parking for private cars belonging to employees or contractors on any part of the site during demolition or construction.
- 9.3.7 Provision, in partnership with and through transfer to, a registered social landlord, of 105 affordable units of residential accommodation for rent and 39 to be sold/occupied on a shared ownership basis, and a further 22 units of low cost 'entry level' units for sale to eligible 'key workers'.
- 9.3.8 Implementation of a remediation strategy in respect of land contamination, approved by the Council prior to implementation of the planning permission.
- 9.3.9 Implementation of an environmental management plan, approved by the Council prior to implementation of the planning permission, from commencement of remedial works until completion of the development.
- 9.3.10 Implementation and maintenance of works, and an environmental management plan approved by the Council to the Chelsea Creek watercourse and associated wildlife habitats.
- 9.3.11 Provision of premises within the power station building comprising 445 square metres net internal floorspace to accommodate the Ashburnham Community Association at a rent with capped and index linked service charges approved by the Council.
- 9.3.12 A contribution of £100,000 on completion of a rental agreement with the Ashburnham Community Association, to fund fitting out of the Community Association premises.
- 9.3.13 The provision of a ground floor unit to be used solely as a General Practitioners' surgery serving NHS patients and falling within Use Class D1(a) in consultation with the Kensington and Chelsea Primary Care Trust.
- 9.3.14 A contribution of £2,000,000 to fund improved secondary and/or primary education facilities in the Royal Borough.
- 9.3.15 Provision and maintenance by the developer of a section of Thames

Path providing a designated public right of way from Chelsea Harbour via a new bridge to Lots Road through the plaza on the former east yard. Provision for subsequent linkage to a future Thames Path section across the adjacent Cremorne Wharf site when this route becomes physically available through construction or redevelopment.

- 9.3.16 Provision on substantial completion of the development of a CCTV system and a scheme of lighting the public areas of the development.
- 9.3.17 Prompt removal of graffiti, fly-posting and rubbish from any public areas within the site to standards approved by the Council.
- 9.3.18 A contribution of £400,000 to fund improvements to Westfield Park.
- 9.3.19 A contribution of £1,000,000 towards funding the provision of public sports facilities in the area.
- 9.3.19 Provision of an on-site construction training scheme to include
- An on-site recruitment facility for trainees
  - An agreed number of training weeks
  - Fund the construction training programme (including trainee placement and support).
  - Trainee wages as in the Working Rule Agreement
  - Best endeavours to obtain 20% of the workforce from the local area (West London)
- 9.3.20 Allocation of two (Identified) Class B1 units at ground floor level to be offered at 50% of market rent for a period of 3 years to tenants approved by the Council to assist small business start-ups for local people.
- 9.3.21 A contribution of £100,000 for the provision of a public work(s) of art in location(s) approved by the Council.

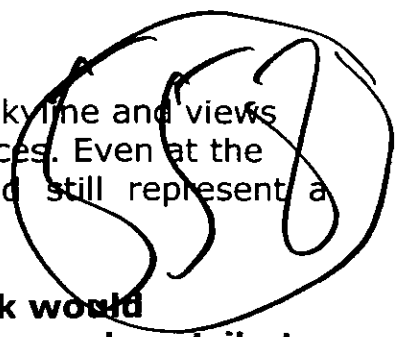
## **10.0 PREVIOUS REASONS FOR REFUSAL**

This section sets out the reasons given for refusal of planning permission of the previous application to redevelop this site in March 2002 and explores the extent to which they are considered to have been addressed by the current amended proposal.

- 10.1 **1. The proposal would involve construction of a high building in an inappropriate location which would be harmful to the skyline, detrimental to the character and appearance of the area and to important views from neighbouring conservation areas and open spaces, contrary to the provisions of the Unitary Development Plan and Proposed Modifications thereto, in particular Policies CD4 (CD6), CD11 (CD13), CD12 (CD14), CD13 (CD15), CD14 (CD16) and CD31 (CD37).**

The high building forming part of this application to RBK&C has, in the revised application, been reduced in height from 130m to 81.5m with

consequent reductions in the potential harm to the skyline and views from neighbouring conservation areas and open spaces. Even at the reduced height however the tower building would still represent a departure from identified Development Plan policies.



10.2

**2. The proposal by virtue of its height and bulk would adversely affect sunlight and daylight conditions and contribute to a sense of enclosure to neighbouring residential property contrary to the provisions of the Unitary Development Plan and Proposed Modifications thereto, in particular Policies CD28 (CD33) and CD30a (CD36).**

The redesigned configuration of the buildings involves a significant reduction in height of the KC1 tower and of the building height of KC2 on the Lots Road frontage. The consequent impact on sunlight and daylight is, as set out in this report, considered acceptable.

10.3

**3. The development, by virtue of the height, massing, orientation, bulk and design of the buildings would be poorly integrated into its surroundings to the detriment of the character and appearance of the river frontage, views from surrounding areas and townscape contrary to the provisions of the Unitary Development Plan and Proposed Modifications thereto, in particular Policies STRAT 5 (STRAT 9), STRAT 7 (STRAT 11), STRAT 8 (STRAT 12), CD1, CD4 (CD6), CD25 (CD 27), CD25A (CD28), CD31 (CD37) and CD54 (CD63).**

The alterations to the massing of the buildings and the layout of the space linking Lots Road to the creek and river frontage are considered to have improved the public realm of the development to the extent that, in the context of the scheme as a whole, the reasons for refusal of the previous proposal in relation to height, massing and townscape are considered to have been satisfactorily addressed.

10.4

**4. The proposed development provides insufficient affordable housing of an appropriate tenure and quality to meet the housing needs of the Borough, contrary to the provisions of the Unitary Development Plan, and Proposed Modifications thereto, in particular Policy H23.**

The current proposal features a package of 166 rented, shared ownership and key worker units which will be secured to meet identified housing need through Section.106 obligations. This constitutes just under 40% of the total units in the proposal and contrasts with the proposed provision of 136 'key worker' units constituting some 30% of the total in the earlier proposal. With the proposed S.106 safeguards and conditions in place the current proposal is considered to have addressed satisfactorily the reason for refusal relating to affordable housing provision.

10.5

**5. The proposed development, in conjunction with the development of adjoining sites, would be likely to result in the generation of traffic over and above that which could be adequately accommodated on the existing highway network, contrary to the provisions of the Unitary Development Plan and Proposed Modifications thereto, in particular Policy TR39 (TR36).**

Detailed assessment of the initial and supplementary transportation impact information submitted in support of the application has informed the views of the Director of Transportation and Highways and Transport for London. It is accepted that, with the proposed package of highway and pedestrian regime improvements and public transport improvement measures which would be secured by means of S.106 obligations, the impact on the surrounding transportation network and the amenities of neighbouring residents would be satisfactorily addressed.

10.6

**6. The proposal fails to make adequate provision for business and employment floorspace in the context of redevelopment within a designated employment zone contrary to the provisions of the Unitary Development Plan and Proposed Modifications thereto, in particular Policies STRAT 17 (STRAT 20), STRAT 19 (STRAT 22), E13 (E11), E23f (E25) and E23h (E27).**

The quantity of employment floorspace proposed in the revised scheme has not increased substantially from that featured in the earlier proposal which constituted approximately 10% of the total. In the current proposal business and commercial (i.e. shops etc) and community uses account for 8867sqm of the 70466sqm gross floorspace within the RBK&C site (Approximately 12.5%) an increase partially attributable to the reduction in overall floorspace arising from the reduced tower height. The type and arrangement of Class B1 units has however been refined. The provision of supporting commercial and shopping uses, new community association premises and a day nursery address the objectives of UDP Policy E5 and the proposed restrictions within the B1 use class set out in Section 7.2 of this report together with reduced rent start-up units for local businesses and a construction training scheme are considered appropriate in the context of the primarily residential scheme envisaged in the Planning Brief.

10.7

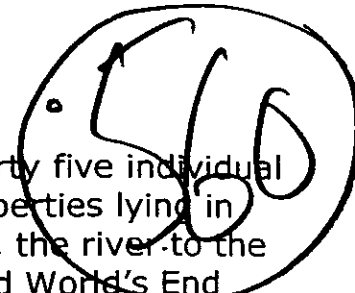
**7. The proposed development would represent a significant departure from the Unitary Development Plan without any reasoned justification.**

The current proposal constitutes a departure from the development in respect of the single issue of building height. The assessment of the impact of the high building on the surrounding area has informed the conclusion that, in the context of the wider benefits offered by the scheme, that the departure would be justified in this case.

**11.0**

## **CONSULTATION**



**Notification**

- 11.1.1 On 27<sup>th</sup> June 2002, two thousand one hundred and forty five individual letters of notification were sent to the occupiers of properties lying in the area defined by the Borough Boundary to the west, the river to the south, King's Road to the north and Blantyre Street and World's End Place to the east and to respondents to notification of the 2001 planning application. Twenty one external organizations including statutory consultees were provided with copies of the application and Environmental Statement. Site notices were also posted
- 11.1.2 Responses to the initial notification numbered 125 in total. These consisted of 77 letters of objection, a petition of 6 signatures, and one letter of support, from individuals residing in the Royal Borough, 7 letters of objection from or on behalf of amenity groups and Residents' Associations based in the Royal Borough, 27 letters of objection and one letter of support from residents of adjoining boroughs and elsewhere, and 12 objections from or on behalf of amenity groups based outside the Royal Borough
- 11.1.3 On receipt of revised plans, re-notification was carried out on 10<sup>th</sup> January 2003. The responses to date number 159. These consist of 117 letters of objection and one letter of support from individuals residing in the Royal Borough, 8 letters of objection from or on behalf of amenity groups and Residents' Associations based in the Royal Borough, 27 letters of objection from residents of adjoining boroughs and elsewhere and 7 objections from or on behalf of amenity groups based outside the Royal Borough
- 11.1.4 The written responses received to date have come from a total of 253 sources. Representations from the external consultees are summarized at 11.2 and 11.3 below.
- 11.1.5 Under the provisions of the Town & Country Planning (General Development Procedure) Order 1995 & the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990, the proposal was advertised as "Major" development, as involving a Departure from the Development Plan, as falling within criteria requiring an Environmental Assessment and as development affecting the character or appearance of a Conservation Area or Adjoining Conservation Area.
- 11.1.6 An addendum report to the Environmental Statement was submitted on 3<sup>rd</sup> March 2003 in response to requests for 'further information' under regulation 19. of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999. Copies of the report were provided to the Office of the Deputy Prime Minister and the requisite notice placed in the local press as required by the regulations.

**11.2 External Consultees**

The following statutory and non-statutory consultees were provided with copies of the planning application including the Environmental Statement and appendices. They were re-notified and provided with revised information following amendment of the scheme in January 2003.

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#### 11.2.1 English Heritage

In the context of the previous application an English Heritage press release dated 27th June 2001 was circulated. This quoted Sir Neil Cossons, Chairman of English Heritage as follows:

"At Lots Road we have warmly welcomed the principle of two high quality tall buildings which we think will enhance river views and the skyline of this part of London without damaging the historic environment of the wider area.

...English Heritage Commissioners welcomed the Terry Farrell and Partners adaptation and conversion of the Lots Road Power Station as a residential, office and mixed use building...

...Commissioners believe that the two tall towers of differing heights will complement the 85 metre chimneys of the Power Stations (sic) and its surroundings, and provide a dramatic new focal point that will enhance river views. More detailed work is also recommended for the public space around the site and the relationship between the Power Station and the proposed new buildings..."

#### 11.2.2 With regard to the current scheme in its amended form English Heritage state:

"...This scheme reduces the tower proposed in Kensington & Chelsea from 30-25 storeys, while increasing that in Hammersmith & Fulham from 25 to 37; although this alters the relationship between the two towers, and in relation to views from the (Brompton) Cemetery, we did not consider there to be material harm to heritage interests.

We therefore remain in support of the proposals by Terry Farrell Partnership...

Our assessment of this scheme is based largely on the criteria proposed in the English Heritage/CABE *Guidance on Tall Buildings* and we have concluded that the two towers would have little or no adverse impact on listed buildings, conservation areas or other heritage designations..."

#### 11.2.3 English Heritage (Archaeology)

The English Heritage Archaeology advisory service initially requested imposition of a condition in respect of subsurface archaeology and a pre-determination assessment of standing buildings. A specification for this assessment was subsequently provided by the applicants.

EH subsequently commented that the standing building assessment (ES

appendix C2) draws attention to the importance of the remaining steel skeleton frame in the Turbine and Boiler Rooms which would be removed along with the dividing wall between the two. They therefore hope to see retention of sufficient elements of both so as to make the presentation of the history of the building clearer.

C2

It should be noted that works to remove internal features from an unlisted building do not constitute development requiring planning permission. An informative is however recommended suggesting the retention of some of these elements and the applicants have indicated their willingness to explore this as part of the detailed design.

#### 11.2.4 Commission for Architecture and the Built Environment

The Design Review Committee of the Commission for Architecture and the Built Environment (CABE) considered this scheme in December 2002. Their formal response to consultation on the application states:

"...We welcome the changes which have been made to the scheme, which we think have improved it, although the broad principles of the project which we supported are still in place.

The changes to the site layout have in our view resulted in a successful sequence of open spaces each with a distinct character. We think that the relative heights and locations of the towers work well..."

#### 11.2.5 Government Office for London

No comments have been received. As the application has been advertised as a departure from the development plan, the intention to grant planning permission must be referred to GOL in accordance with the provisions of the Town and Country Planning (Development Plans & Consultation)(Departures) Directions 1999. This has been done by the London Borough of Hammersmith and Fulham in respect of their a application. GOL have indicated in a telephone conversation that a decision on whether to call in the Hammersmith and Fulham application for determination by the First Secretary of State is unlikely to be made until they are notified of the outcome of this Council's application.

#### 11.2.6 Greater London Authority (GLA)

In August 2002 The Mayor of London considered a report on the proposals to both authorities by the Planning Decisions Manager of the GLA. His formal response to notification of the RBK&C application consists of the following conclusions:

"The site is one of a few large opportunity sites within central London which could deliver a significant contribution to the draft London Plan's housing targets. Although the site has relatively poor public transport accessibility at the moment, improvements could be achieved in the short term through enhanced bus services and in the long term through improvements to the West London line and 'Orbi-Rail'. The developer would be expected to make a significant financial contribution to these projects through S.106 contributions in order to mitigate the movement impacts on the surrounding area. Consideration should be given to

further reducing on-site car parking.

S63

Given the proposed improvements to public transport, the density of development proposed for the site is considered to meet the guidelines set out in the draft London Plan. The density of development proposed also allows for the delivery of a significant level of affordable and private housing on the site. The design of the scheme is considered to be of a high quality with the towers contributing positively to the London skyline and the setting of the River Thames and the Lots Road Power Station. It is regrettable that one of the towers has been reduced in height and the opportunity for a taller, elegant tower foregone. The accessibility into and through the site and the creek is considered to be a significant urban design gain. The legibility and permeability of the scheme could be enhanced by some amendments to the layout of the block plan, but overall the design is of high quality.

The increased levels of affordable housing provided on the site are closer to meeting the requirements of the draft London Plan, although at just over 34%\* the affordable housing provided on the site continues to fall short of the London Plan target of 50%. This lower figure may be justifiable given the exceptional costs of decontaminating this part of the site and decommissioning the power station. However, additional viability information would be required in order to fully assess the impact of these factors. Subject to this caveat the overall development is considered to be in the interest of good strategic planning in London."

\*nb. In its most recently revised form the proposal includes 35% RSL affordable housing plus 'Key worker' units taking the figure for the RBK&C site to just under 40% (As set out at 7.3 above).

In accordance with article 4(1)(b)(i) of the Town and Country Planning (Mayor of London) Order 2000, in the event of this authority deciding to grant planning permission the Mayor must be allowed 14 days in which to decide whether to direct the Council to refuse planning permission. This requirement is reflected in the recommendation.

#### 11.2.7

##### Transport for London

TfL representatives have attended meetings between Council officers and the applicants' transportation consultants. They indicate they are satisfied that the Developer has undertaken a suitable assessment, and that the predicted traffic can be accommodated on the existing highway network without an unacceptable increase in traffic flows, queue lengths or journey times. They have also suggested the WLL Station should be built to 8 car length in order to accommodate 8 car trains associated with Orbirail. Their response to a request made by the DTH in January 2003 for clarification of this suggestion is to the effect that if provision is not made now it is likely to be more difficult and costly at a later stage, bearing in mind the SRA's affordability and value for money criteria. They do however acknowledge it may be appropriate to make passive provision for future platform extensions as an alternative to full

construction.

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11.2. Environment Agency

The Environment Agency's initial objections to the proposed development have been addressed by revisions to the scheme and additional submissions by the applicants. They have suggested a number of conditions which could be imposed in the event of planning permission being granted. Their remaining objection is on the grounds of the proximity of proposed development to Chelsea Creek. This objection relates principally to the erection of new buildings on the Hammersmith and Fulham side of the creek as the Kensington and Chelsea side is contiguous with the south wall of the retained power station building.

11.29 The Agency suggest conditions in respect of the following:

- No net loss of tidal flood storage capacity in the creek. A condition to this effect forms part of the recommendation.
- An access strip of 5 metres width adjacent to the River Thames frontage should be left free from permanent development including ventilation grilles, lighting columns, planting or level changes in order to allow access by the Agency. The RBK&C site has some 44m of Thames River Frontage and building KC1 is approximately 5m from the river wall at its closest point. Such a condition is not therefore considered necessary.
- Submission and approval of details of the creek bed treatment. This condition forms part of the recommendation.
- Submission and approval of a phasing methodology for works to the creek in order to protect wildlife habitats. This condition forms part of the recommendation.
- Submission approval and implementation of a scheme for the enhancement of the river/creek. This condition forms part of the recommendation.
- Submission and approval of 'brown roofs' and high roost ledges on the blocks adjacent to the creek. These provisions relate to the Hammersmith and Fulham development.
- Submission approval and implementation of a landscape management plan. This condition forms part of the recommendation.
- Submission approval and implementation of a planting scheme. A condition to this effect is recommended.
- No storage of materials within 8m of the Thames and 4m of the creek during development. This condition forms part of the recommendation.
- Submission and approval of the design of the creek bridges. A

condition to this effect is recommended.

S65

- Submission and approval of a scheme for retreating the flood defence line in the area of the creekside garden and provision of a boat landing stage in this area. These suggestions relate to the Hammersmith and Fulham proposals.
- Clarification of measures in relation to contamination 'hotspots'. This issue is covered by draft S.106 provisions relating to remediation and environmental management.

11.2.9 English Nature

EN confirm the proposal does not affect any statutory sites of nature conservation importance, and that there appear to be no protected species issues on the site. They welcome the proposed measures to ensure there is no loss of foreshore habitat and for maintenance of the creek. They recommend the attachment of conditions requiring preparation and implementation of a full ecological mitigation and enhancement plan. This matter is addressed both by recommended conditions and a draft Section.106 provision.

- 11.2.10 Health & Safety Executive (HSE)

The HSE advise that in their opinion there are no reasons on major hazard grounds for advising against the granting of planning permission in this case

11.2.11 The Countryside Agency

The CA state they have no formal comments to make regarding the application. They however welcome the provision of the riverside walkway and draw attention to the 'Thames Path National Trail Good Practice Guide' which offers guidance in relation to development on Thames Riverside sites.

11.2.12 Metropolitan Police Crime Prevention Office

The Crime Prevention Design Adviser comments that his concerns, as expressed in relation to the previous application, remain. In this he described the area as a crime hotspot for youth disorder and car crime and burglary and was concerned at the permeability of the proposed development. He described CCTV as a useful deterrent and source of evidence which can only work effectively as part of an overall package.

He goes on to note the recent planning permission for Chelsea Wharf in which a further section of riverside walkway was secured and refers to crime related issues which have arisen along the existing section of the walkway west of Wandsworth Bridge.

There is clearly a balance to be struck between crime prevention objectives and provision of public access to the river. It is not considered appropriate to set aside the important strategic and development plan objective of extending the Thames Path on the grounds that it might be a location for criminal activity. The creation of a mixed use scheme in which there are on site security measures (As

recommended in draft S.106 heads of agreement) is expected to open up the riverside to enhance public amenity in the context of a redevelopment which will lead to it being managed, and overlooked by residential and business properties created within it.

566

11.2.13

Port of London Authority

The PLA expresses no objection in principle to the development proposals but expresses concern that the development should not prejudice the potential for future water transport use of Cremorne Wharf which, although not currently serviced from the river, is a statutorily safeguarded wharf. In the PLA's experience the introduction of residential uses in proximity to working wharves can result in noise complaints from residents, particularly when they are in use on a 24 hour basis. They therefore suggest siting residential elements away from the wharf and imposing conditions requiring the installation of appropriate soundproofing.

11.2.14

The PLA recommend the imposition of a condition requiring the provision of riparian life saving equipment such as grab chains, access ladders and lifebuoys along the river frontage.

11.2.15

The PLA thirdly recommend the imposition of a condition requiring the developer to assess the feasibility of the use of river transport for construction materials.

11.2.16

As the use of Cremorne Wharf and the consequent generation of noise remains a possibility rather than a matter of fact it is considered to make the issue of potential impact on residential amenity the subject of an informative rather than a condition. A condition is recommended requiring the provision of riparian life saving equipment as suggested. The use of river transport for demolition and construction traffic is the subject of recommended heads of agreement under Section.106.

11.2.17

Council for the Protection of Rural England

The CPRE objected to the tower in Hammersmith and Fulham suggesting it will 'canyonise' the riverside and harm wildlife in the area. They further object to traffic impact suggesting public transport provision will remain poor unless a station is built on the West London Line. They therefore suggest the tower should be reduced in height and a large reduction in car parking takes place. A copy of this objection was sent to RBK&C with a covering note stating the same objections apply to the RBK&C tower and car parking arrangements. A further response to re-notification suggests the scheme should incorporate community facilities.

11.2.18

Civil Aviation Authority

The site lies outside the safeguarded areas for both London City and Heathrow Airports, the CAA therefore do not have any comment to make on the proposal.

11.2.19

Thames Water

No comment received.

567

11.2.20 Railtrack/Strategic Rail Authority

In August 2002, Railtrack Property (Who were at that time in administration) commented that an additional station at Chelsea Harbour would reduce freight capacity on the West London Line and Railtrack would not be able to meet its contractual obligations. It further commented that the £1m contribution offered by the applicants would not by itself produce a station.

Railtrack's successor organization has taken a more proactive and positive stance on the provision of passenger services to a new station at Chelsea Harbour. As set out at 7.4.11 above, the Strategic Rail Authority (SRA) has now approved a new station on the West London Line at Chelsea Harbour and the offered S.106 payment would contribute to this. Peak hour services are expected to start in December 2004.

11.3 **Neighbouring Authorities**

11.3.1 London Borough of Hammersmith & Fulham

The adjoining authority have, as stated, considered and endorsed a recommendation to grant planning permission for the parallel scheme of redevelopment on the south side of Chelsea Creek subject to conditions and the completion of a Section.106 agreement seeking environmental improvements and affordable housing provision within the site. The neighbouring borough have not raised an objection or commented formally on the RBK&C proposals. Consideration of their own application has however been based on assessment of the impact of both schemes (which are dealt with jointly by the Environmental Statement) and there has been liaison between officers of both authorities about matters of joint concern.

11.3. City of Westminster

Westminster City Council have raised an objection to the proposal on the following grounds:

"The proposal will harm views out of the Churchill Gardens Conservation Area, in particular from vantage points on Chelsea Bridge looking westwards. From this point the tower alongside the proposed tower in the London Borough of Hammersmith and Fulham), by reason of its height, bulk and design will represent a visually intrusive element on the skyline detracting from the subdued view of the mature planting along the banks of the Thames, obscuring the distinctive two chimneys of the power station and harming the setting of the listed Albert Bridge."

This aspect of the proposal is considered in detail at 7.1 above and the subjective nature of views on the appropriateness of the towers is reflected in the opinions offered by different respondents to consultation. It is not considered to substantiate a refusal of planning permission in the context of the overall proposals for the site.



11.3

London Borough of Wandsworth

The London Borough of Wandsworth raises no objection to the proposal.

11.3.

London Borough of Richmond upon Thames

No objection is raised to the proposal.

11.3.5

London Borough of Lambeth

No objections are raised to the proposal.

11.4

**Amenity Groups and Residents' Associations**

11.4.1

Lots Road Action Group

Are not against development in any form, but wish the scale to be limited to the capacity of the local infrastructure to support it, or for public transport and other amenities to be upgraded to address this. LRAAG welcome the principle of regeneration this part of Chelsea, redevelopment of the site, improved access to the river and the creek and the overall high architectural quality of the proposals but object on the following grounds:

- The proposed density (Which they calculate at 650 hrph) is nearly twice that set out in the UDP and the planning brief. This would lead to adverse amenity and traffic impact. Density should be linked to public transport accessibility and should not exceed 450hrph.
- Excessive scale massing and height of the towers. Overlooking, impact on sunlight, daylight and townscape. Development should not exceed 6/7 storeys and be subordinate to the height of the power station building.
- Inadequate public transport proposals in the context of other surrounding developments. A new West London Line station, a commitment to the Chelsea Hackney Line (Crossrail 2), and frequent, high capacity affordable riverbus services should be in place before high density development is permitted.
- Parking provision is insufficient, residents of the scheme should be denied parking permits. The TIA is flawed with regard to parking levels. Insufficient public transport facilities exist to meet demand and the capacity of the local roads to accommodate bus numbers is queried. Concern about all traffic being routed through Lots Road and the potential for parking to spill onto surrounding streets.
- Inadequate public amenity provision, open space, sports facilities, schools and health centers would not be improved by the development.
- Concerns relating to flood risk should be assessed.
- The height and width of towers should be significantly reduced

- Section 106. agreements should directly benefit the Lots Road area, particularly in relation to public transport.
- Decontamination of the site should be carried out safely.
- Construction traffic should be minimized with maximum use of river transport.

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#### 11.4.2

##### The Chelsea Society

In addition to points raised by the Lots Road Action Group, The Chelsea Society raise concern at the disfigurement of Thames views from the Chelsea Embankment, Albert and Battersea Bridges. They describe the proposed towers as unsympathetic and designed without regard for the spirit of Chelsea. They suggest the Thames Path design would make cyclists a hazard for pedestrians and that the tower would deflect serious gusts of wind onto the path. They conclude the development would lead to overdevelopment, overshadowing and overlooking, domination of Thames-side views, an inadequately designed Thames Path which does not segregate pedestrians and cyclists, and which would suffer gusting winds.

#### 11.4.3

##### Friends of Brompton Cemetery

The Friends of Brompton Cemetery note that the applicants' montages show few intrusions of the proposed towers, particularly when trees are in leaf. They express disappointment that the higher LBH&F tower will be visible from a number of points and find this unacceptable. In the event of planning permission being granted, they consider a condition should be imposed regarding the design of caps for the power station chimneys.

#### 11.1.4

##### The Royal Parks

Welcome the reduction in height of the towers but consider the LBH&F tower would harm views from the Cemetery.

#### 11.4.5

##### Oakley Street Residents' Association

Object to excessive height of towers, suggest numbers of dwellings will impact unacceptably on surrounding road system, doubt effectiveness of proposed improvements to public transport and consider public open space within the development to be inadequate.

#### 11.4.6

##### Cheyne Walk Trust

Support the objections set out by the Lots Road Action Group. Express concerns regarding flood risk, consider an independent Transport Assessment should be carried out, suggest riverside walkways should be enhanced by tree planting, tower blocks should not form part of the scheme, adequate provision should be made for education and community facilities, and that the majority of demolition and construction materials should be transported by river.

11.4.7

Campaign for Fair Play

Object to increased traffic, lack of parking and inadequate public transport

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11.4.8

Lots Area Residents Association

Development should be scaled down, improvements to transport should occur, support the provision of affordable and key worker housing.

11.4.9

Ten Acres Residents' Association

Express concern at the development.

11.5

**Individual Respondents**

11.5.2

The individual respondents with very few exceptions express concern regarding the transportation impact of the development, particularly in the context of other major redevelopments in the area, and are skeptical with regard to the effectiveness of the suggested mitigation measures. There is majority opposition to the quantum of development and the principle of high buildings on townscape, amenity and density grounds. A significant number of respondents support the principle of redevelopment and retention of the power station building, welcome the provision of affordable housing and consider community benefits should be forthcoming. Many draw attention to the provisions of the UDP and the content of the 1999 Planning Brief with regard to high buildings and density. A number of respondents suggest a West London Line railway station should be in service before development takes place. The local resident who writes in support of the proposals states that unequivocal opposition to the development is not representative of the true views of local residents. Many members of the local population wish to see the site developed appropriately and quickly. The latest proposals strike a fair balance between private property and the provision of local amenities.

11.5.3

A letter from Councillor Mrs. Simmonds responding to initial notification of this application (prior to the December 2002 revisions) expressed objection to the plans as submitted. She expressed support for the principle of development but felt the scheme provided insufficient open and leisure spaces; that the height, bulk and appearance were not in keeping with the architecture of the locality; that overcrowding and traffic impact were of concern; and that insufficient provision for social and community facilities were incorporated. The importance of taking the needs of the community into account was stressed.

A letter from Councillor Mrs Kingsley responding to the scheme prior to its amendment in December 2002, expresses support for the views of the Lots Road Action Group and the Colin Buchanan Report (11.6.7). The response states that the submitted scheme does not appear to address the reasons for refusal of the earlier proposal and the initial objections still stand with regard to building height,

affordable housing and traffic impact. It states that if community benefits are sought in relation to the proposal consideration should be given to the provision of: Sports facilities with underground parking; a community health centre on or near the site; library facilities; contribution to community policing; and a contribution towards a new secondary school .

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## 11.6 Respondents from Outside the Royal Borough

### 11.6.1 The Westminster Society

The reduction in height of the RBK&C tower to 25 storeys is a step in the right direction, the parallel increase in the LBH&F tower is unacceptable. The society maintains its objection to the scale of the redevelopment proposals.

### 11.6.2 Hammersmith and Fulham Historic Buildings Group

Object to the latest proposals. Development fails to respect this important historic riverside site. Over development. Two towers do not comply with UDP policies in terms of height nor with EH/CABE guidance. Present scheme attempts to 'outlandmark' existing landmarks. And will dominate the Power Station. Views are damaged by excessive height and mass of towers. Refurbishment of power station is welcomed but consider internally illuminated lanterns on top of two remaining chimneys inappropriate. Support retention of Chelsea Creek as fully tidal but opposed to the solutions proposed. Should seek additional tree planting with the Riverside. Riverside Walk not sufficiently detailed. Pedestrian and cycle links have not yet received detailed attention. No satisfactory provision for new river access or river related facilities.

### 11.6.3 The Battersea Society

Object to visual harm from the tower blocks and endorse the representations of the Oakley Street Residents' Association..

### 11.6.4 The Fulham Society

Welcome the principle of regeneration but consider the previous reasons for refusal are inadequately addressed. Consider the towers an unsuitable form of development for the site.

### 11.6.5 GL Hearn Planning (for Chelsea Harbour Limited)

Maintain their objections to the latest scheme and apply now in greater force. There has been an effective increase in the overall density levels and no material change in density close to Chelsea Harbour. Fails to provide anything near the level of integration and accessibility required for development of this scale and density. Inadequate car parking. Inadequate traffic capacity of surrounding highways given increase in density levels/congestion associated with scheme. The proposals would result in demonstrable harms to the amenities of residential occupiers by reason of loss of daylight and sunlight.

### 11.6.6 Bellamy Roberts Partnership (for Chelsea Harbour Limited). Transport Assessment.

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Feel that proposal in both boroughs should be considered as one and there needs to be a coordinated approach to any Section 106. Traffic generation and potential transport demand calculations are flawed because of the methodology adopted. Traffic generation is significantly underestimated. Traffic impact methodology ignores how already congested highway networks actually operate. This will impact on amenity and transport conditions for residents of Chelsea Harbour and other local areas. Measures proposed by developers would not raise the sustainability of the location sufficiently. Measures as part of the Green Travel Plan have not been properly analysed or costed and no clear evidence given that the public transport package would be deliverable.

- 11.6.7 Colin Buchanan and Partners (for Chelsea Harbour Residents Association)  
Quantum of development has only decreased by a very small amount as compared to previous application. Over development of the site resulting in adverse environmental, traffic and amenity impacts, visual impact on local residents resulting in loss of views, overshadowing, loss of light. Inappropriate scale, massing and height. Inadequate flawed transport assessment. Significant adverse transport impact. Impact on skyline. Impact on views from south bank of Thames and Wandsworth Bridge.
- 11.6.8 Montevetro  
Support the representations of the Lots Road Action Group. Proposed buildings will crowd the river frontage. Application neglects the impact on the facing shore and assessment of views is inadequate and selective. Towers will contravene planning guidelines and obscure the power station building. Microclimate will be adversely affected, unacceptable transportation impact, adverse ecological effect.
- 11.6.9 British Canoe Union  
Would like to see the creek enhanced as a watersports facility with access steps or ramps for canoeists.
- 11.6.10 Kinleigh Folkard and Hayward (for Russell Chelsea Housing)  
The Housing Association own properties in the Lots Road area. They object to the density and traffic impact of the proposal.
- 11.6.11 West London River Group  
Endorse the comments of the Hammersmith & Fulham Historic Buildings group. Support the principle of regeneration but oppose 'urban canyonisation' of the river frontage. Concerned at works to the creek. A more sustainable scheme should be negotiated.
- 11.6.12 Wandsworth Society  
Opposed to visual impact of the towers.
- 11.6.13 Thames Valley Housing  
The Housing Association own properties in the Lots Road area. They object to the visual impact and traffic generation of the proposal.

11.6.14 London and Middlesex Archaeological Society

Tower blocks out of scale and should not exceed 8-12 storeys. Design of insufficiently high standard. Both schemes should be called in for a public inquiry.

11.6.15 Individual Respondents

Individual respondents from outside the Royal Borough consist principally of residents of Chelsea Harbour and of properties near the river in Battersea. Chelsea Harbour residents generally reflect the objections raised on their behalf by the Buchanan, Bellamy and G.L. Hearn reports. Objections from Battersea Residents are primarily concerned with visual impact on the river frontage.

11.7 Summary of Grounds of Objection

In summary, respondents suggests the proposal represents overdevelopment of the site; has adverse impact on traffic and amenity; excessive density; to be out of keeping with surroundings; inadequate provision for increased public transport demand; towers of inappropriate scale and out of character with the area; height of proposed development is excessive and does not accord with prevailing heights in the area; the power station should remain the dominant feature; loss of daylight and sunlight; overshadowing; loss of privacy; traffic, parking and public transport proposals are inadequate in an already congested area; greater investment in tube, rail and water transport provision should precede development on this scale; cumulative impact of other major developments in the area; inadequate public amenity provision; increased noise; adverse impact on local education, health services and public amenities; adverse impact on wildlife habitat.

11.8 Response to Grounds for Objection

The preceding sections comment on, and address individual technical points raised (Such as those by the Environment Agency). The principal grounds raised by respondents to notification relate to the core issues set out at 1.7 of this report and discussed in the correspondingly titled sections. A summary assessment covering the manner in which the current application has sought to address the reasons for refusal of the previous scheme is set out at Section 10.

The most significant additional issue raised by objectors is the desire for the development to make a contribution to local community facilities and regeneration of the area. In particular the well considered and expressed representations of the Lots Road Action group (Set out at 11.4.1) are considered to have provided a constructive conduit for residents concerns. These have informed the direction and scope of detailed negotiations which have secured the applicants' commitment to provide wider community benefits.

It is considered the package of measures which have been negotiated and which would be secured by way of a Section 106. agreement in the

event of planning permission being granted, constitute a satisfactory response to the aspirations of, and concerns expressed by, objectors to the proposal. A recommendation that planning permission is granted is therefore considered sustainable.

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**12.0 RECOMMENDATION**

- 12.1 Inform the Government Office for London of the intention to grant planning permission in respect of a departure from the development plan in accordance with the requirements of the Town and Country Planning (Development Plans & Consultation)(Departures) Directions 1999.
- 12.3 Inform the Mayor of London of the intention to grant planning permission in accordance with the requirements in Section 4. of the Town and Country Planning (Mayor of London) Order 2000.
- 12.4 Subject to there being no direction to the contrary by the First Secretary of State or the Mayor of London, Grant Planning Permission. subject to a Section 106 agreement on the terms set out in the report.
- 12.5 Inform the First Secretary of State and the public of the decision to grant planning permission in respect of an EIA application in accordance with the requirements of regulation 21(1)(c) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999
- 12.6 Inform the London Borough of Hammersmith & Fulham that the Royal Borough of Kensington and Chelsea Raises no objection to the proposed development on 'Site B' subject to their proposed conditions and heads of agreement under Section 106.

**M.J. FRENCH  
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION**

**List of Background Papers:**

**The contents of file PP/02/01324 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.**

**Report Prepared By: JT  
Report Approved By: JT/LAWJ  
Date Report Approved:**

**PSC10/03/JT.REP**