

**ROYAL BOROUGH
OF
KENSINGTON & CHELSEA**

DOCUMENT SEPARATOR

DOCUMENT TYPE:

APPEAL DECISION



APPD

APPD



direct connections to the river front.^A At all stages of the design evolution, the principles of master planning have been deployed. This has been a constant in all the options that have been tested.^B

Design – (ii) the master plan

- 6.69 The design of the proposal has progressed by reference to other developments in which Sir Terry has been involved.^C The process of refining and perfecting the master plan for the development will not come to an end when the First Secretary of State grants his approval for it, if he does. It will continue thereafter. However, the scheme has now reached a sufficient degree of maturity for it to be made the subject of these applications. Permissions granted on these applications can and should be made the subject of conditions that will allow the refinement of the scheme to go on.
- 6.70 The dynamics of the layout were demonstrated in the course of Sir Terry's Farrell's PowerPoint presentation.^D Some images are of particular note – the relationship of the different uses within the scheme to each other, and the composition of the scheme in its context on either side of the river (and its relationship to other tall buildings in the vicinity – the Belvedere Tower and the World's End estate on the north bank, Montevetro on the south bank with the Somerset Estate beside it), the geometry of the towers in their relationship to the power station chimneys and the 'dance', illustrated and compared with the sculptures of Lyn Chadwick.

Design – (iii) the residential towers

- 6.71 A number of images depict the kinetic qualities of the composition, in particular the proportions and placement of the two towers. They have the potential to act as visual markers of the new urban quarter and to play a role in establishing its identity in its relationship to the River Thames.^E They will have the same shape, plan size, form and structure.^F The materials and façade treatment will also be the same. The RBKC tower (KC1) will be 86.65m high (25 storeys); the LBHF tower (HF1) 123.5m (37 storeys). They will not be the tallest residential buildings in London, or on the Thames – the Vauxhall Tower will be 180m tall with 48 floors of residential accommodation above a lobby and mezzanine.^G
- 6.72 Some of the criticism of the towers that has been advanced in the case of RBKC has had to do with the allegation that in their wider dimension the Towers would appear less than elegant. In truth, they will be elegant in appearance, even where the slenderness of their narrower elevations is not immediately apparent. Moreover, it will be the changing views as one moves around the area that will not only add interest to the appearance of the towers but also contribute to the dynamic visual relationship between the towers themselves and between them and the power station building.^H

^A Document A/TF/P – section 2.2; and Document A/TF/A/1 – Appendix A.

^B Document A/TF/P – paras. 2.3.1-2.3.5.

^C Document A/TF/P – section 4.

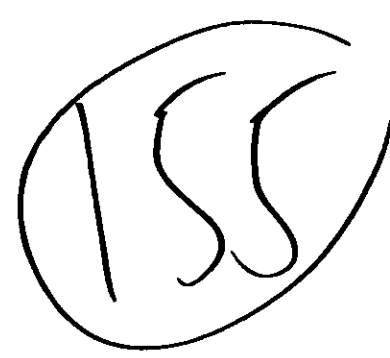
^D Document A/TF/P/2 – with particular reference to pp. 38, 89, 117-119 and 120.

^E Document A/TF/P – section 3.7.

^F Document CD11 – para. 4.5.

^G Document A/TF/P/2 – p.90 has a comparison with some other tall buildings in London

^H Document A/TF/P – as described in para. 3.7.3.



Design – (iv) the low-rise buildings

- 6.73 There has been no significant criticism of the low rise elements of the scheme. They may not be controversial components of the total composition but they are nevertheless an essential part of it, knitting the scheme into the urban fabric around it, providing a contrast in height to the two towers and complementing the buildings of similar height in the Chelsea Harbour development.

Design – (v) landscaping, publicly accessible open space and public access

- 6.74 The spatial relationships and public spaces within the scheme have been considered to be just as important as the buildings themselves. The interplay of buildings and spaces will be the key to the success of the development. The scheme, centred on Creekside Gardens and Creekside Park, will bring new life to the area around the creek and invigorate its connection with the river.^A

Design – (vi) improvements to Chelsea Creek

- 6.75 Comprehensive regeneration of the site affords the opportunity to address Chelsea Creek. Significant enhancement works are proposed, including remodelling the existing creek edges to form terraces, thus retaining and enhancing ecological habitats, safeguarding flood storage capacity that would otherwise be progressively lost through siltation and repairing and renewing flood defences.

Design – (vii) sunlight and daylight

- 6.76 Considerable attention has been given to sunlight and daylight in the evolution of the design. No objections are raised by either RBKC or LBHF, both of whom employed consultants to assess the original ES. While RBKC objects to the towers, its reason for refusal does not allege any undue impact in terms of sunlight, daylight or overshadowing. The updated ES contains a thorough assessment of the proposals.^B
- 6.77 Their UDPs make plain that RBKC and LBHF will both have regard to the Building Research Establishment (BRE) Guide.^C RBKC notes^D that it will not be looking to see whether development proposals meet any particular minimum or maximum objective standard. That recognises, as the BRE guide itself does, that the guidance provided is not planning policy and does not advance the mechanistic application of any particular mathematical standard.
- 6.78 The evidence the scheme itself is that, but for some 83 rooms affecting 10% of the flats created in the converted power station, all the proposed residential units would enjoy daylight levels in excess of those suggested in the BRE Guide. Those rooms below the BRE standard will nevertheless be adequately lit. The balance of advantage in retaining the façade and converting the power station plainly demands a degree of compromise in terms of the amount of sunlight and daylight and no-one suggests that consent should be withheld on this account.

^A Document A/NT/P has a full description of the landscape design proposals in section 2. Document CD11 also refers at paras. 4.6-4.13.

^B Document CD54 is the updated ES – chapter 20 deals with the subject, supported by Document CD74, Appendices K2-K10; Documents CD235 and CD235A are the reports by the consultants employed by LBHF.

^C Document CD245, referred to in Document CD199 (para. 13.2.4 on p.321) and Document CD222 (Standard S3 on p.333).

^D Document CD199 – para. 13.2.5.

156

157

- 6.79 The issue raised by objectors relates to the impact of the proposal on daylight and sunlight levels in adjacent buildings. There are limited instances where compliance with the BRE Guide would not be achieved, caused not by the towers but by the otherwise uncontroversial mid-rise buildings. Circadian has considered both the vertical sky component (VSC) and average daylight factor (ADF) methods of calculating daylight. Of the 676 windows tested, 117 out of 676 would fail the VSC test^A but only 9 would fail the ADF test,^B thus demonstrating that the quality of the remaining light would not be unacceptable. CHRA seems to suggest that Mr Ingram states clearly in his evidence that, where a window falls below the level of the BRE guidelines, it suffers at least a 20% loss in daylight and that such a loss would be material and noticeable. That is not a fair reflection of the evidence.^C Mr Ingram considered that, in eight of the nine rooms where the ADF factors were below the standards, the effect would be 'marginal' and would not give rise to any material reduction that would be sensitive to the human eye.
- 6.80 To consider the VSC results alone is not to consider the full picture. The VSC test takes no account of the size of the window or the quality of light received in a room. These factors are measured in the ADF test,^D which is the appropriate methodology to apply.^E The nine windows that would fail the ADF test, in different units of accommodation and out of a total 676 windows, are all located in Chelsea Harbour.^F The reductions in eight rooms would be no more than 0.2% below the ADF^G value and would not be material or discernable to the human eye. Set in the overall context of the number of windows tested, these reductions are not significant. Set in context of the fallback permitted scheme again there would be no undue impact. The inquiry scheme cannot be said to cause undue loss of daylight to the residents of Chelsea Harbour.
- 6.81 In terms of overshadowing, the analysis^H demonstrates that additional overshadowing would be transient in nature. In particular, the location of the two towers serves to minimise overshadowing of existing buildings. In the summer, Chelsea Harbour would not be affected at all; and, after 0925, no other existing properties would be affected until about 1900, when there would be some shadow on the south bank for a limited period. Even in winter, when the sun is lower and already casting shadows beyond the site by 1400, the shadows from the development would be clear of existing buildings. Whilst there may be some added shadow in winter, this already occurs.
- 6.82 The exercise demonstrates how much careful consideration has gone into the layout and how well the development would fit into the existing urban environment.
- 6.83 On sunlight, 217 out of the 270 windows in surrounding properties which it was relevant to consider would retain levels of sunlight which meet the BRE guidelines. Properties at nos. 60-88 Lots Road – opposite the main entrance into the former Power station where the KC2A building would be located – would enjoy sunlight levels only just below standard. Again, this is not caused by the towers but the uncontroversial KC2A building.

^A Document A/GI/P – Table 4.1 on p.17.

^B Document A/GI/P – para. 4.3.5.8 on p.18.

^C Document A/GI/P – see in particular paras. 2.21, 2.27 and 4.3.5.9 (pp.11/12/18).

^D Document A/GI/A2; see also Document A/GI/P at para. 2.9.1.3 on p.6.

^E Document A/GI/A2 – the conclusion is derived from the various appeal decisions in Appendix K14; summaries are in Document A/GI/A1, Appendix 12.

^F Document A/GI/P – para. 4.3.5.8.

^G Meaning, for example, 1.8% where 2% would be an acceptable level – see Document A/GI/P at paras. 4.3.5.8 for the projected levels and para. 4.3.5.9 for the generally acceptable levels.

^H Document A/GI/A1 – Appendix K6; also Document A/GI/CD.

RBKC raises no objection. Properties opposite the existing power station would experience no material change. Those opposite the existing entrance would enjoy a different aspect, given the presence of the KC2A building, but these very same residents would also be able to access the Thames and take maximum advantage of the opening up of the creek, the open space and the Riverside Walk. These benefits need to be weighed against what is a relatively small and insignificant incursion into BRE sunlight standards.

- 6.84 Moreover, the five open amenity spaces within the proposed development have all been assessed in accordance with the BRE guidelines on permanent overshadowing. All are acceptable.^A And, in terms of solar glare, analysis shows no likely harmful impact.^B

Involvement of CABE and EH

- 6.85 CABE has lent its support to Circadian's scheme. So too has EH. In addition, Circadian has entered into a management agreement with English Heritage.^C That agreement will secure the preservation of those parts of the power station building that EH wishes to see retained and maintained. This is a benefit of the proposal to which relatively little attention was paid during the inquiry. It is, however, an important benefit. It exemplifies a pro-active approach to the conservation of the building, going beyond any requirement of statute or policy for an unlisted building outside a conservation area. It goes hand in hand with the conversion of the building to beneficial long-term uses of public value, welcomed by RBKC as an 'imaginative reuse and redevelopment of the power station'.^D In this respect, the scheme seems to have brought about the conversion of RBKC from its previous agnosticism as to the preservation of the building.^E

Relationship to PPS1, 'By Design' and the EH/CABE Guidance on Tall buildings

- 6.86 PPS1 has largely reproduced and reaffirmed the guidance in PPG1 on good design. The 'minded to grant' letter in the Vauxhall Tower case suggests, however, that the First Secretary of State attaches great significance to the role of good design in delivering sustainable communities. While the principles remain largely the same, the emphasis on them has, if anything, increased. The proposed development is compliant with all of the objectives set out in PPS1. The document also refers to the good practice set out in various government publications, including 'By Design - Urban Design in the Planning System: Towards Better Practice'.^F
- 6.87 The considerations that inform 'By Design' include character, continuity and enclosure, quality of the public realm, legibility, permeability, adaptability and diversity. All were addressed by Sir Terry Farrell^G and Professor Tavernor^H in their evidence, with the unchallenged conclusion that all were satisfied.
- 6.88 The EH/CABE guidance on tall buildings^I is succinct and explicit. It contains criteria by which proposals may be judged. No assertion of conflict with it is to be found in RBKC's decision notice. It is significant that the authors of the guidance have endorsed

^A Document A/GI/P - para. 4.3.13.1 on p.26.

^B Document A/GI/A1 - Appendix K7.

^C Document A/10.

^D Document KC/3 - para. 22.

^E Document CD206 - the brief contemplates both retention and demolition, with para. 2.27 preferring the latter.

^F Document CD146.

^G Document A/TF/P - section 6.4.

^H Document A/RT/P - paras. 2.8 and 4.31-4.37.

^I Document CD151.

159

the proposals with such enthusiasm. The First Secretary of State refers to the guidance in various places in his 'minded to grant' letter on the Vauxhall Tower proposal, suggesting that he regards it as being complete, relevant and up-to-date and a suitable template of design principles for the assessment of proposals for tall buildings.

- 6.89 In his 'minded to grant' letter in the Vauxhall Tower case, the First Secretary of State referred^A to Professor Tavernor's evidence to the House of Commons Select Committee on Transport, Local Government and the Regions,^B which he finds generally consistent with the EH/CABE guidance. And Professor Tavernor would not have lent his support either to the Vauxhall Tower proposal or to this one had he believed that either scheme was inconsistent with his evidence to the Parliamentary committee or inconsistent with the joint EH/CABE guidance. In relation to Professor Tavernor's evidence on 'clusters' of tall buildings in the context of the EH/CABE guidance, the significant point is not whether the proposed development would or would not form part of a cluster (a word that can mean different things to different people in different circumstances) but whether the proposal has been shown to be of the highest architectural quality in its own right and 'designed in full cognisance of (its) likely impact on (its) immediate surroundings and the wider environment'.^C
- 6.90 The EH/CABE guidance urges a plan-led approach for proposals for tall buildings. In this case, as with the Vauxhall Tower, there is a plan-led approach insofar as the London Plan sets out a matrix of policy for considering tall buildings proposals. It is deliberately not that specific but, like the joint guidance itself, is criteria-based. Just as there was no difficulty in applying the policies of the London Plan to the Vauxhall Tower proposal, so there should be no difficulty here.^D
- 6.91 In short, the development:^E
- (i) would relate well to its context in all respects, in particular to the other tall buildings in the vicinity (whether regarded as a cluster of buildings or merely an association in visual terms); its impact on the skyline would be striking and delightful, the more so because the two towers would accentuate one's visual experience of the power station building (rather than diffusing, obscuring, competing with, or emasculating it, to quote from the lexicon used by RBKC);
 - (ii) would conserve rather than damage or detract from the character and quality of the existing environment, including historic features and fabric;
 - (iii) would relate well to transport infrastructure;
 - (iv) would be of the highest architectural quality in terms of scale, form, massing, proportion and silhouette;
 - (v) would make a substantial positive contribution to both external and internal public spaces and facilities in the area;
 - (vi) would not adversely affect the local environment in terms of its micro-climate, by overshadowing, in terms of its appearance at night or in any other respect;
 - (vii) would considerably improve the permeability of the site and the wider area, enhancing the legibility of the local and wider townscape;
 - (viii) would provide a high quality environment for everybody who would use it; and

^A Document A/13(2) – para. 13.

^B Document A/RT/A – Appendix RT/1.

^C Document A/13(2) – the quotation is from para. 13.

^D Document A/TF/P – section 6.5 (pp. 87-90) is Sir Terry Farrell's evidence on the subject; Document A/RT/P – paras. 2.9-2.13 (p. 12-13) and 5.21-5.29 (p. 62-65) is Professor Tavernor's.

^E Assessed against the criteria for evaluation set out in para. 4.6 of Document CD151.

(ix) would be sustainable in the broadest sense.

Relationship to the London Plan

- 6.92 The London Plan sets the strategic framework for plan-making and development control at the local level in the metropolis. It is London's first strategic spatial policy document since the adoption of the Greater London Development Plan nearly three decades ago. It contains up-to-date and comprehensive strategic planning policy. There is much in it that bears on the matters embraced within call-in issues (f) and (g).^A Policies 4B.8 and 4B.9 are of central relevance.
- 6.93 Closing submissions for RBKC went to great lengths to recapitulate an interpretation of Policy 4B.8 as neutral in its general attitude towards proposals for tall buildings. It will not bear such a construction. Submissions for the GLA gave a clear account of the way in which the policy is understood by the body that was its author and is now responsible for its application.
- 6.94 Policy 4B.8 extends a general welcome towards proposals for tall buildings that will either create attractive landmarks enhancing London's character or act as catalysts for regeneration, or both, provided that the proposals are acceptable in terms of design and the likely impact of the development on its surroundings. It is not necessary for every proposal for a tall building to contribute to the provision of a coherent location for economic clusters of related activities. This much is clear from the use of the words 'and/or' to link the cluster concept to that on acting as a catalyst for regeneration. In this instance, the development would create an attractive landmark, enhancing the character both of the immediately surrounding area and of this part of London more generally. The development would act as a catalyst for regeneration in a sense broader than mere physical redevelopment. The word catalyst is apt in this context – it connotes the idea of much needed (and, in this instance, long-awaited) regenerative change being accelerated. Here, the design is more than acceptable; it is brilliant. The impact on the surroundings of the site would be beneficial in the various respects referred to above and below, satisfying the criteria set out in Policies 4B.1, 4B.3 and 4B.9. Accordingly, the proposed development more than earns the welcome that is so clearly apparent in the first paragraph of Policy 4B.8.
- 6.95 The positive stance towards proposals for tall buildings is plain not only from the first paragraph of the policy but also from the second and third paragraphs. The second enjoins local planning authorities to take into account the reasons why the Mayor supports tall buildings when they are assessing planning applications referable to him. Here, the Mayor has supported the proposal and explained clearly why he does so. RBKC, in rejecting the proposal, must be able to show good reason for its dissent – but has failed to do so. The third makes it plain that, if local planning authorities are to oppose proposals for tall buildings, they must first have identified defined areas of specific character that could be sensitive to such proposals within their UDPs – and that identification must be underpinned by a clear explanation of the aspects of local character that could be affected and why. In this case, there is no restrictive policy at the local level with such an exercise behind it. The RBKC UDP does not substantiate the height

^A Document CD174 – with particular emphasis on – sustainable development (para. xxi, p.4), Objective 1 (p.6), Objective 6 (p.10), Policies 4B.1 and 4B.2 and their supporting text (pp.173-175), Policy 4B.3, its supporting text and Table 4B.1 (pp.176-177) and Policies 4B.4, 4B.5 and 4B.6 (p.178-180). For the full submissions, see Document A/12 at paras. 191-203 (p.84-88).

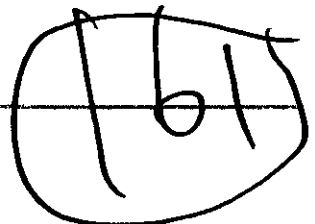
restriction in Policy CD6 in the manner required either generally or for the stretch of the Chelsea riverside on which this proposed development would take place.

- 6.96 It is apparent in the supporting text to 4B.8 that the Mayor sees the merit of tall buildings not merely in an aesthetic sense but also because of the potential of such buildings to contribute to the creation of a sustainable world city, supporting the strategy of creating high levels of activity where public transport capacity is, or can be made, sufficiently good to justify it. Tall buildings have an essential contribution to make to the creation of a compact city.
- 6.97 In judging whether the proposed tall buildings would be landmarks, contributing both to regeneration and to the improvement of London's skyline, the decision-maker has available a comprehensive set of criteria in Policy 4B.9 of the London Plan. Though expressed in different language, they reflect the joint EH/CABE guidance. Just as the proposals comply with the criteria of the joint guidance, so too do they pass the tests that are effectively set for them in Policy 4B.9. Whilst there are matters of judgment inherent in them, the criteria of Policy 4B.9 are to a large degree cast in terms of matters that are objectively ascertainable rather than susceptible to subjective judgment. In terms of the criteria, the proposed development –
- does not offend any of the requirements of the View Protection Framework set out in Policy 4B.15 of the London Plan;
 - would be suited to its wider context in terms of proportion and composition and in terms of its relationship to neighbouring development, streets, open spaces, the River Thames and Chelsea Creek;
 - would be an attractive element in the city, not only when viewed from the river, its bridges, its embankments and its general environs, and the urban hinterland to its north, south and west, but also in contributing to an interesting skyline; it would add positively to the existing association of tall or relatively tall buildings within that skyline; it would provide a focus in various views from different angles; and it would create attractive landmarks whilst allowing the converted power station building to retain a worthy presence of its own in the local and wider scene;
 - would use techniques of sustainable construction and resource management while the potential for renewable energy generation and recycling would not be compromised;
 - would not have any materially adverse impact on micro-climate;^A
 - would be safe in terms of its own integrity and the safety of its occupiers; it would be acceptable in terms of aircraft, navigation and telecommunication networks; the Metropolitan Police are now satisfied that the development would be consistent with the principles of 'Secure by Design';^B nor would there would be any adverse implications for the operation or safety of the heliport at Battersea;
 - would not produce any undue stress on the capacity of the transport infrastructure in the local or wider area;^C adequate, attractive, inclusive and safe pedestrian and public transport access would be secured;
 - would create high quality open spaces, accessible to the public; opportunities to integrate those spaces with the existing riverside walk where it fronts neighbouring

^A The effects of wind turbulence are considered in the ES, Document CD54 at chapter 18; the effects in terms of sunlight and daylight are dealt with above and no standards relating to privacy, residential amenity or any other aspect of the living conditions of local residents would be materially infringed.

^B Document G/5.

^C See submissions below in relation to call-in issue (d).



- development would be taken; the development would do much to create attraction, activity and interest for the local communities in this part of Chelsea;
- would contain in the converted power station building a mix of uses with public access, incorporating ground floor shopping and class A3 uses; and
 - would relate positively to the water spaces around it, in both the river and the creek.
- 6.98 Policies 4B.10, 4B.11 and 4B.12 relate respectively to London's built heritage, heritage conservation and historic conservation-led regeneration. The proposal complies with all.
- 6.99 Policies 4B.15, 4B.16 and 4B.17 relate to protected views. The proposed development would not impinge upon any of the views designated as part of the London View Protection Framework; nor would it fall within any of the proposed London panoramas.
- 6.100 Chapter 4C deals with the Blue Ribbon Network (BRN). Policy 4C.1 relates to the strategic importance of the BRN,^A Policy 4C.10 to the historic environment and Policy 4C.11 to conservation areas. In no respect would the development be offensive to the character, appearance or setting of any of the conservation areas to which reference has been made, or to views towards or from those areas. No designated special interest would be compromised by the development. Change there would be – but not change harmful to the historic environment.
- 6.101 Policy 4C.20 is entitled 'Design – starting from the water' and seeks a high quality of design for all waterside development. Far from presuming against tall buildings on the river, it plainly contemplates the introduction of landmarks on the water's edge; the fourth criterion in the policy expressly refers to such development and the potential for it to provide orientation points and pleasing views. And the proposed development would satisfy all of the considerations set out:
- it would include a mix of uses appropriate to its location adjacent to the River Thames and Chelsea Creek, including publicly accessible spaces;
 - it would be well integrated into the public realm;
 - it would incorporate built form with a human scale, as Sir Terry Farrell has explained; it would integrate with the existing communities and places;
 - it would provide a landmark which would assist orientation and contribute to pleasing views, without causing harm to the cohesiveness of the water's edge;
 - it would serve to bring together a better composition of buildings and space than currently exists; it would relate successfully in terms of scale, materials, colour and richness of detail not only to its neighbours, but also to buildings on the opposite bank, in particular the listed St Mary's Church and the adjacent Monteverto development; and
 - it would incorporate sustainable design and construction techniques.
- 6.102 Policy 4C.24 refers to the importance of the River Thames, emphasizing the essential role of the river in maintaining London as an exemplary, sustainable world city, and encouraging greater use of the river for transport. The development proposed is fully consistent with this policy and its objectives.
- 6.103 Policy 5B.1 when dealing with call-in issue (c) sets out the strategic priorities for central London. With none of those priorities is the proposed development in conflict. The site does not lie within the Central Activities Zone (CAZ), a special policy area, an opportunity area or an area for intensification. But this does not mean that tall buildings

^A See also the submissions below in relation to call-in issue (k).

may not be permitted. There is nothing to say that. There is a reference to resisting 'large scale development'.^A RBKC seemed to suggest that, because that is what the proposal would be, it falls foul of the provision – but that is an untenable suggestion. If the site is to be regenerated, in accordance with the principle of maximising the delivery of housing on previously developed land, there is going to be 'large scale redevelopment' upon it, whether or not that involves tall buildings. The expression is thus not to be taken as synonymous with 'tall buildings'.

Relationship to the Thames Strategy: Kew to Chelsea

- 6.104 The Thames Strategy document^B contains wide-ranging strategic guidance for river-related activity and development in the section of the river running from Kew to Chelsea. A variety of bodies participated in its production. The executive summary says that it is 'a response to the lack of comprehensive guidance recognising the distinct characteristics of individual stretches of the River Thames, the conflicting pressures for change and the potential to protect and enhance the value of the river for all Londoners'. It is intended to provide a basis for managing long-term change.
- 6.105 The site belongs to Character Reach No.7, Chelsea and Battersea. It is within one of the circles denoting 'development and regeneration hubs/focal points of activity' but is not within the stretch of riverside shown as a 'historic waterfront', comprising the Chelsea Embankment and Cheyne Walk. It is shown adjacent to the site of a new station and the route of a strategic link and it also carries one of the green circles that mark opportunities for 'habitat creation at mouth of tributaries'.
- 6.106 There are fifteen 'Important Local Views' and eight 'Important Local Prospects' relating, in whole or in part, to Character Reach 7. The only reference to Lots Road Power station is in the View of the power station from the river and St Mary's Church in Battersea and the Prospects upstream from Battersea Bridge to Cadogan Pier, Lots Road Power station, Chelsea Harbour and Montevetro and from Albert Bridge upstream to Battersea Bridge, Lots Road Power station and Cheyne Walk. All three are said to be identified in the Wandsworth UDP – but that Council has not objected to the proposal in relation to them, or, indeed, on any other ground. Battersea Power Station and Lots Road Power Station are referred to as the subject of current development proposals – the proposals for Lots Road are, in fact, the current scheme, subsequent modifications not having so changed them as to justify a different comment in the strategy. Existing tall buildings are identified, as are two landmarks (Lots Road Power Station and St Mary's Church). And there is guidance on new landmarks; it is acknowledged that high buildings can have a positive role to play in defining focal points and can contribute to the quality and legibility of the riverside.
- 6.107 The Strategy cautions against producing such proposals without a coherent design framework and in a way that gives rise to competition for attention. It suggests that 'in order to balance the potential impacts of high buildings and to promote strategic objectives such as regeneration, sustainability and improved public transport, it may be most appropriate to locate high buildings in development hubs and identified landmark

^A Document CD174 – para. 5.48 on p.239.

^B Document CD226 – particularly referred to are: the map following the Executive Summary; Figure 1 (Study Area) on p.1.9; Figure 3.2 on p.3.29; the Important Local Views tabulated on p.3.32; the Important Local Prospects tabulated on pp.3.33-3.34; the section on Industrial Buildings on pp.3.36-3.37; Figure 3.3 (Views and Landmarks) on p.3.39; the guidance on new landmarks on p.3.3.7 and pp.3.111-3.117, culminating in Policy Recommendation VL6; and the Character Appraisal on pp.4.85-4.89.

163

locations'. It says that the redevelopment of the Lots Road Power Station should provide for improved linkages. It also says that the two chimneys of the power station are an important landmark.

- 6.108 It is plain from the Thames Strategy that the Lots Road Power Station site is not one on which high buildings are ruled out. On the contrary, the inclusion of the site within a development and regeneration hub, taken together with the presence of high buildings and landmarks on and near the site, provides ample justification in principle for the consideration of high building proposals. To submit that the Strategy, when read as a whole, adopts a negative approach to tall building proposals at the 'Chelsea hub' is plainly wrong. The Strategy adds force to the case that permission should be granted for the development proposed.

Relationship to the RBKC UDP

- 6.109 RBKC's decision notice contains a single reason for refusal, alleging conflict with five policies of the UDP (CD1, CD25, CD27, CD28 and CD63) and a 'departure' from two more (CD6 and CD37). The contentions of harm are expressed in very general terms. They are that the development would include a building significantly in excess of the height of existing buildings to the east of Blantyre Street and other neighbouring buildings, with harm to the skyline, to important views and to surrounding conservation areas 'by virtue of its height, design and location'. There is no reference in the reason for refusal to any conflict with relevant government policy, with the provisions of the London Plan, or with any supplementary planning guidance.
- 6.110 Some 70% of the RBKC has been accorded conservation area status.^A Such status does not, however, apply to the part of the site for this proposed development. Indeed, whilst included in the Thames Policy Area, it has been deliberately left out of the Thames Conservation Area.
- 6.111 Policy CD1 aims 'To protect and enhance views and vistas along the riverside including: river views of Chelsea Embankment and the setting of Chelsea Old Church and views from the Thames bridges'. There is no specific identification of particular views to which the objective of protection and enhancement applies.
- 6.112 But the policy on which RBKC has sought principally to place reliance is policy CD6.^B This requires 'any development on the riverside to preserve and enhance the waterfront character, protect or improve physical and visual links between the river and the rest of the Borough, and be of a height no greater than the general level of existing building heights to the east of Blantyre Street'. The purpose of the policy when originally conceived (believed to be in preparing the 1982 local plan) seems to have been to ensure that the 'mistake' of the development of the World's End Estate would not be seen as a precedent for similar developments elsewhere on or near the riverside. It was essentially a reactive policy, not based on any systematic assessment of townscape (or riverscape), certainly not one that has survived for scrutiny today and certainly not one of the kind contemplated, and required, by Policy 4B.8 in the London Plan.
- 6.113 The supporting text^C does not say that the character of the riverside owes anything positive to the buildings that stand at present on the power station site. Nor is there any

^A Document CD199 – para. 4.5.1.

^B Document CD199 – p.56.

^C Document CD199 – para. 4.2.10.

164

open space of value on that site or adjacent to it. Nor has it been any part of RBKC's case that the proposed development would harm the historic assets referred to in the supporting text. The industrial buildings on Lots Road are taken together with those at the World's End Estate as representing a distinct change of character to the west of those historic assets – but there is no recognition of any historic, townscape or scenic value or importance in these buildings.

- 6.114 While the World's End Estate is part of the urban context in which the proposed development would take its place, its brutalism is not going to be replicated on the power station site. The proposed development would bring a number of benefits. It would bring a greater degree of coherence to the local townscape and, in certain views, would draw attention away from the somewhat less than exhilarating architecture of the World's End Estate. It would bring forward a mix of uses, including public uses, in the converted power station. It would provide a welcome addition to the publicly accessible open spaces in this part of Chelsea. The proposals have been prepared and refined with a high degree of sensitivity to the local context and exhibit the highest standards of design quality. There has been ample consultation both before the applications were made and afterwards. There can be no complaint about that.
- 6.115 If the proposed development would enhance the waterfront character, and improve both the physical and visual links between the river and the hinterland, then the residential towers on either side of the mouth of the creek, whilst they would certainly far exceed the general level of existing building heights to the east of Blantyre Street, would do so in such a way as to benefit rather than damage the quality of the local townscape and the character of the riverside.
- 6.116 Policy CD25 (Parks and Gardens of Special Historic Interest), Policy CD27 (Standards of Design) and Policy CD28 (physically and visually integrating development into its surroundings) are matters addressed elsewhere in these submissions.
- 6.117 Policy CD37 aims to 'resist a new high building which would significantly exceed the height of neighbouring buildings and which would harm the skyline'. If a high building is to be resisted, it must be judged likely to harm the skyline. Judgement should not be applied in a vacuum. The EH/CABE guidance on tall buildings and Policies 4B.1, 4B.3, 4B.8 and 4B.9 of the London Plan provide a complete matrix of tests by which to assess the likely impact of a new high building on the skyline. Doing so in this case leads to the conclusion that the proposal is wholly acceptable.

Relationship to the RBKC planning brief

- 6.118 RBKC has sought to place a good deal of reliance on the planning brief it adopted for its part of the site in July 1998 and published in February 1999.^A
- 6.119 Firstly, it is somewhat ironic that RBKC, having at the inquiry espoused the argument that the redundant power station building had some kind of iconic status, should put at the forefront of its objection a document that not merely accepts, but in places actually seems to urge, that the building should be removed altogether. Secondly, the status of the document is as supplementary planning guidance. Thirdly, the weight to be attached to it must anyway be slight, because LBHF, in whose area a substantial portion of the site lies, evidently took no part in its preparation (the LBHF UDP has no equivalent policy to

^A Document CD206.

CD6; EN9 sets criteria by which to judge proposals for high buildings which, if met, would enable a high building on the LBHF site irrespective of the RBKC UDP or brief).

- 6.120 The brief is ambivalent on whether the power station building should be retained or removed but, if it 'were to be demolished, then clearly, the potential for a suitable replacement landmark (not necessarily a tower) might exist ...'.^A This was a highly significant concession by RBKC. It could not have been inadvertent. One can see what prompted it. The power station building is not a historic asset to which any statutory or specific policy protection attaches. There has been ample opportunity for it to be listed – but that has not happened. Nor does the building enjoy the safeguards that would be automatically conferred upon it if it stood within a conservation area.
- 6.121 In seeking to make so much of its planning brief as a theme of its opposition to the proposals, RBKC manages to display the fallacy at the heart of its case. If it does not matter that the power station building might be demolished to make way for another landmark building, why should it matter so much if a new landmark building is put up next to it with the effect of obscuring it, or partially obscuring it, in views in which it is visible at present? And, if it is acceptable in principle for the building to be replaced by something different (another landmark, not necessarily a tower – but not necessarily not a tower), is it not plain that RBKC's steadfast adherence to the rigour of policy CD6 is, by its own admission, misplaced?

Relationship to the LBHF UDP

- 6.122 The salient policies have been addressed in LBHF's closing submissions. In adopting those submissions, nothing needs to be added.

Impact of the proposed development in local and more distant views

Impact upon the local and wider townscape and riverscape

- 6.123 Contrasts inform London's townscape. This part of London, though parts are protected for their historic interest, is no exception. It embraces a wide diversity of built form and scale, architecture that reflects the evolution of the settlement of this part of West London and the communities that inhabit it. Static it has never been. The site and its surroundings have changed considerably in the course of the last 50 or 60 years. Extensive new development, mostly residential, has proceeded on both banks of the river. The skyline has greatly changed – and continues to do so.
- 6.124 The power station is no longer active. It shed two of its original four chimneys many years ago. Otherwise, the buildings remain. But the use has gone. And industry is not going to return. Nobody suggests that it should. Redevelopment for a different use or uses is going to have to come. Twenty years ago, the same could have been said of the site that is now Chelsea Harbour. Fifteen years ago, the same could have been said of Imperial Wharf. The whole of this area was once the scene of heavy industrial activity, all of which has now gone.

Impact on views from the River Thames

- 6.125 RBKC rightly stresses the importance of the Thames as a symbol of the capital city and as its principal watercourse. But it is for these very reasons that, when opportunities for major development arise on sites located, as this one, on a bend of the river commanding

^A Document KC/2 – para. 8.

166

long views in either direction, the river deserves powerful rather than timid architectural statements and is capable of providing such buildings with a worthy and robust setting. It is a basic misconception at the heart of RBKC's case about the impact of the proposed towers on the majesty of the River Thames that the river is not strong enough to receive, on its banks, the kind of powerful architecture that Circadian wants to bring to the site.

- 6.126 Opportunities to do this on reaches of the river as it flows through the heart of the metropolis will necessarily now be few. This site is unique in that it represents just such an opportunity at the point on the river where it enters the Central London sub-region as defined in the London Plan. The Vauxhall Tower site stands at a gateway into London's central area. That is not the Central London sub-region but the heart of central London. The difference between the two locations in no way invalidates the good sense of strengthening the boundary of a sub-region of London that is defined in the strategic plan as having distinct and important characteristics of its own.^A The point is not merely to do with the two dimensional concept of an administrative or planning boundary. It has to do with the combination of tall buildings adjacent to this stretch of the River Thames, which Circadian's development will complete. It is undeniable that the two tall buildings proposed here will stand opposite one of the most striking and imaginative developments on either bank of the river – Montevetro. Of course, the concept of 'gateways' is these days somewhat over-worked. We do not need to characterize the relationship of the proposed development with its neighbour on the opposite bank of the river in this way. It is enough to say that a successful composition of buildings and space, including the wide expanse of water in this stretch of the river, will result from the development proposed.

Impact upon the historic environment and relationship to PPG15

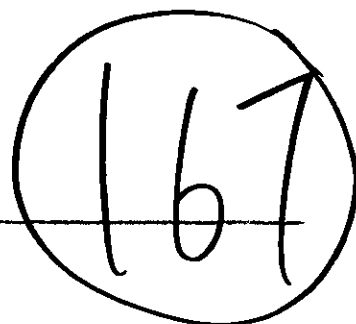
Context

- 6.127 It is in no sense to seek to diminish the quality of the local environment to say that, in terms of its historic importance, it is of a considerably lesser order than that into which the Vauxhall Tower is to be placed. It is instructive to see in the First Secretary of State's 'minded to grant' letter on the Vauxhall Tower^B how he is prepared to countenance a very tall building close to elements of the historic environment which are not only locally familiar but also renowned on the national and, indeed, international plane. A similar approach was apparent in the Shards of Glass case. As a matter of principle, there is nothing wrong in introducing good contemporary architecture on to sites adjacent to or visible from conservation areas, or into the settings of listed buildings or other features of the historical environment that have statutory protection. Otherwise, the First Secretary of State could hardly have been content to grant permission in places such as the Shards, the Heron Tower, the Shell Centre and now the Vauxhall Tower.
- 6.128 The heritage assets in the vicinity of the site fall into six zones – the Cheyne Walk part of the Thames Conservation Area, Brompton Cemetery, the bridges across the Thames, the south bank (on which stand St Mary's Church and the Battersea Square Conservation Area), the Sands End Conservation Area and part of the Thames Conservation Area within LBHF.^C None of the buildings on the site is listed. A small part of the site (part of the creek) lies within the Sands End Conservation Area and a short section of the creek

^A Document CD174 – chapter 5B.

^B Document A/13(2).

^C Document CD58 – para. C1.57; updated in Document A/RT/P – para. 3.19.



at its confluence with the river within the Thames Conservation Area. The potential for the development to affect these heritage assets is, for the most part, limited and localised.

- 6.129 Circadian is content to rely on the evidence of Professor Tavernor,^A which may be accepted as a fair, well-balanced and thorough assessment of the visual impacts of the proposed development. This assessment needs to be approached with common sense and realism. In particular, one's appreciation of townscape as one moves through it, however one is travelling, is not the same experience as turning the pages in a brochure of photographs. Views constantly change as one moves, sometimes gradually, sometimes suddenly. The process of visual identification and enjoyment, surprise, recognition, understanding of form and structure, and so forth, is truly described as 'kinetic'. It is for this reason that, for example, one does not need to see the whole of a building, whether one knows it well or not, to understand what it is, what its function is or was and how it relates to other fabric around it. The human eye is a more subtle organ than that. Indeed, it is often one's experience that glimpses or partial views of an object add to the understanding and enjoyment of its presence. It is not, therefore, a valid criticism of Circadian's scheme that, if it proceeds, the power station building, seen from any angle or at any distance, will be less visible than it is today. If, in any particular view, it is less visible, this does not mean that its visual presence will be diminished or diffused. Rather than diffusion, the effect will not be one of accentuation.

The Cheyne Walk/Chelsea Riverside area

- 6.130 There would be no harmful impact on the Cheyne Walk/Chelsea Riverside part of the Thames Conservation Area.^B The visual experience will not generally be enjoyed statically but as one moves from one place to another. The tall buildings, where they would be visible, would be seen standing apart from the historic waterfront buildings. Seen from the Wandsworth Embankment, the World's End Estate interposes itself between the proposed development and the historic waterfront.^C The setting of the Thames Conservation Area would not be harmed. In particular, there would be no harm to any of the interests of importance referred to in the RBKC UDP.^D

Brompton Cemetery

- 6.131 The experience of being in Brompton Cemetery, whether walking or sitting, simply being there for the quiet contemplation of things spiritual, rather than material or physical, is not the experience one would have in a country churchyard. The scene and the setting are distinctly urban. The very size of the cemetery and its dense assemblage of graves, tombs and memorials remind one constantly that one is in the city, not apart from it. The impact of the development on the setting of the cemetery, by virtue of its distance from the site, would be of no great consequence. Certainly, the development would not produce any unwelcome distraction from the more immediate impression engendered by the display and variety of graves and tombs immediately around one.^E

^A Documents A/RT/P, A/RT/P2 and A/RT/A, underpinned by Chapter 11 in the ES (Document CD54).

^B Document A/RT/A – Views CP7, RT4 and RT5 – and para. 5.9 in Document A/RT/P.

^C Document A/RT/A – Views RT2 and CP13.

^D Document CD199 – para. 4.2.10, introducing Policy CD6.

^E Document A/RT/A – Views RT12, RT13, RT14 and RT15.

Battersea Bridge

- 6.132 Again, the scene will change, but not in any harmful way. The bridge itself will retain its own sturdy appearance, easily distinguishable from the buildings standing behind and beside it.^A

Albert Bridge

- 6.133 Albert Bridge is listed in grade II*. Again, though at a greater distance, there would be a change to the skyline behind the bridge. The bridge itself, however, would not lose anything of its majesty or the romantic quality it conveys when illuminated in the hours of darkness. Westminster City Council objected that, amongst other things, the setting of the bridge would be harmed – but the towers would be seen as slender, distant objects on the horizon, not harmful to the setting of the bridge but providing a distinctive landmark on the bend of the river, adding interest to the view.^B

Churchill Gardens Conservation Area

- 6.134 The development would not have any material influence on views of or from the conservation area, or on its setting. The special interest of the conservation area would be completely unharmed.^C

The Sands End Conservation Area

- 6.135 LBHF, as custodian of the special interest of this conservation area, has not contended that there will be any harm to it or its setting or, specifically, to any of the considerations referred to in the Sands End Conservation Area Character Profile.^D Change there would be but not such as to impair one's appreciation of the special qualities of the area.^E

Battersea Square Conservation Area and St Mary's Church

- 6.136 The setting of the Grade I listed St Mary's Church has fairly recently been changed by the erection of the Montevetro building. It was previously changed when the towers of the Somerset Estate were built. The church itself, small though it is, has such simple strength and beauty in its proportions that it has well withstood the arrival of Montevetro on the site next to it. There would be a dynamic relationship between the proposed development and buildings on the Wandsworth bank of the river, including Montevetro and St Mary's Church. That dynamic will in no way mar the setting of the church, the joy that the contrast between it and the contemporary architecture around it engenders, or the special interest of the Battersea Square Conservation Area. The absence of objection from LB Wandsworth is significant.

Relationship to policy for the historic environment in the development plan

- 6.137 What is said above in relation to the implications of the development for government policy in PPG15 goes also to the equivalent provisions of the development plan relating to the protection of the historic environment. With all of those policies,^F so far as they

^A Document A/RT/A – Views CP5, CP7 and CP8.

^B Document A/RT/A – Views CP1 and CP3; also Views CP5, CP7 and CP8;
Document CD31D is Westminster City Council's objection, rebutted in Document A/RT/P2.

^C Document A/RT/P2.

^D Document CD225.

^E Document A/RT/A – Views CP14, RT10, RT11 and RT19.

^F Documents CD174 (the 4B suite of policies), CD199 (the CD policies) and CD222 (Policy EN9).

are relevant to the proposal, the development will accord. RBKC, apart from the argument put forward on Brompton Cemetery, has not sought to relate its criticism of the proposal to any coherent analysis of its implications for the historic environment. This is significant in itself. It serves to differentiate this case from others in which tall building proposals have recently been considered, the Heron Tower, the Shards of Glass and the Vauxhall Tower in particular. The truth is that Lots Road is a much less sensitive location and context than those other three.

Call-in issue (d) – PPG13

Introduction

- 6.138 The 627 resident parking spaces for 802 residential units should be sufficient for the predicted demand. The design places the parking below ground, ensuring that ground level would be largely car-free, with priority going to safe and convenient pedestrian movement. Whilst some existing on-street parking would be lost, alternative parking for the commercial element is provided by setting aside 40 basement spaces (though some would be reserved for the car club). The removal of on-street parking helps to enhance the accessibility of Lots Road for public transport. Provision for safe and secure cycle parking would be below ground for residents and at ground level for visitors. Overall conditions for pedestrians and cyclists would be enhanced and public transport would be improved by the provision of more bus services.
- 6.139 The development proposals include a package of sustainable and integrated transport improvements (SITS), which has been the subject of detailed discussion with TfL (as the authority responsible for the strategic highway and the operation of buses, trains and the underground) and RBKC and LBHF (as the local highway authorities).
- 6.140 The impact of the development has been rigorously assessed through a series of studies begun in December 2002, supplemented in February 2003 and updated in November 2004.^A All these assessments have been contained in the ES. They have been scrutinised not only by officers acting on behalf of TfL, RBKC and LBHF but also by additional independent consultants.^B No reason was found to warrant refusing the proposal on transport grounds.^C

Impact on traffic generation and local travel patterns

Traffic generation

- 6.141 Residential trip rates have been agreed. They are derived from sites surveyed in LBHF, generally with low levels of public transport accessibility.^D The same trip rates were endorsed by the Inspector following the public inquiry into the proposed extension to Imperial Wharf.^E These trip rates offer the best estimate of the most likely scenario.

^A Documents CD48 (2002), CD51 (2003) and CD54 (2004), supported by three volumes of appendices at Document CD70.

^B Steer Davies Gleave, instructed by RBKC (Document CD21, paras. 2.1-2.8) and Colin Buchanan and Partners (CBP) for CHRA.

^C Document CD12 comprises three Statement of Common Ground on Transportation, each finding acceptable the impact of the proposal, including the SITS package. CBP, for CHRA, did not suggest that consent should be refused on transportation grounds, whether the concerns were looked at singularly or cumulatively.

^D Document A/HW/P – paras. 4.12 to 4.14 and Table 4.1 (pp.47-48); the site locations are shown in Figure 4.1 of Document A/HW/A.

^E Document A/HW/A – Appendix HW-7 – para. 6.28 of the Inspector's report and para. 14 of the First Secretary of State's decision.

RBKC also required a 'worst case assessment',^A considered highly unlikely to be replicated at Lots Road.^B CBP summarised the total traffic generation in the morning and evening peak hours derived from figures in the updated ES, assuming full occupation.^C Circadian predicts a total of 136 two-way trips in the morning peak and 110 in the evening peak; the RBKC worst case scenario sees these rising to 234 and 220 respectively.^D Thus, relatively few additional vehicle trips would be generated by a scheme which has the potential, if planning consent is granted, to deliver a significant contribution to the housing targets sought in the London Plan. Even on the basis of the worst case, no-one suggests that consent should be withheld.

- 6.142 None of these figures takes into account the fall-back position. In it, however, no public transport enhancements such as additional bus services would be provided and, although the land in LBHF would finally be brought into beneficial use, it would not be in a manner so deliberately designed and calculated to encourage non-car modes of travel.

Local travel patterns

- 6.143 Importantly, comparison of car-borne and non-car trip generation rates shows that the majority of trips would not be car-borne but by walking, bus, train, tube, cycling and river transport. A total of 792 two-way trips would be made other than by using the private motor car in the morning peak hour, 483 two-way trips in the evening peak.^E

Minimising the need to travel

- 6.144 This realistic assessment demonstrates that the development would make a positive contribution to reducing travel by car and encouraging the greater use of non-car travel.

Accessibility: cycling and walking

- 6.145 All parties to the inquiry accept that the scheme would bring an improvement to pedestrian and cycling facilities. In terms of pedestrian movement, the largely car-free layout, combined with the provision of three footbridges across Chelsea Creek (linking directly to Lots Road via the routes through the converted Power station), would open up the site. Increased permeability was a key objective of the design. Residents in Chelsea Harbour and in the new Imperial Wharf would benefit from much easier access to Lots Road and beyond. Those in Chelsea would have access to the river in a manner that they have not hitherto enjoyed.
- 6.146 No-one denies the benefits of the layout in terms of the increased permeability of the site. Cyclists too, whether residential or visitors or just passing through, would also benefit. The section 106 obligations further enhance provision for existing and future residents and workers in the area.^F
- 6.147 There is a multiplicity of employment, educational, shopping and leisure facilities within a 2km catchment of the site.^G The mixed-use nature of the scheme, which includes local shops, doctor's surgery, community facility, nursery, gyms, restaurant/café, internet pick-

^A Document A/HW/P – paras. 4.16-20 and Table 4.3 (pp.48-49).

^B Document CD54 – paras. 16.207-210.

^C Document CH4 – Table 3.3 on p.20, derived from paras. 16.20-23 in Document CD54.

^D Document A/HW/A – Figures 4.2 and 4.3 show the trip distribution on the road network.

^E Document A/HW/P – Table 4.7 on p.53.

^F Document 16/1 – £410,000 to off-site cycling provisions, £200,000 towards off-site pedestrian improvements and the introduction of car and cycle pools.

^G Document A/HW/A – Figures 2.10 and 2.11.

up and transport information centre, will contribute still further to reducing walking distances to such facilities for residents and neighbours of the scheme.

- 6.148 This part of London is flat and within 5km lies much of central London.^A There is therefore the potential^B for cycling as a substitute for short car trips or to form part of a longer journey by public transport. Route 4 of the national cycle network passes along Lots Road and, as part of the proposed development, the Thames Cycle Path would be extended along the frontage of the River Thames.

Compliance with development plan policy on transport

- 6.149 Provision for pedestrians accords with development plan policy.^C So too does that for cyclists.^D The proposed development will not give rise to any material increase in traffic and thus will not contravene development plan policy.^E Whilst increased traffic flows in local streets such as Tadema Road may be greater in percentage terms than increases on the strategic road network, the level of additional residential traffic, even on the basis of the unlikely RBKC worst case, is not such as materially to weigh against the development. In any event, the modest increase in traffic generated by the development needs to be off-set against the substantial improvements gained for walking, cycling and in the provision of bus services.

- 6.150 In principle, and as is accepted by RBKC, LBHF, TfL and the Mayor, the proposed development more than 'washes its face' in terms of the measures taken to improve and thus maximise non-car travel. There would be additional capacity on the bus network, due to the SITS package, and improvements to encourage walking and cycling. There would also be increased provision for travel by boat.

Effect and adequacy of the proposed improvements to public transport

Buses

- 6.151 An estimated total of 238 bus trips would be generated in the morning peak hour and 141 in the evening peak hour.^F Circadian has been involved in detailed discussions with TfL in formulating the SITS package. The proposed increased frequency of the C3 bus service and the proposed new embankment bus service offer additional provision for those travelling broadly on a north/south axis between Clapham Junction and Earls Court and on an east/west axis between Sands End and Westminster. These have been assessed by TfL, which is satisfied that the proposed capacity meets the predicted demand.^G
- 6.152 The introduction of two additional buses per hour on the C3 route would increase capacity by 160 passengers^H and is ensured by the section 106 obligation with LBHF and TfL.^I The extra capacity would be provided at the outset.

^A Document A/HW/A – Figure 2.8.

^B Document CD130 (PPG13) – para. 78.

^C Document CD174 – Policy 3C.20; Document CD199 – Policies STRAT 25 and TR4; Document CD222 – Policy TN5.

^D Document CD174 – Policy 3C.21; Document CD199 – Policies TR5, TR8 and TR9; Document CD222 – Policy TN6.

^E Document CD174 – Policies 3C.1 and 3C.16; Document CD199 – Policy TR1; Document CD222 – Policy TN2.

^F Document A/HW/P – para. 5.4 and Table 4.7 actually give slightly smaller figures of 235 and 134.

^G Document GLA/3/2 – para.5.11.

^H Document GLA/3/2 – para.5.8.

^I Document A/16(2) – clause 24.

- 6.153 The new embankment bus service, at six buses an hour travelling between the Sainsbury Store on Townmead Road and Westminster, would offer a total capacity of 660 passengers.^A Given that this is the provision of a new service on an east/west axis where there are already a number of services (routes nos. 11 and 22) along the King's Road, the section 106 obligation with RBKC and TfL^B does not require a contribution until either 50% of the RBKC units are occupied or within 6 months of completion of phase 3 on the LBHF site. This timing has been agreed with TfL. As the Imperial Wharf experience demonstrates, the fact that there is a time lag between the occupation of development and the introduction of buses does not mean that passenger patronage will not increase.^C
- 6.154 In addition, the section 106 obligations secure upgrading the bus gate on Townmead Road, improved bus stops and bus priority measures, and upgrading the Lots Road/Cremorne Road junction. The proposed improvements are agreed with TfL, and RBKC or LBHF as appropriate, and are secured through executed section 106 obligations, thus demonstrating that Circadian has taken all reasonable steps to ensure that the proposal complies with development plan policy.^D

Rail

- 6.155 The new station at Imperial Wharf will be built irrespective of whether planning consent is granted on Circadian's proposals. TfL has funds set aside to cover any shortfall flowing from a deficit in developer contributions and ensure the works proceed on time. Thus, the WLL station will be in place prior to any occupation of Circadian's proposals. Nevertheless, Circadian is committed through the section 106 obligation^E to make contributions totalling £1 million. The contributions would go to TfL to reimburse it for monies already expended, with any balance divided between RBKC and LBHF for use within five years on transportation measures to further mitigate the impact of the development.
- 6.156 There would be an estimated 48 new rail trips in the morning peak hour and 28 in the evening peak hour.^F No-one disputes these figures. Network planning is already seeking to increase the frequency of services on the WLL in 2006 as part of a new franchise agreement with the train operating company.^G While the section 106 obligation does not and could not guarantee the provision of the new services, the proximity of the development to the new station optimises the opportunity of securing trips by rail and would help to maximise the investment in it. The WLL offers a rail connection to the District Line at West Brompton and, in the longer term, the Central Line at White City. Circadian has done what it reasonably can to exploit the proximity of the new station, in accordance with development plan policy.^H

^A Document GLA/3/2 – para.5.8.

^B Document A/16(1).

^C Document CD70 – Appendix H16.

^D Document CD174 – Policies 3C.19; Document CD199 – Policy TR14 and TR15; Document CD222 – Policy TN22.

^E Document A/16(2) – clauses 31 and 32.

^F Document A/HW/P – Table 4.7 on p.53.

^G Document A/HW/P – para 2.27.

^H Document Cd199 – Policy TR12; Document CD222 – Policy TN23.

173

Underground

6.157 There are three stations within 2km of the site. West Brompton (District Line) would benefit from a rail connection at Imperial Wharf. But most trips would be via Fulham Broadway (District Line) or Earls Court (Piccadilly and District Lines), which can be reached on foot or on the C3 bus. There would be an estimated 208 and 169 additional underground trips in the morning and evening peak periods respectively. These could be spread over the 14 trains per hour calling at Fulham Broadway and the 42 trains per hour calling at Earls Court. On average, there would be five additional passengers per train in the morning peak and three in the evening peak. As accepted by TfL, these increases would not have any material impact on underground capacity. Crowded though the trains already are during the peak hours, the proposed development would not materially alter travel conditions. The London Plan enjoins both the Mayor and the Boroughs to match development to transport capacity and where appropriate to phase developments where existing transport capacity is insufficient.^A Whilst concerns are expressed by existing residents about crowded underground trains, it is pertinent to note that neither the Mayor nor RBKC or LBHF suggest that transport capacity taking into account the SITS package is inadequate to cope with the proposed development.

River bus

6.158 At present, a river bus service operates from Chelsea Harbour Pier on a commercial basis. The increase in the local population caused by the proposed development offers an opportunity to maximise and extend use of this service. Provision is made within the section 106 obligation with LBHF to improve Chelsea Harbour Pier^B and in that with RBKC to make an annual contribution for five years towards the provision of passenger river bus services.^C

Compliance with development plan policy on public transport

6.159 In addition to the policies referred to above, the SITS package certainly accords with the objective of improving sustainable transport in London.^D

Impact of the development upon traffic congestion in the local area

6.160 The scheme includes a number of measures recommended in PPG13 to minimise traffic congestion – secure cycle parking, safe pedestrian and cycle routes, improved public transport facilities (new services, new bus stops and improvements to existing services), limiting and managing the provision of parking spaces, managing delivery arrangements and the production of a travel plan (including the running of a car and cycle club with a dedicated office on site to promote the use of non-car travel modes).

6.161 It is accepted that, at peak hours, the strategic road network is heavily congested. But this is not a reason to deny the development of houses that London plainly needs. Insofar as new development is promoted in congested areas, it can encourage non-car travel. For example, improved bus services can help to encourage further patronage and thus change modes of travel. So far as the local road network is concerned, the development would not generate traffic at levels with which local roads could not cope. No statutory authority responsible for the safety and capacity of the highway says otherwise.

^A Document CD174 – Policy 3C.2.

^B Document A/16(2) – clause 14.

^C Document A/16(1) – clause 19.

^D Document CD174 – Policy 3C.3.



175

- 6.162 It follows that there is no conflict with any policy of the development plan relating to the capacity of the highway network. Moreover, provision is made for traffic calming and for improvements to the Lots Road/Cremorne Road junction.^A

The proposed level of car parking

- 6.163 Compliance with national and development plan policy for parking is agreed.^B Both LBHF and RBKC agree that there is sufficient parking provided on-site to meet expected demand without impact on the remaining street spaces. On the RBKC site, 360 car parking spaces are provided for 420 flats; on the LBHF site, 260 spaces for 382 flats.^C The Mayor and the Boroughs are satisfied that the parking strategy accords with policy.^D
- 6.164 Residents on the LBHF site will not be able to apply for a parking permit to enable them to park on-street.^E Car ownership in the SW10 postcode area is 0.63 cars per unit^F and fell slightly between 1991 and 2001.^G Given car ownership levels and the quantum of parking provided, it is most unlikely that a shortfall in on-street resident parking bays in RBKC would arise because of residents of the development parking on-street. On-street car parking surveys^H reveal plenty of spare capacity on Lots Road both in the pay and display spaces and in the resident permit bays.
- 6.165 Concerns were raised about the interaction between the proposed development and the proposed Chelsea Academy, should it proceed. It is not for Circadian to make provision for demand generated by the Academy. Also, if the Academy were developed, it would benefit from the increased frequency of the C3 bus route. Thus, the Academy is no impediment to the proposed Circadian scheme – or vice versa.

Call-in issue (f) – PPG17

Approach

- 6.166 There is not, and never has been, any public right of access to the site. The proposal would bring areas of publicly accessible and recreational open space as well as uses within the converted power station to which the public would be drawn. That is the context for considering whether the proposal accords with government policy in PPG17 and the relevant policies of the two UDPs. The scheme would provide a park and garden, a green corridor, amenity greenspace, children's play space and hard-surfaced pedestrian space.^I Most of the areas of open space would be able to perform a variety of functions. The development would support urban renaissance, the promotion of social inclusion and community cohesion, the benefits of open space in terms of 'health and well-being' and, generally, in relation to principles of sustainable development. All of these are relevant planning objectives for the purposes of PPG17, with which the proposal is consistent.

^A Document A/16(1) – clauses 32 and 34.

^B Document CD12 – section 6 in each of the Statements of Common Ground.

^C Document CD124 (PPG3) advocates a maximum of 1.5 spaces/dwelling para. 62 and Document CD174 (the London Plan) less than one space/unit (Table 4B.1); the ratios here are 0.86 in RBKC, 0.68 in LBHF.

^D Document CD174 – Policy 3C.22 seeks to ensure not only that new developments provide the minimum necessary but also that there is no over-provision.

^E Document A/16(2) – clause 28.

^F Document CD54 – para.16.266.

^G Document A/8 – contrary to the assertion in Document CH4 at para. 3.11.1.

^H Document A/HW/A – Appendix HW-9.

^I Document A/AS/P – section 12 deals with paras. 1, 2 and 3 to the Annex to PPG17 (Document CD133); the scheme would provide spaces of types (i), (iii), (v), (vi) and (x) defined in para. 2 of the Annex.

6.167 A similar conclusion applies in relation to development plan policy. LBHF confirms its view that the proposal complies with PPG17 and with Site Proposals 22 and 22A in the UDP.^A The quality and value of the proposed open spaces is appropriate in terms of Policies EN23 and EN23B and Standards S5A and S7 in the LBHF UDP.^B LBHF recognises that, while Standard S5A would not be met in relation to private open space, this would be more than outweighed by the amount of publicly accessible open space to be provided.^C The proposal is beneficial in respect of London Plan Policies 3D.7 and 3D.10.^D The development would enhance the network of open spaces in this part of London and would increase the variety of open spaces available to local communities.^E

Accessibility

6.168 The open space within the scheme would be accessible not only to residents of the proposed development but also to those who live in the surrounding area – and those who work there too. In addition, there are numerous facilities in the vicinity which are accessible to the development.^F

Open space provision within the development

6.169 CHRA has submitted that the open space proposed by Circadian is deficient in both quantitative and qualitative terms.^G That is misconceived. There are no standards set for the amount of publicly accessible open space that should be provided in new development at a national level. Neither do RBKC and LBHF have relevant standards. Thus, there is, and can be, no shortfall against any established objective yardstick. CHRA also contended that the circulation space, the space left over after planning ('SLOAP') and the power station street ought not to have been included in the calculation of the amount of open space to be provided.^H This is unrealistic. All of these areas would be available for public use and would be so used. There is no sensible reason to exclude them.

6.170 CHRA effectively contradicts itself so far as the quality of open space is concerned. It is thought reasonable that the development and its open space should be expected to cope with considerable pressure beyond that created by the development itself. This is tantamount to saying that the open space would be attractive not only to those who live or work within the development but to many others as well. This will indeed be so – because the quality of the publicly accessible open spaces will be good, not poor. It is a valid criticism of the scheme that it does not include every kind of open space one could imagine, such as space in which young people (or old) can play football. It should not be forgotten, however, that the new Imperial Park, next to the Imperial Wharf development, will be only a short walk away from the development. LBHF acknowledges that the park will be connected to the development by an attractive riverside walk; and it intends that the park itself will provide much needed recreational facilities for use by the local

^A Document CD222 – pp.311,312.

^B Document CD222 – pp. 99-102 (EN23, EN23B) and 335/337 (S5A, S7), dealt with in Document A/AS/P – pp.28-31.

^C Document CD11 – para. 7.13 refers to the different methods that have been used to measure the amount of open space proposed; Appendix 3 has plans illustrating how Circadian has calculated the area of open space to be provided, which has been endorsed by the Mayor, and also the method adopted by LBHF.

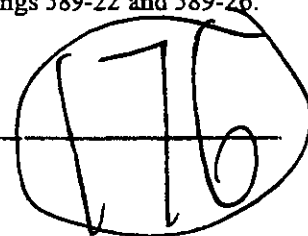
^D Document CD174 – pp.142,145.

^E Document A/NT/P – paras. 6.4-6.8; and Document A/NT/A3 – Appendix RSA3, drawings 589-22 and 589-26.

^F Document CD70(2) – Appendix H11.

^G Document H10 – pp.4-8.

^H Document H10 – paras. 10-11.



community.^A RBKC has not sought to suggest that there would be any deficiency in the quality or quality of open space provided in that part of the site within its area, whether by reference to PPG17 or its UDP.^B

Call-in issue (b) – PPG9

The ecological status quo

- 6.171 Following the closure of the power station, and absent intervention, Chelsea Creek would progressively silt up.^C This siltation process would lead to both a reduction in the flood storage capacity for the Thames and the ultimate loss of the associated ecological habitat. No one suggests this is the preferred solution.
- 6.172 The creek and the basin beyond form part of the River Thames and Tidal Tributaries Site of Metropolitan Importance (SMI), supporting diverse communities of fish, water birds, invertebrates and wetland plants. The Tidal Thames, including the creek and basin, is also the subject of a Habitat Action Plan (HAP) within the London Biodiversity Action Plan (BAP).^D Comprehensive site surveys have identified heron, black redstart and kingfisher, though numbers have diminished since closure of the power station.

Impact of the development on biodiversity

- 6.173 The retention of the current tidal regime within the creek and re-introduction of a regular discharge of water to it would prevent the loss of inter-tidal BAP habitat – a significant benefit. Some narrowing of the creek would be necessary but is offset by replacement inter-tidal habitats created by the proposed terraces.^E These would protect and enhance the SMI habitat and are welcomed by all. Flora and fauna would be affected by the works but impacts would be short-term. Considerable consultation has been undertaken to achieve a scheme which now has the endorsement of RBKC, LBHF, the Environment Agency^F and English Nature.^G All third party groups acknowledge the benefits of the scheme. The loss of the existing wasteland habitats would be offset by the provision of green roofs on some of the creekside buildings, retaining local biodiversity.^H

Compatibility with leisure uses in the creek

- 6.174 The only evidence of existing leisure use of the creek is by canoes. Although the 'white water' days have past with the closure of the power station, it seems that local canoeists still use the creek. The scheme would not prevent this use continuing.

Compliance with PPG9 and development plan policy

- 6.175 The proposed development would serve to maintain and enhance a component of the larger Thames SMI while the creek habitats would be managed to maximise their wildlife value and new habitats would be created.^I The commitment to mitigating impacts,

^A Document HF6 – paras. 5.8-9; Document HF5 is a note on progress on the proposed open space.

^B Document CD199 – section 11.3; see

Document A/AS/P – section 16.6 deals with the relationship of the proposal to Policies STRAT 46, STRAT 47, STRAT 48, LR13, LR19 and LR36.

^C Document CD62 – paras. 4.1-7.

^D Document CD162.

^E Document A/NT/A2 has proposed sections at various points in the creek.

^F Document G/6 – the Position Statement.

^G Document CD54 – para. 14.143.

^H Buildings HF3A, HF3B and HF3C, giving a total of 2,848sqm of green roof.

^I In accordance with paras. 15 and 24 respectively of PPG9 (Document CD129).



through the implementation of management techniques during construction and maintenance thereafter, will ensure the strategy for the future. Similarly, the proposal accords with development plan policy.^A

Call-in issue (k) – other relevant material considerations

Implications for the River Thames and for Blue Ribbon Network policy

- 6.176 Neither the Mayor nor RBKC nor LBHF suggests that the proposal offends BRN policy. Adjacent to the site's river frontage lie Chelsea Harbour pier to the south-west and Cremorne Wharf to the north-east. Cremorne Wharf is currently operated as a waste recycling facility by SITA, although all transposition is by road. It is a safeguarded wharf^B lying in close proximity to the Lots Road triangle. In the circumstances, it is not surprising that no one is seriously suggesting that residential development of the former power station site in RBKC is an inappropriate land use.
- 6.177 The Port of London Authority suggests that the design and layout of the proposal should have regard to the potential noise nuisance from Cremorne Wharf. The layout and design of Building KC2A has specifically had regard to this issue.
- 6.178 Throughout the long history of these proposals, no organisation has claimed that the site needs to be used for an activity that requires water or a waterside location. Even now, no-one makes this claim, although Lady Berkeley suggests that the ES is deficient in its consideration of the BRN policies. None of the authorities consulted has expressed this view and, in truth, Lady Berkeley's concern is more a matter of layout than land use – she considers that residential development should be set further back so as not to inhibit use of the river. Neither English Nature nor the Environment Agency suggest that this is necessary to protect ecological interests. Those who currently use the creek for canoeing likewise do not make this complaint. The suggestion also runs contrary to government policy to make best use of brownfield land.
- 6.179 Lady Berkeley suggests that mooring facilities should be provided. Mooring posts are shown on the plans and could be used by canoeists and other small craft. There are, however, no existing moorings in the creek, which means that London Plan Policy 4C.19, which seeks to ensure the protection and improvement of existing moorings, does not bite. There is no obligation to provide new mooring facilities, although the proposal seeks to do so. But those mooring posts are not designed to support residential or long-stay craft and the provision of land based support facilities is therefore unnecessary and inappropriate. The proposals enhance leisure and recreation opportunities for visitors and residents, maintain the inter-tidal habitats, open up access to the river for pedestrians and cyclists and would help to sustain river transport services for commuters. All of these benefits accord with the thrust of the BRN principles.

Construction impacts

- 6.180 The section 106 obligations with LBHF and RBKC contain detailed covenants providing for the control of noise and construction traffic so as to minimise the impacts of the construction phase of the development.^C

^A Document A/JA/P addresses how the proposals relate to LBHF Policies G3, EN23, EN27 and EN27-31 (Document CD222), RBKC UDP Policies STRAT 49 and LR24-LR27 (Document CD199) and London Plan Policies 4C.3, 4C.22, 4C.23 and 4C.31 (Document CD174).

^B Document CD174 – as defined on p.A72.

^C Documents CD54 and A/DW/P deal with construction impacts;

Overall conclusion

6.181 The conclusion comprises a simple proposition. In light of the evidence and submissions to the inquiry, the First Secretary of State ought to conclude that Circadian's proposal complies with national, strategic and local policy for good design, sustainable development and the full and effective use of previously developed urban land; and that the proposal has justified the strong support it has gained from CABI, English Heritage, the Mayor and TfL, as well as the endorsement it has received from the officers and members of LBHF and the officers of RBKC. As in the Vauxhall Tower case, there has been opposition from some of the local community and from some local groups and societies. However, balancing the substantial benefits of the proposal against the local opposition that has found expression during the course of this inquiry, the First Secretary of State should have no hesitation in concluding that permissions for this excellent scheme ought to be issued without further delay. The appeal should be allowed and the application granted.

179

7 THE CASE FOR THE MAYOR OF LONDON

I give here the gist of the case for the Mayor of London, drawn primarily from opening and closing submissions and elaborated upon, as appropriate, by reference to the proofs of evidence and to what was said at the inquiry. Below and elsewhere in this report, I use both the Greater London Authority (GLA) and Transport for London (TfL) in referring to the Mayor's case.

Call-in issue (c) – PPG3

Land use, previously developed land and the desirability of facilitating a mix of uses

- 7.1 The site is brownfield land. It is serving no useful purpose and, because of its previous use, is in need of decontamination.^A There is no dissent from the proposition that it should be redeveloped. With one exception, there is no dispute about the appropriateness of the uses proposed.^B Although RBKC is recorded in the SoCG^C as not agreeing that the proposed land use is sustainable, its reason for refusal and the evidence in support of it are exclusively concerned with townscape impact.^D Mr McCoy also accepted that the site requires regeneration, that it is 'extremely desirable' for this to happen as soon as reasonably possible and that the RBKC UDP's Schedule of Major Development Sites envisages a residentially-led mixed use scheme of regeneration.^E Similarly, for the Chelsea Society, Mr Le Lay agreed that the site is in need of redevelopment for its own sake and that the uses proposed are in character with those surrounding it.^F
- 7.2 Redevelopment of the site for a residential-led mixed-use scheme is wholly in accordance with PPG3 policies for the re-use of urban land and buildings, the sequential test and promoting mixed use development.^G It is also in accordance with the RBKC UDP. The LBHF UDP allocates land and creek for residential, open space, riverside walk and nature conservation uses.^H These allocations are consistent with the more recently published London Plan and, as Mr Wilson explained, the site offers one of the few opportunities to contribute significantly to London-wide housing targets.
- 7.3 These targets are themselves under review as a response to the conclusion of the Examination in Public (EiP) Panel that they might be an underestimate. The existing targets are challenging – but central to achievement of the London Plan's objectives: 'maximum provision of additional housing in London' is sought, UDPs should seek to exceed targets and 'proposals for large residential developments' are to be encouraged in areas of high public transport accessibility, 'including the provision of suitable non-residential uses within such schemes'.^I These are London wide, thematic policies and are in no way disapplied or weakened by the sub-regional policies for Central London.

^A Document CD54 – Chapter 15 in particular; see also the draft conditions in Document CD15.

^B The exception being Lady Berkeley.

^C Document CD11 – para. 4.2.

^D Document KC /1 – paras. 2.5, 2.6.

^E Document CD199 – Site 17 on p.366; see also Policies H15 and H23 requiring 'a substantial proportion of housing' and 'a significant proportion of affordable housing' respectively.

^F See also Document CD11 – paras. 2.8-2.12.

^G Document CD124 (PPG3) – paras. 22, 23, 30-32, 37, 38 and 41.

^H Document CD222 – pp. 311-312 (Sites 22, 22A).

^I Document CD174 – p.6 *et seq*; also, on general construction of the Plan, pp.11-12 at section (xxvii).

^J Document CD174 – p.54 *et seq*, Policies 3A.1, 3A.2, 3A.5.

- 7.4 Thus, Policy 5B.1 includes within the strategic priorities for Central London maximisation of the number of additional homes by exceeding targets and the promotion and intensification of opportunities for mixed-use development generally. Whilst the identification of capacity to accommodate new job and housing opportunities and mixed-use development is said to be 'especially important' in certain designated areas, the language makes clear that the priority is not confined to such locations.
- 7.5 It is important to approach the construction of London Plan paragraphs 5.20 and 5.48 with these principles in mind. Reliance was placed on these extracts by objectors^A to support arguments about the scale of development but the passages are fundamentally concerned with appropriate land uses. The London Plan designates a Central Activities Zone (CAZ), which does not include the site. The CAZ's characteristics and uses are described^B and provision made, through Policy 5B.2, for commercial development and for meeting the requirements of London's World City role. Opportunity Areas are designated and, at Table 5B.1, 'indicative estimates' given for major growth in employment and housing. Areas for Intensification are smaller but share sizeable plans for employment creation as well as housing. The Chapter continues with guidance on Town Centres, Suburbs and Strategic Employment Locations.
- 7.6 Paragraph 5.20 states: 'There are also vulnerable neighbourhoods, largely just beyond the Central Activities Zone but some within it, which contain long-standing communities and valuable small businesses that could be displaced by outward growth from the zone. These should be protected and growth channelled into the areas designated for it ...'. The passage is clearly directed towards resisting the loss of uses constituting or contributing to local communities and/or of localised economic value which, because of their location cheek by jowl with the commercial/international uses of the CAZ, are likely to face development pressure. The point finds expression within the CAZ in Policy 5B.2 and is taken up again in Paragraph 5.48, as follows: 'Outside the main growth areas, Central London is characterised by a mix of residential and other activities, which relate better to the local economy and communities than to the national, regional and international roles of activities prevalent in the Central Activities Zone. This plan contains policies to protect and manage these local, smaller scale land uses and activities, recognising the contribution they make to the character of Central London and the often acute development pressures they face. Accordingly, boroughs should resist large-scale redevelopment in the Central London sub-region outside the Central Activities Zone, Opportunity Areas, Areas for Intensification, SELs and town centres.'
- 7.7 Whatever view is taken about the absence of a sub-heading above paragraph 5.48,^C the principle is clear. In each case, the London Plan requires that growth, redevelopment and the playing of London's role upon the international stage should not be at the expense of 'local, smaller scale land uses and activities'. Since no existing activities would be displaced by the proposals, whose uses are in character with the surrounding area, reliance upon these paragraphs of London Plan is misplaced. Of course, the power station, when operational, served a pioneering London-wide function – but the need to redevelop and regenerate it arises from its own vacancy and dereliction, rather than any external driver. These facts have been recognised at local level in both UDPs and in RBKC's Planning Brief.^D

^A Chelsea Society and LFACS.

^B Document CD174 – paras. 5.25 *et seq.*

^C On which there was a debate during evidence for the London Forum of Civic and Amenity Societies (LFACS).

^D Document CD206 – para 1.1;

- 7.8 It is well established that, for the purposes of the statutory test, the development plan must be read as a whole.^A These two paragraphs are part of a comprehensive and balanced document which, together with the UDPs, forms part of the development plan. They should not, by being taken out of context and applied in a doctrinaire fashion, be used to defeat the purposes of the development plan itself.
- 7.9 In addition to general support for the proposed uses, policy at all levels particularly favours re-use of the site because of its brownfield status. As well as PPG3, PPS1 has recently re-emphasised the need to make the most of such sites.^B The London Plan enshrines such sustainable use of land as a strategic principle and it informs the thematic and crosscutting policies of Chapters 3 and 4.^C Similar policies are found in the UDPs.^D
- 7.10 Although the power station is not listed, most witnesses considered that its retention was desirable. Interestingly, commitment to re-use of the building is, at least for some, a response to Sir Terry Farrell's ingenious design, which simultaneously preserves the distinctive form and character of the building and reconciles it to its surroundings by opening it up functionally and visually. The proposals in this regard are doubly sustainable. Firstly, resources of land and building materials are re-used. Secondly, application of contemporary design principles reinvigorates the old structure for the twenty-first century and beyond. In the language of PPG15: 'Most historic buildings can still be put to good economic use in, for example, commercial or residential occupation. They are a valuable material resource and can contribute to the prosperity of the economy, provided that they are properly maintained: the avoidable loss of fabric through neglect is a waste of economic as well as environmental resources'.^E

Land use policy and the Thames

- 7.11 The Blue Ribbon Network (BRN) policies of the London Plan seek to implement six 'BRN Principles'.^F As Mr Makower accepted on behalf of the West London River Group (WLRG), the Principles are not absolutes, the Plan itself recognising that 'successful implementation means balancing competing economic, social and environmental interests to contribute to achieving sustainable development'.^G This is the proper approach to construction and application of these policies, rather than the suggestion by Lady Berkeley that Policy 4C.20 'Design – starting from the water' requires a fundamental reappraisal of proposed land uses for the site. Her argument misreads 4C.20, which is concerned with design rather than land use, and ignores the other fundamental London Plan policies referred to above, as well as designations in the UDPs and national policy. The implications of Lady Berkeley's case on land use are

^A *City of Edinburgh Council v Secretary of State for Scotland* [1998] 1 AER 174 at 186b, per Lord Clyde "the decision-maker ... will ... have to consider whether the development proposed in the application before him does or does not accord with the development plan. There may be some points in the plan which support the proposal but there may be some considerations pointing in the opposite direction. He will require to assess all of these and then decide whether in light of the whole plan the proposal does or does not accord with it."

NB. With regard to the construction of the policies of London Plan itself, this formulation is unaffected by s.38 of the Planning and Compulsory Purchase Act 2004. In the event of conflict between plans, s.38(5) applies to give precedence to the most recently approved, adopted or published.

^B Document CD120 (PPS1) – para. 27(viii).

^C Document CD174 – Policy 2A.1, bullet 1; Policy 3A.2, bullet 2(2); Policy 4A.16; Policy 4B.6, bullet 1.

^D Document CD199 – Policy STRAT 18 (p.38); para 2.5.13 (p.28).

Document CD222 – Policies G0(b) and G2 (both p.17).

^E Document CD131 (PPG15) – para. 1.4.

^F Document CD174 - pp.193-4; see also para. 4.120.

^G Document CD174 – para. 4.75.

clear from her explanation that buffers would be required to enable houseboats to be moored in the creek without generating complaints from land-based residences. When pressed to say how many dwellings would have to be removed, she indicated problems with much of the proposed development and said that the scheme 'would have to be rethought'. Such a result would be completely at odds with both the housing policies referred to above and the London Plan's approach to density.

- 7.12 In fact, as Mr Makower agreed, the proposals achieve many of the objectives of Chapter 4C. Opening up the site for the first time in at least a century, enabling public access to the river and an extension of the Thames Path, together with the development of housing near the creek and the river, and particularly affordable housing, all give effect to policies for greater access, equality of opportunity and promotion of health benefits in relation to BRN. Increasing potential patronage for and physical access to the riverboat service accords with Policy 4C.13 and retention of recreational opportunities in the creek, together with creation of the Creekside Park on its bank, pursues BRN Principle 4 and attendant policies. Mr Wilson explained that nature conservation was specifically included in the BRN Chapter as an appropriate use at the request of the EiP Panel and pointed out that the use of part of the site for flood relief is also an appropriate BRN use. Thus, the proposed land uses pay due regard to the BRN policies. There is no evidence to suggest that Lady Berkeley's suggested alternative uses of boating and education centre with maritime support services, or indeed any similar proposals for such development, would be viable.

Density

- 7.13 PPG3 is quite clear that the inefficient use of land should be avoided.^A At an overall density of 223 units per hectare (u/ha) (excluding the creek) or 175u/ha (including the creek),^B the proposals comfortably exceed PPG3 minima. Within the general exhortation to efficiency, greater intensity is to be sought at places with good public transport accessibility. The principle of intensification is also crucial to the London Plan. It features in several of the Mayor's Objectives^C and is woven into the Plan's sustainability criteria,^D which, in turn, inform the thematic and crosscutting policies of Chapters 3 and 4.^E Lying behind national and strategic density policy are two very serious objectives. One is that of sustainable development, which, in this context, translates into the policy requirement of minimising landtake, especially greenfield land. The other is the pressing need in the region for housing of all types.
- 7.14 Objections to the density of the proposed development have predominantly been put forward on the basis of social/transport infrastructure capacity rather than design.^F Thus, notwithstanding UDP Policy H12, on which others rely,^G RBKC does not resist the scheme on grounds of density. As the Committee report explains,^H since redevelopment of the power station would, by itself, breach H12, then such a reason for refusal is not appropriate. The section concludes that 'if the density of development proposed does not

^A Document CD124 (PPG3) – paras. 57-58.

^B Document CD11 – the Statement of Common Ground, para 7.19.

^C Document CD174 – p.6 *et seq.*

^D Document CD174 – Policy 2A.1 (bullets 1 and 2).

^E Document CD174 – see Policies 3A.1, 3A.2, 3A.5, 4B.1 (bullet 1) and 4B.3.

^F for example, Document LR1 – paras. 1.2, 4.7.

^G for example, Document CH1 – para. 5.8.

^H Document CD20 – Section 7.6 (pp.40-41).

183

result in material harm to the extent that planning permission could reasonably be refused, it cannot, of itself form a sustainable reason for refusal'.

- 7.15 This test is the correct one – and it accords with PPG3 and Policy 4B.3. A mechanistic application of H12 would be inconsistent with the London Plan, in which case London Plan policies would take precedence.^A The LBHF UDP adopts a similar approach.^B
- 7.16 Policy 4B.3 seeks to maximise the potential of sites. 'The highest possible intensity' is to be achieved subject to compatibility with three indicators – local context, design principles and public transport capacity. 'Design principles for a compact city' are set out in Policy 4B.1^C – though the design issues in this case are not a function of density.
- 7.17 Table 4B.1^D deals with location, accessibility and setting and is described in the supporting paragraphs as a 'tool for increasing density' or a 'strategic framework'. Policy and text make clear that the table certainly does not prescribe maxima. It should be interpreted and applied as a servant of the policy objective of maximisation. The matrix is a tool requiring judgement to be applied. In the absence of material harm to the specified factors, it would be contrary to Policy 4B.3 to reject proposals for exceeding the density ranges in the table.^E It must therefore be asked, bearing in mind national and strategic policy context and the important justifications for it, whether there is any good reason not to develop at the density proposed.

Table 4B.1

- 7.18 There are three key indicators based on facts and, to some extent, judgments. Because of the element of judgment, applying the table is not an exact science. It should be used as a tool or guide, rather than adopting a mechanistic approach. Unsurprisingly, opinions differed^F amongst the parties as to the precise Accessibility Index Value (PTAL) and setting. There is agreement that the current PTAL is 2 and that the effect of the public transport improvements committed (the SITS package) as part of the proposals will be to raise the PTAL. This is one of the situations envisaged in paragraph 4.46, where a shift to a higher density range within the matrix is justified. TfL has concluded, on the basis of the standard PTAL methodology,^G that the site would, when developed together with the SITS package, have an average PTAL value of high 3 (with a maximum of a low 4 in one area of the site). A high 3 average is agreed by CHRA.^H LBHF estimates 4,^I including assumptions about improvements which were challenged by some objectors on the basis that they would be either not forthcoming (WLL improvements) or ineffective (generally, because of pressure of numbers).
- 7.19 One can, however, have confidence in the West London Line (WLL) improvements.^J And the development itself can assist in achievement of policy objectives by providing

^A Section 38(5) of the Planning and Compulsory Purchase Act 2004.

^B Document HF1 – Section 9.

^C Document CD174 – p.173.

^D Document CD174 – p.177.

^E Document GLA/2/2 – paras. 5.9-5.11 and 5.23 (last sentence).

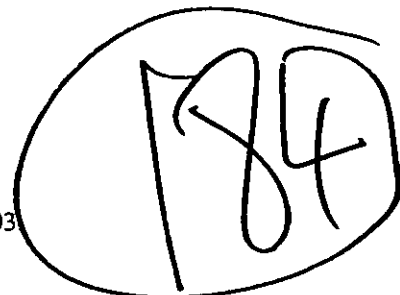
^F See the Transport Statements of Common Ground at Document CD12.

^G Document CD291 – Measuring Public Transport Accessibility Levels, TfL 2003

^H Document CD12; also Document CH4 – para. 3.10.5.

^I Document HF1 – para. 9.15.

^J See Document CD180 - Policies 4E.2, 4E.7, 4Q.1 and 4Q.5. The Mayor is committed to Orbirail in his Transport Strategy and in the London Plan. The Government is committed to operation of the East London Line by 2009. Train paths will become available in 2007, making feasible the desired 6 services/hour. Freight trains are no more of an issue on the WLL than elsewhere in London and, in any event, do not run in peaks.



the patronage required to make them a reality (incidentally benefiting existing residents of the area at the same time). There is provision in the section 106 obligation for a contribution of £1 million to the WLL station at Imperial Wharf^A but TfL has a funding mechanism in place to cover the shortfall and/or delay. The station is planned to open later in 2005.^B The SITS package allows for the provision of additional bus capacity (more, overall, than warranted for the development itself) in advance of passenger demand. Demand for the tube would average less than three additional passengers per carriage. The WLL is not as crowded at present as CHRA suggests and the new station at White City will improve the route's attractiveness. Apart from anecdotal assertion, the only evidence of conditions on public transport other than TfL's came on behalf of CHRA and showed spare capacity on most services, even during peaks.^C

- 7.20 The issues above are also relevant to the overall question of acceptability within Policy 4B.3. It should be remembered that, as well as TfL, RBKC and LBHF as Highways Authorities are both satisfied about the transport implications of the proposed density^D while it was accepted on behalf of CHRA that there is no reason for refusing the proposals in transportation terms.^E
- 7.21 Turning to the location indicator in Table 4B.1, the site lies within 10 minutes' walking distance of the King's Road (West) town centre.^F The RBKC UDP^G defines the centre on a map and categorises it as a 'Principal Shopping Centre'. The Chelsea Society objected that King's Road (West) does not exhibit 'central' characteristics – but that is to confuse the 'setting' indicator with 'location'. In practical terms, King's Road (West) has shops to satisfy basic needs; one can walk to obtain daily necessities and fulfil a number of cultural and other requirements. In addition, Fulham Broadway (a 'Major Centre'), some 13-14 minutes' walk from the site, does not fall within the top locational indicator in Table 4B.1 but in real life is clearly relevant. The mixed-use nature of the proposals is also a factor because of the opportunities it would offer to internalise trips and reduce impacts on surrounding areas. This last point is not recognised in the Table.
- 7.22 The setting indicator calls for planning judgment. The Mayor has produced draft SPG on Housing Provision^H which defines the site as part central, part urban. Mr Colin Wilson regarded it as urban, noting the density and scale of surrounding development and the mixture of domestic and other uses.^I The result is that the site does not fit neatly into the Table 4B.1 formulation but, in his judgment, density in the range 450-700 hrh (embraced in both Urban and Central settings) is acceptable. In this connection, Mr Steadman's evidence on the limitations of PTAL is also relevant. The London Plan itself recognises that, while the PTAL method is a useful tool for achieving a consistent strategic framework, it 'does not preclude the use of additional assessment methods to assess a particular development or location'^J PTAL does not take into account the location of a

^A Document A/16(2) – p.16.

^B Document GLA/2/3 – paras. 2.6 *et seq* – the station is planned to open in October 2005 but the evidence seemed to point to a delay in starting construction.

^C Document CH6.

^D Document CD12 – Circadian/RBKC, paras. 3.3, 3.3.1 and 4.7; Circadian/LBHF, paras. 3.3, 3.3.1 and 4.7.

^E Conceded by Mr Cole in cross-examination.

^F Document CD174 – pp. A3, A5 – Annex 1 describes the London Town Centre Network and Table A1.1 lists and classifies all town centres; King's Road (West) is listed as a 'District Centre'.

^G Document CD199 – Appendix 2, p.406.

^H Document CD192.

^I Document GLA/1/2 – paras. 8.9-8.14, 8.16-8.17.

^J Document CD174 – p.A20, para 7.

185

site relative to potential destinations, in terms of either land use or opportunities for transport interchange. Nor, in conventional methodology, does it award extra points for the introduction of a new Embankment bus service. Instead, one can bring the locational factors into an overall assessment under Policy 4B.3.^A

Conclusion on density

- 7.23 There is no evidence that material harm to Policy 4B.3 factors or any other interest of acknowledged importance would result from the density of the proposals. There is no objection from any provider of public services or infrastructure. All of the professional highways engineers and transportation experts who have considered the applications conclude that they are acceptable, subject to the section 106 package. The surrounding built context is dense and varied in terms of built form, scale and massing. In all of these circumstances, to develop at less than the proposed density, for example, by implementing the approved LBHF scheme or something like it, or by reference to the constraints raised by Lady Berkeley, would be contrary to the central objectives of the London Plan and PPG3.

The quality of the residential environment

- 7.24 High quality new residential development is an objective of both PPG3 and the London Plan, to be achieved as part of the maximisation principle, not in spite of it.^B The UDPs have similar objectives. All the planning authorities are satisfied in this regard, RBKC's objection being confined to the design/townscape implications of the towers. RBKC and LBHF consulted widely on the planning applications, including their own environmental health departments and the Police. Despite Councillor Bird's concerns, no responsible authority objects to the proposals on these grounds. In addition, the affordable housing units have been designed to satisfy not only the requirements of planning policy, but also the demands of the Housing Corporation.^C
- 7.25 The proposals satisfy certain London Plan policy criteria which might be regarded as aspirational, rather than realistic.^D Sir Terry Farrell has shown that, in expert hands, there is the potential to create an exceptional development here. The location is stunning. Beside the Thames, with the creek running through the site, there is a natural opportunity to create a really exciting residential environment. The presence of the power station offers the chance for a typically London alliance of old and new.
- 7.26 The proposals cleverly open up the site so that all may appreciate the river and the Riverside Walk, the power station and the creek. They create a development of diverse architectural shapes and spaces with elements at human scale – and they banish vehicles underground to produce safe, pleasant multi-functional spaces and dedicated recreational areas. Residents would also benefit from the mix of uses on site – shops, eateries, gym, employment – and from the renewable energy plan, enabling a more sustainable lifestyle. The SITS package, with its imaginative arrangements (such as for car pools) would also help to facilitate a sustainable way of living to the advantage of all residents and in line with the PPG3 objective of improving the quality of life.

^A Documents GLA/2/2 (paras. 5.25-5.31), GLA/4 and A/HW/A (Figure 2.4).

^B Document CD174 – Objective 1 (bullet 2), p.6; para. 4.34 and 4.37, Policies 4B.1 and 4B.3, pp.173-176.

^C Document A/AS/P (para 9.2.4), Document HF1 (para 8.33) and Document A/6.

^D For example, see Document CD174 – Policies 4B.1 (bullet 9) and 4B.2.

- 7.27 A range of types and sizes of dwellings is proposed – conversions in the power station, medium-rise new-build or state-of-the-art high-rise towers. The landscaping scheme is innovative, influenced by the ecological interest of the creek and its banks and using modern, sustainable techniques (including ‘brown roofs’ and ‘green walls’) to make the most of the spaces. The materials and planting styles of the more formal areas would reinforce their different character and function.
- 7.28 Perhaps as little as a decade ago, such a residential environment would have been the preserve of the rich; now, 47% of the housing would be affordable, mostly in the mid-rise blocks near the creek and its park or on Lots Road. All would be within easy reach of the Riverside Walk and good quality recreational areas on and off site. As PPG3 urges, therefore, the proposals would ‘create attractive, high quality living environments in which people will choose to live’ and ‘meet the housing requirements of the whole community’. They also meet the London Plan’s BRN aims of allowing Londoners the opportunity to live on or near water spaces, rather than seeing them preserved ‘as a private resource or backdrop, which only privileged people can afford to be near to or enjoy, so that the Network can contribute towards improving the health of Londoners’.^A

Affordable housing

- 7.29 This issue has not been controversial and its importance is easy to overlook. The early provision of nearly 400 affordable homes is nevertheless a major benefit of the scheme. The proposals accord with national, strategic and local policy for affordable housing. They offer a significant opportunity to achieve the housing objectives of the Government, the Mayor and the Boroughs. In accordance with PPG3 and Circular 6/98, the precise quantum and mix have been the subject of detailed discussion and agreement between Circadian and the three Authorities.^B The mix includes a good proportion of larger, family units. London Plan Policy 3A.8 seeks the maximum reasonable amount of affordable housing having regard to Borough targets, site circumstances and the Mayor’s overall 50% London-wide affordable housing target. The total number of units is some 23 below that target but this result is considered by the Mayor to be reasonable in view of the decontamination and SITS costs, as well as the extant LBHF planning permission which includes no affordable housing.

Conclusion on call-in issue (c)

- 7.30 The proposed residential-led mixed-use scheme on contaminated, brownfield urban land, involving renovation and re-use of a significant historic building, designed by an architect of worldwide renown, for some 800 dwellings, nearly half of which would be affordable, is entirely consistent with PPG3, Circular 6/98 and the housing policies of the development plan. It also complies with London Plan Policy 4B.3. RBKC UDP Policy H12 conflicts with that policy but that conflict must be resolved in favour of the more recent 4B.3; in any event, in the absence of any harm due to density, RBKC rightly does not oppose the development on this ground. That being the case, the housing and maximisation policies of the development plan weigh strongly in favour of the scheme, as do other material considerations, including national policy.

^A Document CD174 – paras. 4.96, 4.109.

^B Document CD11 – the Statement of Common Ground, Section 7 and Schedule 5; also Document CD124 (PPG3) – para. 16.

187

Call-in issue (d) – PPG13

Following my request at the pre-inquiry meeting, two TfL witnesses gave evidence to the inquiry with a view to presenting a strategic overview and explanation of transportation matters. TfL has responsibility for public transport and is Highways Authority for the Transport for London Road Network (TLRN), which does not include Lots Road and King's Road.

- 7.31 TfL reviewed Circadian's Transport Assessment (TA) and Environmental Statement (ES). It was satisfied with the analysis of transport matters and has co-operated in the creation of the SITS package. RBKC and LBHF, as local Highway Authorities, have satisfied themselves; RBKC commissioned consultants to review the application. CBP, on behalf of CHRA, also reviewed Circadian's work and, after raising a number of engineering issues and points on public transport capacity, agreed^A that there is no sustainable transportation reason for refusal. The evidential position, therefore, is that, of all the highways engineers, transport planners and public transport operators who have looked at these proposals, not one has concluded that they should be refused on highways or transportation grounds.

Traffic generation and travel patterns

- 7.32 Unsurprisingly, in view of the general evidential position, there was minimal challenge to Mr Bond's appraisal of trip generation, distribution and modal split. Objectors wanted assurance that cumulative impact had been properly considered, which he was able to give with regard to committed developments at 552 King's Road, Imperial Wharf and Chelsea Harbour Phase II. Assessments had also been undertaken to predict the effects of the possible Western Extension to Congestion Charging Zone (CCZ) and of the proposed Chelsea Academy.^B The latter will be considered in the normal way pursuant to the Town and Country Planning General Regulations 1992 as a local authority application.^C As Mr Bond explained, it will be expected to 'consume its own smoke'. It would be unreasonable to assess these proposals on any other basis.
- 7.33 Mr Bond also explained that signalisation of the Lots Road/Cremorne Road junction would improve safety for right and left turners, including lorries to the waste transfer station (which had been included in traffic counts). Any potential increases (on which no evidence of likelihood was produced) were offset by the assumed lack of effect of SITS in Circadian's modelling. There was no reason to expect rat running off the eastern arm of Lots Road because Tadema Road and Ashburnam Road would be available.
- 7.34 Minimising travel would be achieved in a number of ways. Firstly, the location conforms to PPG13 advice to allocate the maximum amount of housing to larger urban areas where they are or can be easily accessible to facilities.^D PTAL addresses this.^E The advantages of mixed use in this connection are well recognised and re-emphasised in PPS1,^F as well as in the London Plan.
- 7.35 Secondly, car parking at 0.78 spaces per unit is in accordance with PPG13 maxima and London Plan Policy 3C.22. Parking policy is designed to minimise car travel and encourage other modes. No-one has suggested that excessive space is proposed. Secure

^A In cross-examination.

^B Document GLA/3/2 – para. 3.10.

^C Document CD130 (PPG13) – para 5.2b specifically notes this procedure.

^D Document CD130 (PPG13) – para. 3.2, bullet 1

^E See also Document A/HW/A – Figure 2.11.

^F Document CD121 (PPS1), paras 27(ii) and (viii); also Document CD130 (PPG13), paras. 3.3 and 3.10.

cycle parking would be provided for residents and visitors. In contrast, the extant permission for Chelsea Harbour Phase 2 contains no such enlightened measures.

- 7.36 Thirdly, the section 106 obligation would fund a number of improvements to public transport, and cycle/pedestrian infrastructure, together with commitments to Green and School Travel Plans. In practical terms, and assessed against PPG13 and London Plan policies for improving modal choice, reducing congestion and making better use of infrastructure, these would help to minimise the need for car use by residents of both the development and the surrounding area. The section 106 contributions to TfL include financial contributions to the cost of constructing the new WLL station, improvements to frequency of the C3 bus service and the introduction of a wholly new bus service, likely to run along the Embankment.^A The beneficial effects of similar investment have recently been demonstrated in connection with the Imperial Wharf development, where, following section 106 improvements to two bus services in the area, patronage has increased markedly.^B
- 7.37 Modal choice would be further widened by the availability of the river bus. Although the service is privately operated and beyond the control of TfL, new routes through the site offer a good prospect of increased patronage and thus of improvements to the service becoming commercially viable.

Improvements to public transport

- 7.38 TfL has assessed the SITS package and concluded that it would bring real improvements to public transport in the area. This is an important material consideration in favour of the scheme, as well as complying with the development plan.
- 7.39 Perceptions of public transport adequacy vary. Whilst it is understandable that local residents wish to travel in spacious conditions, this is not in line with peak conditions on the network London-wide. Nor is it good transport planning.^C TfL has capacity standards for buses, trains and the underground. These have been applied in assessing SITS requirements. Planned bus provision would, in fact, be more than double predicted morning peak bus trip demand from the development.^D The likely increase in tube passengers at Fulham Broadway would be negligible^E and there is, in operating terms, adequate spare capacity on WLL.

Traffic congestion

- 7.40 Consultants to RBKC adopted 'worst case' assumptions which were addressed by TfL and tested by Capita Symonds on behalf of Circadian.^F Given the opportunities for traffic to be dissipated over a number of routes, the only junction which would suffer a material adverse impact is that at Lots Road/Cremorne Road. The section 106 obligation makes financial provision for its signalisation, which would not only satisfactorily cope with increased traffic but also bring benefits in terms of safety and affording priority for the buses proposed to run along Lots Road as part of the SITS package.^G It was suggested on behalf of CHRA that the assumed cycle time was inappropriate, but the

^A Document GLA/3/2 – Section 6 and Appendix B.

^B Document GLA/3/2 – Section 5.

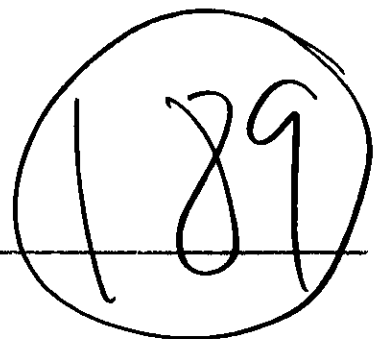
^C Document GLA/3/4 – para. 4.3.

^D Document GLA/3/4 – para. 2.4.

^E Document GLA/3/4 – para. 3.6.

^F Document GLA/3/2 – paras. 3.5, 3.6, 3.10, 3.11.

^G Document GLA/2/2, para. 7.5, and Document GLA/3/2, paras. 4.5-9.



evidential support was vague. The 88 second cycle time assumed by Capita Symonds is adequate and there is no reason even to consider linking this junction with the King's Road junctions, which are in a different group.

Call-in issue (f) – PPS1

- 7.41 On the first day of the inquiry, PPG1 was replaced by PPS1. That notwithstanding, the definition of urban design in paragraph 14 of PPG1 still holds good – 'The relationship between different buildings; the relationship between buildings and the streets, squares, parks, waterways and other spaces which make up the public domain; the nature and quality of the public domain itself; the relationship of one part of a ... city with other parts; and the patterns of movement and activity which are thereby established; in short, the complex relationships between all the elements of the built and unbuilt space. As the appearance and treatment of the spaces between and around buildings is often of comparable importance to the design of the buildings themselves, landscape design, whether hard or soft, should be considered as an integral part of urban design.'
- 7.42 PPS1, in its section on design, continues to stress the importance of good design, not only in its visual aspect but also in terms of the contribution that it makes to the way that areas function. Thus, it stresses the need to break down unnecessary barriers in a manner that benefits the entire community.
- 7.43 There is much to admire in the proposals. The Mayor is satisfied that the entire scheme conforms to the policies of Chapter 4B of London Plan. The design principles in Policy 4B.1 reflect those in PPG1 and PPS1 and are generally agreed by others to be exemplified in the proposals, save for the towers. In turn, the design principles are developed through specific policies in Chapter 4 about which, again, there has been no real dispute in any respect except the towers.

The towers

- 7.44 The London Plan contains two policies of particular relevance to consideration of the towers – 4B.8 (Tall buildings – location) and 4B.9 (Large buildings – design and impact).
- 7.45 Policy 4B.8 is not locationally specific. It prescribes criteria for suitable locations in which the Mayor will promote the development of tall buildings. Like the housing targets of the Plan, this crosscutting policy is not qualified by the specific sub-regional policies of Chapter 5. Nor is the general promotional principle undermined by the permissive third paragraph, on identifying areas that could be sensitive to tall buildings. In this case, the relevant development control criteria of the policy are met. The towers would create attractive landmarks enhancing London's character at this point on the river. In views along Chelsea Reach, especially from the bridges, the straight bank serves to emphasise and give focus to the bend. Whether or not they are aptly described as a 'cluster', Montevetro, the Power Station, the Belvedere Tower and the World's End Estate are all elements in the views to which the towers would relate.
- 7.46 While the third paragraph of Policy 4B.8 gives the option to Boroughs of identifying in UDPs areas sensitive to tall buildings, it is specific and rigorous as to the circumstances in which this should be done. The requirements of the policy are wholly consistent with the EH/CABE guidance.^A RBKC UDP Policy CD6 simply does not conform to the

^A Document CD151 – paras. 2.6, 2.7.

requirements of either document, which is not surprising since it has its origins in a policy dating back to 1982.^A Thus, the area of specific character is not 'defined'; there is merely a general reference to 'the Riverside'. No explanation is given of what aspects of local character could be affected or why. The meaning and significance of 'the general level of existing building heights to the east of Blantyre Street' are unspecified. Seeking to use Policy CD6 to disapply the promotional part of Policy 4B.8 leads only to conflict between the two Plans, which must be resolved in favour of the London Plan.^B RBKC has put nothing into the public domain, even in draft form, which meets the requirements of Policy 4B.8. To impose a moratorium on tall buildings or carry on applying a non-compliant 20-year-old policy on a case by case basis (as RBKC's members did), until some unspecified time in the future, would thwart the intentions of the London Plan and the new Act. Mr McCoy said of Policy 4B.8 'this is a new, up to date policy of central importance to townscape in London', while conceding that Policy CD6 had not been prepared in accordance with up-to-date national guidance or the London Plan.

- 7.47 The non-statutory Thames Strategy – Kew to Chelsea^C does not meet the requirements of Policy 4B.8 for two reasons. Firstly, it is not a UDP, it has not been adopted by RBKC as supplementary planning guidance and it has not been subject to the same consultation requirements. Secondly, the document is at best, in RBKC's point of view, 'internally inconsistent' in its approach to tall buildings. It is clear from the document's maps, however, and accepted by Mr McCoy, that the site itself lies outside the 'Historic Waterfront' designation but inside one of the 'Development and Activity Hubs' – areas described in Policy Recommendation SD5 as places which UDP policies should, inter alia, 'highlight' as 'the preferred location for landmark and high buildings', subject to environmental and visual considerations.^D The same hub also includes the site of Montevetro, which is described as both 'dramatic' and 'intrusive',^E the latter being taken by RBKC to support the idea that the area had been identified as sensitive to tall buildings. Mr McCoy (on behalf of RBKC) and Mr Le Lay (on behalf of the Chelsea Society) had, of course, opposed Montevetro on the basis that it was 'a good building on the wrong site'^F and that 'very high buildings are not appropriate on this reach of the river in an historic setting'. The Inspector and Secretary of State disagreed,^G concluding on this issue: 'There does exist on and near the Battersea/Chelsea reaches of the Thames a grouping or cluster of tall buildings. They mark this part of London with a distinct urban identity which contrasts with the more open and green character set by Battersea Park and the Chelsea Embankment. As an urban design principle, I see no townscape harm, and some advantage, in adding another tall building to that group.'
- 7.48 Thus, the Secretary of State did not accept the proposition that this is an area of particular sensitivity to tall buildings. There has been no material change of policy or anything else since he made that judgment which might indicate that it was flawed or should be different today. If anything, the construction of Montevetro has strengthened the 'association' or 'cluster' of tall buildings at this point.

^A Document GLA/1/4 – paras. 5.9-5.12.

^B Planning and Compulsory Purchase Act 2004, section 38(5).

^C Document CD226.

^D Document CD226 – Policy Recommendation SD5 – p.3.104 (underneath a labelled photograph of an area including the site).

^E Document CD226 – p. 4.87 (third column) and p.3.38-39, leading to Policy Recommendation VL7.

^F Document CD279 – paras. 95-96 of the Inspector's report.

^G Document CD279 – para. 98 of the Inspector's report, expressly accepted by Secretary of State at para. 8 of his 'minded to grant' letter of 21.12.1995.

- 7.49 The EH/CABE guidance is not site-specific. Both bodies have, however, expressed support for the specific proposals,^A having regard to the principles of that guidance. English Heritage (EH), in its first letter, described the location as 'appropriate, in principle for two tall buildings ... The landmark location at a major bend in the river and opposite Montevetro are also important considerations'.
- 7.50 London Plan Policy 4B.9 and RBKC UDP Policy CD37 are reconcilable since both call for an assessment to be made of any particular proposal. LBHF UDP Policies HO7, EN8 and EN9 are consistent for similar reasons.
- 7.51 London Plan Policy 4C.20 seeks high quality design for all waterside development. It expressly contemplates 'intensive or tall buildings' in such locations. Local character should be 'reflected', while meeting general principles of good design. This requirement must be intelligently applied in an area as diverse as that surrounding the site. The supporting text counsels against blandness.^B
- 7.52 Assessed against the 4C.20 criteria, the scheme conforms. The mix of uses is appropriate and includes public open space next to river and creek. The development proposes major benefits in terms of integration of the surrounding areas with those features and enables the strategic Thames Path to be extended for pedestrians and cyclists. Its car-free layout will assist in this. Interaction with the public realm and human scale elements are achieved through the ground floor uses proposed in the power station and towers and through layout and detailing, together with the treatment of the creek and its adjoining park. The towers are recognised by both supporters and detractors to be potential landmarks, while the power station would be restored and preserved. The proposed materials would relate to elements in the power station, especially the use of terracotta, and the towers would relate interestingly in form and materials to Montevetro opposite. All of these aspects have been recognised and supported by CABE and EH.
- 7.53 The Mayor therefore strongly supports the towers as exemplars of his policies for tall buildings, contemporary exciting design and a compact city.

Conclusion

- 7.54 In the Mayor's view, for the reasons set out above, the proposals comply with all relevant policies of the London Plan and, in the instances where they do not accord with other elements of the development plan, London Plan policies must prevail. There are many other reasons for supporting the scheme, also recorded above. Accordingly, on the Mayor's behalf, it is requested that the appeal be allowed and that the application for planning permission be granted.

192

^A Documents A/AS/A (Appendices 4-9) and G/7.

^B Document CD174 – para. 4.120.

8 THE CASE FOR THE LONDON BOROUGH OF HAMMERSMITH & FULHAM

I give here the gist of the case for the London Borough of Hammersmith & Fulham (LBHF), drawn primarily from opening and closing submissions and elaborated upon, where appropriate, by reference to the single proof of evidence and to what was said at the inquiry.

- 8.1 LBHF has attended the inquiry neither to promote nor to oppose the development but to seek to assist the Inspector to understand its position in relation to the proposals. Its position is that the scheme (primarily that on the LBHF site but having regard to the overall development) is acceptable in terms of the proper planning of the area and having regard to all material considerations. Crucial to the scheme's acceptability are the provisions of the section 106 obligations, all of which are considered necessary to a successful development.

The LBHF UDP

- 8.2 The proposed development may not accord with the letter of all of the policies in the UDP but, on balance, it would be in general accordance with the key policies and provisions. It would be a sustainable development that would contribute to appropriate regeneration of the area. It would provide significant benefits in terms of public and sustainable transport provision and also its contribution to the stock of affordable housing in the area. There is no element of the scheme, either itself or in combination with other elements, which justifies the refusal of planning permission.

PPG3

- 8.3 It is generally agreed that development of the whole of this brownfield site (within both LBHF and RBKC) should, in line with PPG3, be maximised, primarily for housing. Such maximisation must, of course, be in line with other policies and must respect the site's setting, its neighbours and the environment. The housing should seek to meet the needs of those within both the local and wider area, including those requiring affordable housing. And the overall development and other uses proposed should be sustainable.
- 8.4 The number of affordable units and the mix of family and non-family dwellings within the current proposals is considered appropriate, having regard to the policies within the UDP and the London Plan and to other material guidance and circumstances. The mix of affordable and private units, secured by the section 106 obligations, would be acceptable. Both the private and the affordable units would be of an acceptable standard.
- 8.5 Accordingly, LBHF considers that the accommodation that would be provided on its part of the site would be a welcome addition to the borough's housing stock. Taken together with the mixed, though predominately residential, development proposed in RBKC, the scheme is considered to offer a sustainable package which would properly regenerate this important riverside site and enable it to contribute appropriately to the area's urban renaissance.

PPS1 and PPG15

- 8.6 Not surprisingly, the design of the scheme and its impact upon its surroundings is an issue that has taken a substantial proportion of the inquiry's time and has been debated in considerable detail. The scheme involves the refurbishment and revitalisation of Lots Road Power Station, an existing landmark building. It seeks to incorporate this very substantial industrial building within a residential development fit for the new century. It

- proposes two towers on a very important site, in what is recognised as a very sensitive area, abutting the River Thames. Both towers would be tall. The tower in LBHF would, on any definition, be very tall.
- 8.7 The intention is not to rehearse much of the evidence that has been given on these very important issues. The objective is to summarise and clarify the LBHF's position. A substantial reason for the need for clarification arises from some of the avenues explored in cross-examination by RBKC of LBHF's witness.
- 8.8 There was a suggestion that LBHF's position at the inquiry differed materially in some respects from the formal position set out in its committee report of June 2003.^A There is no such conflict. In summary, LBHF's position is this. The site, both as a whole and the part within LBHF, is of strategic importance and in a very sensitive location. Any proposals to develop must respect the River Thames and the abutting conservation areas. Any development must respect its neighbours (predominately residential) and its wider setting, including the many important views. In any scheme which retains the Lots Road Power Station, that building must be respected and properly integrated. LBHF has addressed all these considerations and has concluded that the scheme is acceptable.
- 8.9 LBHF has long negotiated development proposals for the site. Its view is that the present scheme is a considerable improvement on earlier proposals. It is understood that, in many respects, the majority, if not all, of the parties to the inquiry endorse this view. But the impact of the proposed towers does not fall within that endorsement.
- 8.10 LBHF's assessment of the towers has been guided by UDP Policy EN9.^B This criteria-based policy strongly reflects the guidance and policies in PPS1, PPG15, the London Plan and other regional and national documents relating to high buildings. Set against the criteria in Policy EN9, LBHF considers that, on balance, the towers are acceptable as part of the present proposals and, if built with appropriate and sensitive detailing, would enhance the conservation area and the riverside.

Conservation Area and Thames Policy Area

- 8.11 The first two criteria in Policy EN9 are that tall buildings will normally be acceptable only if they do not adversely affect the character of a conservation area or other areas such as open spaces including the river or riverside. LBHF considers that, subject to the appropriate detailing, such areas would be enhanced by the appeal proposals.^C Paragraph 9.41 of the report to committee states:
- 'It is concluded that the development overall would make a significant contribution to the regeneration of this part of the borough. Officers consider that the scheme, built with appropriate and sensitive detailing (a matter which would be secured by means of the appropriate planning condition), would enhance the character and appearance of this part of the riverside.'
- In reaching this position, LBHF has had regard to the views of CABE, English Heritage and the GLA. In his evidence, Mr Butler expanded upon the Council's approach.^D
- 8.12 Clearly, the two towers would have a significant impact upon this sensitive and strategic site and its surroundings. The tower on the LBHF site (upon which the Council

^A Document CD35.

^B Document CD222 – pp. 88-89.

^C See, for example, Document CD35 at p.172, para. 9.41, and Document HF1 at p.51, para. 11.28.

^D Document HF1 – p. 44-51 (Section 11) in particular.

concentrates) would be an elegant and stimulating structure. When combined with the tower on the RBKC site, it would act as a landmark feature that would properly identify the site's urban regeneration. Mr Butler's view, expressed in evidence, is that the towers would be a positive benefit in drawing attention to the actual bend of the river, which is a very important strategic point on the Thames. LBHF does not consider that the towers would harm the grandeur of the River Thames. Conversely, it considers that it is its grandeur which would permit a development of such height to be acceptable.

- 8.13 Whilst not regarding the towers in the vicinity as forming a cluster, LBHF does consider that there would be some visual linkage with the existing tall buildings in the area. The stepping up and down of the proposed towers opposite the sloping profile of the Montevetro building would provide a pleasing symmetry in some distant views.
- 8.14 LBHF's principal concern in relation to the proposed towers is their impact when viewed from the south and west. The visual effect would be for them to combine to create a unified bulk and form. It is in these views that the form would be less elegant and attractive. And it is with these views in mind that LBHF concludes 'that when applying a strict interpretation of Policy EN9, in particular with regard to the impact on the Conservation Area and the Thames Policy Area, the evaluation is finely balanced'.^A Nevertheless, having carried out that balancing exercise, and weighing all material considerations, the judgment is that the development would enhance the character and appearance of the conservation area and the riverside.

Views

- 8.15 The third and fourth criteria in EN9 seek to ensure that tall buildings respect views. The third criterion is specific (Richmond Park to St Paul's) and is not relevant these applications. So far as the protection of views is concerned, the fourth criterion is addressed both above and below and is considered by LBHF to have been met.

Lots Road Power Station

- 8.16 A further issue within the fourth criterion of EN9 is the effect that the development proposals would have upon the existing landmark building, the power station.
- 8.17 The report on the present application referred to certain earlier comments still 'being generally applicable'.^B The earlier report embraced the assessment of the importance of the power station, the assessment (against the policy background) of the propriety of its protection and an analysis of the effect that the earlier proposals would have had upon it. It is fair for RBKC to impute the general applicability of earlier comments to the later report – so far as they relate to the assessment of the power station's importance and the propriety of its protection. However, LBHF does not accept that such imputation can be extended to the assessment of the present proposals – for three main reasons.
- 8.18 Firstly, throughout the assessment of the towers in the earlier scheme, the officers' report is very precise.^C The wording, often repeated, is 'within the context of the excessive scale, massing and bulk of the overall scheme'. Secondly, the officers' report on the present proposals explains in detail the improvements which make the present scheme acceptable. Thirdly, Mr Butler's evidence to the inquiry has clarified and further explained the Council's position.

^A Document CD35 – p.171, para. 9.39.

^B Document CD35 – p.170, para. 9.34.

^C Document CD35 – for example, pp.170-171, paras. 9.36-37.

195

- 8.19 The report on the present proposals states, in terms, that the reservations concerning the towers in the previous scheme have been addressed. 'Despite the retention of the proposed towers, it is considered that the conclusions reached regarding the tower in Scheme 2 have been substantially addressed in the revised scheme.' It highlights a number of ways in which reservations have been addressed. In respect of the relationship with the power station, examples are:^A
- 'the switching of the relative heights of the towers' and 'the effect of moving the taller building away from the power station';
 - 'The axial view along Thames Avenue would be a substantial improvement on Scheme 2 and would be enhanced by its continuation through the core of the site to Chelsea Creek. This view corridor ... would be ... focussed on the refurbished power station, thereby respecting its role as a local landmark.', and
 - 'the proposed building blocks adjacent to the creek have, generally, been reduced in height ... and would no longer challenge its [the power station's] prominence as a local landmark.'
- 8.20 In this context, to suggest that paragraph 9.34 in the report in some way attributes to LBHF a 'formal' position that criterion four is not met because of the impact upon the power station is ambitious to say the least. The evidence to the inquiry in no way contradicts, but rather complements and clarifies, the Council's 'formal' position. It assesses the impact on the power station by means of the kinetic experience or unfolding sequence of views and concludes that the towers would be an appropriate landmark to draw attention to the bend in the river. At present, the riverside is empty at this point, with the power station abutting and relating to the creek, set back from the river.
- 8.21 LBHF does not accept RBKC's suggestion of confusion; neither does it accept that harm would be caused by what was described as 'layering landmark upon landmark'. LBHF's position is that the proposals would enable both the power station and the towers to make successful contributions as landmarks in their own right. And it agrees that the treatment of the power station would be very beneficial – refurbishing, revitalising, re-using and introducing permeability to a worthy building.
- 8.22 Such benefits are likely only to emerge from a high density residential development. It need not, perhaps, be this scheme – nor one of quite such high density. However, there is little likelihood of such a scheme comprising anything other than buildings of at least medium rise. Alternative schemes might well be of greater overall footprint than the present scheme. Perhaps they would crowd the power station more, reducing open space and competing with the power station. LBHF has been involved in discussions and negotiations to develop the site for many years. It has refused previous schemes, in part because of the potential impact on the power station. The current scheme is considered acceptable in this respect.
- 8.23 The power station, for many years, has acted as herald to the site and its industrial history. That stage of history has now passed and the power station awaits revitalisation as part of a residential regeneration. The two towers would herald the new era and introduce a dramatic contrast with the power station. That contrast would be reflected in the use of modern materials of a completely different nature. The vertical emphasis of the towers would contrast with the strong horizontal bulk of the power station and avoid the competition that would be offered by residential buildings of much the same height as the power station.

^A Document CD35 – respectively p.163 (para. 9.2), p.148 (para. 7.39) and p.148 (para. 7.41)

196

- 8.24 The power station and the towers would stand side by side to announce the new residential development. The power station would represent both the historic past and, hopefully, its successful regeneration into a modern residential development. The towers would signify the new.
- 8.25 The design and detailing would afford a distinct relationship between the towers and the power station. For example, the vertical effect of the layers of balconies, seen in more distant views as narrow vertical features, would visually reflect the chimneys of the power station. And the kinetic experience would reveal the two distinct landmarks. From parts of the residential hinterland, the towers would be seen over the power station. From those views, they would identify the position of the riverside when, at present, it is not possible, visually, to establish what lies beyond the power station. From some other views, the two landmarks would be viewed together; in some, the power station would be hidden by the towers.
- 8.26 But LBHF does not adopt Circadian's approach that, in all views, the development proposals would represent an improvement. It does have reservations, particularly in relation to views from the south and west. On the other hand, it does not consider that the obscuration of the power station in some views necessarily represents a planning harm in urban design terms.
- 8.27 Overall, LBHF concludes that the scheme would not adversely affect the landmark building, which would be refurbished and revitalised and, in many views, substantially enhanced. In short, the emblem of the site would not be a tired industrial building at the end of its useful life. Instead, the site would have twin emblems – a rejuvenated power station and the contrasting towers, symbols of the old and the new.

Albert Bridge

- 8.28 The fifth criterion of Policy EN9 relates to the effect upon the setting of the listed buildings. LBHF's position is clear. It considers that the criterion would be satisfied. The report to committee states that, 'Some of the requirements listed under the Policy are met, namely, that the tower does not affect ... the setting of any buildings on the statutory or local register'. Part of the reason is that, 'The proposed orientation of the proposed towers is based on optimising the visual impact they would have on the long view from Vauxhall and from Albert and Battersea bridges'.^A

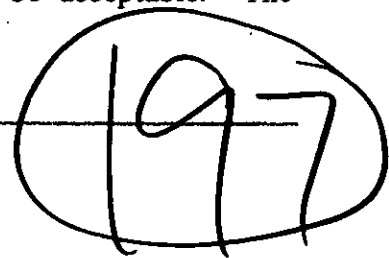
Final Three Criteria of Policy EN9

- 8.29 Of the remaining criteria, LBHF considers that, for reasons given both in the committee report and in evidence, and to a large extent already summarised above, the sixth (justification for landscape reasons) and eighth (carefully related to its surroundings) would be met.
- 8.30 It is also satisfied that the seventh criterion (wind speeds) would adequately be met by the developer's proposals to mitigate the scheme's effect on wind speeds at ground level.

Conclusion on PPS1 and PPG15

- 8.31 The main emphasis of the evidence has been on the proposed towers. There are very few sites in LBHF where a building of such height would be appropriate. This site is considered to offer an opportunity where such a tower could be acceptable. The

^A Document CD35 – p.171 (para. 9.37) and p.170 (para. 9.35).



grandeur of the River Thames at this location is capable of absorbing the height effectively. The elegance of the tower and the high quality of design and materials are essential qualities for such a sensitive location.

- 8.32 The proposals successfully integrate the towers within the overall development. And the overall built form would integrate with its neighbours. That, in association with the proposed open spaces and vistas of the refurbished and revitalised power station, would enhance many closer views. The design of the towers incorporates characteristics on a human scale which would contribute to the integration of the scheme into the existing urban fabric. The presence of the power station, retained on the landward/residential facing side of the site, would ensure that the amenity of the much lower residential properties of the Lots Road triangle would not be unduly affected.
- 8.33 For these reasons, LBHF considers that the tower on the LBHF site would be acceptable both as part of the development of that site and as part of the overall proposals.

PPG13

- 8.34 Any high density scheme on this site designed to accord with PPG3 and the statutory development plan is bound to have an impact in transportation and highways terms. These proposals are considered acceptable. The mitigation measures and improvements secured in the section 106 obligations are both necessary and sufficient to make the effects of the scheme acceptable. The obligation to ensure that occupiers do not enter or leave the site by way of the gates at Chelsea Harbour would minimise the effect of the development on local roads in LBHF. Nor will occupiers be entitled to permits to park within LBHF.
- 8.35 In terms of the effect upon the wider highway network, LBHF adopts the approach of the GLA. It considers the proposals, including the public transport enhancements secured by the section 106 obligations, acceptable.

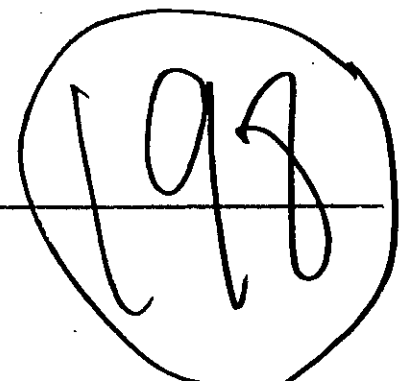
PPG17 and PPG9

- 8.36 The proposals adequately respect the advice in PPG17 and adequately accord with the policies relating to open space in the development plan. In the UDP, Site Policies 22 and 22A specifically relate to this site^A – 22A indicates that the part of the site adjacent to Chelsea Creek in LBHF should be developed for residential use together with open space and a riverside walk; 22 recognises the benefit of enhancement of Chelsea Creek as an area of nature conservation and amenity, complementary to the River Thames. The development proposals accord with these policies.
- 8.37 LBHF recognises that UDP Standard 5A^B (private open space) would not be met. At the same time, it recognises that the area specified in the commentary to site policy 22A as the most appropriate location for public open space (that of the oil storage tank) would be exceeded. Councillor Bird^C has highlighted shortcomings in the amount of recreational space within the scheme, particularly for younger children and teenagers, but limitations on the provision of such space are often, unfortunately, a consequence of high density development.

^A Document CD222 – pp.311-312.

^B Document CD222 – pp.335-336.

^C Para. 15.23 below.



8.38 LBHF has sought to maximise the amount of open space in dealing with proposals for this site and considers it has reached an acceptable position. In so doing, it has had particular regard to parks and recreational spaces in the area and also to the site's location next to the river and the Thames path.

8.39 Also, the open space to be laid out as part of the nearby Imperial Wharf development^A will be very accessible. The main park will be just over 400m from the site and the attractiveness of the river walk between the two is regarded as a major advantage. LBHF is optimistic that ongoing negotiations with St George on this park will result in the incorporation of much needed recreation facilities for use by the local community.

8.40 In addition, the scheme would enhance the natural features of the creek and riverside, provide enhanced pedestrian links, particularly with the creation of the new riverside walkway, and enhance the bio-diversity of the area. The creek is recognised as a valuable habitat, complementary to the Thames and its foreshore. The proposals would enhance the value of the creek, appropriately so in the terms of PPG9.

Other material considerations

8.41 The likely impact on daylighting for some residents of Chelsea Harbour has been tested at the inquiry.^B LBHF has not had cause to change its position. There would be material harm to a small number of residents as a result of decreases in daylight. On balance, however, it is not considered that that impact justifies refusal of the proposals.

Conclusion

8.42 RBKC and other objectors have eloquently given voice to those issues of importance that they believe stand against the proposals. Circadian has carefully advocated the benefits. LBHF has taken a fairly low-key role at the inquiry but has given very careful consideration to all aspects of the proposals. It is content, subject to the section 106 obligations and proposed conditions, to endorse the scheme as an acceptable one.

199

^A Document HF5 includes sketch proposals for the park; LBHF hopes to negotiate major changes to the type of open space and recreational provision.

^B Documents A/GI/P, A/GI/A1, A/GI/A2 and A/GI/CD.

9 THE CASE FOR THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

I give here the gist of the case for the Royal Borough of Kensington and Chelsea (RBKC), drawn primarily from opening and closing submissions and elaborated upon, as appropriate, by reference to the single proof of evidence and to what was said at the inquiry.

- 9.1 The proposals were presented with seductive care. But something is not quite right. The proposed towers are too tall for the context within which they find themselves. Towers of this height do not derive from any sensible contextual analysis of the site. Neither do they derive from the site's role in the area or in Greater London. Attempts to justify the towers on the basis of their relationship to clusters, relationships with other existing taller buildings or as gateposts to the Central sub-region of London are instructive – but misplaced. Towers of this height are not **necessary** to a sensible regeneration of the area; neither are they required to 'signify' what we are told is a new urban Chelsea enclave.
- 9.2 Inappropriate tall buildings on the River Thames have the potential to be very harmful. Here, in important views, the real height of the proposed towers is immediate, wholly apparent and in direct contradistinction with the openness and absence of development on the water. In their tallness on the this part of the river, they would be without precedent.
- 9.3 There is no site or area development plan support for buildings of this height at this location. The grant of consent for development of such height here would be *ad hoc* and unprecedented at an important and sensitive location. It would be harmful to important Thames and Thames-side views over a wide area of this part of West London.
- 9.4 Further, on any sensible analysis, the harm is greater. The proposed tall buildings would diminish the landmark status of the existing power station, one of the three great riverside power stations along the Thames. That diminution is harmful. The proposals before the inquiry have the support of English Heritage, CABE, the Mayor of London and LBHF. That **present** consensus does not mean that the impact of the development on the Thames and its surrounding area will not be looked upon by **future** generations with regret. Many of the arguments used to support these proposals for new tall buildings, including design quality, were previously put forward in favour of examples which are now regretted. The utmost care and caution must be exercised. The Secretary of State must approach these proposals with a fearless and independent frame of mind. A mistake of judgment in relation to a development of this scale and on a site of this importance would have implications of generational importance.
- 9.5 RBKC gave only a single reason for refusal of the application now at appeal. It must be remembered, however, that the limited nature of the case advanced by the authority is dependent upon a section 106 obligation being entered into consistent with the heads of terms identified in reporting the application to committee. At all material times, RBKC has taken the view that **all** of the contents of the section 106 obligation are necessary to any grant of consent and that they pass the tests in Circular 1/97. That the case addresses only the single reason for refusal in no way detracts from the weight to be afforded the RBKC case as a whole.

The harm that would flow from the proposals

- 9.6 The position of RBKC has been characterised on a number of occasions as being 'good architecture in the wrong place'. This is a mischaracterization. The towers are in the wrong location and do not derive from their context. In fact, they harm it. As such, they